

### **FINAL DETERMINATION**

DATE ISSUED AND MAILED: May 26, 2023

IN RE: *Erin Beckes v. North East School District*, OOR Dkt. AP 2023-1155

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 the School District on May 16, 2023.<sup>1</sup> The School District has five (5) business days from May 16, 2023 to respond to the Request. 65 P.S. § 67.901. The School District had until 11:59:59 p.m. on May 23, 2023 to respond to the Request. The appeal was submitted to the OOR on May 23, 2023. 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 School District 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 Erie 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/ Joshua T. Young*

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Senior Deputy Chief Counsel  
Joshua T. Young, Esq.

Sent to: Requester, Agency Open Records Officer

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<sup>1</sup> The Request was emailed to the School District after the close of business day of May 15, 2023.

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