

FINAL DETERMINATION

DATE ISSUED AND MAILED: June 17, 2021

IN RE: *Joshua Monighan v. Pennsylvania State Police*, OOR Dkt. AP 2021-1193

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 Pennsylvania State Police’s (“PSP”) Open Records Officer on June 10, 2021. PSP timely invoked a thirty-day extension of time to respond on June 17, 2021. 65 P.S. § 67.902(b)(1). The extension was invoked for a permissible reason under the RTKL, 65 P.S. §§ 67.902(a)(7), and the OOR will not review the PSP’s discretion to invoke such an extension. Under the extension, PSP has five (5) business days, followed by thirty (30) calendar days, from June 10, 2021 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, PSP has until July 19¹, 2021 to respond to the Request. The appeal was submitted to the OOR on June 17, 2021. The Requester is not prohibited from filing a new appeal to the OOR after July 19, 2021 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, PSP 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 in Commonwealth Court. 65 P.S. § 67.1301(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 5 business days followed by 30 calendar days from June 10, 2021 would fall on a Saturday, July 17, 2021, the deadline to issue a final response moves to the next business day, July 19, 2021.

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