



## FINAL DETERMINATION

DATE ISSUED AND MAILED: June 8, 2026

IN RE: *Justin Everett v. Homestead Borough*, OOR Dkt. AP 2026-2215

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 premature.** The Request was received by Homestead Borough (“Borough”) on June 1, 2026.<sup>1</sup> The Borough has five (5) business days upon receipt of the Request to respond. 65 P.S. § 67.901. As a result, the Borough has until 11:59:59 p.m. on June 8, 2026 to respond to the Request. The appeal was submitted to the OOR on June 5, 2026; thus, the Requester did not allow sufficient time before filing the appeal. The Requester is not prohibited from filing a new appeal to the OOR of any denial or deemed denial stemming from the Request, 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.<sup>2</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, Homestead Borough

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<sup>1</sup> The appeal filed indicates the Request was emailed to the Borough on May 31, 2026, a Sunday; therefore, it is considered received the next business day, Monday, June 1, 2026.

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