



FINAL DETERMINATION

DATE ISSUED AND MAILED: June 17, 2026

IN RE: *Elton Landheart v. PennWest University*; OOR Dkt. AP 2026-2328

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 denied by PennWest University (“University”) on May 11, 2026.¹ Appeals of denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by June 1, 2026 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was received by the OOR on June 15, 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 University 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 Commonwealth Court. 65 P.S. § 67.1301(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.² 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/ Kyle Applegate

Chief Counsel
Kyle Applegate, Esq.

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

¹ The appeal included a second agency response dated April 9, 2026. To the extent the Requester intended to appeal the April 9, 2026 response, any appeal of that response would be untimely as well.

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