



FINAL DETERMINATION

IN THE MATTER OF

**JACK ALLEN,
Requester**

v.

**PENNSYLVANIA DEPARTMENT
OF STATE,
Respondent**

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Docket No: AP 2021-1946

On September 3, 2021, Jack Allen (“Requester”), an inmate at SCI-Houtzdale, submitted an appeal to the Office of Open Records (“OOR”), challenging the Pennsylvania Department of State’s (“Department”) denial of his request (“Request”) made pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*¹ However, the Requester’s appeal submission did not include a copy of the Request or the Department’s response.²

On September 15, 2021, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a complete copy of the Request or the Department’s response. The OOR informed the Requester that he was required to cure the deficiency and

¹ Although the OOR did not receive the appeal until September 14, 2021, the envelope containing the appeal was postmarked September 3, 2021 and, under the “prison mailbox rule,” it is considered filed on the date that it was placed into the prison mail system. *See Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997).

² Furthermore, the appeal does not contain any language from the Request, instead stating that “what constitutes this appeal is” a variety of complaints related to the conduct of state officials in the prison system.

directed him to file a copy of the Request and the Department's response pursuant to 65 P.S. § 67.1303(b) by September 29, 2021. However, the Requester did not respond.

By failing to provide a copy of the Request and the Department's response, the record in this appeal is not sufficient. Without these documents, 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 Department 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 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 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: October 13, 2021

/s/ Jordan C. Davis

APPEALS OFFICER
JORDAN C. DAVIS, ESQ.

Sent to: Jack Allen, DA0984 (via US mail);
Rebecca Fuhrman (via email)

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