pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
MARK KLEEMAN,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2016-1698**
	:	
LACKAWANNA COUNTY,	:	
Respondent	:	

On October 11, 2016, Mark Kleeman ("Requester") submitted an appeal to the Office of Open Records ("OOR"), claiming that Lackawanna County ("County") denied his 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 copy of the request or a complete copy of the County's response underlying the appeal.

On October 12, 2016, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a copy of the request and a complete copy of the County's response. The OOR informed the Requester that he was required to cure the deficiency and directed him to file a complete copy of the request and the County's response 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 request and the complete copy of the County's response, the record in this appeal is not sufficient. Without 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 RTKL. As the Requester has failed to comply with the OOR's Order, this matter is **dismissed**.

For the foregoing reasons, the appeal is **dismissed** and the County 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 to the Lackawanna 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.[1] This Final Determination shall be placed on the website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: November 2, 2016

/s/ Bina Singh

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BINA SINGH, ESQ.
APPEALS OFFICER

Sent to: Mark Kleeman;
Fran Pantuso (via e-mail only)

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