

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: May 23, 2024

IN RE: *Hayward Miller v. City of Philadelphia Law Department*;  
OOR Dkt. AP 2024-1316

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 City of Philadelphia Law Department on January 25, 2023. On February 1, 2023, the Department timely invoked an extension to respond to the Request. 65 P.S. § 67.902(b)(1). As a result, the Department had until March 3, 2023, to respond to the Request; if the Department did not issue a response by that date, it was deemed denied. 65 P.S. § 67.902(b)(2). Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the deemed denial, or by March 24, 2023, in this instance. 65 P.S. § 67.1101(a)(1). The appeal was postmarked May 15, 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 Department 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 Philadelphia 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.<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/ Joshua T. Young*

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SENIOR DEPUTY CHIEF COUNSEL  
JOSHUA T. YOUNG, ESQ.

Sent to: Requester (via first class mail); City of Philadelphia Law Department, Agency Open Records Officer

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