



written response to the Request was issued by the Department within five business days. *See* 65 P.S. § 67.902; 65 P.S. § 67.903 (stating that an agency's response denying a request for records, in whole or in part, must be in writing). Accordingly, the Request was deemed denied on May 16, 2016. An appeal must be filed within fifteen business days of a deemed denial. *See* 65 P.S. § 67.1101(a)(1). Therefore, the instant appeal had to be filed on or before June 6, 2016; however, because it was received by the OOR on July 11, 2016, the appeal is **dismissed as untimely**.

The file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Philadelphia County Court of Common Pleas. *See* 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 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.<sup>2</sup> This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: 1 August 2016**

*/s/ Joshua T. Young*

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<sup>2</sup> *See Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).