



FINAL DETERMINATION

IN THE MATTER OF	:
	:
STEPHEN WOLF AND CLARK HILL,	:
Requester	:
	:
v.	: Docket No: AP 2026-2387
	:
CITY OF PHILADELPHIA	:
DEPARTMENT OF LICENSES AND	:
INSPECTIONS,	:
Respondent	:

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 et seq. Upon review of the file, the appeal is dismissed for the following reasons:

On May 12, 2026, Stephen Wolf, Esq., on behalf of Clark Hill (collectively “Requester”), submitted a request (“Request”) to the City of Philadelphia (“City”) Department of Licenses and Inspections (“Department”),¹ seeking the following:

[Item 1.] All building plans and drawings from 1979 to the present time that depict or otherwise identify the structural support system, including load-bearing elements, and foundation system for the property located at 330 Oregon Avenue, Philadelphia PA, 19148 [(“Property”)], formerly operated by Pathmark and now operated as the ShopRite of Whitman Plaza. [Item 2.] This [R]equest further includes any construction photos or “as-built” plans or drawings.

¹ Jessica Reilly, Esq., of Clark Hill, submitted the Request to the Department, and Attorney Wolf filed the appeal on behalf of that law firm.

On May 21, 2026, after an inquiry from the Requester, the Department confirmed that it had received the Request. *See* Requester Appeal, pp. 13-16.

On May 29, 2026, the Department attempted to invoke an untimely thirty-day extension to respond to the Request. *See* 65 P.S. §§ 67.901, 902(b).

On June 3, 2026, the Department purported to deny the Request, asserting that building plans and drawings are subject to copyright protection and in-person inspection only. *See* 17 U.S.C. §§ 106, 501; *see also* 65 P.S. § 67.3101.1. It further stated that the records are exempt from public disclosure under 65 P.S. §§ 67.708(b)(1)(ii), (b)(2) and (b)(3). The Department also instructed the Requester as to how the Property owner or their agent could obtain access to the records outside of the RTKL process.

On June 17, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. Specifically, the Requester argued that they represent Wakefern Food Corp. (“Wakefern”), the present occupying tenant of the Property, and that their client “is definitionally akin to an ‘owner’” and is entitled to copies of the requested records. The OOR invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).²

On June 30, 2026, the Department submitted a position statement, reiterating its grounds for denial and further arguing that the Requester’s identity is immaterial for the purposes of the RTKL. In support of its position, the Department submitted the attestation of Tia Platts (“Platts Attestation I”), Department Agency Open Records Officer (“AORO”).

² On June 25, 2026, Brandy Riley, of Clark Hill, filed a request to participate in this matter as a direct interest participant (“DIP”), asserting that the Requester was experiencing issues accessing appeal submissions. That same day, Ms. Riley was granted access to the appeal docket via the OOR’s e-File Portal as a representative of the Requester. The OOR also informed Ms. Riley that unless she suggested otherwise, the OOR would deny her DIP request. To date, no evidence has been presented to demonstrate that Ms. Riley has a separate interest in the requested records; therefore, that DIP request is denied. *See* 65 P.S. § 67.1101(c).

That same day, the OOR sought clarification from the parties regarding the timeliness of the appeal and the Department's extension notice, and it directed the Department to file supplement evidence confirming, in part, when its AORO actually received the Request. In response, on June 30, 2026, the Department submitted the second attestation of Ms. Platts ("Platts Attestation II").³ To date, the Requester has not further supplemented the record.⁴

Under the RTKL, an agency must respond to a written request for records or invoke an extension to do so within five business days of the request's receipt by the AORO; otherwise, the request will be deemed denied. *See* 65 P.S. §§ 67.901, 902(b)(1). In this instance, the Department's evidence affirms that because the City's Law Department and the Department's AORO "[received] the request on May 12, 2026, a 30-day extension notice should have been sent to [the Requester] by May 19, 2026, but was not due to administrative error." Platts Attestation II, ¶¶ 1-4; *see also* Platts Attestation I, ¶¶ 1-2.⁵ Instead, the Department sent an untimely extension notice to the Requester on May 29, 2026, after the Request had already been deemed denied on May 19, 2026. *See* Platts Attestation II, ¶ 5; *see also* Requester Appeal, pp. 12-14.

Therefore, the Requester only had until June 10, 2026, to file an appeal. *See* 65 P.S. § 67.1101(a)(1) ("If a written request for access to a record is ... deemed denied, the requester may file an appeal with the [OOR] ... within 15 business days of a deemed denial"). Failure to file an appeal within that time period divests the OOR of any jurisdiction over this matter. *See Buchman*

³ Both of Ms. Platts' attestations are made subject to penalties under 18 Pa.C.S. § 4904.

⁴ On July 7, 2026, after receiving no objection from the Requester, the OOR extended the deadline for the issuance of the Final Determination to August 7, 2026. *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a)").

⁵ Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the Department has acted in bad faith, "... the averments in the [attestations] should be accepted as true." *McGowan v. Pa. Dep't of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Off. of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

v. Springdale Borough, OOR Dkt. AP 2025-0186, 2025 PA O.O.R.D. LEXIS 354. Accordingly, the appeal must be **dismissed as untimely** because it was not filed with the OOR until June 17, 2026.^{6,7} However, nothing in this Final Determination prevents the Requester from submitting a new RTKL request to the Department for the same records and, if necessary, filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For the foregoing reasons, the appeal is **dismissed as untimely**, and the Department is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Philadelphia 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.⁸ 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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: July 14, 2026

/s/ Megan Burns

MEGAN BURNS
APPEALS OFFICER

Sent via OOR Portal to: Stephen Wolf, Esq.; Tia Platts, AORO; and Edward Skipton, Esq.

⁶ The appeal is dated June 10, 2026; however, the mailing envelope was postmarked on June 11, 2026, and it was not actually received by the OOR until June 17, 2026. Although the parties did not seek to have this matter dismissed, the OOR is bound by the timelines established in 65 P.S. § 67.1101(a)(1), and we may not waive them to proceed with consideration of the merits of this appeal. *See Adams v. Elizabeth Forward Sch. Dist.*, OOR Dkt AP 2021-2284, 2021 PA O.O.R.D. LEXIS 2633, *4 n.3.

⁷ We caution the Department that continued actions of invoking invalid extensions under 65 P.S. § 67.902(b), after requests have already been deemed denied, could result in a future finding of bad faith.

⁸ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).