pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
STEVEN BURDA,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2016-1827**
	:	
PENNSYLVANIA OFFICE OF	:	
ATTORNEY GENERAL	:	
Respondent	:	
	:	

On or about September 30, 2016, Steven Burda ("Requester") submitted a request ("Request") to the Pennsylvania Office of Attorney General ("Attorney General") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking answers to questions concerning the Judicial Conduct Board. The Office of the Attorney General responded on October 7, 2016, noting it does not have oversight authority over the Judicial Conduct Board. On October 28, 2016, Requester appealed to the Office of Open Records ("OOR").

The Attorney General is a Commonwealth agency that is not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(d)(1). The OOR does not have jurisdiction to hear appeals related to requests for records of the Attorney General. *See* 65 P.S. § 67.503(d)(1). Instead, appeals involving the Attorney General are to be heard by an appeals officer designated by the Attorney General. *Id*. ("The Attorney General … shall designate an appeals officer to hear appeals under Chapter 11"). Accordingly, the appeal is hereby transferred

to the Appeals Officer for the Attorney General. A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer for the Attorney General.

For the foregoing reasons, Requester's appeal is **transferred** to the Appeals Officer for the Attorney General. 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: October 31, 2016

/s/ Kyle Applegate

Appeals Officer
Kyle Applegate

Sent to: Requester; Appeals Officer, Pennsylvania Office of Attorney General

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