

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: September 22, 2023

IN RE: *Eric Watson v. City of Beaver Falls*, OOR Dkt. AP 2023-2271

Upon review of the appeals 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 City on September 14, 2023. The City had five (5) business days upon receipt to respond to the Request. 65 P.S. § 67.901. The City had until 11:59:59 p.m. on September 21, 2023 to respond. The appeal was filed on September 21, 2023, before the expiration of the City’s time to respond.

For this reason, the City 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 Beaver 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>1</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

*/s/ Joshua Young*

---

Senior Deputy Chief Counsel  
Joshua Young, Esq.

Sent to: Requester; Agency Open Records Officer

---

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