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PRACTICE DEDICATED  
TO LITIGATION AND  
NEGOTIATION MATTERS

June 17, 2020

**Via E-mail:** [preservation@phila.gov](mailto:preservation@phila.gov); [jon.farnham@phila.gov](mailto:jon.farnham@phila.gov)

Jonathan E. Farnham  
Executive Director  
Philadelphia Historical Commission  
1515 Arch Street, 13th Floor  
Philadelphia, PA 19102

**RE: *Demand For Philadelphia Historical Commission To Act In Accordance With Philadelphia Code***

Dear Jonathan E. Farnham,

This firm represents the interests of the Friends of Marconi Plaza, Rich Cedrone (President of Friends of Marconi Plaza), and Joseph Q. Mirarchi (South Philadelphia resident) concerning the preservation and treatment of the Columbus Statute (the “Statue”) located at 2800 South Broad Street, Philadelphia, Pennsylvania. On March 3, 2017, the Statue was designated as an *historic object* and listed on the Philadelphia Register of Historical Places.<sup>1</sup> Therefore, the Philadelphia Historical Commission (“PHC”) has jurisdiction over its well-being and should ensure that the Statue is protected in accordance with applicable Philadelphia law.

The PHC is a regulatory agency authorized by Philadelphia’s Zoning Code, and tasked with “[p]reserve[ing] buildings, structures, sites, and objects that are important to the education, culture, traditions, and economic values of the City.”<sup>2</sup> Accordingly, PHC should make certain that the City of Philadelphia complies with the Philadelphia Code (and other applicable regulations) in its effort to alter, remove and/or demolish the Columbus Statue.

Specifically, Section 14-2007 of the Philadelphia Code states “no person shall alter or demolish an historic building, structure, site or object, or alter, demolish, or construct any building, structure, site or object within an historic district” unless “a permit is first obtained from” the Department of Licenses and Inspections (“Department”).<sup>3</sup> And, before the Department

<sup>1</sup> See Interiors, Objects, Structures, and Sites, attached hereto as Exhibit “A”.

<sup>2</sup> City of Philadelphia Historic Preservation Ordinance § 14-1001(1), <https://www.phila.gov/media/20190327101154/Historical-Comm-ordinance.pdf>.

<sup>3</sup> Phila. Code § 14-2007(7)(a).

**BOCHETTO & LENTZ, P.C.**

Jonathan E. Farnham

June 17, 2020

Page 2 of 4

“may issue a permit to alter or demolish an historic building, structure, site or object, or to alter, demolish or construct a building, structure, site or object within an historic district, the permit application shall be forwarded to [this] Commission for its review.”<sup>4</sup>

Thus far, the Kenney Administration has overlooked this Commission’s jurisdiction by unilaterally altering<sup>5</sup> the appearance of the Columbus Statue by putting it in a wooden box and requesting that the Philadelphia Art Commission begin the process of determining whether the Statue should be removed or demolished. However, pursuant to Section 5.2.1.8 of the Regulations of the Philadelphia Art Commission, the PHC must first make its determination as to whether the Statue should be altered, removed and/or demolished before the Art Commission may make any such decision. *See* Section 5.2.1.8 of the Regulations of the Philadelphia Art Commission (“When projects must also be reviewed by the Historical Commission, the Commission of Parks and Recreation, or the Zoning Board of Adjustment, the [Art] Commission will not make its decision until approvals have been obtained from the other reviewing entities.”).<sup>6</sup>

PHC should require that the City obtain a permit before erecting any structure around the Statue. Further, this Commission should compel the City to first seek its approval before that of the Art Commission. As set forth by the Philadelphia Code, PHC should “issue [an] order[] directing compliance with the requirements of [§ 14-2007]”<sup>7</sup> to the City and require that the City “restore . . . the . . . object . . . to its appearance prior to the violation.”<sup>8</sup> Then, it should demand that the City engage in the appropriate permitting process that comes before this Commission.

This Commission has a duty to uphold its purpose as outlined by the Philadelphia Code. The Code states that it is “a matter of public policy that the preservation and protection of buildings, structures, sites, objects and districts of historic, architectural, cultural, archaeological, educational and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Philadelphia.”<sup>9</sup> If this Commission stands by idly while the City removes or destroys the historic Columbus Statue, what type of precedent does that set? What agency should the People of Philadelphia then look to when an historic object is facing an existential threat?

I respectfully request that this Commission take immediate action to ensure the City complies with the well-established process and procedure set forth by the Philadelphia Home

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<sup>4</sup> Phila. Code § 14-2007(7)(c).

<sup>5</sup> *See* Phila. Code § 14-2007(2)(a) (“Alter or alteration. A change in the appearance of a building, structure, site or object”).

<sup>6</sup> *Regulations of the Philadelphia Art Commission* (Feb. 4, 2015), <https://regulations.phila-records.com/pdfs/Art%20Commission%20Regs%2003-09-15.pdf>.

<sup>7</sup> Phila. Code § 14-2007(9)(b).

<sup>8</sup> Phila. Code § 14-2007(9)(d).

<sup>9</sup> Phila. Code § 14-2007(1)(a).

**BOCHETTO & LENTZ, P.C.**

Jonathan E. Farnham

June 17, 2020

Page 3 of 4

Rule Charter, Philadelphia Code and the Regulations of the Philadelphia Art Commission with regard to how it impacts this Commission's duties.

If you would like to further discuss this matter, please do not hesitate to contact me.

Respectfully,

**BOCHETTO & LENTZ, P.C.**

By:

George Bochetto, Esquire

cc: Kim Chantry, Historic Preservation Planner, Philadelphia Historical Commission  
([kim.chantry@phila.gov](mailto:kim.chantry@phila.gov))

Laura DiPasquale, Historic Preservation Planner, Philadelphia Historical Commission  
([laura.dipasquale@phila.gov](mailto:laura.dipasquale@phila.gov))

Shannon Garrison, Historic Preservation Planner, Philadelphia Historical Commission  
([shannon.garrison@phila.gov](mailto:shannon.garrison@phila.gov))

Meredith Keller, Historic Preservation Planner, Philadelphia Historical Commission  
([meredith.keller@phila.gov](mailto:meredith.keller@phila.gov))

Allyson Mehley, Historic Preservation Planner, Philadelphia Historical Commission  
([allyson.mehley@phila.gov](mailto:allyson.mehley@phila.gov))

Megan Cross Schmitt, Historic Preservation Planner, Philadelphia Historical Commission  
([megan.schmitt@phila.gov](mailto:megan.schmitt@phila.gov))

**INTERIORS, OBJECTS, STRUCTURES, AND SITES**  
**LISTED ON THE PHILADELPHIA REGISTER OF HISTORIC PLACES**  
**PHILADELPHIA HISTORICAL COMMISSION**  
**AS OF SEPTEMBER 20, 2019**

Interior	Address	Designation Date
City Council Chambers, Room 400, City Hall	1400 John F. Kennedy Blvd	11/12/2010
Public Spaces in the Family Court Building	1801 Vine Street	5/13/2011
Grand Court, Wanamaker Building	1301-25 Chestnut Street	7/13/2018
30 <sup>th</sup> Street Station interiors	1 N. 30 <sup>th</sup> Street	4/12/2019

Object	Address	Designation Date
Dream Garden, Curtis Center	170 S. Independence Mall West	11/30/1998
Founders Memorial Bell	1 S. Broad Street	6/14/2000
PA Railroad War Memorial, 30 <sup>th</sup> Street Sta.	1 N. 30 <sup>th</sup> Street	9/12/2001
Wanamaker Eagle Statue	1301-25 Chestnut Street	9/12/2001
Dickens and Little Nell Statute, Clark Park	4301 Chester Avenue	10/12/2001
WPA Murals, Family Court	1801 Vine Street	5/13/2011
Swann Memorial Fountain	215 N. 19 <sup>th</sup> Street	6/29/1971
Washington Fountain	2500 Spring Garden Street	6/29/1971
Horse Trough	615 S. Washington Square	2/23/1971
Horse Trough	315 S. 9 <sup>th</sup> Street	2/23/1971
Horse Trough	300 Bainbridge Street	2/23/1971
Horse Trough	147 N. 2 <sup>nd</sup> Street	12/12/2003
Horse Trough	312 Arch Street	12/12/2003
Angelic Exaltation of St. Joseph mural	321 Willings Alley	12/12/2014
Frescos in St. Augustine's	246-60 N. 4 <sup>th</sup> Street	7/10/2015
Costaggini paintings in St. Augustine Church	246-60 N. 4 <sup>th</sup> Street	4/8/2016
Christopher Columbus Statue	2700 S Broad St	3/10/2017

Structure	Approximate Location	Designation Date
Thomas Mill Bridge over Wissahickon	Thomas Mill Road	5/28/1957
Frankford Avenue Bridge over Pennypack	8350 Frankford Avenue	6/30/1970
Strawberry Mansion Bridge	1 Strawberry Mansion Drive	9/7/1978
Walnut Lane Bridge over Lincoln Drive	500 W. Walnut Lane	3/1/1979
University Avenue Bridge	1000 University Avenue	7/14/1993
Wissahickon Memorial Bridge	4200 Henry Avenue	10/12/2001
Benjamin Franklin Bridge over Delaware	200 N. 5 <sup>th</sup> Street	12/12/2003
Walnut Lane Bridge over Wissahickon	900 W. Walnut Lane	8/9/2008

Site	Location	Designation Date
African Friends to Harmony Burial Ground	4111-23 Chestnut Street	11/9/2018
Holme-Crispin Park and burial ground	2854 and 2870 Willits Rd	3/9/2018
Sacks Playground	400 Washington Avenue	3/10/2017
Byberry Township Public Burial Ground	10751 and 10725 Knights Rd	1/13/2017
Bethel Burying Ground, a.k.a. Weccacoe Playground	405-25 Queen Street	6/14/2013
Penn Treaty Park	1301 Beach St	3/9/2012
Hertz Lot	300 N Chris Columbus Blvd	8/26/1987
Byberry Burial Ground	Adjacent to 14700 Townsend Rd and Benjamin Rush State Park	10/9/2015



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PRACTICE DEDICATED  
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June 26, 2020

**Via E-mail:** [rthomas@campbellthomas.com](mailto:rthomas@campbellthomas.com)

Robert Thomas  
Commissioner  
Philadelphia Historical Commission  
1515 Arch Street, 13th Floor  
Philadelphia, PA 19102

Dear Robert Thomas,

Based on Mayor Kenney's June 24, 2020 announcement concerning the removal of the Christopher Columbus Statue (the "Statue"), there is no indication that the City will comply with local laws or the Court Order dated June 18, 2020 in its effort to remove the Statue. The Court Order specifically mandates that the City "shall continue to abide by all Philadelphia Home Rule Charter and all other applicable laws and regulations."

A policy publicly posted on the City's website enumerates the process that must be followed **before any** publicly displayed city artwork may be removed.<sup>1</sup> The first step stipulates that the Public Art Director is to set forth a Proposal to initiate the process "**after** assessment by the Public Art Division of the Office of Arts, Culture and the Creative Economy . . . of the condition status of the artwork and evaluation of the artwork in relation to the . . . grounds for removal. The Proposal shall include a determination of whether the Artwork should be relocated, stored, loaned or deaccessioned."<sup>2</sup> The public has yet to be informed of any such assessment by the Public Art Division of the Office of Arts, Culture and the Creative Economy or presented with any Proposal detailing its determination.

Step two of the policy requires that the Public Art Division "notify in writing the artist, if living, or one or more members of the family of the artist, if known and readily contacted, of the reason for removal and shall provide the artist or family member(s) with 30 days to respond to

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<sup>1</sup> *City of Philadelphia Policy Regarding Removal, Relocation and Deaccession of Publicly Displayed Artwork* (Jan. 7, 2015), <https://www.phila.gov/documents/policy-regarding-removal-relocation-and-deaccession-of-artwork/> (last visited Jun. 25, 2020).

<sup>2</sup> *Id.*

the proposal.”<sup>3</sup> To assuage any difficulty the Public Art Division may have in completing this step, the artist’s family should be easily determined and available from the City.

Notably, step three indicates that “[i]n the case of a proposal to remove a work of art due to public protest, a public hearing will be held **prior to further action on the proposal**.”<sup>4</sup> In other words, the Public Art Director’s Proposal may not go forward until a public hearing has taken place.

Step four states that “[a]fter the period of notice, and after any adjustment made to the proposal based on input received, the Public Art Division shall present the proposal to the Department of Parks and Recreation, in the case of artwork in the custody of that Department, or to the Department of Public Property, in the case of artwork in the custody of that Department, for the respective department’s approval.”<sup>5</sup>

Then, in accordance with step five, only “[u]pon approval by the relevant department, the Public Art Division shall present the proposal to the City’s Art Commission for approval.”<sup>6</sup>

Step six and seven may also become relevant at a later point in time.

Moreover, the Statue, as you are aware, is designated as an *historic object* and listed on the Philadelphia Register of Historical Places. Therefore, pursuant to applicable law, the Philadelphia Historical Commission (“PHC”) must also approve the removal of the Statue. Without the approval of the PHC, the Art Commission does not have jurisdiction to decide the Statue’s fate.

The PHC has the power to “[r]eview and act upon all applications for building permits to alter or demolish historic buildings, structures, sites, or objects.”<sup>7</sup> Philadelphia Code further specifies that “[u]nless a building permit is first obtained from L&I, no person<sup>8</sup> shall alter or demolish a historic building, structure, site, or object.”<sup>9</sup> However, “[b]efore L&I may issue such a building permit, L&I shall forward the building permit application to the Historical Commission for its review.”<sup>10</sup>

In addition, Section 5.2.1.8 of the Regulations of the Philadelphia Art Commission states that the PHC **must first** make its determination as to whether the Statue should be removed

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<sup>3</sup> *Id.*

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<sup>6</sup> *Id.*

<sup>7</sup> Phila. Code § 14-1003(2)(e).

<sup>8</sup> Philadelphia Code defines the word “person” to include “individuals, firms, corporations, associations, and any other similar entities, including governmental agencies.” Phila. Code § 14-201(9).

<sup>9</sup> Phila. Code § 14-1005(1).

<sup>10</sup> Phila. Code § 14-1005(2).

**before** the Art Commission may make any such decision. *See* Section 5.2.1.8 of the Regulations of the Philadelphia Art Commission (“When projects must also be reviewed by the Historical Commission, the Commission of Parks and Recreation, or the Zoning Board of Adjustment, the [Art] Commission will not make its decision until approvals have been obtained from the other reviewing entities.”).<sup>11</sup>

If the PHC does not have a seat at the table in the City’s decision to remove the historic Statue, how can the people of Philadelphia trust that the PHC has any authority and/or power to protect historical objects and structures when it appears that the Mayor’s agenda precedes all else?

It is evident that the City has entered uncharted territory in its approach to remove the Columbus Statue. Unlike a dictatorship, the Kenney Administration must conduct itself with a tolerance for political pluralism and the Rule of Law.

Accordingly, I request that you, as a Commissioner of the Philadelphia Historical Commission, simply uphold your duty and ensure that the codified process for removing a historic statue is followed to its fullest extent. There are no shortcuts for such a process. I stand alongside the people of Philadelphia, watching closely to see if you and the Philadelphia Historical Commission uphold the Rule of Law and make certain that proceedings related to the removal of the Columbus Statue are conducted in accordance with all applicable laws.

Respectfully,

**BOCHETTO & LENTZ, P.C.**

By: George Bochetto  
George Bochetto, Esquire

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<sup>11</sup> *Regulations of the Philadelphia Art Commission* (Feb. 4, 2015), <https://regulations.phila-records.com/pdfs/Art%20Commission%20Regs%2003-09-15.pdf> (last visited Jun. 25, 2020).



City of Philadelphia Law Department  
Marcel S. Pratt  
Philadelphia City Solicitor

Leonard F. Reuter  
Senior Attorney

**VIA EMAIL to [gbochetto@bochettoandlantz.com](mailto:gbochetto@bochettoandlantz.com)**

George Bochetto, Esq.  
1524 Locust Street  
Philadelphia, PA 19102

**RE: Christopher Columbus Statue in Marconi Plaza**

Dear Mr. Bochetto,

I represent the Philadelphia Historical Commission ("PHC"). We are in receipt of letters, dated June 26, 2020, addressed to Robert Thomas, Chair of the PHC, and other commissioners, regarding the Christopher Columbus statue in Marconi Plaza ("Statue"). The PHC's consideration of the Administration's anticipated proposal would be conducted in full compliance with applicable laws, rules, and regulations. If and when the PHC schedules a public meeting regarding the Statue, the public will have an opportunity to comment and provisions for submission of comments and documents prior to the meeting will be posted on the PHC website as per normal procedures.

If you wish to have further communications with the PHC or its staff, please direct them to the PHC itself, and not to individual Commissioners. All such communications must be shared with the Administration in order to avoid the prohibition on *ex parte* contacts. Due to the COVID-19 pandemic, all communications must be sent via electronic mail. Communications to the PHC must be emailed to [preservation@phila.gov](mailto:preservation@phila.gov). As PHC's counsel, include me on all such communications: [leonard.reuter@phila.gov](mailto:leonard.reuter@phila.gov). Unless and until you are advised otherwise, the contact for the Administration who must be copied on all communications with the PHC is [diana.cortes@phila.gov](mailto:diana.cortes@phila.gov).

Yours truly,

/s/

\_\_\_\_\_  
Leonard F. Reuter, Senior Attorney

Encl: Ltr. to R. Thomas, June 26, 2020

CC: Marcel S. Pratt, City Solicitor  
Diana Cortes, Chair, Litigation Group, Law Department  
Robert Thomas, Chair, Philadelphia Historical Commission  
Jon Farnham, Executive Director, Philadelphia Historical Commission



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June 26, 2020

**Via E-mail:** [rthomas@campbellthomas.com](mailto:rthomas@campbellthomas.com)

Robert Thomas  
Commissioner  
Philadelphia Historical Commission  
1515 Arch Street, 13th Floor  
Philadelphia, PA 19102

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A policy publicly posted on the City's website enumerates the process that must be followed **before any** publicly displayed city artwork may be removed.<sup>1</sup> The first step stipulates that the Public Art Director is to set forth a Proposal to initiate the process "**after** assessment by the Public Art Division of the Office of Arts, Culture and the Creative Economy . . . of the condition status of the artwork and evaluation of the artwork in relation to the . . . grounds for removal. The Proposal shall include a determination of whether the Artwork should be relocated, stored, loaned or deaccessioned."<sup>2</sup> The public has yet to be informed of any such assessment by the Public Art Division of the Office of Arts, Culture and the Creative Economy or presented with any Proposal detailing its determination.

Step two of the policy requires that the Public Art Division "notify in writing the artist, if living, or one or more members of the family of the artist, if known and readily contacted, of the reason for removal and shall provide the artist or family member(s) with 30 days to respond to

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<sup>2</sup> *Id.*

the proposal.”<sup>3</sup> To assuage any difficulty the Public Art Division may have in completing this step, the artist’s family should be easily determined and available from the City.

Notably, step three indicates that “[i]n the case of a proposal to remove a work of art due to public protest, a public hearing will be held **prior to further action on the proposal**.”<sup>4</sup> In other words, the Public Art Director’s Proposal may not go forward until a public hearing has taken place.

Step four states that “[a]fter the period of notice, and after any adjustment made to the proposal based on input received, the Public Art Division shall present the proposal to the Department of Parks and Recreation, in the case of artwork in the custody of that Department, or to the Department of Public Property, in the case of artwork in the custody of that Department, for the respective department’s approval.”<sup>5</sup>

Then, in accordance with step five, only “[u]pon approval by the relevant department, the Public Art Division shall present the proposal to the City’s Art Commission for approval.”<sup>6</sup>

Step six and seven may also become relevant at a later point in time.

Moreover, the Statue, as you are aware, is designated as an *historic object* and listed on the Philadelphia Register of Historical Places. Therefore, pursuant to applicable law, the Philadelphia Historical Commission (“PHC”) must also approve the removal of the Statue. Without the approval of the PHC, the Art Commission does not have jurisdiction to decide the Statue’s fate.

The PHC has the power to “[r]eview and act upon all applications for building permits to alter or demolish historic buildings, structures, sites, or objects.”<sup>7</sup> Philadelphia Code further specifies that “[u]nless a building permit is first obtained from L&I, no person<sup>8</sup> shall alter or demolish a historic building, structure, site, or object.”<sup>9</sup> However, “[b]efore L&I may issue such a building permit, L&I shall forward the building permit application to the Historical Commission for its review.”<sup>10</sup>

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**before** the Art Commission may make any such decision. *See* Section 5.2.1.8 of the Regulations of the Philadelphia Art Commission (“When projects must also be reviewed by the Historical Commission, the Commission of Parks and Recreation, or the Zoning Board of Adjustment, the [Art] Commission will not make its decision until approvals have been obtained from the other reviewing entities.”).<sup>11</sup>

If the PHC does not have a seat at the table in the City’s decision to remove the historic Statue, how can the people of Philadelphia trust that the PHC has any authority and/or power to protect historical objects and structures when it appears that the Mayor’s agenda precedes all else?

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Accordingly, I request that you, as a Commissioner of the Philadelphia Historical Commission, simply uphold your duty and ensure that the codified process for removing a historic statue is followed to its fullest extent. There are no shortcuts for such a process. I stand alongside the people of Philadelphia, watching closely to see if you and the Philadelphia Historical Commission uphold the Rule of Law and make certain that proceedings related to the removal of the Columbus Statue are conducted in accordance with all applicable laws.

Respectfully,

**BOCHETTO & LENTZ, P.C.**

By: George Bochetto  
George Bochetto, Esquire

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<sup>11</sup> *Regulations of the Philadelphia Art Commission* (Feb. 4, 2015), <https://regulations.phila-records.com/pdfs/Art%20Commission%20Regs%2003-09-15.pdf> (last visited Jun. 25, 2020).

20060074100012

4. The City has posted the following message on the box: *"The Christopher Columbus statue has been a source of controversy in Philadelphia and across our country. Many are calling for the removal of the statue. The City understands their concerns and will be initiating a process for the Art Commission to review the statue, its location and its appropriateness in a public park. We are committed to listening to all and moving forward in the best way to heal our deep divides. The boxing is to preserve the statue while the Art Commission process is followed. No decision has been made on whether the City will remove the statue."*

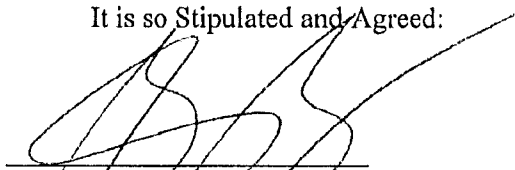
5. The City intends to allow for lawful First Amendment expression in the plaza, with reasonable time, place, and manner restrictions.

6. Counsel each represent that they have obtained the consent of their respective clients and other interested persons that they represent to enter this Stipulation. No party has prevailed and shall bear their own costs.


7. After receipt and execution by counsel for all parties, this Stipulation shall be submitted to the Court of Common Pleas of Philadelphia County for final approval and entry as an Order.

8. No injunction has issued in this matter. This Court will not retain jurisdiction.

It is so Stipulated and Agreed:

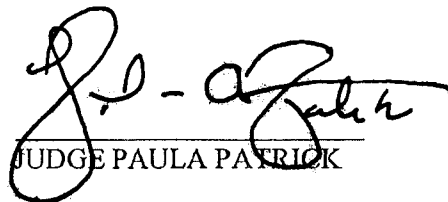


George Bochetto, Esquire  
1524 Locust Street  
Philadelphia, PA 19102  
Attorney for Plaintiff



Marcel Pratt, Esquire  
1515 Arch Street, 17th Floor  
Philadelphia, PA 19102  
Attorney for Defendants

It is so ORDERED, this 18<sup>th</sup> day of June, 2020.



JUDGE PAULA PATRICK

20060957

## Leonard Reuter

---

**From:** George Bochetto <gbochetto@bochettoandlentz.com>  
**Sent:** Tuesday, July 14, 2020 5:50 PM  
**To:** Leonard Reuter; Andrew Richman; Danielle Walsh  
**Cc:** Maggy White; Matthew Minsky; George Bochetto  
**Subject:** RE: Columbus Statue

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Respectfully, both of your positions do not hold up to legal analysis.

First, !4-1004 (1) (h) clearly requires any that object to be designated as historic must be "...part of or related to a square, park, or other distinctive area that should be preserved as historical..." Thus, to designate the Columbus Statue in question as "Historic" necessarily involved its location at Marconi Plaza. To remove it from that location removes a central criterion of its designation as Historic in the first place, and therefore necessarily implicates all of the notice provisions related to de-certification.

Second, your reference to Opinion 96-6 is tantamount to maintaining that the very attorney's office which has a conflict is permitted to self-judge the issue, and exempt itself, by issuing a protective opinion. That is nonsense and has no force of authority.

My request for a postponement until compliance is had stands, so please make this reply a part of the record.

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**From:** Leonard Reuter <Leonard.Reuter@Phila.gov>  
**Sent:** Tuesday, July 14, 2020 4:55 PM  
**To:** George Bochetto <[gbochetto@bochettoandlentz.com](mailto:gbochetto@bochettoandlentz.com)>; Andrew Richman <[Andrew.Richman@phila.gov](mailto:Andrew.Richman@phila.gov)>; Danielle Walsh <[Danielle.Walsh@phila.gov](mailto:Danielle.Walsh@phila.gov)>  
**Cc:** Maggy White <Maggy.White@Phila.gov>; Matthew Minsky <[mminsky@bochettoandlentz.com](mailto:mminsky@bochettoandlentz.com)>  
**Subject:** RE: Columbus Statue

Mr. Bochetto,

Firstly, be advised that I and my colleague Maggy White, have been separated from any Law Department attorneys handling the actual requests before the PHC. That is why I have copied you, Mr. Richman, and Ms. Walsh on my communications. I am not advising the Administration on the presentation of their request to the PHC, beyond providing procedural information as I just did a few minutes ago—which I sent to all of you for the very purpose of avoiding ex parte communications. I advise the PHC, not the Administration insofar as this matter is concerned and I further invite you to read Solicitor Opinion 96-6, which directly addresses the issue of the Law Department representation of both Boards and Commissions and city agencies that appear before them.

As previously indicated, and as announced on the PHC website, the City has requested that the PHC consider a request to remove the Columbus Statue ("Statue") from Marconi Plaza. As such, it is not a request to rescind the designation and remove the object from the Register of Historic Places. If the City were to submit such a request to rescind the designation, then we will review the request and make appropriate adjustments, if necessary, to the scheduling of the meeting. At present, however, there is no such request before the PHC that I have been made aware of.

Contrary to your assertions, all materials relating to the designation of the Statue have been available online since July 9, 2020. Here is the link: <https://www.phila.gov/media/20200709151259/Columbus-Statue-Designation-Files.pdf> . That

document constitutes the entire record of the nomination and designation of the Statue. I would be happy to explain why the documents are not available in our offices for the public to review in hard copy form at present.

The PHC is fully compliant with all applicable laws and regulations relating to the holding of a Special Meeting and there is no basis for the PHC to cancel the meeting; however, your request will be forwarded to the PHC, which may consider your request at the July 24 hearing.

Yours,  
Leonard F. Reuter  
Senior Attorney

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**From:** [George Bochetto](#)  
**Sent:** Tuesday, July 14, 2020 4:02 PM  
**To:** [Leonard Reuter](#); [Andrew Richman](#); [Danielle Walsh](#)  
**Cc:** [Maggy White](#); [Matthew Minsky](#); [George Bochetto](#)  
**Subject:** RE: Columbus Statue

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Dear Mr. Reuter---Regarding your email to me of July 10<sup>th</sup>, 2020, this email is to formally request that the Historic Commission ("HC") postpone the scheduled July 24, 2020 "Special Meeting," because the manner and timing of such scheduling does not comply with existing law or the Rules and Regulations of the Historic Commission, and because the process has already been contaminated with blatant conflicts of interests.

Among other things, the law requires that the HC follow the same procedures when altering the re-designating or the re- location of an historic object as was followed when the object and its location were originally designated. ( See14-1004(5) of The Philadelphia Code) As such the HC must comply with all of the notice and reporting procedures set forth in 14-1004 (g) and (2)(a) and (c), by, among other things, sending 30 days advance notice to the owner of the property, and 60 days advance notice to each building owner, site, or object within the historic district (here, Marconi Plaza). During that 60 day period, the Planning Commission must pursuant to 14-1004 (4) review and comment upon the proposed action. None of that has happened, and no meeting of the HC can occur until it does.

Further, under Rule 4.8, the HC is required to provide public access to all application and materials, including all those applications and materials that were originally relied upon to designate the Columbus Statue at Marconi Plaza as historically significant at such location. Pursuant to Rule 5, those materials would have had to been voluminous, given all of the criteria the Statue must have been shown to meet when originally certified. Despite repeated requests, and even the issuance of a subpoena, none of those documents have been made available.

Moreover, failure to abide by these requirements will also jeopardize the City's entitlement to have a HC, since the Certified Local Government Program (CLGP), will regard such failures as a breach. (See Certified Local Government Program: Guidelines and Procedures for Pennsylvania Communities.) Without CLGP certification, the City will not be in compliance with the ordinance that created the HC ("Historic Preservation Ordinance", dated August 22, 2012) and its sanctioning by the Pennsylvania Historic and Museum Commission. Thus, any HC action that would violate these provisions will constitute a nullity.

I also wish to point out the inherent conflict of interest you have by, on the one hand, purporting to represent the HC--- which has an independent mission statement and procedures to PRESERVE those objects and sites that have been historically designated as significant---while on the other hand at the same time being employed by the Solicitor's Office which reports directly to Mayor Kenney. The Mayor has made his disdain for the Columbus Statue painfully public, and has even ordered the Art Director of the City of Philadelphia to instruct the Art Commission to have it torn down. There is no way you can faithfully serve both masters.

All in all, the manner the HC has chosen to proceed is patently illegal, contrary to its own regulations, and rife with conflicts of interest. We will insist that all these matters be placed on the record for the Members of the HC to consider, since the continued illegality of these proceedings will be appealed to the courts, which such appeals shall seek federal 1983 Civil Rights damages and attorney's fees. We will also appeal to all regulatory bodies having oversight and jurisdiction over the HC.

Please therefore advise me immediately if the HC will postpone the illegal "Special Meeting" scheduled for July 24, 2020.

---

**From:** Leonard Reuter <[Leonard.Reuter@Phila.gov](mailto:Leonard.Reuter@Phila.gov)>

**Sent:** Friday, July 10, 2020 10:52 AM

**To:** George Bochetto <[gbochetto@bochettoandlentz.com](mailto:gbochetto@bochettoandlentz.com)>; Andrew Richman <[Andrew.Richman@phila.gov](mailto:Andrew.Richman@phila.gov)>; Danielle Walsh <[Danielle.Walsh@phila.gov](mailto:Danielle.Walsh@phila.gov)>

**Cc:** Maggy White <[Maggy.White@Phila.gov](mailto:Maggy.White@Phila.gov)>

**Subject:** RE: Columbus Statue

Please be advised that the Chair of the Philadelphia Historical Commission ("PHC") formally announced that a Special Meeting of the PHC will be held on July 24, 2020, commencing at 9:00 AM. Further details will be posted on the PHC website shortly.

Yours,  
Leonard F. Reuter  
Senior Attorney

Sent from [Mail](#) for Windows 10

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**From:** [George Bochetto](#)

**Sent:** Monday, July 6, 2020 4:13 PM

**To:** [Leonard Reuter](#)

**Cc:** [Andrew Richman](#); [Danielle Walsh](#); [Maggy White](#)

**Subject:** RE: Columbus Statue

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I acknowledge your email clarifying your earlier correspondence.

It is of utmost importance that I am notified of any "Special Meeting" so that I can have meaningful participation and input. Because this case concerns a matter of such public importance, and also because the role and manner of PHC is directly before the Court, every effort must be made to assure the public and the Court that all manner of due process and established procedures will be observed to the fullest. Any effort to sweep some kind of result through or past the PHC without observing all formalities will only lead to additional litigation and the additional erosion of public confidence in the officials charged with the responsibility of protecting historically designated monuments and statues.

Please let me hear from you as soon as possible concerning any such meetings. Thank you.



**George Bochetto**  
**Attorney At Law**  
1524 Locust Street  
Philadelphia, PA 19102  
(215) 735-3900  
[gbochetto@bochettoandlentz.com](mailto:gbochetto@bochettoandlentz.com)

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**From:** Leonard Reuter [mailto:[Leonard.Reuter@Phila.gov](mailto:Leonard.Reuter@Phila.gov)]  
**Sent:** Friday, July 03, 2020 12:26 PM  
**To:** [gbochetto@bochettoandlentz.com](mailto:gbochetto@bochettoandlentz.com)  
**Cc:** Andrew Richman <[Andrew.Richman@phila.gov](mailto:Andrew.Richman@phila.gov)>; Danielle Walsh <[Danielle.Walsh@phila.gov](mailto:Danielle.Walsh@phila.gov)>; Maggy White <[Maggy.White@Phila.gov](mailto:Maggy.White@Phila.gov)>  
**Subject:** RE: Columbus Statue

Mr. Bochetto,

Correcting my previous response, which indicated that a request related to the Columbus Statue was "anticipated": I have since learned that on June 25<sup>th</sup>, the Historical Commission's Chair received a request to hold a Special Meeting to consider an application to remove the statue from Marconi Plaza. I was not made aware of this request until today. Both the Executive Director of the Historical Commission, and the Chair have been away, and the Chair has not yet made a formal announcement about the matter, though that will be forthcoming shortly.

Yours,  
Leonard

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**From:** [Leonard Reuter](#)  
**Sent:** Thursday, July 2, 2020 10:22 AM  
**To:** [gbochetto@bochettoandlantz.com](mailto:gbochetto@bochettoandlantz.com)  
**Cc:** [Andrew Richman](#); [Danielle Walsh](#)  
**Subject:** RE: Columbus Statue

Mr. Bochetto,

Updating yesterday's letter, the attorney who is representing the Administration in this matter, and who must be copied on any communications with the Historical Commission, is Danielle Walsh, copied here. You may also copy Andrew Richman, also copied here. I am attaching the same response I sent last night to this message and again, emphasizing that Diana Cortes will not be the contact for the Administration going forward.

Yours,  
Leonard

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**From:** Leonard Reuter  
**Sent:** Wednesday, July 1, 2020 9:44:53 PM  
**To:** [gbochetto@bochettoandlantz.com](mailto:gbochetto@bochettoandlantz.com) <[gbochetto@bochettoandlantz.com](mailto:gbochetto@bochettoandlantz.com)>  
**Cc:** Diana Cortes <[Diana.Cortes@Phila.gov](mailto:Diana.Cortes@Phila.gov)>; Marcel Pratt <[Marcel.Pratt@Phila.gov](mailto:Marcel.Pratt@Phila.gov)>; Jon Farnham <[Jon.Farnham@phila.gov](mailto:Jon.Farnham@phila.gov)>; Robert Thomas <[rthomas@campbellthomas.com](mailto:rthomas@campbellthomas.com)>; Maggy White <[Maggy.White@Phila.gov](mailto:Maggy.White@Phila.gov)>  
**Subject:** Columbus Statue

Mr. Bochetto,

Please see the attached letter in response to your communication to the Philadelphia Historical Commission's members.

Yours,  
Leonard

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