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OFFICE OF OPEN RECORDS

Charles Talbert
No. QA4727
SCI. Forest
PO BOX 945
Marienville, PA 16239

May 2, 2024

Elizabeth Wagenseller, Executive Director
Pennsylvania Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Re: Talbert v. City of Philadelphia, OOR Dkt. AP 2024-0558
Talbert v. PA Office of Insp. Gen., OOR Dkt. AP 2024-0630
Talbert v. PA Bar Association.

Dear Ms. Wagenseller:

Enclosed herein, please find a Public Records Request that was sent to the PA Bar Association on March 26, 2024 without me receiving any response in regards to long-term isolated confinement. I appeal that lack of response.

Also, I am submitting "new appeals" on the above 2 agencies to which I have not received responsive documents. Thank You Ms. Wagenseller!

Yours Truly,

Charles Talbert-Paralegal

C.C. File

Charles Talbert
No. QA4727
SCI, Forest
Smart Communications / PA DOC
PO BOX 33028
St. Petersburg, Fl. 33733

March 26, 2024

Pennsylvania Bar Association
100 South Street
Harrisburg, PA, 17101

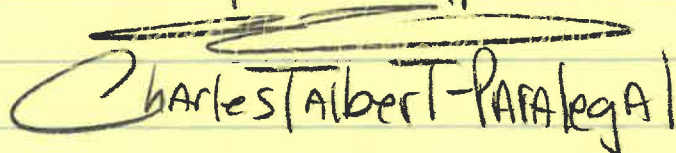
Re: Public Records Request

Dear PBA:

Please provide the following public ~~records~~ records:

1. Any bills that was passed concerning the health of prisoners in long-term isolated (solitary) confinement.
2. Any PA laws that prohibits the use of long-term isolated (solitary) confinement.
3. Any other records that relate to these two (2) topics.

Thank you!

Yours Truly,

Charles Talbert - Paralegal

C.C. File

FINAL DETERMINATION

DATE ISSUED AND MAILED: March 19, 2024

IN RE: *Charles Talbert v. Pennsylvania Office of Inspector General*, OOR Dkt. AP 2024-0630

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the submission of the Pennsylvania Office of Inspector General (“Office”), it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request was submitted on February 9, 2024, and deemed denied on February 16, 2024. 65 P.S. § 67.901. The instant appeal was filed on March 6, 2024. However, the Office did not receive a copy of the Request until February 22, 2024, and had until February 29, 2024, to respond to the initial Request. On February 29, 2024, the Office invoked a thirty-day extension to respond to the Request and currently has until April 1, 2024, to respond to the Request. *See* 65 P.S. § 67.902(b)(2); Yerges’ Statement ¶ 5.¹ As the Office has not yet had an opportunity to issue a response to the Request, the appeal must be dismissed as premature. 65 P.S. § 67.901. Upon receiving a final response from the Office or the Request being deemed denied, the Requester may file a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a).

For this reason, the Office 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, but 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 All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Damian J. DeStefano
DAMIAN J. DESTEFANO
APPEALS OFFICER

Sent to: Charles Talbert, SCI Forest, #QA4727 (via U.S. mail only);
Melissa K. Yerges, AORO (via portal only)

¹ The Office submitted a statement made under penalty of perjury by Melissa K. Yerges (“Yerges Statement”), the Office’s Open Records Officer (“AORO”). Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

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

FINAL DETERMINATION

DATE ISSUED AND MAILED: March 12, 2024

IN RE: *Charles Talbert v. City of Philadelphia Law Department*, OOR Dkt. AP 2024-0558

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the City of Philadelphia Law Department’s (“Department”) submission, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request was filed on February 7, 2024, and deemed denied on February 20, 2024. 65 P.S. § 67.901. The instant appeal was filed on February 27, 2024. However, the Department did not receive a copy of the Request until February 21, 2024, and had until February 28, 2024, to respond to the initial Request. On February 28, 2024, the Department invoked a thirty-day extension to respond to the Request and currently have until March 29, 2024, to respond to the Request. *See* 65 P.S. § 67.902(b)(2); Grundman’s Statement ¶ 4.¹ As the Department has not yet had an opportunity to issue a response to the Request, the appeal must be dismissed as premature. 65 P.S. § 67.901. Upon receiving a final response from the Department or the Request being deemed denied, the Requester may file a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a).

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 Philadelphia 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, but 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 All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Damian J. DeStefano

Damian J. DeStefano
APPEALS OFFICER

Sent to: Charles Talbert, SCI Forest, #QA4727 (via U.S. mail only);
Feige Grundman, Esq., AORO (via portal only)

¹ The Department submitted a statement made under penalty of perjury by Feige Grundman, Esq. (“Grundman Statement”), the Department’s Open Records Officer (“AORO”). Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

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

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Ms. Elizabeth Wagenseller, Executive Director
Pennsylvania Office of Open Records
333 Market Street, 16th Floor
Harrisburg - PA. 17101 - 2234

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