

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: September 21, 2022

IN RE: *Sherry Tamski v. Kiskiminetas Township*,  
OOR Dkts. AP 2022-2167 and AP 2022-2172

Upon review of the appeals filed with the Office of Open Records (“OOR”) to the above-referenced docket numbers, it is determined that the appeals are **DISMISSED** because:

**The appeals are premature.** The Request at issue was emailed on September 13, 2022 and was hand-delivered to the Township on September 14, 2022. The Township timely invoked a thirty-day extension on September 15, 2022. 65 P.S. § 67.902(b)(1). Although the correspondence does not identify a reason for the extension, the Right-to-Know Law broadly permits thirty-day extensions, including when “the extent or nature of the request precludes a response within the required time period.” 65 P.S. § 67.902(a)(7).<sup>1</sup> Under the extension, the Township has five (5) business days, followed by thirty (30) calendar days, from receipt of the Request to respond. 65 P.S. §§ 67.902(b)(1)-(2). Here, because the appeals were submitted prior to the time for response elapsing, the appeals are premature. The Requester is not prohibited from filing new appeals to the OOR of any denials or deemed denial stemming from the Requests, pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Township is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Armstrong 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 65 P.S. § 67.1303. 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.<sup>2</sup>

Issued by:

/s/ Kyle Applegate

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Appeals Officer  
Kyle Applegate, Esq.

Sent to: Requester (via email)  
Township (via email)

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<sup>1</sup> However, in the future, any correspondence invoking an extension should comply with 65 P.S. § 67.903(b)(2), which specifies what information should be included.

<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).