



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
NINA BAKER,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2022-0982
	:	
NORTHERN YORK COUNTY REGIONAL	:	
POLICE DEPARTMENT,	:	
Respondent	:	

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 as untimely** for the following reason:

On March 7, 2022, Nina Baker (“Requester”) submitted a request (“Request”) to the Northern York County Regional Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

1. Report from 12/26/21 IR #2021-056438
2. Report from 1/25/22 against Daniel (Dan) Deickman [...]

On March 10, 2022, the Department partially granted the Request and partially denied, arguing that Item 1 is exempt as it relates to part of a criminal investigation. *See* 65 P.S. § 67.708(b)(16).

On April 25, 2022, the Requester appealed to the OOR, challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the

Department to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

Section 1101(a) of the RTKL states that an appeal must be filed within fifteen business days of a denial or deemed denial. 65 P.S. § 67.1101(a)(1). Here, the Request was partially denied on March 10, 2022, and the appeal had to be filed within 15 business days of the deemed denial, or by March 31, 2022. Because the Requester filed her appeal on April 25, 2022, the appeal is untimely and must be **dismissed**.¹ This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the York 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 as per Section 1303 of the RTKL. 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 This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: MAY 16, 2022

/s/ Matthew Eisenberg

APPEALS OFFICER
MATTHEW EISENBERG, ESQ.

Sent to: Nina Baker (via email only);
James Kulak (via email only);
Heather Billet (via email only)

¹ The Requester is not prohibited from refiling the request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

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