

FINAL DETERMINATION

DATE ISSUED AND MAILED: April 19, 2024

IN RE: *Walter Woods v. Canton Borough*, OOR Dkt. AP 2024-1040

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 emailed to the Borough on April 9, 2024. The Borough timely invoked a thirty-day extension of time to respond on April 16, 2024. 65 P.S. § 67.902(b)(1). Under the extension, the Borough 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 Borough has until May 16, 2024 to respond to the Request. The appeal was submitted to the OOR on April 18, 2024, prior to the expiration of the Borough’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 Borough 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 Bradford 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

Issued by:

/s/ Joshua Young

SENIOR DEPUTY CHIEF COUNSEL
JOSHUA YOUNG, ESQ.

Sent to: Requester; Agency Open Records Officer, Canton Borough

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