

FINAL DETERMINATION

DATE ISSUED AND MAILED: June 23, 2022

IN RE: *Michael Ierino v. Union Township (Washington County)*, OOR Dkt. AP 2022-1454

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 submitted to the Township on May 10, 2022. The Township timely invoked a thirty-day extension on May 10, 2022. 65 P.S. § 67.902(b)(1). Under the extension, the Township had five (5) business days, followed by thirty (30) calendar days, from May 10, 2022 to respond to the Request. upon receipt to respond to the Requests. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Township had until 11.59 p.m. on June 16, 2022 to respond. The appeal was filed on June 16, 2022 before the expiration of the Township’s ability to respond. The Requester is not prohibited from filing a new appeal 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 Township 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 Washington 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

Appeals Officer
Kyle Applegate, Esq.

Sent to: Requester (via email)
Union Township – Washington County (via email)

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