

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: January 10, 2019

IN RE: *Giuseppe Craney-Monticello v. Springfield Township School District*, OOR Dkt. AP 2019-0038

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 premature. Request emailed January 2, 2019 at 11:16 p.m. Assuming the Request was received by the Agency’s Open Records Officer on January 3, 2019, the next business day, the Agency had until January 10, 2019 to respond in this instance. 65 P.S. § 67.901. Appeal dated January 10, 2019. Appeal may be filed after agency response or 11:59:59 p.m. of January 10, 2019, whichever comes first.

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to the Montgomery 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.<sup>1</sup>

Issued by:

/s/ Kyle Applegate

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Appeals Officer  
Kyle Applegate

Sent to: Giuseppe Craney-Monticelli, Requester (via email only);  
Dr. Nancy Hacker, Agency Open Records Officer (via email only).

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