

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: November 20, 2023

IN RE: *Casey Monaghan v. Scott Township*, OOR Dkt. AP 2023-2554

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the submission from Scott Township (“Township”), it is determined that the appeal is **DISMISSED** because:

**The appeal is premature.** The appeal states that the Request was filed on October 9, 2023 and deemed denied on October 16, 2023; however, the Township proved that it did not receive a copy of the Request until after the appeal was filed. *See* Agency Submission, November 17, 2023. Because an appeal may only be filed from the denial or deemed denial of a request, and the Township **did not receive the Request prior to receiving the appeal**, the appeal must be dismissed as premature. 65 P.S. § 67.901. The Requester is not prohibited from filing the Request with the Township and, if necessary, filing an appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Township is not required to take any further action as it relates to this appeal. Within thirty days of the mailing date of this Final Determination, either party 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, but 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/ Catherine R. Hecker*

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CATHERINE R. HECKER  
APPEALS OFFICER

Sent to: Casey Monaghan  
Denise Fitzgerald  
John Vogel, Esq.

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