

FINAL DETERMINATION

DATE ISSUED AND MAILED: May 14, 2024

IN RE: *Charles Talbert v. Pennsylvania Office of Inspector General*; OOR Dkt. AP 2024-1223

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 untimely. The Request was received by the Office of Inspector General (“Office”) on February 22, 2024. The Office responded on February 29, 2024, invoking a thirty (30) day extension. 65 P.S. § 67.902 (b)(1). The Office had until April 1, 2024 to respond to the Request.¹ Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the deemed denial, or by April 22, 2024 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was postmarked May 3, 2024. The Requester is not prohibited from refileing the request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Office 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 T. Young

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent to: Requester (via first class mail);
AORO, Pa. Office of Inspector General (via e-file portal)

¹ The Requester did not provide a copy of the Request or the Office’s February 29, 2024 extension letter but did provide a copy of the OOR’s Final Determination in OOR Dkt. AP 2024-0630, which delineates the specifics in the appeal.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).