

FINAL DETERMINATION

DATE ISSUED AND MAILED: April 19, 2024

IN RE: *Thomas Barber v. Young Township*, OOR Dkt. AP 2024-1039

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 appeal is premature. The Request was hand-delivered to the Township on April 9, 2024. The Township timely invoked a thirty-day extension of time to respond on April 15, 2024. 65 P.S. § 67.902(b)(1). Under the extension, the Township has five (5) business days, followed by thirty (30) calendar days, from April 9, 2024 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Township has until May 16, 2024 to respond to the Request. The appeal was submitted to the OOR on April 19, 2024, prior to the expiration of the Township’s time to respond. The Requester is not prohibited from filing a new appeal to the OOR of any denial or deemed denial stemming from the Request, pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Township 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 Jefferson 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 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.¹ All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ *Joshua Young*

SENIOR DEPUTY CHIEF COUNSEL
JOSHUA YOUNG, ESQ.

Sent to: Requester: Agency Open Records Officer. Young Township

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