

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 9, 2019

IN RE: *Michael Johnson v. Parryville Borough*, OOR Dkt. AP 2019-1501

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**, and the agency is not required to take any further action.

- 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.
- OOR lacks jurisdiction over local agency criminal investigative records.
- Other: Appeal is premature. Request submitted August 26, 2019. Assuming the Request was received that day, the Agency had five business days, or until September 3, 2019, to respond in this instance. 65 P.S. § 67.901. Appeal submitted September 5, 2019. OOR allows three days for receipt of a response through U.S. Mail before filing an appeal, pursuant to Section IV(C)(5)(b)(i) of the OOR Procedural Guidelines. Appeal may be filed after Agency response or 11:59:59 p.m. of September 6, 2019, whichever comes first.

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with Carbon 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

Sent to: Requester, Agency Open Records Officer

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