



# pennsylvania

OFFICE OF OPEN RECORDS

## FINAL DETERMINATION

**IN THE MATTER OF**

:

**STEVEN BURDA,  
Requester**

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**v.**

**Docket No.: AP 2016-1713**

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**PENNSYLVANIA JUDICIAL  
CONDUCT BOARD,  
Respondent**

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On or about September 28, 2016, Steven Burda (“Requester”) submitted a request (“Request”) to the Judicial Conduct Board of Pennsylvania (“Board”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* The Board timely responded on October 5, 2016, denying the Request because the Board is a judicial agency. On October 12, 2016, Requester appealed to the Office of Open Records (“OOR”).

The Board is a judicial agency that is not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(b). The OOR does not have jurisdiction to hear appeals related to requests for records of judicial agencies. *See* 65 P.S. § 67.503(b). Instead, appeals involving a judicial agency are to be heard by an appeals officer designated by the judicial agency. *Id.* (“A judicial agency shall designate an appeals officer to hear appeals under Chapter 11”). The Appeal is hereby transferred to the Appeals Officer for the Board. A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer for the Board.

For the foregoing reasons, Requester's appeal is **transferred** to Appeals Officer for the Board. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal 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 as per 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 OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: October 13, 2016**

/s/ Kyle Applegate

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Appeals Officer  
Kyle Applegate

Sent to: Requester; Elizabeth Flaherty, Esq. Appeals Officer, Judicial Conduct Board of Pennsylvania

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