



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:
	:
GLUE WILKINS,	:
Requester	:
	:
v.	: Docket No: AP 2024-1552
	:
DAUPHIN COUNTY,	:
Respondent	:

On May 23, 2024,¹ Glue Wilkins (“Requester”), an inmate at SCI-Houtzdale, submitted a request (“Request”) to Dauphin County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

Dauphin County Prothonotary Matthew Krupp received a Notice of Docket Appeal [24 APR 2024] from the Commonwealth Court of Pennsylvania [474 CD 2024] advising him [Krupp] ... “Do not transmit a partial record.” I am requesting a copy of the document that certifies the official record as complete. NOTE: I forwarded a letter to Mr. Krupp [dated 01 May 2024] advising documents required to complete the official record.

(emphasis in original).

The County did not respond to the Request within five business days, and the Request was, therefore, deemed denied on May 31, 2024. *See* 65 P.S. § 67.901.

¹ The Request is dated May 14, 2024, but the County received the Request on May 23, 2024.

On June 4, 2024, the County mailed a response to the Requester, stating that the County performed a search, but the County does not have any responsive records in its possession, custody or control.

On June 11, 2024, the Requester filed an appeal with the Office of Open Records (“OOR”), stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the County to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On June 14, 2024, the County submitted an unsworn letter, acknowledging that the County is in receipt of the appeal. The County also submitted its response letter dated June 4, 2024. On the same date, the OOR requested that the County submit a sworn or unsworn statement regarding the County’s search and statement that no responsive records exist in its possession, custody or control.

On June 27, 2024, an OOR staff member placed a call to the County to remind them that the appeal record has closed, and the County has not submitted any documentation or evidence that can be considered in the appeal. Additionally, the staff member notified the County that a request for additional evidence is still unanswered. On the same date, the OOR requested that the County submit a thirty-day extension letter if one was issued.

On July 1, 2024, the County submitted unsworn correspondence, acknowledging that it did not issue a timely thirty-day extension letter, and stating that the June 4, 2024 response letter was its first response to the Request. The County again stated that the June 4, 2024 letter stated that it performed a good-faith search, and the County does not possess or maintain any responsive records.

Although the Request is directed to the County, it facially seeks records concerning the Dauphin County Prothonotary’s certification of a court record for an appeal to the Commonwealth

Court of Pennsylvania. The Commonwealth Court and the Dauphin County Prothonotary are offices of the Pennsylvania Unified Judicial System. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(b); *see also Frazier v. Phila. Cnty. Office of the Prothonotary*, 58 A.3d 858 (Pa. Commw. Ct. 2012) (“Under the Pennsylvania Rules of Judicial Administration, court prothonotaries are personnel of the unified judicial system ... [and], the OOR correctly determined that it did not have jurisdiction to hear Petitioner’s appeal...”). The OOR does not have jurisdiction to hear appeals related to requests for records of judicial agencies. 65 P.S. § 67.503(b). Further, even when a local agency possesses a record of a judicial agency, the OOR is prohibited from ordering disclosure of these records. *Phila. Dist. Atty’s Office v. Stover*, 176 A.3d 1014, 1028 (Pa. Commw. Ct. 2017) (finding that a sentencing order was a judicial record not subject to disclosure under the RTKL even when in the possession of the DA’s office).

Because the instant Request seeks a copy of a document that certifies a court record, even if the County possesses the records, the OOR lacks jurisdiction to order their release. As the OOR lacks jurisdiction to direct the County to provide the Requester with the responsive records, the appeal must be denied.

For the foregoing reasons, the appeal is **denied**, and the County is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Dauphin 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>.

FINAL DETERMINATION ISSUED AND MAILED: July 10, 2024

/s/ Daneen L. Miller-Smith

Daneen L. Miller-Smith, Esquire
Appeals Officer

Sent to: Glue Wilkins (via U.S. Mail only)
Vincent Paese, AORO (via e-file portal only)

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