

FINAL DETERMINATION

DATE ISSUED AND MAILED: January 15, 2020

IN RE: *Jack Garner v. Derry Township Police Department*, OOR Dkt. AP 2020-0066

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 **DISMISSED** because:

The appeal is premature. Request received by Agency on December 5, 2019. Agency timely invoked a 30-day extension on December 12, 2019. 65 P.S. § 67.902(b)(1). Agency had 5 business days plus 30 calendar days, or until January 13, 2020, to issue a final response. Appeal was filed on January 13, 2020. Appeal may be refiled to challenge any denial or deemed denial of the Request.

For this reason, the Police Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Dauphin 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

Kyle Applegate
Appeals Officer

Sent to: Jack Garner (via email);
Chief Garth Warner, Open Records Officer (via first class mail)

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