

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 8, 2026

IN RE: *Nichole Maxwell v. City of Philadelphia Department of Licenses and Inspections*, OOR Dkt. AP 2026-4151

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request (“Request”) was filed on July 20, 2026, and partially denied by the City of Philadelphia Department of Licenses and Inspections (“Department”) on September 17, 2026; however, the Department received the Requester’s agreement to an extension to respond to the Request through October 7, 2026. 65 P.S. §§ 67.901, 902(b)(1)-(2); Requester appeal p. 19.¹ As a result, the Department has until October 7, 2026 to respond to the Request. The appeal was received by the OOR on September 25, 2026, prior to the issuance of a final response by the Department.² Therefore, the appeal must be dismissed as premature. 65 P.S. § 67.901. The OOR is unable to reach the merits of the appeal for this jurisdictional reason.

For this reason, the Department is not required to take any further action in this appeal. 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 OOR website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

¹ The Department timely invoked a thirty-day extension on July 28, 2026. Thereafter, the Requester granted the Department an additional extension through September 17, 2026. See Requester appeal pp. 14, 15.

² The OOR acknowledges that the Department issued a response to Items 1, 2, 5, 7 and 13 of the Request on September 17, 2026, and the Requester only seeks to appeal those Items along with Items 3 and 4 of the Request; however, the OOR cannot bifurcate the proceedings in this manner and exclude or include the Department’s final response due October 7, 2026. See *Pa. Dep’t of Educ. v. Bagwell*, 131 A.3d 638, 660 (Pa. Commw. Ct. 2016); see also *Pa. Dep’t of Conserv. & Nat. Res. v. Vitali*, No. 1013 C.D. 2014, 2015 Pa. Commw. Unpub. LEXIS 479 (Pa. Commw. Ct. 2015).

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

Sent via portal only to: Nichole Maxwell; Lasheka Mitchell