

FINAL DETERMINATION

DATE ISSUED AND MAILED: January 13, 2020

IN RE: *Steve Sweitzer v. Northeastern York School District*, OOR Dkt. AP 2021-0043

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. The Request was submitted to the District’s Open Records Officer on November 18, 2020. The District timely invoked a thirty-day extension of time on November 24, 2020. 65 P.S. § 67.902(b)(1), and the requester voluntarily granted a further extension until January 8, 2021. As a result, the District had until January 8, 2021 to respond to the Request. 65 P.S. §§ 67.902(b)(2). The appeal was submitted to the OOR on January 7, 2021. 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 District is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the York 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

Issued by:

/s/ Kyle Applegate

Appeals Officer
Kyle Applegate, Esq.

Sent to: Requester, Agency Open Records Officer

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