pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 22, 2016

IN RE: *Christopher Fleming v. Philadelphia District Attorney's Office*, OOR Dkt. AP 2016-1925

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**.

[x] 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 untimely. Request dated August 30, 2016. Agency invoked 30 day extension on September 6, 2016. Agency final response due October 6, 2016. Request was deemed denied on October 6, 2016. *See* 65 P.S. § 67.902(b). Appeal must be received within fifteen business days of Agency's deemed denial or October 28, 2016. *See* 65 P.S. § 67.1101(a)(1). Appeal received November 18, 2016.

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to the Philadelphia 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] This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

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).