



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 16, 2026

IN RE: *Kale Geiswite v. Pennsylvania Game Commission*, OOR Dkt. AP 2026-3704

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 Pennsylvania Game Commission (“Commission”), it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request was filed on August 28, 2026 and deemed denied on September 4, 2026; however, Commission has submitted evidence that the Request was not filed until August 31, 2026, and that a 30-day extension was timely taken on September 8, 2026. *See* Attestation of Zachary Fahnestock. Because an appeal may only be filed from the denial or deemed denial of a request, and the Commission’s deadline to respond does not run until October 8, 2026, the appeal must be dismissed as premature. 65 P.S. § 67.901.

For this reason, the Commission 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 Commonwealth Court. 65 P.S. § 67.1301(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.¹ 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/ *Jordan Davis*

JORDAN C. DAVIS
DEPUTY CHIEF COUNSEL

Sent to: Kale Geiswite; Zachary Fahnestock, AORO

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).