



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 19, 2016

IN RE: *Darcy Apfel v. Wattsburg Borough*,
OOR Dkt. AP 2016-1570

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 deficient for the reason(s) specified below. Accordingly, the appeal is **DISMISSED**.

- Appeal filed beyond fifteen (15) business days of denial/deemed denial.
- Appeal failed to include a copy of the Request and/or agency Response.
- Appeal failed to state why records are public records.
- Appeal failed to address agency grounds for denial of access to records.
- OOR lacks jurisdiction over agency from which records are sought.
- OOR lacks jurisdiction over local agency criminal investigative records.
- Request does not seek records.
- Other: Appeal is premature. Request dated August 17, 2016. On August 22, 2016, the Borough invoked a thirty day extension of time to respond. 65 P.S. § 67.902. The Borough’s response is due on September 22, 2016. If no response is received, the Requester may refile the appeal on October 4, 2016; OR, within 15 business days of the Borough’s response.

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to the Erie County Court of Common Pleas. 65 P.S. § 67.1302(a). The OOR also shall be served notice and have an opportunity to respond 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.¹ This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Charles Rees Brown

Charles Rees Brown
Chief Counsel

Sent to: Requester, Agency Open Records Officer

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