

FINAL DETERMINATION

DATE ISSUED AND MAILED: May 1, 2026

IN RE: *Paul Riermaier v. City of Philadelphia Managing Director's Office*,
OOR Dkt. AP 2026-1034

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the position statement filed by the City of Philadelphia (“City”),¹ it is determined that the appeal is **DISMISSED** because:

The appeal is untimely. The Request was received by the City on January 22, 2026, seeking various records related to the “Rocky Shop.” The City failed to respond to the Request by January 29, 2026, and the Request was, therefore, deemed denied on that date. Appeals of requests must be filed within 15 business days of the City’s deemed denial, or by February 20, 2026, in this instance. *See* 65 P.S. § 67.1101(a)(1). The appeal was filed on March 17, 2026. The Requester is not prohibited from making a new request for these records and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the City 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 Philadelphia 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.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/ Daneen L. Miller-Smith

Daneen L. Miller-Smith, Esq.
Appeals Officer

Sent via OOR portal to: Paul Riermaier; Christopher Dailey, AORO; Edward Skipton, Esq.

¹ The City’s position statement notes that the Request was directed to the City’s Managing Director’s Office, but the City’s Parks Department is the department that possesses records responsive to this Request. Additionally, the City provided approximately ninety pages of responsive records to the Requester, as well as two attestations that assert that no responsive correspondence or additional records exist in the City’s possession, custody, or control. The City also contends that it does not have constructive possession of a third-party nonprofit corporation’s financial and business records beyond what has already been provided as attachments to the contract between the nonprofit corporation and the City.

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