

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: September 11, 2019

IN RE: *Lindsay Dunn v. Coatesville City*, OOR Dkt. AP 2019-1522

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.
- Appeal failed to address agency grounds for denial of access to records.
- OOR lacks jurisdiction over agency from which records are sought.
- OOR lacks jurisdiction over local agency criminal investigative records.
- Other: Agency denied Request on April 6, 2017. Appeals of denied requests must be filed “within 15 business days of the mailing date of the agency’s response.” 65 P.S. § 67.1101(a)(1). Appeal was due no later than April 27, 2017. Appeal submitted September 9, 2019. Requester is not prohibited from refling the request and, if necessary, filing 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 with the Chester 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.<sup>1</sup>

Issued by:

/s/ Kyle Applegate

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Appeals Officer  
Kyle Applegate

Sent to: Requester, Agency Open Records Officer

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