

FINAL DETERMINATION

DATE ISSUED AND MAILED: June 18, 2024

IN RE: *Mary Wiseman v. Elizabeth Forward School District*, OOR Dkt. AP 2024-1351

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

The appeal is premature. The District’s evidence submitted during this appeal establishes that after receiving the Request on May 15 2024 the District issued a thirty-day extension notice pursuant to Section 902 of the RTKL on that same day. 65 P.S. § 67.902(b). On May 24, 2024, prior to the expiration of the extension period or receiving a final response to the Request from the District, the Requester filed an appeal in this matter. Because the appeal was filed prior to the expiration of the extension period invoked by the District, the appeal is premature. Nothing in this Final Determination prevents the Requester from filing a new appeal with the OOR within the appropriate timeframe set forth in Section 1101(a) of the RTKL.¹ 65 P.S. § 67.1101(a)(1).

For this reason, the District is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Allegheny 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.

Issued by:

/s/ Erika Similo

ERIKA SIMILO
APPEALS OFFICER

Sent via OOR portal only to: Mary Wiseman; Richard Fantauzzi, PCSBA

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¹ On June 14, 2024, the District provided a final response to the Request and responsive records.

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