



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

MARCUS CARDER

:

Requester

:

:

v.

:

Docket No.: AP 2016-1524

:

FAYETTE COUNTY

:

COURT ADMINISTRATOR,

:

Respondent

:

:

:

On or about August 8, 2016, Marcus Carder (“Requester”), an inmate at State Correctional Institute – Fayette, submitted a request (“Request”) to the Fayette County Court Administrator (“Court”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking a copy of a civil case. Requester claims the Court failed to respond and his Request was deemed denied. *See* 65 P.S. § 67.901. On September 7, 2016, Requester appealed to the Office of Open Records (“OOR”).

The Court is a judicial agency that is not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(b). The OOR does not have jurisdiction to hear appeals related to requests for records of judicial agencies. *See* 65 P.S. § 67.503(b). Instead, appeals involving a judicial agency are to be heard by an appeals officer designated by the judicial agency. *Id.* (“A judicial agency shall designate an appeals officer to hear appeals under Chapter 11”).

For the foregoing reasons, Requester's appeal is **transferred** to Appeals Officer for the Court. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per 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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 9, 2016

/s/ Charles Rees Brown

Chief Counsel
Charles Rees Brown

Sent to: Requester, Appeals Officer, Fayette County Court Administrator

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