

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 19, 2023

IN RE: *Serdar Bankaci v. Allegheny County*, OOR Dkt. AP 2023-2162

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 untimely. The Request was received by the County on July 3, 2023, and the County timely invoked a thirty-day (30) extension on July 11, 2023.¹ As a result, the County had until August 10, 2023, to respond to the Request; if the County did not issue a response by that date, the Request was deemed denied. 65 P.S. § 67.902(b)(2). Appeals of deemed denials must be filed within fifteen business days of the deemed denial, or by August 31, 2023, in this instance. 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on September 12, 2023. The Requester is not prohibited from refileing the request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the County 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.²

Issued by:

/s/ Joshua Young

Senior Deputy Chief Counsel
Joshua Young, Esq.

Sent to: Requester: Allegheny County Agency Open Records Officer

¹ Due to the observance of the July 4th holiday, Tuesday, July 4, 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).