



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

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:

**GLUE WILKINS,
Requester**

:
:

v.

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:

Docket No.: AP 2021-1113

**PENNSYLVANIA OFFICE OF
ATTORNEY GENERAL,
Respondent**

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On June 8, 2021, Glue Wilkins (“Requester”) appealed to the Office of Open Records (“OOR”), challenging the alleged deemed denial of a request submitted to the Pennsylvania Office of Attorney General (“Attorney General”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*

The Attorney General is a Commonwealth agency that is not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(d)(1). Instead, appeals involving the Attorney General are to be heard by an appeals officer designated by the Attorney General. 65 P.S. § 67.503(d)(1) (“The Attorney General ... shall designate an appeals officer to hear appeals under Chapter 11”). Accordingly, the appeal is hereby transferred to the Appeals Officer for the Attorney

General.¹ A copy of this final order and the appeal filed by the Requester will be sent to the Appeals Officer for the Attorney General.

For the foregoing reasons, Requester's appeal is **transferred** to the Appeals Officer for the Attorney General. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per 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.² This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: June 9, 2021

/s/ Kyle Applegate

Chief Counsel
Kyle Applegate

Sent to: Glue Wilkins (via first class mail only);
Sharon K. Maitland, Pennsylvania Office of Attorney General (via email only);
Appeals Officer (via email only)

¹ The Commonwealth Court has noted that the OOR has the authority to transfer an appeal to “where [a requester] should have initially appealed.” See *Phila. Dist. Attorney’s Office v. Williams*, 204 A.3d 1062, *4 n.5 (Pa. Commw. Ct. 2019) (“... [A]lthough the onus for appealing from an RTKL denial to the proper appeals officer is on the requester, the OOR did not violate the law or any procedure in redirecting the appeal in this case”).

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