pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JACKLYN FETBROYT and BEECH INTERPLEX, INC.,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-3479**
	:	
PHILADELPHIA HOUSING AUTHORITY,	:	
Respondent	:	

FACTUAL BACKGROUND

On June 25, 2026,[1] Jacklyn Fetbroyt, Esq., and Beech Interplex, Inc. (collectively the "Requester"),[2] submitted a request ("Request") to the Philadelphia Housing Authority ("Authority" or "PHA") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> 1. All appraisals for Oxford Village.
>
> 2. All cost estimates for work required for Oxford Village to make Oxford Village ready for rental.
>
> 3. All documents containing communications concerning expenses for work necessary to make Oxford Village ready for rental.

[1] While the Request is dated June 24, 2026, the Request was received by the Authority on June 25, 2026. *See* Requester appeal p. 37.
[2] Ms. Fetbroyt is an attorney with Griffin Partners, LLP, and represents Beech Interplex, Inc. *See* Requester appeal p. 40.

4. All contracts for services to PHA in connection with Oxford Village and all documents showing services rendered under the contracts.

5. All communications with HUD[3] concerning Oxford Village, including, but not limited to, approvals given by HUD and documents submitted by PHA to HUD.

6. All records of meetings of the Board of Commissioners of PHA or committees of PHA or other meetings of PHA employees [that] reference Oxford Village.

7. All communications between PHA and any third-party concerning Oxford Village, including but not limited to the City of Philadelphia, Temple University and TD Bank.

8. All documents concerning any PHA policy of not acquiring properties for rental unless the properties are "rental ready", that is, do not require rehabilitation or capital expenditures[] including[,] but not limited to[,] documents referencing such a policy, adopting such a policy, disclosing such a policy and/or implementing such a policy.

9. All documents which identify properties for which PHA had an option agreement which it did not exercise because the property had more than $0 needed for rehabilitation and capital improvements including the documents showing that this was the reason for PHA not exercising the option.

10. All documents concerning inspections by PHA or its agents or vendors of Oxford Village.

11. All documents showing consideration of acquisition of Oxford Village from the perspective of geographic diversification of properties owned by PHA.

12. All documents concerning consideration by PHA of whether to exercise its option to acquire Oxford Village, including by Board of Commissioners or PHA committees and/or their members and by Kelvin Jeremiah.

13. Documents sufficient to show cost of acquisition of Brith Shalom House and estimated cost for rehabilitation and capital improvements (both hard and soft costs) for Brith Shalom House.

14. Documents showing the estimated date of completion of work in order to make Brith Shalom House ready for occupancy including documents concerning the present status of the project.

15. Documents sufficient to show the number of units and bedroom mix of Brith Shalom House resulting from the rehabilitation of the structure.

[3] U.S. Department of Housing and Urban Development.

16. Documents sufficient to show the cost of land acquisition, whether by City of Philadelphia or PHA, of the property at 139 E[ast] Clearfield Street.

17. With respect to the project PHA has announced for the property at 139 E[ast] Clearfield Street, documents sufficient to show the projected costs of construction (both hard and soft costs), the date of approval of the project, the projected date on which the project will be ready for occupancy, and all contracts, including partnerships, concerning the project.

18. Documents sufficient to identify properties acquired by PHA for rental, including properties planned for new construction or rehabilitation or which were ready for occupancy when acquired.

19. Documents sufficient to identify all properties intended for rental which PHA presently has under contract to purchase or under option agreement, including properties planned for new construction or rehabilitation or which are ready for occupancy.

20. All documents concerning Oxford Village in possession of PHA when it sent the letter of January 22, 2025 to Ken Scott attached hereto.

21. All documents setting forth the procedures and criteria of PHA in deciding whether to acquire properties which PHA has under option agreement, including but not limited to approvals within PHA which are required in order to decide whether to exercise the option.

22. All bonds issued by PHA in 2025 for its Acquisition Program and documents sufficient to show the acquisitions for which these funds have been used and are committed to be used.[4]

On July 31, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Authority partially granted the Request and provided records responsive to Items 6,[5] 13, 14, 15, 16, 17 and 22. The Authority denied the remainder of the Request, claiming the following: Items 1 and 2, as well as a portion of Item 18, seek exempt information associated with

[4] The Request pertains to the Oxford Village Project (1522-1538 North 15th Street, 1600-1610 North 15th Street and 1612-1626 North 15th Street, Philadelphia, PA) and includes a timeframe from July 2024 through the date of the Request. *See* Request; *see also* Requester appeal pp. 41, 43.

[5] *See* https://www.pha.phila.gov/about/board-of-commissioners/pha-board-minutes/ (last accessed by the OOR on October 13, 2026); *see also* 65 P.S. § 67.704(b)(1) (permitting an agency to respond to a request for records "by notifying the requester that the record is available through publicly accessible electronic means[."]). Additionally, the Authority notes that audio recordings are available upon the provision of the specific meeting information. As the Requester does not challenge this portion of the Authority's response to Item 6, the availability of audio recordings will not be further addressed in this Final Determination.

an evaluation for the acquisition of real property, 65 P.S. § 67.708(b)(22); Items 3 through 5, a portion of Item 6, Items 7 through 12, a portion of Items 16 and 17, and Items 18 through 20 are insufficiently specific, 65 P.S. § 67.703;[6] and records responsive to portions of Item 8, 16 and 19, as well as Item 21, do not exist in the Authority's possession, custody or control.

On August 21, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure.[7] Specifically, the Requester asserts Section 708(b)(22) is not applicable because the Authority decided not to acquire the Oxford Village property, claims the Items contained within the Request are sufficiently specific and seeks an affidavit to support the Authority's assertion that records responsive to the Request do not exist. Additionally, the Requester indicates the website link provided in response to Item 22 does not contain the signatures of the required parties, and as such, seeks the "Official Statement" signed by the appropriate parties.[8] The OOR invited both parties to supplement the record and directed the Authority to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).[9]

[6] The Authority alternatively argues that Items 9, 10 and 18 could potentially be exempt internal, predecisional deliberative records, 65 P.S. § 67.708(b)(10)(i)(A); however, as the Authority does not address this argument during the pendency of the appeal, the OOR deems the argument abandoned and will not address that issue herein.

[7] The Requester permitted the OOR a thirty-day extension for issuance of 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).").

[8] The Requester does not challenge the Authority's response to Items 8, 9, 11, 13, 14, 15, 16, 20 and 21. As such, the Items and the Authority's response thereto will not be addressed in this Final Determination.

[9] In the appeal filing, the Requester attempts to limit the senders and recipients in Item 7, limit Item 10 to inspections performed only by PHA, limit Item 12 to the Borad of Commissioners or PHA and Kelvin Jeremiah; however, the OOR has repeatedly held that a requester may not modify, explain or expand a request on appeal. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010); *Michak v. Dep't of Pub. Welfare*, 56 A.3d 925 (Pa. Commw. Ct. 2012) (holding that "where a requestor requests a specific type of record … the requestor may not, on appeal argue that an agency must instead disclose a different record in response to the request").

On September 15, 2026, the Authority submitted a position statement,[10] reiterating its basis for partial denial of the Request. Additionally, the Authority claims either records or additional records responsive to Items 3, 4, 5, 6, 12 and 17 do not exist in the Authority's possession, custody or control. Lastly, the Authority provided additional records responsive to Items 5, 18 and 22 with its position statement. In support of the Authority's position, the Authority submitted two attestations made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, authored by George McDowell ("McDowell Attestation"), the Authority's Deputy General Counsel, and Andrea Bowman, Esq. ("Bowman Attestation"), the Authority's Agency Open Records Officer ("AORO").

On September 15, 2026, the Requester submitted a position statement, arguing that the Authority has approved the acquisition of Oxford Village based upon its "material representation in its bond issue," and as such, the records responsive to Items 1 and 2 are not exempt under Section 708(b)(22).[11] The Requester also submitted a statement authored by Richard Bazelon ("Bazelon Statement"), the Chairperson of Beech Interplex, Inc., the owner of Oxford Village. The Bazelon Statement claims that the Authority made a decision and commitment to proceed

[10] The Authority's position statement is authored by its AORO, Andrea Bowman, Esq. The factual statements contained within the Authority's position statement are affirmed to be true and correct pursuant to the penalties of 18 Pa.C.S. § 4904. *See* Authority position statement p. 15.

[11] Additionally, the Requester seeks an order compelling the Authority to produce "the executed Official Statement" in its entirety or an affidavit or explanation as to the page number and date on which said statement was signed. Further, the Requester seeks "all documents containing approval of the bond issue or amendments or changes thereto, including any documents showing that Oxford Village was withdrawn from inclusion in the bond issue" and "responsive documents in the possession of PHA's bond counsel which are not privileged be included, as well as responsive documents in the possession of other agents or contractors of PHA." As noted in footnote 10 herein, a Requester may not modify, explain or expand a request on appeal. Thus, this request for expansion of the Request will not be further discussed in this Final Determination, including the Requester's pursuit for the "Official Final Statement." While the term may be used by both parties, the Request language does not specifically seek an "Official Final Statement." Of note, the Requester is not precluded from submitting a new request to the Authority, which clarifies the records being sought. *See Hollinger v. Adams County*, OOR Dkt. AP 2013-0238, 2013 PA O.O.R.D. LEXIS 180.

with the acquisition of Oxford Village based upon the issuance of the bonds in August 2025.[12]

LEGAL ANALYSIS

The Authority 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 Authority 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)). Likewise, "[t]he burden of proving a record does not exist ... is placed on the agency responding to the right-to-know request." *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

1. The appeal is moot as it relates to the records and information provided during the pendency of the appeal

During the appeal, the Authority provided the following: a publicly available Authority application made to HUD,[13] HUD's response and a letter to Benika Miller, dated March 13, 2026 from the Philadelphia City's Planning Commission;[14] a list of properties acquired for rental by the

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[12] Both parties attempted to make submissions on September 23, 2026. The evidentiary record closed in this matter on September 15, 2026, and neither party requested an evidentiary submission extension. Further, upon review of the Requester's submission, the Requester attempts to raise an issue regarding the Authority's search for responsive records for the first time. The Requester did not timely raise these issues in order to provide the Authority with the opportunity to respond. *See Coppola v. Fort Cherry School District*, OOR Dkt. AP 2011-0357, 2011 PA O.O.R.D. LEXIS 251 (holding that a requester properly raised additional grounds on appeal where the Requester challenged the sufficiency of the records provided within the statutory appeal period and the Township had the opportunity to respond). Thus, said submission are untimely and are not included as part of the record. *See* 65 P.S. § 67.1102(b)(3) (stating that "the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute").

[13] *See* https://cpd.hud.gov/cpd-public/environmental-reviews (last accessed by the OOR on October 13, 2026, p. 2 of archived search results).

[14] Responsive to Item 5. *See* Authority position statement p. 11; *see also* McDowell Attestation ¶ 11.

Authority;[15] and an executed Trust Indenture.[16] As such, the appeal as it relates to the records and information provided during the appeal is dismissed as moot. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, "the controversy has been mooted").

2. The Authority demonstrated that some responsive records do not exist

The Authority claims that records, or additional records, responsive to Items 3 through 6, Item 12, Items 17 through 19 and Item 22 do not exist. 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 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 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).

In support of the Authority's position, the McDowell Attestation provides, in relevant part,

[15] Responsive to Item 18. *See* McDowell Attestation ¶ 12.
[16] Responsive to Item 22. *See* Authority position statement p. 15.

the following:

> 2. In my position, my responsibilities, as relevant to this appeal, are for managing the legal review and providing legal advice regarding the acquisition of real estate by PHA and its affiliates.
>
> 3. I have been involved with consideration of the acquisition of Oxford Village by the [Authority's] Development Corporation ("PHADC"), a tax-exempt 501(c)(3), which is a wholly-owned and controlled subsidiary of PHA.
>
> 4. I have met with Andrea Bowman, PHA's [AORO], regarding the [R]equest underlying this appeal, when it was first received, as well as after receiving the appeal, as captioned above, to determine what responsive records PHA might have, as well as conferring with others in the Office of General Counsel and in the department of Capital Projects.
>
> 5. While PHA itself never had an option to acquire Oxford Village, I was involved in discussions regarding PHADC's option and potential acquisition… .
>
> …
>
> 7. Neither PHADC nor PHA have an existing option to acquire Oxford Village and neither one has exercised an option to acquire Oxford Village.
>
> 8. I understand that under the RTKL, appraisals are exempt until a decision is made to proceed, which was not done in this case. Therefore…no work was done on Oxford Village to make it ready for rental that would have incurred expenses from PHA.[17]
>
> …
>
> 10. With regard to [Item 4]…as expressly confirmed with the Executive Vice President for Supply Chain Management, Dave Walsh, PHA has no contracts that are specifically for Oxford Village, mention Oxford Village, or Otherwise specify that they are for services to PHA for Oxford Village.
>
> …
>
> 13. With regard to [Item 19]… I hereby affirm that PHA has no responsive records regarding such properties. It has no properties "presently" [as of the date of receipt of this [R]equest] "under contract to purchase or under option agreement."

In further support of the Authority's position, the Bowman Attestation provides the

[17] Responsive to Item 3 of the Request.

following additional information:

> 2. Following receipt of the RTKL [R]equest filed by [the Requester], PHA's partial denial of which is the basis for this appeal, I contacted the following people within PHA to determine what responsive records PHA might have: George McDowell, Deputy General Counsel; Brett Jenkins, Senior Program Manager, Capital Projects Division; Laurence Redican, General Counsel; Dinesh Indala, Chief Operating Officer; Nnena Ukwa, Sr. Vice President-Finance; Cerille Exconde, Counsel; Robert Runowski, Manager, Human Resources Programs; Faisal Hassan, Exec[utive] Vice President-Information Systems Management ("ISM") & CITO; Darnell Brooks-Network & Systems Administrator, ISM[;] Annie Cheng, Chief of Staff; Dakota Rees, Vice President-Asset Management; Dave Walsh, Exec[utive] Vice President-Supply Chain Management ("SCM"); Josh Vigen, Manager-Contract Administration, SCM; and Kelvin Jeremiah, President & CEO.
>
> 3. With regard to PHA's response to [Item 6], as noted in the PHA [r]esponse…I have attended every Board committee meeting (other than those of the Evaluation Committee, which committees are Policy & Planning, Finance, Resident Services, and Audit) and every Board meeting in the relevant time period and taken minutes for the same.
>
> 4. Based on my review of the of the database showing the subject of Board resolutions during the time period in question and the relevant Board meeting and Board committee minutes, I confirm that these minutes, as well as any agendas relating to these meetings, do not contain any reference to "Oxford Village."
>
> 5. With regard to [Item 12], seeking "All documents concerning consideration by PHA of whether to exercise its option to acquire Oxford Village" including by Board committees, based on my having been in attendance at the Board committee meetings noted above, I can attest that whether or not PHA would exercise its option to acquire Oxford Village was not a question with which Board committees were tasked. Therefore, they would not have reviewed or considered documents that might be deemed "concerning consideration" of whether to exercise that option.[18]

Lastly, as noted in the Authority's position statement, there was only one application made to HUD regarding Oxford Village that would be responsive to Item 5, only one contract exists that

[18] 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 Authority has acted in bad faith or that responsive records exist, "the averments in the [attestations and statement] 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)).

would be responsive to Item 17, the Authority created a record responsive to Item 18 to provide responsive information and the record responsive to Item 22 was provided prior and during the appeal—both of which have been provided to the Requester. Authority position statement pp. 11, 14, 15.

The Authority's attestations are authored by its AORO and the Deputy General Counsel involved with the acquisition of Oxford Village, individuals with knowledge of the Authority's records. The Authority has demonstrated that a good faith search of the Authority's records was performed, which included inquiries with fourteen Authority officials and multiple Authority departments. Bowman Attestation ¶ 2. There has been no sufficient evidence provided that otherwise contradicts the statements offered by the Authority in the submitted attestations and statement. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022). Thus, the Authority's evidence has established, by a preponderance of the evidence, that records, or additional records, responsive to Items 3 through 6, Item 12, Items 17 through 19 and Item 22 of the Request do not exist in the Authority's possession, custody or control.[19] *Id*. at 936 (explaining that "[i]t is questionable to what degree additional detail and explanation are necessary to establish the nonexistence of a record rather than its exemption from disclosure ….") (quoting *Hodges*, 29 A.3d at 1192); s*ee also Campbell v. Pa. Interscholastic Athletic Ass'n*, 268 A.3d 502 (Pa. Commw. Ct. 2021) (noting that an agency need only prove the nonexistence of records by a preponderance of the evidence, the lowest evidentiary standard, and is tantamount to a "more likely than not"

[19] As the OOR finds that additional records do not exist, the OOR need not reach the Authority's alternative grounds for denying access to these Items. *See Jamison v. Norristown Bor. Police Dept.,* OOR Dkt. AP 2011-1233, 2011 PA O.O.R.D. LEXIS 927.

inquiry).[20]

3. Records responsive to Items 1 and 2 are exempt evaluations related to the proposed acquisition of real estate

The Authority asserts that records responsive to Items 1 and 2 were appropriately withheld because the records relate to the acquisition of real estate, with which it has decided not to proceed. Section 708(b)(22)(i) exempts "the contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to ... acquiring ... real property or an interest in real property." *See* 65 P.S. § 67.708(b)(22)(i)(A). However, the exemption is subject to an exception, which states, "[t]his paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project." 65 P.S. § 67.708(b)(22)(ii); *Hooper & King of Prussia Historical Society v Upper Merion Township*, OOR Dkt. AP 2022-0045, 2022 PA O.O.R.D. LEXIS 508 (holding that a facility condition assessment report relating to water damage and structural deficiencies is exempt under (b)(22) as an evaluation related to a construction project where no decision had been made to proceed with the project); *Baran v Pa Turnpike Comm'n*, OOR Dkt. AP 2013-0970, 2013 PA O.O.R.D. LEXIS 538 (holding that a noise study performed to evaluate engineering and environmental conditions related to a construction project is exempt under (b)(22) where no decision has been made to proceed with construction). Additionally, the Commonwealth Court, in affirming a trial court's interpretation of 708(b)(22)(ii), has found that the decision to proceed with the acquisition is enforceable and "the parties must be past the point in time that the sales agreement can be voided without penalty to the buyer," in order for the exemption to no longer apply. *Mountz v. Columbia Borough*, No.

[20] The OOR makes no determination as to whether records *should* exist, as our inquiry is limited to only whether or not records are "in existence and in possession of the … agency at the time of the right-to-know request." *Moore*, 992 A.2d at 909; *see also* 65 P.S. § 67.705.

912 C.D. 2010, 2021 Pa. Commw. LEXIS 512 (Pa. Commw. Ct. 2021).[21]

In support of the Authority's position, the Authority's position statement indicates that neither the Authority or PHADC have decided to go forward with acquiring Oxford Village. While the Authority had been provided with approval to move forward with the acquisition based upon the bond issuance, said issuance covered a number of proposed actions concerning real estate; however, said bond issuance did not require the Authority to go forward with any of those actions. Authority position statement p. 5. Additionally, the Authority explains that any cost estimates responsive to Item 2 are evaluations related to the acquiring of the real estate. *Id*. at 6. Lastly, as also noted in the McDowell Attestation, the Authority decided not to continue with the option to purchase the property at Oxford Village and the Authority has no *existing* option to acquire the real estate. McDowell Attestation ¶¶ 6, 7, 8.

Based on a review of the Authority's evidence, the records responsive to Items 1 and 2 relate to the acquisition of real property and are part and parcel of the evaluation regarding how to proceed with the acquisition. The Authority has explained that even though bond issuance occurred, the Authority has decided not to exercise the option to purchase Oxford Village and has no current option to purchase said real estate. Pursuant to *Mountz*, which the OOR finds persuasive, an agency's due diligence does not equate to a decision "to proceed" with the purchase of property; the provision in Section 708(b)(22) only becomes applicable at a later time. Here, the Authority did not proceed past the point where Section 708(b)(22)(i) of the RTKL no longer is applicable. Therefore, the Authority has met its burden of proving that the records responsive to Items 1 and 2 are exempt under Section 708(b)(22)(i) of the RTKL. *See Spencer v. Allegheny County Sanitary Authority*, OOR Dkt. AP 2021-1928, 2021 PA O.O.R.D. LEXIS 2130.

[21] Unreported opinions may be cited for persuasive value, but not as binding precedent. 210 Pa. Code § 69.414(a).

4. The remainder of the Request is insufficiently specific

The Authority argues that Items 7 and 10 of the Request are insufficiently specific. Section 703 of the RTKL states 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 three-part balancing test employed by the Commonwealth Court in *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015).

First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Id.* at 1125 (quoting 65 P.S. § 67.102). 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*, *supra*). "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. 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022). Finally, 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.*

Office 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").

While the Requester asserts Items 7 and 10 are sufficiently specific given the defined subject matter—Oxford Village—and a defined timeframe—the OOR disagrees. A review of these Items reveals a somewhat broad subject matter that includes Oxford Village; however, the scopes are broad, and cannot be defined as narrowed when seeking "all documents" and "all communications." Lastly, while the timeframe is defined, it is lengthy—approximately two years. Notably, the Request does not identify any custodians of any of the requested records that would aid in limiting the universe of potentially responsive records. Instead, the Items seek documents, and communications and records "concerning" inspections or generally "Oxford Village" between the Authority and any third-party or the Authority's agents or vendors, as well as the language "including[,] but not limited to." *See Pa. Dep't of Educ*., 199 A.3d at 1124-1126 ("A request for a broad category of documents, such as all records, may be sufficiently specific if confined to a particular recipient or recipients"); *see also Carey*, 61 A.3d at 372 (concluding that the scope of the request must identify "a discrete group of documents, either by type … or by recipient"); *Mancini v. Delaware Cnty*, OOR Dkt. AP 2023-0137, 2023 PA O.O.R.D. LEXIS 325 (holding the Request was insufficiently specific where the phrase "related communications" required the agency to make judgement calls as to the scope of records sought by the Requester). The OOR has also held that requests are insufficiently specific because they provide no context to guide a search for responsive records when the scope is very broad and the timeframe is lengthy. *See Vedilago v. N. Lebanon Sch. Dist.*, OOR Dkt. AP 2021-2496, 2022 PA O.O.R.D. LEXIS 170 (finding that requests seeking all electronic communication between the Governor, the Pennsylvania Department of Health and Education, the County Department of Health and certain

agency officials and communication among agency officials for a period of almost 21 months was insufficiently specific); *see also Winklosky v. Pa. Office of Admin.*, OOR Dkt. AP 2018-1438, 2018 PA O.O.R.D. LEXIS 1391 ("[s]eeking all records related to a topic or topics does not necessarily make a request insufficiently specific; however, a request must provide enough specificity in its scope and timeframe to help guide the agency in its search for records").

Here, Items 7 and 10 of the Request do not set forth a scope and provide a lengthy timeframe. Item 7 seeks communications between the Authority and "*any* third-party … *including but not limited to* the City of Philadelphia, Temple University and TD Bank," entities with a vast number of possible sender or recipients. (Emphasis added). Item 10 seek "documents concerning" inspections by the Authority or "its agents or vendors" without identifying what categories of inspections within the realm of required inspections related to a construction project. In sum, the Request does not seek a clearly defined universe of responsive records. Thus, the lack of scope cannot overcome a broad subject matter and lengthy timeframe. Accordingly, Items 1 and 2 of the Request are insufficiently specific based upon the language contained therein; however, nothing in this Final Determination prevents the Requester from filing a more specific RTKL request for the same information, and if necessary, filing an appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

CONCLUSION

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**, and the Authority is required to provide responsive records as specified herein. 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 as per Section 1303 of the RTKL; 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.[22] 65 P.S. § 67.1303. 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 3, 2026

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent via portal only to: Jacklyn Fetbroyt, Esq.; Andrea Bowman, Esq.

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