



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

**IN THE MATTER OF**

:

**EDWARD KENNEDY,  
Requester**

:

:

:

:

**v.**

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**Docket No: AP 2018-0182**

:

**SCHUYLKILL COUNTY,  
Respondent**

:

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On January 31, 2018, Rev. Edward Kennedy (“Requester”) submitted an appeal to the Office of Open Records (“OOR”), challenging Schuylkill County’s (“County”) denial of his 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 complete copy of the County’s response.

On February 1, 2018, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a copy of the County’s response. The OOR informed the Requester that he was required to cure the deficiency and directed him to file a copy of the County’s response pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has not complied with the OOR’s Order.

By failing to provide a copy of the County’s response, 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 or petition for review to the Schuylkill 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.<sup>1</sup> This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: 13 February 2018**

*/s/ Joshua T. Young*

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JOSHUA T. YOUNG  
APPEALS OFFICER

Sent to: Rev. Edward Kennedy (via e-mail only);  
Darlene Laughlin, AORO (via e-mail only)

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<sup>1</sup> See *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).