

FINAL DETERMINATION

DATE ISSUED AND MAILED: January 27, 2023

IN RE: *Davoud Baravordeh v. Folcroft Borough*, OOR Dkt. AP 2023-0142

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 **DISMISSED** because:

The appeal is premature. The Request was received by Folcroft Borough (“Borough”) on January 10, 2023. The Borough timely invoked a thirty-day extension on January 18, 2023.¹ 65 P.S. § 67.902(b)(1). The extension was invoked for a permitted reason, 65 P.S. § 67.902(a)(4), and the OOR will not disturb the Borough’s discretion in invoking the extension. 65 P.S. § 67.902(b)(1). Under the extension, the Borough had five (5) business days, followed by thirty (30) calendar days, from January 10, 2023, to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Borough has until February 17, 2023 to respond to the Request. The appeal was submitted to the OOR on January 19, 2023, before Borough’s time to respond had elapsed. The Requester is not prohibited from filing a new appeal to the OOR of any denial or deemed denial stemming from the Request, pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Borough 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 Delaware 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.²

Issued by:

/s/ *Joshua Young*

Deputy Chief Counsel
Joshua Young Esq.

Sent to: Requester (via email) , Agency Open Records Officer (via email)

¹ Due to the observance of the Martin Luther King, Jr. holiday, January 16, 2023, did not count as a business day.

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