

## **FINAL DETERMINATION**

DATE ISSUED AND MAILED: October 13, 2021

IN RE: *Scott Paglia v. City of Monessen*, OOR Dkt. AP 2021-2125

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 City’s Open Records Officer on October 1, 2021. The City had five (5) business days to respond, or until October 8, 2021 in this instance. 65 P.S. § 67.901. The appeal was submitted on October 8, 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 City 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 Westmoreland 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*

---

Deputy Chief Counsel  
Joshua Young

Sent to: Requester, Agency Open Records Officer

---

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