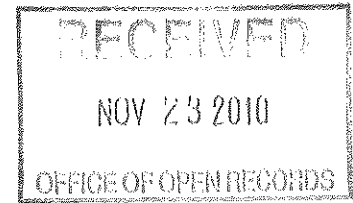


November 19, 2010

Commonwealth of Pennsylvania  
Office of Open Records  
Commonwealth Keystone Building  
400 North Street, 4<sup>th</sup> Floor  
Harrisburg, PA 17120-0225



RE: Docket AP 2010-0935

Good afternoon:

I am in receipt of Mr. Jeffrey J. Wood's November 8, 2010 letter (enclosed) in which my appeal (Docket AP 2010-0935) is "DISMISSED AS UNTIMELY". He mentions the time-line of my initial request (August 19, 2010), with the agency's five business day response period ending on August 26, 2010, and states that since no thirty (30) day extension letter was sent by the agency as required by Section 902, then my filing of the appeal (on October 5, 2010), was untimely.

Respectfully, some of that information is incorrect and I wish to formally PETITION FOR RECONSIDERATION.

The date of the Open Record Request was August 19, 2010.

On August 26, 2010, I received a letter (enclosed) from the agency (the Keystone Oaks School District - via the Law Firm of Ira Weiss) declaring that the extension was needed to review my request for access, and that I should receive a written response on or before September 24, 2010.

On September 24, 2010 I received that written response, denying the request.

This appeal (Docket AP 2010-0935) was filed on October 5, 2010.

Review of these dates shows that all responses were timely and in full accordance with the RTKL and the Office of Open Records. And it must also be noted that in the letter Mr. Wood references that "Although the Requestor and School District were negotiating resolution of a prior request, there was no thirty (30) day extension letter sent as required by Section 902, and verbal negotiations do not toll the response or appeal periods." My appeal does contain some evidence from the attempted settlement of a prior request, but all of the dates of that correspondence precede this August 19, 2010 request. And all negotiations concerning that prior request were finished before this August 19, 2010 request.

I believe this evidence completely contradicts the reasons for dismissing this appeal as untimely and I hope to have the opportunity to receive a ruling on the actual substance of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Hartnett".

Joseph Hartnett

cc: Ms. Gwen Walker (Keystone Oaks School District)  
Mr. G. William Myers (L.R. Kimball)



**pennsylvania**  
OFFICE OF OPEN RECORDS

November 8, 2010

Joseph Hartnett  
3505 Rosalia Avenue  
Pittsburgh, PA 15234

Gwen Walker  
Open Records Officer  
Keystone Oaks School District  
1000 Kelton Avenue  
Pittsburgh, PA 15216

RE: Docket AP 2010-0935  
**DISMISSED AS UNTIMELY**

Dear Parties:

I write in regard to the above appeal. Upon review of the file the appeal is dismissed for the following reason:

Section 901 requires an agency to respond to a written request for records within five (5) business days of receipt of the request. The request was received by the agency on August 19, 2010. The five business day response period ended on August 26, 2010 and the request was, therefore, deemed denied. A Requester must appeal within fifteen (15) business days of an agency's denial or deemed denial. In this case, the appeal was required to be filed on or before September 16, 2010. The appeal was filed on October 5, 2010 and is, therefore, untimely.

Although the Requester and School District were negotiating resolution of a prior request, there was no thirty (30) day extension letter sent as required by Section 902, and verbal negotiations do not toll the response or appeal periods.

The file is now closed and no further action will be taken. This final determination is binding on the parties. Within thirty (30) days of the mailing date of this Determination, either party may appeal to the Allegheny County Court of Common Pleas. All parties must be served with notice of the appeal. The Office of Open Records also shall be served notice and have an opportunity to respond according to court rules. 65 P.S. §67.1302.

Very truly yours,

  
Jeffrey J. Wood  
Appeals Officer

THE LAW  
OFFICES OF  
I R A  
WEISS

445 Fort Pitt Boulevard  
Suite 503  
Pittsburgh, PA 15219

Phone: 412.391.9890  
Fax: 412.391.9685

[www.weisslawoffices.com](http://www.weisslawoffices.com)

August 26, 2010

Joseph Hartnett  
3505 Rosalia Avenue  
Pittsburgh, PA 15234

**RE: KEYSTONE OAKS SCHOOL DISTRICT  
RIGHT TO KNOW REQUEST**

Dear Mr. Hartnett:

The Keystone Oaks School District received your Right to Know request on August 19, 2010, seeking copies of "whatever documents that show the payments made to cover the fees for those [background] checks." A copy of your request is enclosed. This letter constitutes the initial response to your request under the Right to Know Law ("RTKL"), 65 P.S. § 67.901.

The District is currently reviewing your request for access. This review is necessary because your request requires a legal review to determine whether the requested records exist and are public records subject to access, the request may require redaction, and the request may require retrieval from a remote location. 65 P.S. § 67.902(a)(1), (2), and (4). It is anticipated that you will receive a written response on or before September 24, 2010. 65 P.S. § 67.902(b)(2). Please be advised that there is a copying fee of \$0.25 per page.

Very truly yours,



Ira Weiss

Enclosure

cc: William Urbanek, Ed.D., Superintendent  
Gwen Walker, Director of Fiscal Services

Affiliated with  
King, Spry, Herman,  
Freund & Paul, LLC  
One Bethlehem Place  
Suite 700  
Bethlehem, PA 18018

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August 26, 2010

Joseph Hartnett  
3505 Rosalia Avenue  
Pittsburgh, PA 15234

**RE: KEYSTONE OAKS SCHOOL DISTRICT  
RIGHT TO KNOW REQUEST**

Dear Mr. Hartnett:

The Keystone Oaks School District received your Right to Know request on August 19, 2010, seeking copies of "whatever documents that show the payments made to cover the fees for those [background] checks." A copy of your request is enclosed. This letter constitutes the initial response to your request under the Right to Know Law ("RTKL"), 65 P.S. § 67.901.

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Very truly yours,



Ira Weiss

Enclosure

cc: William Urbanek, Ed.D., Superintendent  
Gwen Walker, Director of Fiscal Services

Affiliated with  
King, Spry, Herman,  
Freund & Faul, LLC  
One Bethlehem Place  
Suite 700  
Bethlehem, PA 18018



November 29, 2010

Joseph Hartnett  
3505 Rosalia Avenue  
Pittsburgh, PA 15234

RE: Petition for Reconsideration received November 23, 2010, OOR Dkt. AP 2010-0935

Dear Mr. Hartnett:

We are in receipt of your Request for Reconsideration received in connection with the office of Open Records final determination in *Hartnett v. Keystone Oaks School District*, OOR Dkt. AP 2010-0935. We hereby grant your Request.

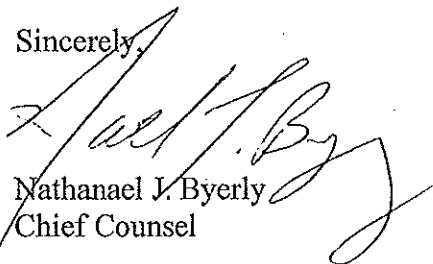
We note here that in the absence of applicable Office of Open Records interim regulations regarding petitions for reconsideration, this office will follow the procedures set forth in Pennsylvania General Rules of Administrative Practice and Procedure, 1 Pa. Code Section 35.241.

We also note that the agency, Keystone Oaks School District, may file a response in the nature of an answer within 15 days of the issuance of this order granting reconsideration on or by December 14, 2010.

This office will issue a determination responsive to this Petition for Reconsideration no later than 30 days from the date your Petition was filed (November 23, 2010) or by December 23, 2010.

Please contact me if you have any further questions.

Sincerely,

  
Nathanael J. Byerly  
Chief Counsel

cc: Terry Mutchler, Executive Director, Office of Open Records  
Gwen Walker