



FINAL DETERMINATION

IN THE MATTER OF

**MEGAN LESSMAN,
Requester**

v.

**SNYDER COUNTY,
Respondent**

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Docket No.: AP 2021-0847

On April 26, 2021, Megan Lessman (“Requester”) submitted an appeal to the Office of Open Records (“OOR”), challenging Snyder County’s (“County”) alleged denial of her request (“Request”) made pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* However, the Requester’s appeal submission did not include a copy of the Request. For the reasons that follow, the appeal is **dismissed**.

On April 26, 2021, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include copy of the Request.¹ The OOR informed the Requester that she was required to cure the deficiency and directed her to file a copy of the Request pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has not complied with the OOR’s Order.²

¹ Based upon the statements made on the Requester’s appeal form, the OOR’s Order also directed the Requester to provide a copy of the County’s final response to the Request. However, by correspondence dated April 26, 2021, the County’s Chief Clerk and Open Records Officer, Tony Phillips, informed the OOR that the County “has no record of receiving or denying an[y] records request from” the Requester. Therefore, no final response was issued.

² The Requester was directed to submit the Request by May 10, 2021.

By the Requester's failure to provide copy of the Request, the record in this appeal is not sufficient. 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 the foregoing reasons, 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 to the Snyder 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 Section 1303 of the RTKL. 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.³ This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: 11 May 2021

/s/ Joshua T. Young

JOSHUA T. YOUNG
ASSISTANT CHIEF COUNSEL

Sent to: Megan Lessman (via email only);
Tony Phillips, AORO (via email only)

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