

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: September 18, 2023

IN RE: *Justin Kearns v. Bucks County*, OOR Dkt. AP 2023-2060

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 August 30, 2023, the OOR issued an Order notifying Justin Kearns (“Requester”), an inmate at SCI-Mahanoy, that the appeal was deficient because it failed to include a copy of the Request and the County’s final response. The OOR 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 County’s response by September 13, 2023, pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has failed to comply with the OOR’s Order. Therefore, the appeal is not sufficient and 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 this reason, the County 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 Bucks 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>1</sup>

Issued by:

*/s/ Joshua T. Young*

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JOSHUA T. YOUNG  
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Sent to: Justin Kearns, QP-4342 (U.S. Mail only); Agency Open Records Officer (e-file portal)

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<sup>1</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).