

Appeal. Accordingly, the appeal is **dismissed as premature**. *See, e.g., Gilliam v. Allegheny County Police Dep't*, OOR Dkt. AP 2014-1096, 2014 PA O.O.R.D. LEXIS 869 (dismissing an appeal as premature where an agency provided evidence that it did not receive a request prior to an appeal being filed). The Requester is not precluded from filing the Request with the Department and, if necessary, filing an appeal from the Department's response pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

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.¹ This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 23, 2016

/s/ Kelly C. Isenberg

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