

## **FINAL DETERMINATION**

DATE ISSUED AND MAILED: April 23, 2024

IN RE: *Jane King v. Pennsylvania Department of Transportation*, OOR Dkt. AP 2024-0712

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 April 4, 2024, the OOR issued an Order notifying Jane King (“Requester”) that the appeal was deficient because it failed to include a complete copy of the Request.<sup>1</sup> The OOR informed the Requester that a copy of the document was required to cure the deficiency and directed the Requester to file a copy of the Request by April 18, 2024 pursuant to 65 P.S. § 67.1303(b); however, to date, the Requester has failed to comply with the OOR’s Order.<sup>2</sup> Therefore, the appeal is not sufficient and without this document, 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.<sup>3</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Bandy L. Jarosz

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BANDY L. JAROSZ, ESQ.  
APPEALS OFFICER

Sent via portal only to: Jane King; Victoria P. Edwards, Esq.; Adam Shanabrook

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<sup>1</sup> Due to an administrative error, the appeal as initially filed was not found to be deficient; however, upon review of the Pennsylvania Department of Transportation’s (“Department”) submissions on April 2, 2024, the OOR could not discern whether the Requester was attempting to modify the original Request, since the Requester did not include a copy of the Request.

<sup>2</sup> The Requester did not respond to the deficiency order or the email sent by OOR administrative staff on April 19, 2024.

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