



## FINAL DETERMINATION

DATE ISSUED AND MAILED: June 17, 2026

IN RE: *Esther Franklin v. Westmoreland County*; OOR Dkt. AP 2026-2326

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.** As indicated by the appeal file, the Request was denied by Westmoreland County (“County”) on February 18, 2026. Appeals of denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by March 11, 2026 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on June 13, 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 County 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 Westmoreland 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>1</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, Westmoreland County

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<sup>1</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).