

OOB RESPONSE TO PETITION FOR RECONSIDERATION

DATE ISSUED AND MAILED: November 1, 2021

IN RE: *Thomas Casey v. Lawrence County*, OOR Dkt. AP 2021-1942

Upon review of the petition for reconsideration filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the petition is **DENIED** because:

In this Final Determination, the OOR dismissed the appeal, finding that the appeal was premature based upon the affidavit of the County’s Open Records Officer. The Requester seeks reconsideration, setting forth his interactions with County officials/employees.

Assuming that the statements contained in the Petition for Reconsideration are true, the officials/employees named are not the County’s Open Records Officer. Although agency employees have an obligation to “forward requests for records to the open-records officer,” 65 P.S. § 67.703, an agency’s time for responding to a request only begins upon receipt of that request by the agency’s open records officer. 65 P.S. § 67.901. The County’s Open Records Officer, Carolyn Flannery-Long, provided sworn evidence that neither she nor her assistant received the request before the appeal. As a result, the OOR was constrained to dismiss the appeal as premature under Section 901 of the Right-to-Know Law, and I cannot conclude that the Appeals Officer erred in doing so. Therefore, this Petition for Reconsideration must be denied.

As noted in the Final Determination, nothing prohibits you from filing a new request with the County’s Open Records Officer. Her email address is cflannery@LawrenceCountyPA.gov, and more information about the County’s Right-to-Know Law Office can be found at <https://lawrencecountypa.gov/residents/right-to-know/>.

Issued by:

/s/ Kyle Applegate

CHIEF COUNSEL

Sent to: Thomas Casey (via email only);
Carolyn Flannery-Long, AORO (via email only)