

FINAL DETERMINATION

DATE ISSUED AND MAILED: August 27, 2026

IN RE: *Carolyn Smith v. City of Philadelphia Law Department*, OOR Dkt. AP 2026-3101

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 City of Philadelphia Law Department (“City”), it is determined that the appeal is **DISMISSED** because:

The appeal is untimely. The Request was filed on May 14, 2026,¹ and was deemed denied on May 21, 2026.² 65 P.S. § 67.901. Appeals of denied or deemed denied Right-to-Know requests must be filed within 15 business days of the date of the deemed denial, or by June 12, 2026, in this instance. 65 P.S. § 67.1101(a)(1). The appeal was not filed until July 29, 2026, after the RTKL appeal period lapsed. However, the Requester is not prohibited from filing a new request and, if necessary, filing an 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 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.³ 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: Carolyn Smith; Margot B. Smith, Esq.; Adrienne Chapman, Esq.

¹ The Request was a refiling of an identical request that had been received on May 6, 2026, but was not on a standard RTKL Request Form. The instant Request included the standard form and was received after business hours on May 13, 2026.

² On appeal, the City acknowledges that the Request was deemed denied due to an administrative error. On June 8, 2026, the Requester agreed to the City’s request for additional time; however, the Request had already been deemed denied by operation of law. 65 P.S. § 67.901.

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