



**FINAL DETERMINATION**

IN THE MATTER OF	:
	:
GEORGES SAGE BERLIN,	:
Requester	:
	:
v.	: Docket No.: AP 2023-1021
	:
PENNSYLVANIA OFFICE OF	:
OPEN RECORDS,	:
Respondent	:

On May 5, 2023, Georges Sage Berlin (“Requester”), an inmate at SCI-Forest, submitted an appeal to the Appeals Officer<sup>1</sup> (“Appeals Officer”) for the Office of Open Records (“OOR”), challenging the OOR’s purported denial of his request (“Request”) made pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*<sup>2</sup> However, the Requester’s appeal submission did not include a copy of the Request or the OOR’s final response to the Request. For the reasons that follow, the appeal is **dismissed**.

On May 9, 2023, the Appeals Officer issued an Order notifying the Requester that the appeal was deficient because it failed to include a copy of the Request and the OOR’s final

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<sup>1</sup> Because the Right-to-Know Law establishes that the Office of Open Records, along with the Attorney General, the General Assembly, the Auditor General and certain other agencies, shall hear appeals of their own denials, this Final Determination distinguishes the Office of Open Records from the undersigned Appeals Officer for clarity. 65 P.S. § 67.503(a); 65 P.S. § 67.503(d).

<sup>2</sup> More specifically, the Requester’s appeal form states that he “is [a]ppealing Pennsylvania Office of Open Records (OOR) dec[i]sion on Section 708(b)(18)(i); and [the Requester] Requests that OOR *Grant* his *Request* for...” various local police department records.

response. The Appeals Officer informed the Requester that the documents were required to cure the deficiency and directed the Requester to file a copy of the Request and the OOR's final response by May 23, 2023, pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has not complied with the Appeals Officer's Order.<sup>3</sup>

By the Requester's failure to provide a copy of the Request and the OOR's final response, the record in this appeal is not sufficient. Without these documents, the Appeals Officer does not have a complete record upon which to base its determination. Additionally, the Appeals Officer 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 Appeals Officer's Order, this matter is **dismissed**.

For the foregoing reasons, the OOR 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 Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The Appeals Officer 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 Appeals Officer is not a proper party to any appeal and should not be named as a party.<sup>4</sup> This Final Determination shall be placed on the website at:

<http://openrecords.pa.gov>.

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<sup>3</sup> The Appeals Officer received correspondence from the Requester on May 22, 2023, which included a RTKL request mailed to Allegheny County on or about March 22, 2023, the County's final response thereto, dated April 24, 2023, as well as a document dated May 16, 2023, directed to the Appeals Officer, referencing the above-captioned docket number. However, neither the request nor the agency response provided were submitted to or issued by the OOR and the Requester's appeal form does not otherwise reference Allegheny County.

<sup>4</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

**FINAL DETERMINATION ISSUED AND MAILED: 25 May 2023**

*/s/ Joshua T. Young*

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JOSHUA T. YOUNG  
SENIOR DEPUTY CHIEF COUNSEL

Sent to: Georges Sage Berlin, LS-8555 (via U.S. Mail);  
Janelle Sostar, AORO (via e-file portal)