

FINAL DETERMINATION

DATE ISSUED AND MAILED: December 6, 2018

IN RE: *Leon Ryans v. City of Philadelphia*, OOR Dkt. AP 2018-2082

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 deficient for the reason(s) specified below. Accordingly, the appeal is **DISMISSED**.

- Appeal filed beyond fifteen (15) business days of denial/deemed denial.
- Appeal failed to include a copy of the Request and/or agency Response.
- Appeal failed to state why records are public records and/or address agency grounds for denial.
- OOR lacks jurisdiction over agency from which records are sought or local agency criminal investigative records.
- Request does not seek records.

Other: Appeal is untimely. Agency invoked a 30-day extension to respond on August 23, 2018. 65 P.S. § 67.902(b). Agency had 5 business days and 30 calendar days from receipt of the Request to respond, or until September 24, 2018. Request would have been deemed denied on that date. 65 P.S. § 67.902(b)(2). Appeals of deemed denied requests must be filed within fifteen business days. 65 P.S. 67.1101(a)(1). Here, the appeal was due October 16, 2018 and the appeal was postmarked November 26, 2018. Requester is not prohibited from refileing the Request and a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to the Philadelphia 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 Section 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

Sent to: Leon Ryans (via first class mail only); Jill Freeman (via email only)

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