FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JOSHUA POTTLE,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2021-1453**
	:	
PENNSYLVANIA OFFICE OF	:	
ATTORNEY GENERAL,	:	
Respondent	:	

On July 27, 2021,[1] the Office of Open Records ("OOR") received an appeal filed by Joshua Pottle ("Requester"), an inmate in SCI-Fayette, 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

[1] The appeal was postmarked July 22, 2021 and is considered filed on that date.

General.[2] 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.[3] This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: July 29, 2021

/s/ *Joshua Young*

Joshua Young
Deputy Chief Counsel

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

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