

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 19, 2023

IN RE: *Holly Trivelpiece v. Briar Creek Borough*, OOR Dkt. AP 2023-2180

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 submitted to the Borough on September 7, 2023. The Borough responded on September 12, 2023, granting part of the Request and timely invoking a thirty-day extension of time to respond to the remainder.¹ Under the extension, the Borough has five (5) business days, followed by thirty (30) calendar days, from September 7, 2023, to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Borough has until October 16, 2023 to respond to the Request. The appeal was submitted to the OOR on September 12, 2023.

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 Columbia 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

Senior Deputy Chief Counsel
Joshua Young, Esq.

Sent to: Requester; Briar Creek Borough, Agency Open Records Officer

¹ To prevent piecemeal review, the Borough’s extension applies to to the entire Request. *See Largarticha v. City of Corry*, OOR Dkt. AP 2017-1559, 2017 PA O.O.R.D. LEXIS 1348.

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