



FINAL DETERMINATION

DATE ISSUED AND MAILED: April 28, 2026

IN RE: *Cynthia Roberts v. Montgomery Borough*; OOR Dkt. AP 2026-1661

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 untimely. The Request was denied by Montgomery Borough (“Borough”) on April 1, 2026.¹ Appeals of denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by April 22, 2026 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on April 24, 2026. The Requester is not prohibited from refileing the Request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Borough 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 Lycoming 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.² 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 T. Young

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent via E-File Portal to: Requester; Agency Open Records Officer, Montgomery Borough

¹ The appeal file indicates the Borough’s final response was dated April 21, 2026; however, the appeal file included an email dated April 1, 2026 which the OOR is treating as the Borough’s final response.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).