

FINAL DETERMINATION

DATE ISSUED AND MAILED: June 23, 2022

IN RE: *Anthony Ruffa v. Erie Police Department*, OOR Dkt. AP 2022-1431

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

The appeal is insufficient. The Requester does not address the Department’s reason for denial or how the records are public. Therefore, the appeal is not sufficient under 65 P.S. § 67.1101(a)(1). Requester is not prohibited from filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).¹ The Office of Open Records’ online appeal form can be accessed at <https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>.

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Erie 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. 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

Issued by:

/s/ Kyle Applegate

Chief Counsel
Kyle Applegate, Esq.

Sent to: Requester; Agency Open Records Officer

¹ An appeal of the Commission’s response must be filed by July 11, 2022. 65 P.S. § 67.1101(a)(1).

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