

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 25, 2026

IN RE: *Jonathan Gibbs v. York County*; OOR Dkt. AP 2026-3807

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

The appeal is premature. The appeal states that the Request was filed on August 25, 2026 and alleges that the Request was deemed denied; however, the County never received a copy of the Request.¹ See Eshbach Attestation, ¶¶ 3-9. Because an appeal may only be filed from the denial or deemed denial of a request, and the County **did not receive the Request prior to receiving the appeal**, the appeal must be dismissed as premature. 65 P.S. § 67.901. The Requester is not prohibited from filing the Request with the County 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 County 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.² 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: Jonathan Gibbs; Jonelle Harter Eshbach, Esq., AORO

¹ The Eshbach Attestation, which was made subject to the penalty of perjury, explains that the Request was emailed to an email address that is no longer used by the County for RTKL purposes and has not been used since 2022. Additionally, the County provided the Requester with the email addresses for the individuals to which RTKL requests may be submitted, as well as a weblink to the County’s online “Right to Know Records Center,” which provides information regarding the submission of RTKL requests to the County.

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