



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 21, 2026

IN RE: *Rodger Werner v. Garrett Borough*, OOR Dkt. AP 2026-3952

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 Garrett Borough (“Borough”) on August 10, 2026. The Borough timely invoked a thirty-day extension of time to respond on August 10, 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 August 10, 2026 to respond to the Request. 65 P.S. § 67.902(b)(1)-(2). As a result, the Borough had until 11:59:59 p.m. on September 16, 2026 to respond to the Request. The appeal was submitted to the OOR on September 16, 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 Somerset 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.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/ *Joshua T. Young*

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent to: Requester; Agency Open Records Officer, Garrett Borough

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