

FINAL DETERMINATION

DATE ISSUED AND MAILED: May 18, 2022

IN RE: *Troy Greene v. Middle Taylor Township Sewage Authority*, OOR Dkt. AP 2022-1194

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 sent via first class mail to the Authority’s Open Records Officer on May 10, 2022. Agencies have five (5) business days upon receipt of a request to respond. 65 P.S. § 67.901. The appeal was submitted to the OOR on May 17, 2022, five business days after it was mailed. Thus, the Requester did not allow sufficient time before filing the appeal. 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 Authority 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 Bedford 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.¹

Issued by:

/s/ Kyle Applegate

Chief Counsel
Kyle Applegate, Esq.

Sent to: Requester (via email), Agency Open Records Officer (via email)

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