pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
COREY LEWIS,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2026-3034**
	:	
CHESTER CITY,	:	
Respondent	:	

FACTUAL BACKGROUND

On June 5, 2026, Corey Lewis ("Requester") emailed a request ("Request") to Chester City ("City") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking, in relevant part:

> 2. The original stadium parking redevelopment agreement referenced in Resolution No. 105-2023, together with all amendments thereto, between the City of Chester and/or the Redevelopment Authority of the City of Chester and Yarnall Land LLC.
> 3. All deeds, transfer instruments, or conveyance documents by which real property was transferred from the City of Chester to the Redevelopment Authority of the City of Chester for subsequent disposition to or for the benefit of Yarnall Land LLC.
> 4. A complete list of all real property parcels (by address and/or Delaware County Tax Parcel ID) that the City has transferred or authorized for transfer to the Redevelopment Authority in connection with the stadium parking redevelopment agreement with Yarnall Land LLC, including the dates and consideration for each transfer.
> 5. All correspondence between the City of Chester (including the Office of the Mayor, City Council, City Solicitor, and Chief of Staff) and Yarnall Land LLC, Keystone Sports and Entertainment LLC, the

Philadelphia Union, or any officer, agent, or representative thereof, concerning the stadium parking redevelopment agreement, waterfront development, or real property transfers.

6. Any development agreements, memoranda of understanding, cooperation agreements, or public-private partnership agreements between the City and Yarnall Land LLC or Keystone Sports and Entertainment LLC relating to the Chester waterfront area.[1]

On July 9, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the City denied the Request, arguing that Part 5 of the Request is insufficiently specific and that Parts 2, 3, 4, and 6 of the Request are misdirected and should be submitted instead to the Chester Redevelopment Authority.

On July 24, 2026, the Requester appealed to the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure.[2] The OOR invited both parties to supplement the record and directed the City to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c). On August 6, 2026, the City submitted a position statement, reiterating its grounds for denial and submitted the attestation of Candice Newsome, the Open Records Officer for the City ("Newsome Attestation").

LEGAL ANALYSIS

The City is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the City is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence

[1] The Request originally had 7 parts. The Requester's appeal form states that he only appeals the City's response to Parts 2, 3, 4, 5, and 6 of the Request.

[2] The Requester granted the OOR an extension to issue a final determination. *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).")

has been defined as "such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

1. Part 5 of the Request is insufficiently specific

Section 703 of the RTKL provides that "[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested …." 65 P.S. § 67.703. When determining whether a particular request is sufficiently specific, the OOR uses the nonexclusive, multifactor test employed by the Commonwealth Court in *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015). *See Pa. Off. of the Governor v. Brelje*, 312 A.3d 928 (Pa. Commw. Ct. 2024).

First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought[,]" and "should provide a context to narrow the search." *Pittsburgh Post-Gazette*, 119 A.3d at 1125 (quoting 65 P.S. § 67.102; *Montgomery Cnty. v. Iverson*, 50 A.3d 281, 284 (Pa. Commw. Ct. 2012)). Second, "[t]he scope of the request must identify 'a discrete group of documents, either by type … or by recipient.'" *Id*. (quoting *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)). Finally, "[t]he timeframe of the request should identify a finite period of time for which records are sought." *Id*. at 1126 (citing *Carey*, 61 A.3d at 372). "The timeframe prong is, however, the most fluid of the three prongs, and whether or not the request's timeframe is narrow enough is generally dependent upon the specificity of the request's subject matter and scope." *Id*.

The above factors are intended "to facilitate an analysis in order to determine whether an agency can ascertain which records are being requested …. The subject matter, scope, and

timeframe of a request are flexible, analytical elements, not evidentiary requirements." *Pa. Dep't of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207, *6-7 (Pa. Commw. Ct. May 13, 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022) (citations omitted). Furthermore, we must analyze the entirety of a request, as it is possible that portions of a request are insufficiently specific, while other portions provide sufficient guidance. *See Pa. State Police v. Off. of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting "the valid part of the request was included in a laundry list of requested materials …").

In this instance, Part 5 of the Request seeks all correspondence between the City and any officer, agent, or representative of Yarnall Land LLC, Keystone Sports and Entertainment LLC, or the Philadelphia Union concerning the stadium parking redevelopment agreement, waterfront development, or real property transfers. The subject-matter of Part 5 of the Request is relating to the stadium parking redevelopment agreement, waterfront development, or real property transfers. Part 5 of the Request has no stated timeframe. The Request references as "the original stadium parking redevelopment agreement referenced in Resolution No. 105-2023" and the relevant City resolution was passed by City Council on June 15, 2023. The context of the Request is unclear as to whether there are multiple stadium parking redevelopment agreements. Based on the context of the subject-matters of Part 5 of the Request, there is an arguable timeframe of approximately 2023 through 2026 that can be gleaned from the phrase "the stadium parking redevelopment agreement", but there is no timeframe that can reasonably be inferred from waterfront development or real property transfers. Based on the unclear or nonexistent timeframe of Part 5 of the Request and its broad scope, seeking all correspondence between the City and any officer, agent, or representative

of three entities, the OOR finds that Part 5 of the Request is insufficiently specific for the City to conduct a search for all responsive correspondence relating to the identified subject-matters.[3]

2. The City failed to prove that it conducted a good faith search for records responsive to Parts 2, 3, 4, and 6 of the Request

In response to a request for records, "an agency shall make a good faith effort to determine if … the agency has possession, custody or control of the identified record[.]" 65 P.S. § 67.901. While the RTKL does not define the term "good faith effort," in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, the Commonwealth Court stated:

> As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession… When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors ... After obtaining all potentially responsive records, an agency has the duty to review the records and assess their public nature under … the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff'd*, 243 A.3d 19 (Pa. 2020). An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency's records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

Parts 2, 3, 4, and 6 of the Request seek records of the City that relate to transactions or transfers completed by the City to the Chester County Development Authority ("Development Authority"). The City argues that these portions of the Requests are misdirected because they seek records involving the Development Authority as a party-in-interest and therefore, the records are

[3] The Requester is not prohibited from filing a new request that satisfies the requirements of 65 P.S. § 67.703.

in the Development Authority's possession. This is not a valid argument for the withholding of responsive records, as Parts 2, 3, 4, and 6 of the Request seek records of the City's transactions and activities. The City does not argue that it conducted a good faith search and that it does not have any of these records; the City instead argues that the Development Authority is also a party to these transactions and transfers, so these portions of the Request are misdirected. Two agencies, especially ones that are entering into agreements, transferring, and receiving properties and other legal interests, can both have copies of the records that are responsive to a request seeking records relating to such transactions. It is highly unlikely that the City does not have records relating to its transactions with the Development Authority or other entities. The City bears the burden of demonstrating that it conducted a good faith search for all records responsive to Parts 2, 3, 4, and 6 of the Request that are in its possession, custody, or control and has failed to do so. The City has also failed to submit credible evidence that it would not have any records responsive Parts 2, 3, 4, and 6 of the Request, which clearly relate to transactions and activities of the City with the Development Authority and other entities. Accordingly, the appeal is granted as to Parts 2, 3, 4, and 6 of the Request.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part** and **denied in part**, and the City is required to conduct a good faith search for all records responsive to Parts 2, 3, 4 and 6 of the Request and provide all responsive records within thirty days. If no responsive records exist, the City must provide the Requester with a statement made under the penalty of perjury or a sworn statement detailing its search and affirming that no responsive records exist. 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 Delaware 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.[4] 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: September 28, 2026

/s/ *Catherine R. Hecker*

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CATHERINE R. HECKER
APPEALS OFFICER

Sent via portal to: Corey Lewis
Candice Newsome
Carl Ewald, Esq.

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