



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
NANNIE HARRIMAN,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2022-2540
	:	
DAVIDSON TOWNSHIP,	:	
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.* For the following reasons, the appeal is dismissed.

On October 25, 2022, Nannie Harriman (“Requester”) submitted a request (“Request”) to Davidson Township (“Township”) pursuant to the RTKL, seeking:

[A] copy of [the] letter written [and] read at our [Township] supervisor[‘s] meeting [on] October 5[,] 2022. I bel[ie]ve she stated the [Township] was charged a sum of money concer[n]ing lies about her, Linda Gavitt[,] one of Davidson [Township] Supervisors. As it concerns [a]ll of Davidson [Township] [r]esident[s], I want a copy so I can understand what it is [a]ll [a]bout.

On October 25, 2022, the Township denied the Request claiming the record requested was not a record of the Township.

On November 7, 2022, the Requester filed an appeal with the OOR, challenging the Township’s denial of the Request and stating grounds for disclosure. *See* 65 P.S. § 67.901. The

OOR invited both parties to supplement the record and directed the Township to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On November 16, 2022, the Township submitted a position statement claiming the document requested is not a public record of the Township. The Township further notes that the statement read by Ms. Gavitt was read in the capacity as a private citizen and although the contents of the document were related to a private matter between Ms. Gavitt and other private citizens, Ms. Gavitt had agreed to release the requested document. The document was provided to the Requester and the OOR on November 15, 2022, attached to an emailed position statement. Therefore, because the Township provided the responsive record to the Requester, the appeal is **dismissed as moot**. See *Kutztown Univ. of Pa. v. Bollinger*, 2019 Pa. Commw. Unpub. LEXIS 521 (holding that an appeal is properly dismissed as moot where no controversy remains).

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 Sullivan 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 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>.

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

FINAL DETERMINATION ISSUED AND MAILED: November 22, 2022

/s/ Bandy L. Jarosz

APPEALS OFFICER

BANDY L. JAROSZ

Sent to: Nannie Harriman (via email)
Kenneth R. Levitzky (via email)
Mary D'Ottavio (via email)