

FINAL DETERMINATION

DATE ISSUED AND MAILED: April 20, 2026

IN RE: *Marcus Hite v. Minersville Area Sch. Dist.*, OOR Dkt. AP 2026-1112

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

The appeal is premature. The appeal alleges that the Request was emailed to the District on March 11, 2026 and deemed denied on or about March 18, 2026; however, the District’s Open Records Officer never received a copy of the Request because the email transmitting the Request was directed to the District’s spam/junk folder. See Doyle Statement dated March 26, 2026.¹ Because an appeal may only be filed from the denial or deemed denial of a request, and the District’s Open Records Officer **did not receive the Request prior to receiving the appeal**, the appeal must be dismissed as premature.² 65 P.S. § 67.901. The Requester is not prohibited from filing the Request with the District and, if necessary, filing an appeal with the OOR pursuant to the requirements of 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 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, but 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.³ 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

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Marcus Hite; Brittany K. Doyle, AORO

¹ The Doyle Statement was made subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) by Brittany K. Doyle, the District’s Business Manager and Open Records Officer.

² Notably, upon its receipt of the Request, the District confirmed that it was preparing to provide the requested records to the Requester; however, neither party notified the OOR that the appeal was resolved thereafter.

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

