



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
THE UNITED STATES ARMY CORPS OF	:	
ENGINEERS,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2016-1678
	:	
CLARION 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 August 10, 2016, David Gillingham Jr., on behalf of the United States Army Corps of Engineers (“Requester”), submitted a request (“Request”) to Clarion County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking shapefiles and GIS data. The County issued a response on August 12, 2016, granting access upon receipt of fees. On October 6, 2016, the Requester appealed to the OOR, challenging the fees.

The Requester had fifteen business days from the date of the County’s response to file an appeal with the Office of Open Records (“OOR”), or until September 2, 2016. *See* 65 P.S. § 67.1101(a)(1). However, the appeal was not filed until October 6, 2016. Accordingly, the appeal is untimely. Nothing in this Final Determination prevents the Requester from filing a new RTKL request for the same information, and if necessary, filing an appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

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>.

FINAL DETERMINATION ISSUED AND MAILED: October 18, 2016

/s/ Jordan Davis
Jordan Davis, Esq.
Appeals Officer

Sent to: David Gillingham Jr., (via e-mail only);
Judy Zerbe (via e-mail only)

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