

FINAL DETERMINATION

DATE ISSUED AND MAILED: March 27, 2024

IN RE: *Dominic Mayle v. Washington Township*, OOR Dkt. AP 2024-0656

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

The appeal is premature. The appeal states that the Request was filed on February 9, 2024, and deemed denied on February 16, 2024; however, according to the evidence submitted by the Township, it never received a copy of the Request. *See* Hargrave Att. at ¶ 5. 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. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Franklin 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 Section 1303 of the RTKL, 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated this matter, the OOR is not a proper party to any appeal and should not be named as a party.¹ 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/ Angela Edris

ANGELA EDRIS
APPEALS OFFICER

Sent via the OOR Appeals Portal to: Dominic Mayle, Esq.;
Karen Hargrave, AORO

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