



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 18, 2026

IN RE: *Vernon Robbins v. Montgomery County*, OOR Dkt. AP 2026-3725

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

The appeal is premature. Vernon Robbins (“Requester”) sent a request (“Request”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* The Requester mailed the Request to the Montgomery County Department of Public Safety (“DPS”). Although DPS received the Request on Thursday, August 13, 2026, it was not forwarded to the County’s Open Records Officer until Monday, August 17, 2026. *See* Wertheimer Attestation (09/18/2026). On August 18, 2026, the County invoked a thirty-day extension to respond as permitted under 65 P.S. § 67.902(b)(2). On August 25, 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 County has until September 23, 2026 to respond to the Request, the appeal must be dismissed as premature. 65 P.S. § 67.901.

For this reason, the County 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 Court of Common Pleas of Montgomery County. 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.¹ 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: Joshua Wertheimer (AORO)

Sent *via* US Mail to: Vernon Robbins, GK8880 (SCI-Coal Township)

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