



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
TIMOTHY SANDSTROM,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2018-0603
	:	
PLUM BOROUGH SCHOOL DISTRICT,	:	
Respondent	:	

On April 9, 2018, Timothy Sandstrom (“Requester”) filed an appeal with the Office of Open Records (“OOR”), challenging the denial of a request (“Request”) submitted to the Plum Borough School District (“District”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*

Section 1101(a)(1) of the RTKL states that an “appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.” 65 P.S. § 67.1101(a)(1); *see also Pa. Dep’t of Corr. v. Office of Open Records*, 18 A.3d 429, 434 (Pa. Commw. Ct. 2011) (“[I]t is appropriate and, indeed, statutorily required that a requester specify in its appeal to Open Records the particular defects in an agency’s stated reasons for denying a RTKL request”). The Commonwealth Court has held that a requester must “state why the records [do] not fall under the asserted exemptions and, thus, [are] public records subject to access.” *Saunders v. Pa. Dep’t of Corr.*, 48 A.3d 540, 543 (Pa. Commw. Ct. 2012).

In the appeal, the Requester does not address the grounds for the District's grounds for denial, *i.e.* that the records reflect internal, predecisional deliberations under Section 708(b)(10)(i)(A) of the RTKL, 65 P.S. § 67.708(b)(10)(i)(A). Accordingly, the appeal is **dismissed** pursuant to Section 1101(a)(1) of the RTKL. The Requester is not prohibited from filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1). The OOR's appeal form can be found at: <http://openrecords.pa.gov/Appeals/AppealForm.cfm>.

For the foregoing reasons, the District 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 to the Allegheny 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 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.¹ This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: April 12, 2018

/s/ Kyle Applegate
APPEALS OFFICER
KYLE APPLGATE, ESQ.

Sent to: Timothy Sandstrom;
Sylvia Williams

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