



## FINAL DETERMINATION

DATE ISSUED AND MAILED: June 17, 2026

IN RE: *Francis Scarcella v. Columbia-Montour Area Vocational Technical School*, OOR Dkt. AP 2026-2337

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 submitted to the Columbia-Montour Area Vocational Technical School (“CMAVTS”) on May 9, 2026, a Saturday.<sup>1</sup> The CMAVTS timely invoked a thirty-day extension of time to respond on May 15, 2026. 65 P.S. § 67.902(b)(1). Under the extension, the CMAVTS had five (5) business days, followed by thirty (30) calendar days, to respond to the Request. 65 P.S. § 67.902(b)(1)-(2). As a result, the CMAVTS had, at the very least, until June 15, 2026 to respond.<sup>2</sup> The appeal was submitted to the OOR on the morning of June 15, 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 CMAVTS 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 Columbia 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/ Kyle Applegate*

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Chief Counsel  
Kyle Applegate, Esq.

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

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<sup>1</sup> Therefore, the Request is considered received by the agency on the next business day, Monday, May 11, 2026. However, even if we calculated the date from May 9<sup>th</sup>, the appeal remains premature.

<sup>2</sup> When calculating thirty days from May 15<sup>th</sup>, the thirtieth day lands on a Sunday, June 14, 2026. However, this means the last date moves to the following business day, June 15, 2026.

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