

RESPONSE TO PETITION FOR RECONSIDERATION

DATE ISSUED AND MAILED: June 2, 2022

IN RE: *David Bayne v. City of Lower Burrell*, OOR Dkt. AP 2022-1011

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 **GRANTED** because:

In this Final Determination, the OOR held that the City did not meet its burden of proving that records were protected under the Copyright Act. Central to that finding was the fact that the Appeals Officer requested more information from the City regarding the copyright claims, and the City did not respond.

The City has filed a petition for reconsideration, as its solicitor claims that neither he nor the City received the Appeals Officer’s request for additional information. In the alternative, the City has asked the OOR to vacate the Final Determination.

For the above reason, the OOR will grant reconsideration and permit the City to respond to the Appeals Officer’s request for additional information. The City shall submit its response by June 9, 2022. Mr. Bayne may submit a response to this grant of reconsideration, and/or a response to the City’s provision of additional information, by June 16, 2022.

We note here that in the absence of applicable OOR regulations regarding petitions for reconsideration, this office will follow the procedures set forth in Pennsylvania General Rules of Administrative Practice and Procedure, 1 Pa. Code Section 35.241.

Issued by:

/s/ Kyle Applegate

CHIEF COUNSEL
Kyle Applegate

Sent to: David Bayne (via email);
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