



## FINAL DETERMINATION

DATE ISSUED AND MAILED: June 24, 2026

IN RE: *Darwin Leuba v. Frackville Borough*, OOR Dkt. AP 2026-2460

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 Frackville Borough (“Borough”) on May 26, 2026. The Borough timely invoked a thirty-day extension of time to respond on May 27, 2026. 65 P.S. § 67.902(b)(1). Under the extension, the Borough had five (5) business days, followed by thirty (30) calendar days, from May 26, 2026 to respond to the Request. 65 P.S. § 67.902(b)(1)-(2). As a result, the Borough has until July 2, 2026 to respond to the Request. The appeal was submitted to the OOR on June 22, 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 Schuylkill 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/ 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, Frackville Borough

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