

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 26, 2023

IN RE: *Michael Molinaro v. Leet Township*, OOR Dkt. AP 2023-2582

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. The Request was submitted to the Township on October 24, 2023. The Township timely invoked a thirty-day extension of time to respond on October 25, 2023. 65 P.S. § 67.902(b)(1). Under the extension, the Township has five (5) business days, followed by thirty (30) calendar days, from October 24, 2023 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Township has until November 30, 2023 to respond to the Request. The appeal was submitted to the OOR on October 25, 2023.

For this reason, the Township 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 Allegheny 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 All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Joshua Young

Senior Deputy Chief Counsel
Joshua Young, Esq.

Sent to: Requester; Leet Township, Agency Open Records Officer

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