



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
DANIEL ANGELUCCI,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2016-1712
	:	
PENNSYLVANIA OFFICE OF	:	
ADMINISTRATION,	:	
Respondent	:	

On October 12, 2016, Daniel Angelucci (“Requester”) submitted an appeal to the Office of Open Records (“OOR”), challenging the denial of his request (“Request”) by the Pennsylvania Office of Administration (“Office”). However, the Requester’s appeal submission did not include a copy of the Request. For the reasons that follow, the appeal is **dismissed**.

On October 13, 2016, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a copy of the Request. The OOR informed the Requester that he was required to cure the deficiency and directed him to file a copy of the Request. *See* 65 P.S. § 67.1303(b). On October 13, 2016, the Requester submitted a copy of an August 25, 2016 Request, stating: “[p]lease see the attached 203 names of present/former Commonwealth employees. Please provide their current employment status or the date of separation from state employment.” On October 25, 2016, the OOR notified the Requester that a complete copy of the Request had not been submitted, and that the Requester was required to cure the deficiency and “submit a complete copy of the Request, including any attachments, by ... October 26, 2016.” On October 25, 2016, the Requester submitted another copy of the Request, again failing to submit the referenced attachment. To date, the Requester has failed to comply with the OOR’s Order by submitting a copy of the complete Request underlying this appeal.

By failing to include a copy of the complete Request, the record in this appeal is not sufficient. Without a copy of the entire Request, 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 Office is not required to take any further action. This Final Determination is binding on the 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://www.openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: October 31, 2016

/s/ Kathleen A. Higgins

APPEALS OFFICER
KATHLEEN A. HIGGINS, ESQ.

Sent to: Daniel Angelucci (via e-mail only);
Sonja Zucker, Esq. (via e-mail only)

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