

FINAL DETERMINATION

DATE ISSUED AND MAILED: March 24, 2023

IN RE: *Akil Johnson v. Pa. Dep't of Corr.*, OOR Dkt. AP 2023-0464

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, it is determined that the appeal is **DISMISSED**:

On March 3, 2023, the OOR issued an Order notifying Akil Johnson ("Requester") that the appeal was deficient because it failed to include a copy of the Request and/or a complete copy of the Department's response. The OOR informed the Requester that the document(s) were required to cure the deficiency and directed the Requester to file a copy of the Request and a complete copy of the Department's response by March 17, 2023, pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has failed to comply with the OOR's Order.¹ Therefore, the appeal is not sufficient and without these document(s), 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 this reason, the Department 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 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 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.²

Issued by:

/s/ Appeals Officer Name

KELLY C. ISENBERG, ESQ.
SENIOR APPEALS OFFICER

Sent to: Akil Johnson, GK7874 (via U.S.P.S.); Andrew Filkosky, AORO (via E-File Portal)

¹ On March 13, 2023, the Request submitted an Entry of Appearance form and a letter requesting the appointment of counsel. Neither of these documents satisfy the deficiency order.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).