



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 17, 2026

IN RE: *Matthew Ludy v. Cumru Township*, OOR Dkt. AP 2026-3387

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the Cumru Township (“Township”) submissions, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. Matthew Ludy (“Requester”) sent a request (“Request”) *via* email to the Township pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*¹ The Open Records Officer did not receive the request until August 17, 2026. *See* Marshall Affidavit; Wylezik-Pfeiffer Affidavit (09/08/2026). Under the RTKL, “[t]he time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency.” 65 P.S. § 67.901. Because the Request was received by the Township on August 17, 2026, the Township had until August 24, 2026 to respond. On August 17, 2026, the Requester filed an appeal with the OOR. Because an appeal may only be filed from the denial or deemed denial of a request, and the Township had until August 24, 2026 to respond to the Request, the appeal must be dismissed as premature.² 65 P.S. § 67.901.

For this reason, the Township is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Berks 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, but 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.³ 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/ Josh Macel

JOSH MACEL
APPEALS OFFICER

Sent *via* Appeals Portal to: Matthew Ludy; Peter Marshall (AORO); Patricia Wylezik-Pfeiffer

¹ The Requester states that it was sent August 7, 2026, though the Request itself is dated three days later, August 10, 2026.

² The OOR notes that on September 8, 2026, the Township provided responsive records *via* the OOR’s Appeals Portal along with affidavits asserting that no additional responsive records exist. The Requester is not prohibited from making a new request for records and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

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