

FINAL DETERMINATION

DATE ISSUED AND MAILED: February 8, 2019

IN RE: *Julius Dodson v. Pennsylvania Board of Probation and Parole*, OOR Dkt. AP 2019-0181

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 deficient for the reason(s) specified below. Accordingly, the appeal is **DISMISSED**.

- Appeal filed beyond fifteen (15) business days of denial/deemed denial.
- Appeal failed to include a copy of the Request and/or agency Response.
- Appeal failed to state why records are public records and/or address agency grounds for denial.
- OOR lacks jurisdiction over agency from which records are sought or local agency criminal investigative records.
- Request does not seek records.
- Other: Appeal is untimely. Request received on November 26, 2018. Request was denied or deemed denied on December 3, 2018. 65 P.S. § 67.901. Appeals must be filed “within 15 business days of the mailing date of the agency’s response or within fifteen business days of a deemed denial.” 65 P.S. § 67.1101(a)(1). Here, the appeal was due on December 24, 2018 and the appeal was postmarked January 31, 2019. The OOR notes that it issued a final determination regarding this Request at OOR Dkt. AP 2019-0015.

Within thirty days of the mailing date of this Final Determination, you 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 court rules as per Section 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.¹

Issued by:

/s/ Kyle Applegate

Appeals Officer
Kyle Applegate

Sent to: Julius Dodson, Requester (via first class mail only);
David M. Butts, Agency Open Records Officer (via email only)

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