



FINAL DETERMINATION

DATE ISSUED AND MAILED: January 12, 2018

IN RE: *Edward Kennedy v. Minersville Borough*, OOR Dkt. AP 2018-0060

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 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.
- Request does not seek records.
- Other: Appeal is premature. Request dated January 3, 2018. Agency response due in 5 business days or January 10, 2018. Appeal filed on January 11, 2018. OOR allows three days for mailing a response 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 January 13, 2018, whichever comes first.

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to the Schuylkill 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.¹

Issued by:

/s/ Charles Rees Brown

Chief Counsel
Charles Rees Brown

Sent to: Requester, Agency Open Records Officer

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