pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 16, 2026

IN RE: *James Nail v. Pennsylvania Fish and Boat Commission,* OOR Dkt. AP 2026-4957

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:

The appeal is premature. On November 13, 2026, the Pennsylvania Fish and Boat Commission ("PFBC") submitted an affidavit from Christopher Andreoli, Esq. ("Andreoli Affidavit"), the Agency Open Records Office ("AORO"), wherein he attests that the PFBC received the Request on October 23, 2026, and invoked a thirty-day extension to respond, 65 P.S. § 67.902(b), on October 30, 2026. Andreoli Affidavit, ¶¶4, 8. The appeal was submitted to the OOR on November 2, 2026. The appeal is 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).

For this reason, the PFBC is not required to take any further action on this appeal. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Commonwealth Court. 65 P.S. § 67.1301(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.[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 website at: http://openrecords.pa.gov.

Issued by:

/s/ *Meryl M. Peterman*
MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via portal to: James Nail
Christopher Andreoli, Esq.

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