



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**RACHELLE LOZANO,
Requester**

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:

:

v.

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Docket No.: AP 2016-1425

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**CITY OF PITTSBURGH,
Respondent**

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On August 25, 2016, Rachelle Lozano (“Requester”) submitted an appeal to the Office of Open Records (“OOR”), alleging that the City of Pittsburgh (“City”) denied a request made pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* However, the Requester’s appeal submission did not include a copy of the request underlying the appeal or the City’s response. Accordingly, the appeal is **dismissed**.

On August 26, 2016, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a copy of the request and the City’s response. The OOR informed the Requester that she was required to cure the deficiency and directed her to file complete copies of the request and the City’s response pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has failed to comply with the OOR’s Order.

By failing to provide complete copies of the request and the City’s response, the record in this appeal is not sufficient. Without these documents, the OOR does not have a complete record upon which to base its determination. Additionally, the OOR would be unable to present a complete record on appeal to an appellate court as required by Section 1303(b) of the RTKL. As the Requester has failed to comply with the OOR’s Order, this matter is **dismissed**.

For the foregoing reasons, the City is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Allegheny County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a

proper party to any appeal and should not be named as a party.¹ This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 7, 2016

/s/ Kyle Applegate

APPEALS OFFICER
KYLE APPLGATE, ESQ.

Sent to: Rachelle Lozano (via e-mail only);
Celia Liss (via e-mail only)

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).