



## FINAL DETERMINATION

DATE ISSUED AND MAILED: June 18, 2026

IN RE: *A. Miller v. St. Marys City*, OOR Dkt. AP 2026-2319

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 St. Marys City (“City”) on June 5, 2026. The City had five (5) business days upon receipt of the Request to respond. 65 P.S. § 67.901. As a result, the City had until 11:59:59 p.m. of June 12, 2026 to respond to the Request.<sup>1</sup> The appeal was submitted to the OOR on June 12, 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 City 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 Elk 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/ Kyle Applegate*

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Chief Counsel  
Kyle Applegate, Esq.

Sent via E-File Portal to: Requester; Agency Open Records Officer, St. Marys City

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<sup>1</sup> When originally filed, the appeal documents did not include a copy of the Request, resulting in the issuance of a Notice of Deficiency Order. On June 16, 2026, the Requester provided the document and cured the deficiency. However, as more fully explained above, the appeal is premature.

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