



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:
	:
JEREMY QUINN,	:
Requester	:
	:
v.	:
	:
	:
GEORGE CLAY FIRE COMPANY,	:
Respondent	:

Docket No: AP 2020-2520

On October 27, 2020, 2020, Jeremy Quinn (“Requester”), submitted a request (“Request”) to the George Clay Fire Company (“Company”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking contracts or business agreements between the Company and Big Realty Property Management Company and monthly statements.

When the Company failed to respond to the Request by November 3, 2020, it was deemed denied on that date. *See* 65 P.S. § 67.902. Nonetheless, on November 16, 2020, the Company denied the Request for failure to pick up prior requests.¹ On November 30, 2020, the Requester filed an appeal with the Office of Open Records (“OOR”), stating grounds for disclosure.² The OOR invited both parties to supplement the record and directed the Company to notify any third parties of their ability to participate in this appeal. *See* 65 P.S. § 67.1101(c). The Company did

¹ In its November 16, 2020, response the Company did not contest jurisdiction and therefore the OOR is proceeding as if it is an agency subject to the RTKL.
² The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”).

not make a submission in this matter and has not submitted proof that it notified any third parties about this appeal.

However, pursuant to 65 P.S. § 67.1101(a)(1), an appeal must be filed within fifteen business days of the date upon which a request is denied or deemed denied. Because the OOR received the appeal on November 3, 2020, the appeal is **dismissed as untimely**, and the Company is not required to take any further action.

The file is now closed and no further action will be taken. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Montgomery County Court of Common Pleas. *See* 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 Section 1303 of the RTKL. 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 This Final Determination shall be placed on the website at: <https://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: January 13, 2021

/s/ Erin Burlew

Erin Burlew, Esq.
APPEALS OFFICER

Sent to: Jeremy Quinn (via email only);
John Fink Jr. (via email only)

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