

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 20, 2023

IN RE: *David Perretta v. Pennsylvania State Police*, OOR Dkt. AP 2023-2805

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 Pennsylvania State Police (“PSP”) on November 10, 2023. The PSP had five (5) business days upon receipt to respond to the Request. 65 P.S. § 67.901. Therefore, the PSP has until 11:59:59 p.m. on November 20, 2023 to respond.¹ The appeal was filed on November 20, 2023, prior to the expiration of the PSP’s time to respond.

For this reason, the PSP 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 Commonwealth Court. 65 P.S. § 67.1301(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 All documents or communications following the issuance of this Final Determination shall be sent to 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, Pennsylvania State Police

¹ Due to the observance of the Veterans Day holiday, Friday, November 10, 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).