

FINAL DETERMINATION

DATE ISSUED AND MAILED: June 5, 2024

IN RE: *Angelo Rodriguez v. Schuylkill County*; OOR Dkts. AP 2024-1430, AP 2024-1431, AP 2024-1436, AP 2024-1438, AP 2024-1441, AP 2024-1444, AP 2024-1445, AP 2024-1448, AP 2024-1449, AP 2024-1450, AP 2024-1456, AP 2024-1458, AP 2024-1459 and AP 2024-1474

Upon review of the appeals filed with the Office of Open Records (“OOR”) to the above-referenced docket numbers, it is determined that the appeals are **DISMISSED** because:

The appeals are untimely. The Requests were emailed to the County on April 25, 2024. The County’s responses were due five business days after the receipt of the Requests, or by May 2, 2024, or they were deemed denied.¹ 65 P.S. § 67.901. On his appeal forms, the Requester alleges that “[t]he agency either did not issue a response, denied access, or provided an incomplete response to my request.” Appeals of deemed denied Right-to-Know Requests must be filed within 15 business days of the deemed denial, or by May 23, 2024 in this instance. 65 P.S. § 67.1101(a)(1). The appeals were received on June 3, 2024 and are, therefore, untimely.

For this reason, the County 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 Schuylkill 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 via e-file portal to: Angelo Rodriguez; Agency Open Records Officer, Schuylkill County

¹ The Requester has not provided copies of any County response as required by 65 P.S. § 67.1101(a), nor has he indicated that an extension of time to respond was invoked by the County in any of the appeals. *See* 65 P.S. § 67.902(b)(2). Therefore, the OOR is treating the Requests as having been deemed denied.

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