pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
DION FRANCIS,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4206**
	:	
CITY OF PHILADELPHIA LAW DEPARTMENT,	:	
Respondent	:	

FACTUAL BACKGROUND

On July 30, 2026, Dion Francis ("Requester") submitted a request ("Request") to the City of Philadelphia Law Department ("City") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> 1. Please provide evidence of the complete hearing recording and transcript, conducted on 04/08/2026 at the Bureau of Administrative Adjudication (Case# 54/MeetinglD 85817394558) in reference to vehicles owned by Francis Holding LLC, that were impounded by PPA[1] (PPA Control# 26767).
>
> 2. Please provide evidence of the complete hearing recording and transcript, conducted on 04/09/2026 at the Bureau of Administrative Adjudication (MeetinglD 86859268337) in reference to vehicles owned by Francis Holding LLC, that were impounded by PPA (PPA Control # 26767).

[1] Philadelphia Parking Authority.

On August 6, 2026, the City invoked a thirty-day extension to respond. On September 8, 2026, the City requested additional time to respond until September 18, 2026; however, the Requester never responded to this request and as the City did not provide a final response within the original thirty-day extension period, the Request was deemed denied on September 8, 2026. *See* 65 P.S. § 67.902(b)(2).

On September 29, 2026, the Requester appealed to the Office of Open Records ("OOR"), stating grounds for disclosure. 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 October 26, 2026,[2] the City submitted a position statement, asserting that pursuant to 65 P.S. § 67.707(c)(2), transcripts are only available once the underlying adjudication has become "final, binding, and nonappealable". The City has not been able to confirm whether the underlying adjudication has become final, but is proceeding as if it has, and is willing to provide the transcript upon prepayment of fees totaling $6.75, at $0.25 per page for 27 pages. In support of its position, the City submitted an attestation made under penalty of perjury[3] authored by Margot B. Smith, Esquire ("Smith Attestation"), the City's Chief Deputy Solicitor and Agency Open Records Officer ("AORO").

LEGAL ANALYSIS

[2] On October 14, 2026, the City requested a submission extension until October 21, 2026, which was granted. On October 21, 2026, the City requested a submission extension until October 23, 2026, which was granted. On October 23, 2026, the City requested another submission extension until October 30, 2026. However, the statutory Final Determination deadline is November 2, 2026, so an extension was partially granted until October 26, 2026. *See* 65 P.S. § 67.1102(a)(1). The City was advised they could seek the Requester's agreement to extend the Final Determination to obtain the full length of the submission extension, but it is unknown whether that was attempted. *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).").

[3] 18 Pa.C.S. § 4904.

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 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)).

Transcripts of administrative hearings are generally available under the RTKL as set forth in Section 707(c). 65 P.S. § 67.707(c); *Prine v. Green Tree Borough*; AP 2009-1009, 2010 PA O.O.R.D. LEXIS 68. Section 707(c) provides:

> (1) Prior to an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester by the agency stenographer or a court reporter, in accordance with agency procedure or an applicable contract.
>
> (2) Following an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester in accordance with the duplication rates established in section 1307(b).

65 P.S. § 67.707(c).

Attorney Smith indicates that the Bureau of Administrative Adjudication ("BAA") conducts initial hearings if an individual wishes to contest a parking ticket or notice of parking violation. Smith Attestation ¶ 5. The PPA is a separate and distinct institution separate from the City, and it is the entity that administers and issues parking tickets and notices of violation. *Id.* ¶¶ 6-7. After a hearing conducted by the BAA, an individual may file an appeal with the Philadelphia County Court of Common Pleas, and PPA represents themselves in those legal proceedings. *Id.* ¶¶

8-9. The Requester filed an appeal with the Philadelphia County Court of Common Pleas, but the City was unable to confer with PPA and its attorneys to determine the current status of that appeal or the typical procedure costs for appellants to obtain their transcripts. *Id.* ¶¶ 11-12. As such, the City is proceeding as if the matter is "final, binding, and nonappealable" under Section 707(c)(2) of the RTKL and utilized the official OOR fee schedule[4] to determine the cost of duplication for the transcripts. *Id.* ¶¶ 13-14. As the two requested transcripts are thirteen and fourteen pages, the total cost at $0.25 cents per page is $6.75. *Id.* ¶¶ 14-15. Further, the video file of the hearing will be provided without any fee, as the PPA did not provide any information regarding the cost of duplication and the RTKL is silent as to reasonable duplication of video file fees. *Id.* ¶ 17.[5]

As the City no longer raises any objection to providing the responsive records to the Request and is prepared to do so upon payment of applicable duplication fees, the matter is dismissed as moot.

CONCLUSION

For the foregoing reasons, the appeal is **dismissed as moot.** The City is not required to take any further action at this time. Upon the payment of $6.75 by the Requester the City shall provide the responsive records. 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

[4] *See* 65 P.S. § 67.1307(a); *see also* Official RTKL Fee Schedule publicly available at https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm (last accessed October 27, 2026).

[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. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the City has acted in bad faith, "the averments in [the attestation] should be accepted as true." *McGowan v. Pa. Dep't of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

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.[6] 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: November 2, 2026

/s/ Julie Sodl

APPEALS OFFICER
JULIE SODL, ESQ.

Sent via E-File Portal to: Dion Francis
Margot B. Smith, Esq., AORO
Kate M. Redding, Esq.

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