

### **FINAL DETERMINATION**

DATE ISSUED AND MAILED: October 14, 2021

IN RE: *Ellen Wright v. Town of McCandless*, OOR Dkt. AP 2021-2152

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 untimely.** The Town denied the Request on September 20, 2021. Appeals of denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by October 12, 2021 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was submitted on October 13, 2021. Requester is not prohibited from refileing the request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Town 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 Allegheny 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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Deputy Chief Counsel  
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).