

FINAL DETERMINATION

DATE ISSUED AND MAILED: July 10, 2024

IN RE: *Shane Brunson v. City of Jeanette Police Dep't*; OOR Dkt. AP 2024-1637

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 June 25, 2024, the OOR issued an Order notifying Shane Brunson (“Requester”) that the appeal was deficient because it failed to include a complete copy of the City of Jeanette Police Department’s (“Department”) response to the Right-to-Know Law (“RTKL”) request (“Request”) submitted by the Requester.¹ The OOR informed the Requester that the document was required to cure the deficiency and directed the Requester to file a copy of the Department’s final response by July 9, 2024, 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 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 Westmoreland 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/ Joshua T. Young

JOSHUA T. YOUNG
SENIOR DEPUTY CHIEF COUNSEL

Sent via e-file portal to: Shane Brunson; Sgt. James Phillips, AORO

¹ With his appeal form, the Requester included the Department’s final response pertaining to a RTKL request for records from February 14, 2023; however, on his appeal form and in his Request, the Requester references a RTKL request for records from April 13, 2023. As of the date of this Final Determination, the Requester has not provided a copy of the correct agency response.

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