

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 23, 2026

IN RE: *Eric Yenikev v. Tinicum Township*, OOR Dkt. AP 2026-3908

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. On September 1, 2026, Eric Yenikev (“Requester”) attempted to file a request (“Request”) pursuant to the Right-to-Know-Law (“RTKL”), 65 P.S. §§ 67.101, *et seq.*, to Tinicum Township (“Township”). Having received no response from the Township, the Requester subsequently filed an appeal with the OOR on September 15, 2026, alleging that the Request was deemed denied. On September 21, 2026, the Township submitted a letter addressed to the Requester, wherein the Township stated it had never received the Request before the appeal and was first made aware of it via the OOR’s Notice of Appeal. 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, either party may appeal or petition for review with the Delaware 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.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/ Meryl M. Peterman
MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via portal to:

Eric Yenikev
David D. Schreiber, AORO

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