



## FINAL DETERMINATION

DATE ISSUED AND MAILED: June 5, 2026

IN RE: *Matthew Tighe v. Elk Township*; OOR Dkt. AP 2026-2171

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 appeal file indicates the Request was received by Elk Township (“Township”) on March 31, 2026. The Township had five (5) business days to respond to the Request and because the Township did not respond invoking an extension of time to respond to the Request by April 7, 2026, the Request was deemed denied.<sup>1</sup> Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by April 28, 2026 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on June 3, 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).<sup>2</sup>

For this reason, the Township 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 Warren 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.<sup>3</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

*/s/ Joshua T. Young*

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Senior Deputy Chief Counsel  
Joshua T. Young, Esq.

Sent via E-File Portal to: Requester; Agency Open Records Officer, Elk Township

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<sup>1</sup> Along with the appeal documents, the Requester provided an extension email dated April 8, 2026 and additional correspondence issued by the Township after April 7, 2026; however, as more fully explained above, the Request had already been deemed denied as a matter of law. *See* 65 P.S. § 67.902(b).

<sup>2</sup> Notably, the Township solicitor’s Mary 29, 2026 letter explained that a search was conducted and that all responsive records were provided to the Requester.

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