

presented for payment by consulting engineer Paul Gaus, individually and/or on behalf of The Gateway Engineers, Inc. over the period 01/01/2008 through 12/07/2009 along with the Borough's copies of paid receipts for these invoices. After receiving no response from the Borough within the five (5) business days permitted, the Requester timely appealed the deemed denial on December 22, 2009. The appeal only references the request for the invoices and does not include the paid receipts. On the same day the undersigned invited submission of information from both parties. On December 30, 2009 the Borough open records officer, Linda Salzmann, responded by enclosing a letter sent to the Requester on December 9, 2009 extending the deadline to respond to her requests (hereinafter, "Extension Letter"). The application of the Extension Letter to the instant appeal was challenged and ultimately the OOR determined that it did not apply and continued to process the Appeal. *See Gross v. Versailles Borough*, OOR Dkt. AP 2009-1128.

On January 20, 2010 the Borough provided the Affidavit of Linda Salzmann signed subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsifications to authorities stating that "the invoices have been copied for you; there are 132 pages at a charge of \$33.00"

LEGAL ANALYSIS

Pursuant to section 67.503(a), the OOR is authorized to hear appeals for all Commonwealth and local agencies. 65 P.S. §67.503(a). The Borough is a local agency subject to the disclosure requirements of the RTKL, 65 P.S. §67.3012. Through the Affidavit of its Open Records Officer the Borough has provided sufficient evidence that

it has responded to this request and made the requested records available to the Requester to pick up. Therefore, the appeal is dismissed as moot.

CONCLUSION

For the foregoing reasons, this appeal is **dismissed**. The Borough is not required to take any further action. The parties are advised that this is a Final Determination. Within thirty (30) days of the mailing date of this determination, it may be appealed to the Allegheny County Court of Common Pleas. In the event of an appeal for judicial review, all parties must be served with notice of the appeal. The OOR shall be served notice in accordance with Section 1301 and have an opportunity to respond to any appeal for judicial review.

The parties are advised that this Final Determination will be posted on the Office of Open Records website at: <http://openrecords.state.pa.us>

FINAL DETERMINATION ISSUED AND MAILED: February 3, 2010



AUDREY BUGLIONE, ESQ.
Appeals Officer

Sent to: Heather Gross
Linda Salzmann