

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 19, 2023

IN RE: *Paul Sroka v. Sto-Rox School District*; OOR Dkt. No AP 2023-2215

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 District on September 8, 2023. The District had five (5) business days upon receipt to respond to the Request. 65 P.S. § 67.901. The District had until 11:59:59 p.m. on September 15, 2023 to respond. The appeal was filed on September 15, 2023, before the expiration of the District’s time to respond. The Requester is not prohibited from filing a new appeal 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 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 Allegheny 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.¹

Issued by:

/s/ Joshua Young

Senior Deputy Chief Counsel
Joshua Young, Esq.

Sent to: Paul Sroka; Open Records Officer, Sto-Rox School District

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