

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: April 5, 2021

IN RE: *Terry Diaz-Bradley v. Upper Darby Township*, OOR Dkt. AP 2021-0699

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 Township’s Open Records Officer on March 29, 2021. The Township had five (5) business days to respond, or until April 5, 2021 in this instance. 65 P.S. § 67.901. The appeal was submitted to the OOR on April 5, 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 Township 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 Delaware 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/ Joshua Young*

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Appeals Officer  
Joshua Young, 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).