

## FINAL DETERMINATION

DATE ISSUED AND MAILED: July 10, 2024

IN RE: *Norman Vega v. Reading Police Department*; OOR Dkt. AP 2024-1726

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 mailed to the Department on October 23, 2023.<sup>1</sup> The Department did not respond within five business days, and the Request was deemed denied on or about November 2, 2023.<sup>2</sup> 65 P.S. § 67.901. Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the deemed denial, or by November 28, 2023 in this instance.<sup>3</sup> 65 P.S. § 67.1101(a)(1). The appeal was postmarked on June 25, 2024 and received by the OOR on July 2, 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 Berks 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>4</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); Agency Open Records Officer, Reading Police Department

<sup>1</sup> The Requester also included a RTKL request dated December 14, 2023 with his appeal forms, alleging that it was also deemed denied by the Department. Insofar as the Requester intended to appeal the December 15, 2023 RTKL request, the appeal is similarly untimely.

<sup>2</sup> The OOR allowed three additional business days for the Department to receive the Request.

<sup>3</sup> Due to the observance of the Veterans’ Day and Thanksgiving holidays, Monday, November 10, 2023, Thursday, November 23, 2023, and Friday, November 24, 2023 did not count as business days for the OOR.

<sup>4</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).