



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF :
 :
 STRATTON PEAY, :
 Requester :
 :
 v. : **Docket No.: AP 2016-1617**
 :
 PHILADELPHIA POLICE DEPARTMENT, :
 Respondent :

On September 23, 2016, Stratton Peay (“Requester”), an inmate at SCI-Forest, submitted an appeal to the Office of Open Records (“OOR”), challenging the Philadelphia Police Department’s (“Department”) denial of his request. However, the Requester's appeal submission did not include a complete copy of the original request or the Department’s response. For the reasons that follow, the appeal is dismissed.

On September 26, 2016, the OOR issued an Order notifying the Requester that the appeal was deficient because he failed to include a copy of the original request and the Department’s response. The OOR informed the Requester that he was required to cure the deficiency and directed him to file a copy of the request and response pursuant to 65 P.S. § 67.1303(b). However, to this date, the Requester has not filed copies of either document.

The absence of these documents renders the record in this appeal insufficient. Without copies of 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 Right-to-Know Law. As the Requester has failed to comply with the OOR's Order, this matter is **dismissed**.

For the foregoing reasons, the Department 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 Philadelphia 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 court rules 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 website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: October 20, 2016

/s/ Blake Eilers

Blake Eilers, Esq.
Appeals Officer

Sent to: Stratton Peay, DP-4246;
Lt. Edward Egenlauf (via e-mail only);
Eugene Hsue, Esq. (via e-mail only);

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