

FINAL DETERMINATION

DATE ISSUED AND MAILED: July 9, 2024

IN RE: *David Jackson v. Conestoga Township*; OOR Dkt. AP 2024-1730

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 premature. The Request was received by the Township on May 29, 2024. The Township timely invoked a thirty-day extension of time to respond on May 29, 2024. 65 P.S. § 67.902(b)(1). Under the extension, the Township had five (5) business days, followed by thirty (30) calendar days, from May 29, 2024 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Township had until July 5, 2024 to respond.¹ The appeal was submitted to the OOR on July 3, 2024. The Requester is not prohibited from filing a new appeal to the OOR of any denial or deemed denial stemming from the Request, 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. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Lancaster 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 to: Requester, Agency Open Records Officer, Conestoga Township

¹ Although the extension notice states that the Township’s response could be expected by June 28, 2024, the Township actually had until July 5, 2024 to issue a final response.

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