

FINAL DETERMINATION

DATE ISSUED AND MAILED: January 21, 2022

IN RE: *Todd Kuzdzal v. Erie County*, OOR Dkt. AP 2022-0149

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.¹ The County denied the Request on December 22, 2021. Appeals of denied Right-to-Know requests must be filed within 15 business days of the mailing date of the agency’s response, or in this instance, by January 14, 2022.² See 65 P.S. § 67.1101(a)(1). The appeal was filed on January 19, 2022. The Requester is not prohibited from making a new request for these records and, if necessary, filing a new appeal 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 Erie 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.³

Issued by:

/s/ Kathleen A. Higgins

Kathleen A. Higgins
Deputy Chief Counsel

Sent to: Todd Kuzdzal (via email only);
William S. Speros, Esq. (via email only)

¹ Additionally, the appeal is not sufficient, as the Requester does not address the County’s reasons for denial or the public nature of the requested records. 65 P.S. § 67.1101(a)(1).

² With his appeal filing, the Requester also included copies of an October 15, 2021 request, along with a response from the County dated October 20, 2021. It is unclear whether the Requester intends to appeal the County’s October 20, 2021 response; regardless, the appeal is untimely.

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