



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
DEBORAH CROTHERS,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2020-0452
	:	
PENNSYLVANIA DEPARTMENT	:	
OF TRANSPORTATION,	:	
Respondent	:	

On March 3, 2020, Deborah Crothers (“Requester”) submitted an appeal to the Office of Open Records (“OOR”), challenging the Pennsylvania Department of Transportation’s (“Department”) purported denial of her request (“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 copy of the Request or a complete copy of the Department’s response pursuant to 65 P.S. § 67.1303(b).

On March 6, 2020, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a copy of the Request or a complete copy of the Department’s response. The OOR informed the Requester that she was required to cure the deficiency by March 13, 2020 and directed her to file a copy of the Request and a complete copy of the Department’s response pursuant to 65 P.S. § 67.1303(b). As of March 13, 2020, the OOR had not received anything via US mail. On March 17, 2020, the OOR emailed the parties and provided the

Requester until March 19, 2020 to cure the deficiency via email. As of March 25, 2020, the Requester has failed to comply with the OOR's Order.

By failing to include a copy of the Request or a complete copy of 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 the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Commonwealth Court. *See* 65 P.S. § 67.1301(a).¹ 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. 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. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: March 25, 2020

/s/ Erin Burlew

APPEALS OFFICER
ERIN BURLEW, ESQ.

Sent to: Joseph Ellermeyer, Esq. (via email only);
Meghan McNaughton, Esq. (via email only);
Jeffrey Spotts, Esq. (via email only)

¹ Regarding the deadlines in this section, note that the Supreme Court has suspended all time calculations and deadlines relevant to court cases or other judicial business through April 3, 2020. (See <http://www.pacourts.us/assets/files/page-1305/file-8634.pdf>, last accessed March 23, 2020.)