

FINAL DETERMINATION

DATE ISSUED AND MAILED: August 1, 2024

IN RE: *Michael Cockerham v. Chester County*, OOR Dkt. AP 2024-1840

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

The appeal is insufficient. The Requester does not “state the grounds upon which the requester asserts that the record is a public record” or “address any grounds stated by the agency for ... denying the request.” 65 P.S. § 67.1101(a)(1). Therefore, the appeal is not sufficient under 65 P.S. § 67.1101(a)(1).¹

For this reason, the County 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 Chester 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/ Daneen L. Miller-Smith
Daneen L. Miller-Smith, Esq.
Appeals Officer

Sent to: Michael Cockerham; Lauren Remaley, AORO

¹Although the Requester claims that the County did not respond to his Request, the County submitted an attestation and documentation demonstrating that it did provide a response on June 27, 2024, which denied the Request on the basis that it is not a request for records under the RTKL. 65 P.S. § 67.703. The Request, which consists of questions and comments about an investigation, does not seek records. *See Walker v. Pa. Ins. Dep’t*, No. 1485 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 425 at 16 (Pa. Commw. Ct. 2012) (“The RTKL is not a forum for the public to demand answers to specifically posed questions to either a Commonwealth or local agency. In fact, there is no provision in the RTKL that requires an agency to respond to questions posed in a request”); *Gingrich v. Pa. Game Comm’n*, No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 at *14 (Pa. Commw. Ct. 2012) (noting that the portion of a request “set forth as a question” did not “trigger a response”). Accordingly, the County is not required to respond to the Requester’s questions. However, the Requester is not precluded from filing a new RTKL request with the County and, if necessary, filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a).

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