

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: September 9, 2019

IN RE: *Calvin Thompkins v. Cumberland County*, OOR Dkt. AP 2019-1485

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. Request emailed to Agency Open Records Officer on July 31, 2019 at 10:54 PM. Assuming Request was received on the next business day, August 1, 2019, Request was deemed denied five days after its receipt, or on August 8, 2019. 65 P.S. § 67.901. Appeals of deemed denied requests must be filed within fifteen business days. 65 P.S. § 67.1101(a)(1). Here, the appeal was due on August 29, 2019 and the appeal was received on September 5, 2019. Requester is not prohibited from refiling the Request, and if necessary, filing an 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 Cumberland 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>11</sup>

Issued by:

/s/ Kyle Applegate

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Appeals Officer  
Kyle Applegate

Sent to: Requester, Agency Open Records Officer

<sup>11</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).