



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
GRANT EVANGELISTI,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2016-1464
	:	
LYCOMING COUNTY,	:	
Respondent	:	
	:	

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 for the following reason:

On July 26, 2016, Grant Evangelisti (“Requester”) submitted a request (“Request”) to Lycoming County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking documentation used in assessing an industrial property. The County failed to respond within five business days, and the Request was deemed denied on August 2, 2016.

The Requester had fifteen business days from the date of the deemed denial to file an appeal with the Office of Open Records (“OOR”), or until August 23, 2016. *See* 65 P.S. § 67.1101(a)(1). However, the appeal was not filed until August 29, 2016. Accordingly, the appeal is untimely.

For the foregoing reason, Requester’s appeal is **dismissed**, and the County is not required to take any further action. 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 Lycoming 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 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 OOR website at: <http://openrecords.pa.gov>.

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

FINAL DETERMINATION ISSUED AND MAILED: September 23, 2016

/s/ Blake Eilers

Blake Eilers, Esq.

Appeals Officer

Sent to: Grant Evangelisti (via e-mail only);
Matthew McDermott (via e-mail only)