pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 5, 2026

IN RE: *Wesley Perone v. Lackawanna County*, OOR Dkt. AP 2026-4694

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 Lackawanna County ("County"), it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request ("Request") was filed on September 21, 2026 and deemed denied on September 28, 2026; however, the County never received a copy of the Request. *See* Harte Attestation. 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. *Id.*; *see also* 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 in this appeal. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Lackawanna 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.[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 OOR website at: http://openrecords.pa.gov.

Issued by:

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent to: Wesley Perone, #2024-00414 (via First-Class Mail only)
Traci Harte (via portal only)

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