

FINAL DETERMINATION

DATE ISSUED AND MAILED: March 30, 2023

IN RE: *Kevin Foster v. Pennridge School District*, OOR Dkt. AP 2023-0688

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the Pennridge School District (“District”) submission, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request was filed on March 20, 2023 and deemed denied; however, the District did not receive a copy of the Request until March 21, 2023. *See* District Submission, dated March 29, 2023. Because an appeal may only be filed from the denial or deemed denial of a request, and the District did not receive the Request until March 21, 2023, the appeal must be dismissed as premature.¹ 65 P.S. § 67.901. The Requester is not prohibited from filing an appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the District is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Bucks 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; 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 65 P.S. § 67.1303.

Issued by:

/s/ *Bandy L. Jarosz*

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent to: Kevin Foster (via email only)
Nancy Chenoweth (via email only)

¹ The Request was received by the District on March 20, 2023 at 4:46PM. As the District business hours are 8:00AM until 4:30PM, the District did not receive the Request until March 21, 2023. Responsive records were timely provided to the Requester on March 28, 2023 by email.

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