

FINAL DETERMINATION

DATE ISSUED AND MAILED: May 22, 2026

IN RE: *Joseph Pizza v. Lower Providence Township*, OOR Dkt. AP 2026-1847

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the Lower Providence Township (“Township”) submission, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request (“Request”) was emailed to the Township on April 30, 2026 and deemed denied on May 7, 2026; however, the Request was not received by the Township’s Open Records Officer until May 12, 2026.¹ The Township had five (5) business days from May 12, 2026 to respond to the Request. 65 P.S. § 67.901. The appeal was received by the OOR on May 11, 2026.² Because an appeal may only be filed from the denial or deemed denial of a request, the appeal must be dismissed as premature. 65 P.S. § 67.901. The Requester is not prohibited from filing a new appeal to the OOR of the 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 in this appeal. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Montgomery 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.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 OOR website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent via portal only to: Joseph Pizza; Denise Walsh, AORO

¹ The Request was received by the Township’s Agency Open Records Officer (“AORO”) on May 12, 2026, as the AORO was out of the office until May 12, 2026. *See* Walsh Attestation ¶ 9.

² While the appeal is dated May 9, 2026, a Saturday, the appeal was not received by the OOR until the next business day, or May 11, 2026, in this instance.

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