



**IN THE MATTER OF**

**JORDAN VYONDER,  
Requester**

**v.**

**ALBIRGHT MEMORIAL LIBRARY,  
Respondent**

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**Docket No.: AP 2023-0180**

On January 25, 2023, Jordan Vyonder filed an appeal with the Office of Open Records (“OOR”), asserting that on January 8, 2023, he submitted a request (“Request”) to the Albright Memorial Library (“Library”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking emails regarding service animals. The Requester argues that the Library did not respond within five business days of receipt of the Request, and that the Request was therefore deemed denied. *See* 65 P.S. § 67.901. On January 26, 2023, the OOR notified the parties of this appeal and their ability to supplement the record with legal argument and evidence. Upon receipt of the Notice of Appeal, the Requester immediately notified the OOR that he sought to withdraw his appeal because he did not believe that the undersigned would consider his argument that the Library is a local agency under the RTKL. The Requester offered no evidence or argument to support his claim and instead indicated that he “will once again play the lottery regarding appeal.”<sup>1</sup>

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<sup>1</sup> This statement is in reference to the Requester withdrawing and refiling his appeal in order to have a different OOR Appeals Officer assigned to adjudicate the matter.

Additionally, on two previous occasions, January 23, 2023 and January 25, 2023, the Requester filed appeals with the OOR regarding the alleged deemed denial of the January 8, 2023 Request, and in both cases, sought to immediately withdraw the appeals due to what he claims is bias and prejudice on the part of the undersigned.<sup>2</sup> In the previous appeals, the Requester again did not submit argument or evidence to support his unfounded claims regarding his reason for withdrawal. Therefore, in total, the Requester has on three occasions filed appeals of the deemed denial of the same Request and upon receiving each Notice of Appeal, the Requester immediately notified the OOR of his intent to withdraw the appeals. A Requester is not permitted to choose the OOR Appeals Officer who will adjudicate an appeal, and the Requester's repeated attempts to do so is an abuse of the RTKL appeals process. As a result of this repeated pattern of filing multiple appeals regarding the same Request and immediately withdrawing each appeal when notified of the assigned Appeals Officer, the OOR grants the Requester's request to withdraw the present appeal, and the appeal is therefore, **withdrawn with prejudice**.

The file is now closed and no Final Determination will be issued. For the foregoing reasons, the Library is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with 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 court rules as per 65 P.S. § 67.1303. 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>3</sup> This correspondence shall be placed on the OOR's website at: <https://openrecords.pa.gov>.

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<sup>2</sup> The appeals, both of which were withdrawn, were docketed at OOR Dkt. Nos. AP 2023-0164 and AP 2023-0176.

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

**FINAL DETERMINATION ISSUED AND MAILED: January 30, 2023**

*/s/ Kathleen A. Higgins*

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Kathleen A. Higgins  
Deputy Chief Counsel

Sent to: Jordan Vyonder (via email only);  
Scott Thomas (via email only)