



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

**IN THE MATTER OF**

**DENIS COOKE,  
Requester**

**v.**

**BUCKS COUNTY,  
Respondent**

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**Docket No. AP 2016-1124**

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* Upon review of the file, the appeal is dismissed as premature for the following reason:

On June 17, 2016, Denis Cooke (“Requester”) submitted a RTKL request (“Request”) to Bucks County (“County”), seeking various records pertaining to an identified property. On June 24, 2016, the County invoked a thirty-day extension of time to respond to the Request, stating that “the extent or nature of the [R]equest precludes a response within the required time period.” *See* 65 P.S. § 67.902(a)(7). On June 28, 2016, the Requester filed an appeal with the OOR, arguing that the Request was effectively partially denied because some of the records “are readily available and should have been provided.”

Section 901 of the RTKL states that “[t]he time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency.” 65 P.S. § 67.901; *see also Commonwealth v. Donahue*, 98 A.3d 1223 (Pa. 2014). Within five business days of receiving a Request, an agency may invoke a thirty-day extension of time to respond if one of several factors is present. *See* 65 P.S. § 67.902(b)(1). Here, it is undisputed that the County timely invoked a thirty-day extension of time. In its extension notice, the County identified one of the several factors where an extension is appropriate. *Id.* Although the Requester argues that some of the responsive records should have been provided within five business days, the County appropriately invoked a thirty-day extension of time to respond to the Request in full.<sup>1</sup>

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<sup>1</sup> To the extent that the Requester challenges the County’s assertion that “the extent or nature of the [R]equest precludes a response within the required time period,” the OOR notes that the Request sought sixteen categories of records, including various e-mails and correspondence.

Because the appeal was filed prior to the date that the County's response was due, the appeal is **dismissed as premature**. The Requester is not precluded from filing an appeal of the County's response,<sup>2</sup> pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

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 Bucks County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties and the OOR must be served with notice of the appeal and have an opportunity to respond according to court rules as per Section 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.<sup>3</sup> This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: July 11, 2016**

/s/ Kyle Applegate

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APPEALS OFFICER  
KYLE APPLGATE, ESQ.

Sent to: Denis Cooke (via e-mail only);  
Karen Fanelli (via e-mail only)

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<sup>2</sup> On June 30, 2016, the County provided responsive records to the Requester.

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