



**FINAL DETERMINATION**

IN THE MATTER OF	:	
	:	
CHARLES HOYER,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2021-0196
	:	
DAUPHIN COUNTY,	:	
Respondent	:	

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* Upon review of the file, the appeal is **dismissed** for the following reason:

On November 18, 2020, Charles Hoyer (“Requester”), an inmate at SCI-Laurel Highlands, mailed a RTKL request (“Request”) to Dauphin County (“County”), seeking “copies of the employment application, resume and all other documents regarding the hire of former Deputy District Attorney Casey Shore, all changes in his employment status, including when he left employment.” On December 22, 2020, after extending its time to respond by thirty days, *see* 65 P.S. § 67.902(b)(2), the County partially denied the Request, providing redacted copies of responsive Personnel Action Forms, and asserting that the responsive employment application and resume are judicial records. On January 28, 2021, the Requester appealed to the Office of Open

Records (“OOR”), challenging the denial of the responsive employment application and resume and stating grounds for disclosure.

As stated above, the County issued its response to the Request on December 22, 2020.<sup>1</sup> As such, the Requester had fifteen business days from that date, or until January 14, 2021, to file an appeal. *See* 65 P.S. § 67.1101(a)(1). Because the Requester did not file the appeal until January 28, 2021, the appeal is **dismissed as untimely**.<sup>2</sup>

For the foregoing reason, the County is not required to take any further action. 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 Dauphin 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 as per 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.<sup>3</sup> This Final Determination shall be placed on the OOR’s website at: <https://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: March 1, 2021**

/s/ Magdalene C. Zeppos-Brown  
MAGDALENE C. ZEPPOS-BROWN, ESQ.  
APPEALS OFFICER

Sent to: Charles Hoyer, JH1287 (via U.S. mail only); and  
J. Scott Burford, AORO (via email only)

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<sup>1</sup> Of note, the County states that the Requester “refused” to accept the responsive records that were mailed to him. The County provided a copy of the returned envelope, which indicates that the responsive records were mailed directly to the Requester at the address for SCI-Laurel Highlands in Somerset, Pennsylvania, as opposed to being mailed to the Requester through Smart Communications in St. Petersburg, Florida. Because the records were not mailed to the Requester through Smart Communications, it is unclear whether the Requester had the ability to refuse acceptance of the County’s mail.

<sup>2</sup> The Requester’s appeal was placed in the Pennsylvania Department of Corrections’ mail system on January 21, 2021, and, thus, is still considered untimely under the “prisoner mailbox rule.” *See Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997).

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