

PROOF OF SERVICE

I, Paul Parker, hereby certify that I am on this day serving the foregoing NOTICE OF APPEAL upon the person(s) and in the manner indicated below.

SERVICE BY U.S. POSTAL SERVICE, via, SCI-MAHANoy PRISON
AUTHORITIES AS FOLLOWS:

Office of the District Attorney
Three South Penn Square
Philadelphia, PA 19107

Pennsylvania Office of Open Records
Commonwealth Keystone Building
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Harrisburg, PA 17120-0225

Date: 2-16-11

Respectfully Submitted



Paul Parker, CQ-7975

SCI-Mahanoy

301 Morea Road

Frackville, PA 17932



January 28, 2011

Via U.S. Mail

Paul Parker
No. CQ-7975
SCI Mahonoy
301 Morea Rd.
Frackville, PA 17932

First Asst. D.A.
Philadelphia DA
Three South Penn Square
Philadelphia, PA 19107

Re: AP 2011-0078, Parker v. Philadelphia District Attorney ("District Attorney")

DISMISSED AS UNTIMELY

Dear Parties:

On October 24, 2010, the Requester Mr. Parker submitted a request for records to the District Attorney. There is no other request at issue in this appeal. The appeal states that it is appealing the District Attorney's lack of a response to his *appeal* to that agency rather than to the October request.


The appeal filed on January 24, 2011 relating to the October is untimely. Further, to the extent Mr. Parker seeks to appeal the District Attorney Appeals Officer's lack of response to his appeal, he was required to file it with the Court of Common Pleas within fifteen business days of the deemed denial of his appeal.

For the foregoing reasons, the Requester's appeal is **dismissed as untimely** and the agency is not required to take any further action. This final determination is binding on all parties. Within thirty (30) days of the mailing date of this Final Determination, any party may appeal to the Philadelphia County Court of Common Pleas. 65 P.S. § 67.1301(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 of the RTKL.

Please disregard any correspondence you receive to the contrary. Thank you.

Please note the OOR website contains helpful information regarding the procedure surrounding both the request and appeal process under the RTKL at <http://openrecords.state.pa.us>.

Very truly yours,


Lucinda Glinn
Appeals Officer

