



**FINAL DETERMINATION**

DATE ISSUED AND MAILED: September 23, 2026

IN RE: *Patsy Birley v. Fawn Township*, OOR Dkt. AP 2026-3978

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

**The appeal is premature.** The appeal states that the Request was filed on or about September 2, 2026 and was deemed denied thereafter, 65 P.S. § 67.901; however, the Township never received a copy of the Request. *See* Marsteller Attestation, ¶ 1. Because an appeal may only be filed from the denial or deemed denial of a request, and the Township did not receive the Request prior to receiving the appeal, the appeal must be dismissed as premature. 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).<sup>1</sup>

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 York 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.<sup>2</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/ Lyle Hartranft*

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APPEALS OFFICER  
Lyle Hartranft, Esq.

Sent via OOR e-file Portal to: Patsy Birley; Terri Marsteller, AORO

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<sup>1</sup> The Township states that it has “began the process of gathering and reviewing the requested records and will provide a response[.]” Marsteller Attestation. As the Township received the Request on September 17, 2026 (i.e. when it received notice of the appeal) and invoked a thirty-day extension, 65 P.S. § 67.902(b), it has until October 26, 2026 to issue a final response.

<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).