

Walter Woods v. Canton Borough, OOR Dkt. AP 2024-1040

I'm not sure of this process, but I believe the Appeals Officer might have made a mistake in their determination of the appeal being untimely.

An extension to a request must follow certain rules. It must be a reason set forth in the law that allows the extension, it cannot be over a certain number of days, and it must be done before the original 5 business days are up. The extension in this case though was not properly done by a reason set forth in the law.

Section 901(a)(3) states:

"a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;"

A specified staffing limitation was never provided, only that a staffing issue existed. It is my belief that this invalidates the extension and creates a deemed denied. And that the office of open records has the right, and responsibility to verify that my belief is correct or incorrect. Just as they do for when an extension isn't filed in a timely manner and is actually after the 5 business days. The OOR examines that claim and makes a judgment on if the appeal should go forward. No examination of the facts were made here.

Thank you for reviewing this request for reconsideration.

Walter Woods