

FINAL DETERMINATION

DATE ISSUED AND MAILED: July 31, 2020

IN RE: *Calvin Thompkins v. Pennsylvania Treasury Department*, OOR Dkt. AP 2020-1258

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 OOR lacks jurisdiction. The Treasury is a Commonwealth agency that is not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(d)(1). Instead, appeals involving the Treasury are to be heard by an appeals officer designated by the Treasury. *Id.* (“The ... State Treasurer ... shall ... designate an appeals officer to hear appeals under Chapter 11”).¹

For this reason, the Treasury 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 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 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

Appeals Officer
Kyle Applegate, Esq.

Sent to: Requester, Agency Open Records Officer

¹ The appeal was sent to both the OOR and the Treasury’s Appeals Officer; therefore, there is no need to transfer to the appeal to the Treasury’s Appeals Officer in this instance.

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