

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 22, 2026

IN RE: *Karen Scioli v. Montgomery County Sheriff's Office*, OOR Dkt. AP 2026-3714

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

The appeal is premature. The Request was filed on August 17, 2026, and the County invoked a thirty-day extension of time to respond on the same day. 65 P.S. § 67.902(b); Wertheimer Attestation, ¶ 6.¹ *McGowan v. Pa. Dep't of Env't Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (holding that, absent any evidence of bad faith "the averments in the [attestation] should be accepted as true."). The appeal, which was filed on September 8, 2026, states that the Request was deemed denied when the Office did not issue a final response. 65 P.S. § 67.901. However, the County had until September 23, 2026 to respond. Because an appeal can only be filed upon the denial or deemed denial of a request, and **the County still had time to respond**, the appeal must be dismissed as premature. 65 P.S. § 67.1101(a)(1). However, upon receipt of the County's final response, the Requester is not prohibited from filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

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 Montgomery 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.² 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/ Blake Eilers
BLAKE EILERS, ESQ.
SENIOR APPEALS OFFICER

Delivered via e-file portal to: Karen Scioli; Josh Wertheimer, Esq.

¹ The Requester says she never received the extension notice. In addition to the Wertheimer Attestation, the County submitted a copy of the notice, as received by to the County's open records inbox, openrcrd@montgomerycountypa.gov, which had been copied on the email, thereby confirming that the email had been sent.

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