

## **FINAL DETERMINATION**

DATE ISSUED AND MAILED: January 13, 2020

IN RE: *Steve Sweitzer v. Northeastern York School District*, OOR Dkt. AP 2021-0042

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.<sup>1</sup>

Issued by:

/s/ Kyle Applegate

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Appeals Officer  
Kyle Applegate, Esq.

Sent to: Requester, Agency Open Records Officer

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

**From:** no-reply@openrecordspennsylvania.com  
**To:** [Rosettasweitzer@comcast.net](mailto:Rosettasweitzer@comcast.net)  
**Subject:** [External] PA Office of Open Records - Appeal Confirmation  
**Date:** Thursday, January 7, 2021 2:19:53 AM  
**Attachments:** [oor\\_logo\\_email.png](#)

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**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).



You have filed an appeal of an agency's response to a request for records under the Right-to-Know Law.

<b>Name:</b>	Steve Sweitzer
<b>Company:</b>	
<b>Address 1:</b>	701 Cassel Rd, Lot 57
<b>Address 2:</b>	
<b>City:</b>	Manchester
<b>State:</b>	Pennsylvania
<b>Zip:</b>	17345
<b>Phone:</b>	717-870-7206
<b>Email:</b>	<a href="mailto:Rosettasweitzer@comcast.net">Rosettasweitzer@comcast.net</a>
<b>Agency (list):</b>	Northeastern York School District
<b>Agency Address 1:</b>	41 Harding Street
<b>Agency Address 2:</b>	
<b>Agency City:</b>	Manchester
<b>Agency State:</b>	Pennsylvania
<b>Agency Zip:</b>	17345

<b>Agency Phone:</b>	717-266-3664
<b>Agency Email:</b>	openrecordofficer@nebobcats.org
<b>Records at Issue in this Appeal:</b>	On 11/18/2020 I request the district 4 requests. For this appeal please combine those as the difference is only the dates but for the same type of record. The district replied 11.24.2020. The district agreed to an extension of time.
<b>Request Submitted to Agency Via:</b>	e-mail
<b>Request Date:</b>	11/18/2020
<b>Response Date:</b>	12/24/2020
<b>Deemed Denied:</b>	No
<b>Agency Open Records Officer:</b>	DEEMED DENIED
<b>Attached a copy of my request for records:</b>	Yes
<b>Attached a copy of all responses from the Agency regarding my request:</b>	Yes
<b>Attached any letters or notices extending the Agency's time to respond to my request:</b>	Yes
<b>Agree to permit the OOR additional time to issue a final determination:</b>	No
<b>Interested in resolving this issue through OOR mediation:</b>	No
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• RTK.SS.NESD.11.18.2020a.pdf</li> <li>• RTK.SS.NESD.11.18.2020b.pdf</li> <li>• RTK.SS.NESD.11.18.2020c.pdf</li> <li>• RTK.SS.NESD.11.18.2020d.pdf</li> </ul>

- rtk SS time extensions-11242020104750[753].pdf
- em.pdf

**I requested the listed records from the Agency named above. By submitting this form, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.**

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**From:** Steve Icloud  
**Sent:** Tuesday, November 24, 2020 7:17 PM  
**To:** NESD OpenRecordOfficer  
**Cc:** Stacey Sidle  
**Subject:** RE: UPDATED RIGHT TO KNOW

Good Evening Open Record Officer,

I know the current circumstances, I am willing to offer the district an extension to the 30 days for. I believe an extension to January 8, 2021 is reasonable, which is 48 days from today. If you agree or need additional time kindly reply to this email.

Thank you,

Steve Sweitzer  
701 Cassel Rd, Lot 57  
Manchester, PA 17345  
(717) 870-7206  
Stevesweitzer@icloud.com

*When you see something that is not right, not fair, not just, you have to speak up. You have to say something; you have to do something. -Honorable John Lewis*

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**From:** [NESD OpenRecordOfficer](#)  
**Sent:** Tuesday, November 24, 2020 11:01 AM  
**To:** [Steve Sweitzer](#)  
**Cc:** [Stacey Sidle](#)  
**Subject:** Re: UPDATED RIGHT TO KNOW

Mr. Sweitzer,

Please find time extensions attached for these 8 RTK requests.

Thank you.

*Open Records Office  
Northeastern School District  
41 Harding Street  
Manchester, PA 17345  
Phone: 717-266-3667*

On Wed, Nov 18, 2020 at 5:12 PM Steve Sweitzer <[stevesweitzer@icloud.com](mailto:stevesweitzer@icloud.com)> wrote:

Please withdraw RTK Request 10.28.2020 and see the attached 4 requests with fax confirmation. The district did not assign their own request number as they never responded.

Thanks

Steve Sweitzer

701 Cassel Rd, Lot 57

Manchester, PA 17345

(717) 870-7206

[Stevesweitzer@icloud.com](mailto:Stevesweitzer@icloud.com)

*When you see something that is not right, not fair, not just, you have to speak up. You have to say something; you have to do something. - Honorable John Lewis*

**NORTHEASTERN SCHOOL DISTRICT  
RIGHT-TO-KNOW REQUEST RESPONSE FORM**

NAME OF REQUESTOR: Mr. Steve Switzer

DATE REQUEST RECEIVED: November 18, 2020

RECORDS REQUESTED: Emails for Dr. Stacey Sidle

July 1, 2020 to July 31, 2020 (RTK 2020-20)

\_\_\_\_ Your Open Records request is attached.  
Payment is due upon receipt. Checks payable to **Northeastern School District**.  
Amount due: \$ \_\_\_\_\_

\_\_\_\_ Your Open Records request has been denied.  
Reason: \_\_\_\_\_

XXX We are requesting an extension of time up to 30 days to grant your Open Records request due to one of the following reasons.

- \_\_\_\_ 1. Redaction – the request for access requires redaction of a record.
- \_\_\_\_ 2. Retrieval Time/Remote Storage – the request for access requires retrieval of a record stored in a remote location.
- \_\_\_\_ 3. Staffing Limitations – a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations.
- \_\_\_\_ 4. Legal Review – a legal review is necessary to determine whether the requested record is a public record subject to access.
- \_\_\_\_ 5. Lack of Policy Compliance – the requester has not complied with the Board policy governing access to public records.
- \_\_\_\_ 6. Failure to Pay Fees – the requester refused to pay applicable, established fees.

XXX 7. Nature of Request – the extent or nature of the request precludes a response within the required time period.

If you have any questions concerning this response please contact: Brian Geller, Director of Operations, Northeastern School District, 41 Harding Street, Manchester, PA 17345  
717.266.3667 (phone), 717.266.5792 (fax), [openrecordofficer@nebocats.org](mailto:openrecordofficer@nebocats.org)

**NORTHEASTERN SCHOOL DISTRICT  
RIGHT-TO-KNOW REQUEST RESPONSE FORM**

NAME OF REQUESTOR: Mr. Steve Switzer

DATE REQUEST RECEIVED: November 18, 2020

RECORDS REQUESTED: Emails for Dr. Stacey Sidle

August 1, 2020 to August 31, 2020 (~~RTK~~ 2020-21)

☐ Your Open Records request is attached.  
Payment is due upon receipt. Checks payable to **Northeastern School District**.  
Amount due: \$ \_\_\_\_\_

☐ Your Open Records request has been denied.  
Reason: \_\_\_\_\_

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**NORTHEASTERN SCHOOL DISTRICT  
RIGHT-TO-KNOW REQUEST RESPONSE FORM**

NAME OF REQUESTOR: Mr. Steve Switzer

DATE REQUEST RECEIVED: November 18, 2020

RECORDS REQUESTED: Emails for Dr. Stacey Sidle

September 1, 2020 to September 30, 2020 (RTK 2020-22)

\_\_\_\_\_ Your Open Records request is attached.  
Payment is due upon receipt. Checks payable to **Northeastern School District**.  
Amount due: \$ \_\_\_\_\_

\_\_\_\_\_ Your Open Records request has been denied.  
Reason:

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**NORTHEASTERN SCHOOL DISTRICT  
RIGHT-TO-KNOW REQUEST RESPONSE FORM**

NAME OF REQUESTOR: Mr. Steve Switzer

DATE REQUEST RECEIVED: November 18, 2020

RECORDS REQUESTED: Emails for Dr. Stacey Sidle

October 1, 2020 to October 31, 2020 (RTK2020-23)

\_\_\_\_ Your Open Records request is attached.  
Payment is due upon receipt. Checks payable to **Northeastern School District**.  
Amount due: \$ \_\_\_\_\_

\_\_\_\_ Your Open Records request has been denied.  
Reason: \_\_\_\_\_

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**NORTHEASTERN SCHOOL DISTRICT  
RIGHT-TO-KNOW REQUEST RESPONSE FORM**

NAME OF REQUESTOR: Mr. Steve Switzer

DATE REQUEST RECEIVED: November 18, 2020

RECORDS REQUESTED: Emails for Mrs. Margie Walker  
July 1, 2020 to July 31, 2020 (RTK 2020-24)

\_\_\_\_ Your Open Records request is attached.  
Payment is due upon receipt. Checks payable to **Northeastern School District**.  
Amount due: \$ \_\_\_\_\_

\_\_\_\_ Your Open Records request has been denied.  
Reason:

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**NORTHEASTERN SCHOOL DISTRICT  
RIGHT-TO-KNOW REQUEST RESPONSE FORM**

NAME OF REQUESTOR: Mr. Steve Sweitzer

DATE REQUEST RECEIVED: November 18, 2020

RECORDS REQUESTED: Emails for Mrs. Margie Walker

August 1, 2020 to August 31, 2020 (RTK2020-25)

☐ Your Open Records request is attached.

Payment is due upon receipt. Checks payable to **Northeastern School District**.

Amount due: \$ \_\_\_\_\_

☐ Your Open Records request has been denied.

Reason:

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**NORTHEASTERN SCHOOL DISTRICT  
RIGHT-TO-KNOW REQUEST RESPONSE FORM**

NAME OF REQUESTOR: Mr. Steve Switzer

DATE REQUEST RECEIVED: November 18, 2020

RECORDS REQUESTED: Emails for Mrs. Margie Walker  
September 1, 2020 to September 30, 2020 (RTK2020-26)

\_\_\_\_ Your Open Records request is attached.  
Payment is due upon receipt. Checks payable to **Northeastern School District**.  
Amount due: \$ \_\_\_\_\_

\_\_\_\_ Your Open Records request has been denied.  
Reason: \_\_\_\_\_

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**NORTHEASTERN SCHOOL DISTRICT  
RIGHT-TO-KNOW REQUEST RESPONSE FORM**

NAME OF REQUESTOR: Mr. Steve Switzer

DATE REQUEST RECEIVED: November 18, 2020

RECORDS REQUESTED: Emails for Mrs. Margie Walker  
October 1, 2020 to October 31, 2020 (RTK 2020-27)

\_\_\_\_\_ Your Open Records request is attached.  
Payment is due upon receipt. Checks payable to **Northeastern School District**.  
Amount due: \$ \_\_\_\_\_

\_\_\_\_\_ Your Open Records request has been denied.  
Reason: \_\_\_\_\_

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717.266.3667 (phone), 717.266.5792 (fax), [openrecordofficer@nebocats.org](mailto:openrecordofficer@nebocats.org)

# NORTHEASTERN SCHOOL DISTRICT RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED November 18, 2020 \_\_\_\_\_

REQUEST SUBMITTED BY ☒ E-MAIL ☐ U.S. MAIL ☐ FAX ☐ IN-PERSON

NAME OF REQUESTOR: Steven Sweitzer

STREET ADDRESS: 701 Cassel Rd, Lot 57

CITY/STATE/COUNTY (Required): Manchester, PA (York)

TELEPHONE (Optional): 717-870-7206

E-MAIL ADDRESS (Optional): stevesweitzer@icloud.com

## RECORDS REQUESTED:

\*Provide as much specific detail as possible so the school district can identify the information.

This district is a local agency under Pennsylvania Right to Know Laws The district provides Dr. Sidle, a district owned and controlled email address for the function of her official position. The email address is provided to the public. This request for all incoming and outgoing emails for Dr. Sidle from July 1, 2020 to July 31, 2020.

Those email addresses are: sidles@nebocats.org. Please provide in electronic form and redact any exempt information.

DO YOU WANT TO INSPECT THE RECORDS? YES or ☒ N

DO YOU WANT A PAPER COPY OF THE REQUESTED RECORD(S)? YES or ☒ NO

\*\*Please see fee schedule. Payment due upon receipt, unless fee is in excess of \$100.00 then prepayment is required.

## Northeastern SD's Open Records Contact:

Brian Geller, Director of Operations  
Northeastern School District  
41 Harding Street, Manchester, PA 17345  
717.266.3667  
717.266.5792 (fax)  
openrecordofficer@nebocats.org

## Pennsylvania's Open Records Contact:

Erik Arneson, Executive Director  
Commonwealth of PA, Office of Open Records  
Commonwealth Keystone Building  
400 North St., Plaza Level  
Harrisburg, PA 17120-0225  
phone: 717-346-9903  
email: [openrecords@pa.gov](mailto:openrecords@pa.gov)

Date received by Open Records Officer:

**Agency Five (5) Business Day Response Due:**

**Extension Filed Date (if applicable):**

**Extension Date Due:**

# NORTHEASTERN SCHOOL DISTRICT

## RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED November 18, 2020 \_\_\_\_\_

REQUEST SUBMITTED BY ☒ E-MAIL ☐ U.S. MAIL ☐ FAX ☐ IN-PERSON

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Those email addresses are: sidles@nebobcats.org. Please provide in electronic form and redact any exempt information.

DO YOU WANT TO INSPECT THE RECORDS? YES or ☒ N

DO YOU WANT A PAPER COPY OF THE REQUESTED RECORD(S)? YES or ☒ NO

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### Northeastern SD's Open Records Contact:

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Northeastern School District  
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717.266.5792 (fax)  
openrecordofficer@nebobcats.org

### Pennsylvania's Open Records Contact:

Erik Arneson, Executive Director  
Commonwealth of PA, Office of Open Records  
Commonwealth Keystone Building  
400 North St., Plaza Level  
Harrisburg, PA 17120-0225  
phone: 717-346-9903  
email: [openrecords@pa.gov](mailto:openrecords@pa.gov)

Date received by Open Records Officer:

**Agency Five (5) Business Day Response Due:**

**Extension Filed Date (if applicable):**

**Extension Date Due:**



# NORTHEASTERN SCHOOL DISTRICT

## RIGHT-TO-KNOW REQUEST FORM

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DO YOU WANT A PAPER COPY OF THE REQUESTED RECORD(S)? YES or ☒ NO

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### Northeastern SD's Open Records Contact:

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Northeastern School District  
41 Harding Street, Manchester, PA 17345  
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717.266.5792 (fax)  
openrecordofficer@nebobcats.org

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Date received by Open Records Officer:

**Agency Five (5) Business Day Response Due:**

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DO YOU WANT TO INSPECT THE RECORDS? YES or ☒ N

DO YOU WANT A PAPER COPY OF THE REQUESTED RECORD(S)? YES or ☒ NO

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Extension Filed Date (if applicable):

Extension Date Due: