

FINAL DETERMINATION

DATE ISSUED AND MAILED: June 16, 2021

IN RE: *Stephen Piner v. Blair County*, OOR Dkt. AP 2021-1174

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 mailed to the County’s Open Records Officer on June 2, 2021. Even assuming the Request was received on the next business day, June 3, 2021, the County had five (5) business days to respond, or until June 10, 2021.¹ 65 P.S. § 67.901. The appeal was mailed to the OOR on June 10, 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 County 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 Blair 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.²

Issued by:

/s/ Kyle Applegate

Chief Counsel
Kyle Applegate, Esq.

Sent to: Requester, Agency Open Records Officer

¹ Because the Request was mailed, it is unlikely that the Request was received on June 3, 2021. If the Request was received later than that date, the appeal is even more premature.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).