pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 3, 2016

IN RE: *Jason Mell v. Exeter Township*, OOR Dkt. AP 2016-1656

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.

[x] Other: Appeal is premature. Request dated September 21, 2016. Agency response due on or before September 28, 2016. Appeal filed on September 30, 2016. OOR allows three additional days for mailing pursuant to Section IV(C)(5)(b)(i) of the OOR Procedural Guidelines. Appeal may be filed after agency final response or 11:59:59 p.m. of October 1, 2016, whichever comes first.

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to the Berks 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 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.[1]

Issued by:

/s/ Kyle Applegate

Appeals Officer
Kyle Applegate

Sent to: Requester, Agency Open Records Officer

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