



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

**IN THE MATTER OF**

**MICHAEL CARTER,  
Requester**

**v.**

**WAYNESBORO BOROUGH,  
Respondent**

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**Docket No.: AP 2016-1498**

On September 2, 2016, Michael Carter (“Requester”) submitted an appeal to the Office of Open Records (“OOR”), challenging Waynesboro Borough’s (“Borough”) denial of his July 5, 2016 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 complete copy the Borough’s response underlying the appeal. Accordingly, the appeal is **dismissed**.

On September 6, 2016, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a complete copy of the Borough’s response underlying the appeal. The OOR informed the Requester that he was required to cure the deficiency and directed him to file a complete copy of the Borough’s response underlying the appeal 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 a copy of the Borough’s response underlying the appeal, the record in this appeal is not sufficient. Without this document, 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 Requester has failed to comply with the OOR’s Order, this matter is **dismissed**.

For the foregoing reasons, the Borough 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 Franklin 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.<sup>1</sup> This Final Determination shall be placed on the website at: <http://www.openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: September 22, 2016**

/s/ Jill S. Wolfe, Esq.

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APPEALS OFFICER  
JILL S. WOLFE, ESQ.

Sent to: Michael Carter (via e-mail only);  
Open Records Officer.

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