pennsylvania
OFFICE OF OPEN RECORDS

FINA L DETERMINATION

DATE ISSUED AND MAILED: December 11, 2023

IN RE: *Michael Long v. Borough of Bath,* OOR Dkt. AP 2023-2949

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 received by the Borough on November 3, 2023. The Borough timely invoked a thirty-day extension of time to respond on November 8, 2023. 65 P.S. § 67.902(b)(1). The Borough had five (5) business days, plus thirty (30) calendar days, to provide a final response to the Request, or until 11:59:59 p.m. on December 13, 2023.[1] 65 P.S. § 67.901. The appeal was submitted to the OOR on December 8, 2023. The Requester is not prohibited from filing a new appeal to the OOR 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 Borough 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 Northampton 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] 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 T. Young

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent to: Requester, Agency Open Records Officer

[1] The Borough was closed on Friday, November 10, 2023 in observance of Veterans Day.
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).