pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 2, 2026

IN RE: *Walter Chwastyk v. West Rockhill Township*, OOR Dkt. AP 2026-4358

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, as well as the submissions of the parties, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request was filed on September 24, 2026, and deemed denied on October 1, 2026; however, the Township has submitted sufficient evidence that its open records officer never received a copy of the Request. *See* Lippincott Attestation ¶¶ 6-8. 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.[1] 65 P.S. § 67.901. The Requester is not prohibited from filing the Request with the Township and, if necessary, filing an appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).[2]

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 Bucks 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/ Tope L. Quadri

TOPE L. QUADRI
APPEALS OFFICER

Sent via portal to: Walter Chwastyk
Gregory Lippincott, AORO
David Keightly, Esq.

[1] Despite the Requester's arguments, the evidence nevertheless affirms that the Request was not actually received by the open records officer prior to the notice of appeal. *Commonwealth v. Donahue*, 98 A.3d 1223 (Pa. 2014) (providing that a request is filed only when the open records officer actually receives it); ("[w]e presume that…agencies will act in good faith in discharging their statutory duties under the RTKL").
[2] Although contested by the Requester, the Township provided responsive records during the pendency of the appeal.
[3] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).