



FINAL DETERMINATION

DATE ISSUED AND MAILED: May 13, 2026

IN RE: *James Ersher v. Sewickley Borough*; OOR Dkt. AP 2026-1843

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 received by Sewickley Borough (“Borough”) on April 6, 2026.¹ As noted on the appeal form, the Borough did not respond within five business days, and the Request was, therefore, deemed denied on April 13, 2026.² Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by May 4, 2026 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on May 8, 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 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.³ 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, Sewickley Borough

¹ The appeal did not include a copy of the Request; therefore, the appeal is also insufficient under 65 P.S. § 67.1101(a)(1).

² The Requester did not include a copy of an extension notice or otherwise indicate that the Borough invoked an extension of time to respond to the Request pursuant to 65 P.S. § 67.902(b).

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