Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
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FINAL DETERMINATION

DATE ISSUED AND MAILED: November 6, 2026

IN RE: *James Nail v. North Beaver Township*, OOR Dkt. AP 2026-4989

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:

☒ Appeal filed beyond fifteen (15) business days of the denial/deemed denial of Request.

☐ Appeal filed prior to the RTKL appeal period.

☐ Appeal failed to include a copy of the Request and/or Agency Response.

☐ Appeal failed to address Agency ground(s) for denying access to records and/or why the records are public records.

☐ Appeal failed to identify the Agency against which the appeal is filed.

☐ OOR lacks jurisdiction over Agency from which records are sought.

☐ OOR lacks jurisdiction over alleged criminal investigative records of a local agency.

Explanation: See Explanation Sheet. The Request was received on September 21, 2026, and the Township purported to invoke an extension of time to respond on September 29, 2026; however, the Request had already been deemed denied as a matter of law at 11:59:59 p.m. on September 28, 2026. 65 P.S. § 67.901. Therefore, the appeal period began to run the day after the deemed denial, resulting in an untimely appeal. 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 Lawrence County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties and the OOR must be served with the notice of the appeal; however, as the quasi-judicial tribunal adjudicating this matter, the OOR should not be named as a party. All 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 to: Requester; Agency Open Records Officer

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Check-Box Dismissal Explanation Sheet

The appeal is filed beyond the RTKL appeal period (untimely):

The Requester had fifteen business days from the denial of the Request to file an appeal. 65 P.S. § 67.1101(a)(1). Because the appeal was filed after the expiration of the appeal period, the appeal is untimely.

OR

No response was issued within five business days of the Agency Open Records Officer's receipt of the Request, the Request was deemed denied. *See* 65 P.S. § 67.901. The Requester had fifteen business days from the deemed denial to file an appeal. Because the appeal was filed after the expiration of the appeal period, the appeal is untimely.

OR

The Agency invoked a timely extension of time to respond to the Request, but did not issue a response thereafter, resulting in a deemed denial. *See* 65 P.S. § 67.901; 65 P.S. § 67.902(b). The Requester had fifteen business days from the deemed denial to file an appeal. Because the appeal was filed after the expiration of the appeal period, the appeal is untimely.

The appeal is filed prior to the RTKL appeal period (premature):

The Agency has five business days from its Open Records Officer's receipt of the Request to respond. *See* 65 P.S. § 67.901. Because the appeal was filed prior to the expiration of the Agency's response period, the appeal is premature.

OR

The Agency invoked a timely extension to respond to the Request. *See* 65 P.S. § 67.901; 65 P.S. § 67.902(b). Because the appeal was filed prior to the expiration of the Agency's response period, the appeal is premature.

OR

The Agency's Open Records Officer did not receive the Request prior to the filing of the appeal.

The appeal is deficient:

The Appeal documents did not include a copy of the Request and/or the Agency Final Response; as a result, the evidentiary record lacks sufficient clarity to allow the OOR to confirm what records were requested and whether the Requester's appeal was sufficient.

The appeal does not sufficiently address the Agency's grounds for denial:

The appeal does not state the grounds upon which the Requester asserts the records are public records and/or address the Agency's ground(s) for delaying or denying the request. 65 P.S. § 67.1101(a)(1).

OR

The Agency granted the Request, and the Requester has not identified any outstanding issues for adjudication by the OOR.

The OOR lacks jurisdiction over Agency:

The Agency is a judicial agency over which the OOR lacks jurisdiction. 65 P.S. § 67.503(b).

OR

The Agency is a legislative agency over which the OOR lacks jurisdiction. 65 P.S. § 67.503(c).

OR

The Agency is a Commonwealth agency over which the OOR lacks jurisdiction. 65 P.S. § 67.503(d)(1).

Unknown Agency:

The appeal documents did not identify the Agency to which the Request was submitted and against which the appeal was filed.

The appeal involves records that may be Criminal Investigative Records:

The Agency alleges that the records relate to a criminal investigation, and the OOR lacks jurisdiction over appeals of alleged criminal investigative records in the possession of a local law enforcement agency. 65 P.S. § 67.503(d)(2).

The appeal involves audio/video recording made by a law enforcement agency:

The Request seeks an audio or video recording made by a law enforcement agency, access to which is governed by a separate procedure. *See* 42 Pa.C.S. §§ 67A03-67A05.