

FINAL DETERMINATION

DATE ISSUED AND MAILED: May 23, 2024

IN RE: *James Edward Nottingham v. Lycoming County*, OOR Dkt. AP 2024-1335

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** because:

The OOR lacks jurisdiction. The Requester challenges a final determination made by the Appeals Officer for the Lycoming County District Attorney’s Office made pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* The OOR does not have jurisdiction to hear appeals of final determinations issued by other appeals officers. Instead, an appeal “of the final determination of the appeals officer relating to a decision of a local agency” must be filed “with *the court of common pleas* for the county where the local agency is located.” 65 P.S. § 67.1302(a) (emphasis added). Therefore, the OOR does not have jurisdiction over this appeal.

For this reason, the County is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Lycoming 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.¹ 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/ Joshua T. Young

SENIOR DEPUTY CHIEF COUNSEL
JOSHUA T. YOUNG, ESQ.

Sent to: Requester (via first class mail); AORO, Lycoming County

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