

FINAL DETERMINATION

DATE ISSUED AND MAILED: June 23, 2022

IN RE: *Valeriya Frompovicz v. Pennsylvania State Police*, OOR Dkt. AP 2022-1483

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 Pennsylvania State Police (“PSP”) on June 11, 2022. Therefore, the Request is deemed received by the PSP on the next business day, June 13, 2022. The PSP had five (5) business days from June 13, 2022 to respond, or until 11.59 p.m. on June 21, 2022. 65 P.S. § 67.901. The appeal was submitted to the OOR on June 18, 2022. 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 PSP 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 Commonwealth Court . 65 P.S. § 67.1301(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).