

PHILADELPHIA COURT OF COMMON PLEAS
PETITION/MOTION COVER SHEET

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ASSIGNED TO JUDGE:	ANSWER/RESPONSE DATE: 09/07/2022
Do not send Judge courtesy copy of Petition/Motion/Answer/Response. Status may be obtained online at http://courts.phila.gov	

CONTROL NUMBER:

22083221

(RESPONDING PARTIES MUST INCLUDE THIS
NUMBER ON ALL FILINGS)

January 2022
Month Term, Year
No. 00090

IN RE: APPEAL OF CITY OF PHILA. MAYOR'S
OFFICE

Name of Filing Party:
CITY OF PHILADELPHIA MAYOR'S OFFICE

INDICATE NATURE OF DOCUMENT FILED:

☐ Petition (Attach Rule to Show Cause) ☒ Motion
☐ Answer to Petition ☐ Response to Motion

Has another petition/motion been decided in this case? ☒ Yes ☐ No
Is another petition/motion pending? ☐ Yes ☒ No

If the answer to either question is yes, you must identify the judge(s):
JOSHUA ROBERTS

TYPE OF PETITION/MOTION (see list on reverse side) MISCELLANEOUS MOTION/PETITION		PETITION/MOTION CODE (see list on reverse side) MTMIS
ANSWER / RESPONSE FILED TO (Please insert the title of the corresponding petition/motion to which you are responding):		
I. CASE PROGRAM OTHER PROGRAM Court Type: <u>AGENCY APPEAL</u> Case Type: <u>MISC ADMINISTRATIVE AGENCY</u>	II. PARTIES (required for proof of service) (Name, address and telephone number of all counsel of record and unrepresented parties. Attach a stamped addressed envelope for each attorney of record and unrepresented party.) ANDREW N SEGEDIN 1515 ARCH ST. 17TH FLOOR , PHILADELPHIA PA 19102 MEGAN K SHANNON OFFIT KURMAN TEN PENN CENTER 1801 MARKET ST SUITE 2300 , PHILADELPHIA PA 19103 KYLE APPELEGATE OFFICE OF OPEN RECORDS 333 MARKET STREET, 16TH FLOOR , HARRISBURG PA 17101	
III. OTHER		

By filing this document and signing below, the moving party certifies that this motion, petition, answer or response along with all documents filed, will be served upon all counsel and unrepresented parties as required by rules of Court (see PA. R.C.P. 206.6, Note to 208.2(a), and 440). Furthermore, moving party verifies that the answers made herein are true and correct and understands that sanctions may be imposed for inaccurate or incomplete answers.

(Attorney Signature/Unrepresented Party)

August 17, 2022
(Date)

JO ROSENBERGER ALTMAN
(Print Name)

(Attorney I.D. No.)

The Petition, Motion and Answer or Response, if any, will be forwarded to the Court after the Answer/Response Date.
No extension of the Answer/Response Date will be granted even if the parties so stipulate.

CITY OF PHILADELPHIA
MAYOR'S OFFICE

Appellant

v.

NAT LOWNES

Appellee

COURT OF COMMON PLEAS
PHILADELPHIA COURT
TRIAL DIVISION

No. 220100090

ORDER

AND NOW, this _____ day of _____, 2021, upon consideration of Appellant City of Philadelphia's Motion to Supplement the Record, and any response thereto, it is hereby **ORDERED** and **DECREED** that the Motion is **GRANTED**, and the Recorded Record shall be supplemented to include the contents of Appellant's Supplemental Record.

J.

CITY OF PHILADELPHIA LAW DEPARTMENT

DIANA P. CORTES, CITY SOLICITOR

By: Jo Rosenberger Altman, Senior Attorney

Attorney I.D. No. 200121

1515 Arch Street, 17th Floor

Philadelphia, PA 19102-1595

PHONE: (215) 683-5403

FAX: (215) 683-5069

**CITY OF PHILADELPHIA
MAYOR'S OFFICE**

Appellant

v.

NAT LOWNES

Appellee

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**COURT OF COMMON PLEAS
PHILADELPHIA COURT
TRIAL DIVISION**

No. 220100090

**MOTION OF APPELLANT CITY OF PHILADELPHIA TO
SUPPLEMENT THE RECORD**

Appellant, the City of Philadelphia (City) Police Department, by a through its undersigned counsel, hereby moves to supplement the record in the above captioned appeal as follows:

1. In the instant matter, the City has appealed the December 3, 2021 Final Determination of the Office of Open Records (OOR) in *Lownes v. City of Philadelphia, Mayor's Office*, OOR Dkt. AP 2019-1981 granting, in large part, Appellee Mr. Lownes' (Appellee) appeal seeking "all submitted Board of Education 'interest forms' submitted by individuals applying to be Board of Education appointees between the dates of 9/1/2020 and 12/8/2020)" (the Request). The City refers to these forms, which include cover letters, resumes and curriculum vitae as "Statements of Interest" or more generally as applications.

3. At issue is the identities, resumes, curriculum vitae, financial information, and very personal statements of dozens of private residents of Philadelphia who applied, unsuccessfully, to volunteer for the Board of Education.

4. The request for these sensitive records were a matter of first impression for the City as well as OOR and implicate novel issues of law.

5. Additionally, the Request came in and was appealed during the midst of the COVID-19 pandemic and at a time when the City was particularly short staffed, as described in the Affidavit of Feige Grundman, Divisional Deputy City Solicitor of the Law Department's Right to Know Division in her affidavit that is part of the Supplemental Record the City seeks to file. Exhibit A, S.R. at 035, at ¶ 13.

6. Ms. Grundman further explains that the hopeful volunteers whose records were at issue were confused about the process of participating in the OOR appeal and many that indicated they wanted to participate did not end up submitting the proper paperwork. Exhibit A, S.R. at 034-35, at ¶¶ 02-14.

7. The OOR's Final Determination recognized the confusion experienced by the applicants but nevertheless ordered the disclosure of their personal information with limited redactions. Certified Record, *Philadelphia v. Lownes*, No. 220100090, Phila. CCP (Filed May 2, 2022 by OOR) (C.R.) at 199-201, 212.

8. On January 3, 2022, the City timely filed the instant appeal of the OOR's Final Determination.

10. The Supreme Court of Pennsylvania has held that courts hearing appeals from the OOR "have the authority to expand their record to fulfil their statutory role" as fact finders. *Bowling v. Office of Open Records*, 75 A.3d 453, 476 (Pa. 2013).

11. Moreover, the Commonwealth Court has specifically and repeatedly held that agencies may meet their burden of proof in Right-to-Know matters through the submission of affidavits. *See, e.g., Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. 2011) (“[A]n agency may satisfy its burden of proof that it does not possess a requested record with either an unsworn attestation by the person who searched for the record or a sworn affidavit of nonexistence of the record.”).

12. At issue in the instant appeal is whether the OOR improperly held that the detailed biographical and professional profiles of dozens of private Philadelphia residents who sought to volunteer for the City are subject to public disclosure.

13. As third-party interests are involved, supplementation of the record is particularly appropriate. *Cf. Pennsylvania State Police v. Grove*, 119 A.3d 1102, 1110 (Pa. Commw. Ct. 2015), *aff'd in part, rev'd in part on other grounds*, 161 A.3d 877 (2017) (holding that ground of denial was properly raised for the first time on appeal to Commonwealth Court because “[a]n agency . . . cannot waive third parties’ privacy rights”).

14. Additionally, in the course of the instant appeal, the City disclosed the Statements of Interest of those candidates that were ultimately appointed to the Board, as a result a portion of the appeal is now moot. Exhibit A, S.R. 001-030.

14. The City’s supplementation of the record would allow the City clarify the public interest in maintaining the confidentiality of unsuccessful applicants’ to the volunteer role on Board of Education, better contextualize the outreach process to unsuccessful applicants and concerns such applicants raised in the process, and provide information on the records that were released while this appeal was pending.

16. For the reasons discussed above, supplementation of the record is necessary to clarify the factual issues related to the privacy of dozens of Philadelphia residents whose records are at issue in this appeal and relate directly to the arguments raised by the City in its brief.

WHEREFORE, for the foregoing reasons, City respectfully requests that the Court grant its Motion to Supplement the Record with the supplemental affidavit attached as Exhibit A.

Respectfully Submitted,

/s Jo Rosenberger Altman

Jo Rosenberger Altman
Senior Attorney
City of Philadelphia Law Department
1515 Arch Street, 17th Floor
Philadelphia, PA 19102

EXHIBIT A

**CITY OF PHILADELPHIA
MAYOR'S OFFICE**

Appellant

v.

NAT LOWNES

Appellee

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**COURT OF COMMON PLEAS
PHILADELPHIA COURT
TRIAL DIVISION**

No. 220100090

SUPPELEMENTAL RECORD

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From: [Jo Rosenberger Altman](#)
To: mshannon@offitkurman.com
Cc: [Andrew Segedin](#)
Subject: City of Philadelphia v. Lownes
Date: Tuesday, July 12, 2022 3:37:00 PM
Attachments: [Reginald Streater BoE materials - Redacted.pdf](#)
[Cecelia Thompson BoE materials - Redacted.pdf](#)
[Lisa Salley BoE materials - Redacted.pdf](#)

Good afternoon, Ms. Shannon.

I am an attorney in the Law Department who used to work on RTK matters but transferred out of the RTK Division a few years ago. Because of extreme staffing shortages in the RTK Division, and in an effort to move the matter forward, I will be working on the above captioned appeal. I write on two matters with respect to the above captioned appeal:

First, attached please find the applications of those nominees for the Board of Education who were selected and currently serve on the Board of Education, redacted in accordance with the OOR Determination issued in this matter. After further internal review and consultation with the members, the City has determined that it is appropriate to release the redacted applications of these successful applicants.

Second, I'm writing to let you know that the City will need to seek an extension to file its brief in this matter concerning the public nature of applications of unsuccessful applicants. The City continues to assert that these records, reflecting the personnel information of private City residents, are exempt from disclosure under applicable law. Unfortunately, since the City last sought an extension, the RTK Division has lost yet another attorney and the Law Department in general is struggling with significant turnover and short staffing. I am stepping in to assist given my prior involvement in this area of law but I also have significant other responsibilities outside of RTK matters and need time to get up to speed on the case. I will be seeking a 30-day extension. Please advise if you will agree to this extension, if you intend to oppose it, or if a discussion would be helpful.

I look forward to working with you further on this matter.

Respectfully,

Jo Rosenberger Altman
Senior Attorney
Legislation & Legal Counsel Unit
CITY OF PHILADELPHIA LAW DEPARTMENT
o: 1515 Arch Street, 17th floor | Philadelphia, PA 19102
e: jo.rosenberger.altman@phila.gov

BOE - Board of Education interest form

Apply to be a Board of Education appointee.

All fields are required.

Your contact information

Name

Reginald Streater

Address

[REDACTED]

Email

[REDACTED]

Phone Number

[REDACTED]

Date of birth

[REDACTED]

About you

Upload your resume, CV, or bio. Note: Please upload your resume as a PDF, and use this format to name the file: LastnameFirstnameResume.pdf.



StreaterReginaldResume.pdf

Upload a cover letter that includes a bit more about your background, why you want to serve on the Board of Education, and what makes you qualified to serve on the Board of Education. Note: Please upload your cover letter as a PDF, and use this format to name the file: LastnameFirstnameCoverLetter.pdf.



StreaterReginaldCoverLetter.pdf

What value do you feel your experience would your experience bring to the BOE?

I would bring diversity anchored in my experiences as a Philadelphian who went and graduated from and whose children currently attend Philadelphia public schools. I also would bring the value of being an attorney who is must read and distill large quantities of information in a way that is readily accessible to others. I also bring experience in community engagement and service.

View the BOE's [Goals & Guardrails here](#).

Please review the Board of Education's vision for future governance and operations (Goals & Guardrails). How would you envision applying this framework if you were to become a board

member?

I have reviewed the Goals and Guardrails, and at the outset I would use them as the fountainhead from which all of my actions as a member of the Board would flow.

Secondly, I would seek out experts amongst the many legal and educational experts that I know so that I would be utterly equipped to join, guide and lead discussions around the importance of all students in Philadelphia either reading at or above their grade level, excel in math—as it is the foundation not just education in STEM, but to all professions, and the importance of getting students to think and believe that they can succeed post-secondary school toward college and vocational spaces.

Third, understanding that schools must be safe spaces for learning and expression. Creating safe spaces for students in public schools creates fertile soil for children to thrive will be something that I would intentionally collaborate with fellow Board members to foster. Finally, I would work to with parents, teachers, Board members and other stakeholders to ensure that institutionalized racism is rooted out of the district. Without this, equality of opportunity is not attainable.

All in all, I would strive to continue to educate myself, speak truth to power when necessary, take a keen interest in representing the interests of the parents and most importantly the students.

Service on the Board of Education requires a substantial commitment of time. Listed below are the types of time commitments that all Board members must make and the types of additional discretionary commitments that Board members might also consider.

- Attendance at two evening meetings a month lasting approximately 4 hours each. Meetings are generally held on Thursday evenings and may last anywhere from 3 to 7 hours. Meetings may either be held virtually, as dictated by health mandates, or in person at the District's central offices at 440 N. Broad Street. Additional evening meetings each month are possible at the discretion of the Board.
- Participation in approximately four hours of meetings every week during the work day which might include briefings, meetings with community groups, and executive sessions.
- Discretionary attendance at meetings such as community meetings, press occasions, and/or other school events.
- Approximately five hours of reading every month in order to prepare for action meetings.

Please explain your ability to commit the time necessary to serve on the Board.

While I am a practicing attorney, I have the ability to serve on multiple non-profit boards. Together, the time commitment is either equal to or is greater than the time commitment for the Board of Education. So, I definitely can commit the time necessary to serve on the Board.

Have you ever been a student at a Philadelphia school?

Yes, District-run

If yes, please indicate which schools you attended and when.

Leeds Middle School and Germantown High School

Have you ever had children in Philadelphia schools?

Yes, District-run

If yes, please indicate which schools your children have attended and when.

[REDACTED]

Are you a current employee of a Philadelphia School District or Charter School? If yes, please note that you would have to terminate your employment to serve on the Board of Education.

No

Will you have been a resident of the City for at least one (1) year prior to the date of appointment?*

Yes

Are you currently a student in a Philadelphia school?

No

Please select your annual income level:

[Redacted]

Are you a parent?

Yes

Please select your race or ethnicity:

[Redacted]

Please select your gender:

[Redacted]

Please select your age range:

35-44 years old

Please enter your neighborhood of residence:

Germantown

What type of expertise and experience would you bring to the board? Select all that apply:

Community Affairs

Parent Advocacy

Law

Non-Profit Board Leadership

Disclaimer:

Please note that the information submitted in response to this form may be subject to requests from the public for disclosure. Under State law, records in the City's possession are presumed to be public.

The Nominating Panel will only be reaching out to individual candidates who have moved to the next round of review. Other interested candidates will only receive notification once the process has concluded. All candidates interested in serving on the Board of Education should be prepared to make themselves available to the Nominating Panel for an interview and will go through a thorough background vetting process.

November 30, 2020

Office of the Mayor
City Hall, Office 215
Philadelphia, PA 19107

Dear Office of the Mayor:

I am writing to express my deep and sincere interest in serving as one of the members of the Philadelphia Board of Education (the "Board"). I know that I have the passion and life experiences necessary to be an excellent board member. I am (1) a product of the Philadelphia public school system, (2) a parent [REDACTED] who currently attend a Philadelphia public school, (3) an attorney, and (4) an active member to various non-profit executive boards and other community facing organizations. In sum, I am intentional in staying connected to my community and it has further empowered me to be an effective advocate for them in all the spaces I serve.

I am a product of Philadelphia public school system. I graduated from the neighborhood schools of Leeds Middle School (1997) and the now shuttered Germantown High School (2001). Going to and successfully matriculating through public schools gave me invaluable insight as to the multivariate positive impact that public schools can have on someone such as myself. I am from the northwest portion of city and have spent most of my formative years in Mt. Airy and then in Germantown. Going to Leeds and Germantown High gave me access to an education and social atmosphere that became spring board as to who I am today. Moreover, these schools were cultural and historical hubs of intangible information that related not just to the greater community, but the discrete communities they served.

Just as many students in the district, I had my difficulties in high school. I was not focused on school, but on the many distractions that sadly many students in Philadelphia must overcome to be successful in school. These distractions include economic inequality, economic apartheid visa-vi their suburban counterpart, food deserts, and lack of funding are all substantial barriers to learning. However, I had an interaction with a teacher at Germantown High School, Mrs. Altman, who challenged me to overcome these barrier and be better, and I can honestly say that her words of tough love helped to propel me to eventually complete my bachelors and Juris Doctorate degrees.

Based on my personal experience in Philadelphia public schools, it was a no-brainer [REDACTED] [REDACTED] I decided to send our children to [REDACTED] I have witnessed first-hand the logistical issues that beset the children, parents, the faculty and the administration of the school before and during the pandemic. All in all, I am passionate about children in Philadelphia to have access to quality education regardless of the school of the zip code they live in.

As an attorney, I have sharpened and cultivated many skills that I believe relate to the work of the Board. I worked for Chief Judge Theodore McKee in the Third Circuit Court of Appeals. In

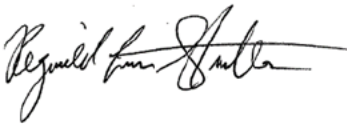
this position, I sometimes read thousands of pages of case briefs and cases, with a quick turnaround, in order to aid the judge in drafting opinions. Now, in my current role as an attorney at a law firm, I am charged with reading, reviewing and synthesizing arguments for the purpose of motion practice or in preparation for oral arguments to the court. I also am published in an international law journal and political and civil rights journal on matters that relate to critical race theory. In short, I excel at reading dense information and presenting said dense information to others in a way that is readily accessible.

Finally, my commitment to the Philadelphia community is made evident by my non-profit board and other organizational commitments and activities. As the vice-president of the Greater Philadelphia ACLU Executive Board, I have spearheaded an effort to make the ACLU more accessible to the Black community by planning and executing programming and outreach in the Germantown section of Philadelphia. As an executive board member to the Barristers' Association of Philadelphia, I have personally engaged in helping members of the community in expunging their records. Also as a Barrister, I have volunteered to teach other lawyers about voting laws and rules in Philadelphia in preparation for voter protection efforts in the 2020 federal and state elections. Finally, I also volunteer as a mentor and to distribute food and other necessities to needy Philadelphians.

At bottom, I perceive my role as being an advocate to and for the community and executing my fiduciary duty as a board member. I would be honored to serve the Philadelphia community as a Board member. I have included, in the online application, my resume so that you can learn more about my education, career and other career related interests. Thank you for your time and consideration.

Please feel free to email me at [REDACTED] or call my cell phone at [REDACTED]. I hope to hear from you soon.

Sincerely,



Reginald L. Streater, Esq. _____

Reginald Lamar Streater

EXPERIENCE

Archer & Greiner, P.C., Haddonfield, PA & Philadelphia, PA

Summer Associate, (Summer 2017)

Associate, Commercial Litigation & Cannabis Law Group (2018 – Current)

Practice emphasis in commercial and business litigation with federal bench trial experience; Defend and Pursue actions involving Federal Section 1983 Civil Rights Claims, Federal Torts Claims Act, insurance coverage disputes, employment disputes, business torts, and contract disputes; Draft state and federal pleadings including complaints, answers, motion to dismiss, pretrial motions, motion for summary judgment, certifications, and briefs; Prepare deposition outlines, prepare witness for depositions, depose parties and non-parties; Conduct discovery in a very contentious case by drafting interrogatories, requests for documents, request for admissions and multiple motions to compel and oppositions to motions to compel; Conduct successful oral argument for motions to compel, opposition to motion to compel, motion to quash the subpoena of a third party, and opposition to two motions for default judgment in hotly contentious case; Conduct research and draft legal memoranda in commercial litigation matters under Federal, New Jersey, Pennsylvania and New York law; Conduct settlement negotiations to finality; and Mentor to Summer Associate in firm's summer program.

Federal Third Circuit Court of Appeals: Judicial Honors Student Clerkship/Internship to the Honorable Theodore McKee, Philadelphia, PA (Fall 2017 – Spring 2018)

The Pennsylvania Innocence Project, Philadelphia, PA (Spring 2017)

Law Clerk/Intern

Philadelphia Diversity Law Group (PDLG), Philadelphia, PA (Summer 2016)

Fellow/Alumnus

The Vanguard Group, Malvern, PA (Summer 2016)

Partnered with **Morgan, Lewis & Bockius LLP**, Philadelphia, PA

Fellow/Law Clerk

EDUCATION

Temple University Beasley School of Law, Philadelphia, PA

Juris Doctorate, *Certificate in Trial Advocacy*, May 2018

Honors

Rubin Public Interest Law Honor Society Fellow

and

Henry J. Richardson III Award

Awards:

Captain Robert Miller Knox Award

H. Monica Rasch Memorial Award

Temple International & Comparative Law Journal Most Valuable Editor

Archer & Greiner Law Student Diversity Scholarship

Barristers Association of Philadelphia Merit Scholarship

McCool Scholarship

Conwell Scholarship

Distinguished Class Participation: Federal Income Tax, Criminal Law,

Constitutional Law, Political and Civil Rights, Integrated Trial Advocacy, Law

Science and Technology, Civil Procedure II

Leadership: Student Bar Association, President (first Black President)
Black Law Students Association, President
Affinity Group Coalition, Advisor

Activities: Temple International & Comparative Law Journal, Staff Editor
VITA Low Income Tax Clinic
Barristers' Association of Philadelphia
Student Public Interest Network
National Lawyers Guild Temple Law Chapter
Academic Core Enrichment, Counselor
Integrated Transactional Advocacy, Teaching Assistant
Integrated Trial Advocacy Program, Teaching Assistant

Publications: *Walking While Black – A Reflection*, VOICES @ TEMP. L. (Jan. 15, 2018).
Electronic Monitoring: A Means to the Continuation of the Commodification of American Bodies that Exists under the Current American Criminal Justice System, TEMP. POL. & CIV. RTS. SOC. (Spring 2018).
Zimbabwe's Struggle to Break the Chains of Colonialism: Self-Determination, Land Reform, and International Law, 33.1 TEMP. INT'L & COMP. L.J. (2018)

Temple University, College of Liberal Arts, Philadelphia, PA

Bachelor of Arts in Political Science, Distinction in Major, *Magna Cum Laude*, May 2015

Minor: African American Studies

GPA: 3.87 Cumulative / 3.93 Major / 4.00 Minor

Honors: Dean's List(s) (8 semesters)
Political Science Scholastic Prize (top student in department)
Pi Sigma Alpha (national political science honors society)

Activities: Worked Full-Time
Fulltime Father

**NON-LEGAL
EXPERIENCE**

The District Office of State Representative Brian Sims, Philadelphia, PA (2014)
Clerk/Intern

Manager at Various Restaurants, Greater Philadelphia (2000 – 2015)

Obama for America 2012 Re-election Campaign, Philadelphia, PA (Fall 2012)

LEADERSHIP

The Barristers' Association of Philadelphia, Philadelphia, PA
Member/Executive Board Member (Current)

Temple University Alumni Association, Philadelphia, PA
Co-Counsel (Current)

The Association of the Federal Bar of New Jersey
Member/Chair, Young Lawyer's Division (Current)

Pennsylvania American Civil Liberties Union (ACLU), Greater Philadelphia Chapter,
Philadelphia, PA

Member/Executive Board Member (Current)

Temple Law Alumni Association, Philadelphia, PA
Member/Executive Committee Member (2018 – 2020)

LEADERSHIP Philadelphia, Philadelphia, PA (2017 – 2018)
Fellow and Alumnus

LICENSES

New Jersey State Court, Pennsylvania State Court, Third Circuit Court of Appeals, Eastern District of Pennsylvania and the District Court of New Jersey

MEMBERSHIPS

Pennsylvania Bar Association, Garden State Bar Association, Philadelphia Bar Association, New Jersey Bar Association, and Alpha Phi Alpha Fraternity, Incorporated

PRESENTATIONS

Presenter/Panelist/Moderator, Medical Marijuana and Hemp Law Symposium 2020 (October 2020)

Presenter/Panelist, 2019 Professionalism Day in the United States District Court of New Jersey: The Challenges and Rewards of Pro Bono Publico (October 2019)

Moderator, Reforming Probation and Parole in Pennsylvania: A Town Hall Presented by the ACLU of Pennsylvania and the Barristers' Association of Philadelphia (October 2019)

Panelist, Second Annual Professional Development Academy, Temple Law Affinity Group Coalition (February 2019)

Panelist, 2017 Lavender Law Conference (August 2017)

Panelist, Ace Lecture, Philadelphia Diversity Law Group Bootcamp Temple Law (June 2017)

Panelist, Barristers' 4th Annual Education Forum (April 2017)

Panelist, Temple Law Breakout Session, Philadelphia Diversity Law Group Bootcamp Seminar (June 2016)

INTERESTS

Scholarship, Mentorship, Leadership, "Four for Four" Philadelphia Sports Fan, Neo-Soul, Soul Music, Black and African Art, Afrocentricity, Diversity and Inclusion, Cooking, and Exercise and Fitness.

219457555v1

BOE - Board of Education interest form

Apply to be a Board of Education appointee.

All fields are required.

Your contact information

Name

Cecelia Thompson

Address

[REDACTED]

Email

[REDACTED]

Phone Number

[REDACTED]

Date of birth

[REDACTED]

About you

Upload your resume, CV, or bio. Note: Please upload your resume as a PDF, and use this format to name the file: LastnameFirstnameResume.pdf.



ThompsonCeceliaResume.pdf

Upload a cover letter that includes a bit more about your background, why you want to serve on the Board of Education, and what makes you qualified to serve on the Board of Education. Note: Please upload your cover letter as a PDF, and use this format to name the file: LastnameFirstnameCoverLetter.pdf.



ThompsonCeceliaCoverLetter.pdf

What value do you feel your experience would your experience bring to the BOE?

First, I bring over fifteen years of special education advocacy, training, and special education understanding to the Board of Education. This includes understand the needs of those living with disabilities needing special education supports and services, and those struggling learners needing early intervening services such as Response to Intervention and Positive Behavior Intervention Supports. I also have a basic understanding of the needs of English Language Learners and their needs.

Second, I bring Family Advocacy experience because I have earned the respect of many advocates and

community members as someone who listens and is open to discussion for a resolution. I can bring alternative ways to engage with families and the community for their input and gather information.

Third, I have a basic understanding of how the School District of Philadelphia. Early in my advocacy, I have been mentored by various Chiefs and Deputies throughout the years who explained the various parts of the district from finance, special education, curriculum and instruction, truancy and attendance, food services, transportation, and operations, to name a few. While there will be a learning curve, it will not be as extensive as someone with no knowledge of these departments.

Finally, my numerous group affiliations have taught me how to respect the perspectives of others and how to agree to disagree without being disagreeable. I will never be disagreeable to ones perspective in private or public settings.

View the BOE's [Goals & Guardrails here](#).

Please review the Board of Education's vision for future governance and operations (Goals & Guardrails). How would you envision applying this framework if you were to become a board member?

First, I will ensure families and the community are informed on the Board of Education's Goals and Guardrails, so they fully understand what is expected from the school for the child's education. For the goals of Reading, Math, and College and Career Readiness, I would request data on the execution of these goals, especially with struggling learners, special education learners, and English Language learners to ensure these groups of students are not overlooked by the district.

Second, again, ensure families and the community are aware of the four guardrails of Welcoming, Safe and Supportive Schools, Enriching and Well-Rounded School Experiences, Schools Partnering with Parents and Families Members, and Addressing Racist Practices. I would discuss with my fellow Board Members on setting up a hotline and email to collect data separate from the District, to inform our asks of the District for change, as, to my knowledge, this information is not shared with the Board for review. For example, after the adoption of these Goals and Guardrails, I will advocate for the use of some of the \$100 million dollars donated by the University of Pennsylvania towards accessible schools so those living with physical exceptionalities can travel through our schools independently.

Finally, I will work with my fellow board members on increasing positive and meaningful partners between schools and families and charge the district with addressing the racial inequities as testified by many individuals during the previous board meetings.

Service on the Board of Education requires a substantial commitment of time. Listed below are the types of time commitments that all Board members must make and the types of additional discretionary commitments that Board members might also consider.

- Attendance at two evening meetings a month lasting approximately 4 hours each. Meetings are generally held on Thursday evenings and may last anywhere from 3 to 7 hours. Meetings may either be held virtually, as dictated by health mandates, or in person at the District's central offices at 440 N. Broad Street. Additional evening meetings each month are possible at the discretion of the Board.
- Participation in approximately four hours of meetings every week during the work day which might include briefings, meetings with community groups, and executive sessions.
- Discretionary attendance at meetings such as community meetings, press occasions, and/or other school events.
- Approximately five hours of reading every month in order to prepare for action meetings.

Please explain your ability to commit the time necessary to serve on the Board.

For the last sixteen years, I have attended the meetings in person and during the pandemic for the entire meetings. I have only missed a few meetings due to the pendency of inclement weather. There was

one ten hour virtual meeting where I suggested at the end of my testimony if the board could begin the meetings earlier, so families can participate instead of not participating due to work obligations in the morning or having to start the bedtime routine for children to get up in the morning.

I currently read the materials put out by the Board so I am knowledgeable on the subject before providing testimony and I was invited to go on a building walk-through of two schools which were scheduled to open on November 30, 2020 (before Superintendent Hite announced schools remain virtual indefinitely due to spikes in Covid-19 cases). I am unemployed due to [REDACTED] however, these issues are not a barrier to attend meetings, press conferences, school activities, and other events necessary to fulfil this important role.

Even having a [REDACTED] [REDACTED] has not steered me away from participating in the sometimes-lengthy meetings. However, the discussion from board members on certain issues, or the long list of participants speaking on issues near either near to their heart or pertaining to their children is worth listening via the long hours. Yes, I have the time and the passion to serve.

Have you ever been a student at a Philadelphia school?

Yes, District-run

If yes, please indicate which schools you attended and when.

Henry C. Lea Elementary School - 1974

Philadelphia High School for Girls - 1979 (graduated class of 1983)

Have you ever had children in Philadelphia schools?

Yes, District-run

If yes, please indicate which schools your children have attended and when.

Penn Alexander Elementary School [REDACTED]

Thomas G. Morton Elementary School [REDACTED]

Samuel L. Gompers Elementary School [REDACTED]

Middle Years Alternative Middle School [REDACTED]

Martin Luther King High School [REDACTED]

Are you a current employee of a Philadelphia School District or Charter School? If yes, please note that you would have to terminate your employment to serve on the Board of Education.

No

Will you have been a resident of the City for at least one (1) year prior to the date of appointment?*

Yes

Are you currently a student in a Philadelphia school?

No

Please select your annual income level:

[REDACTED]

Are you a parent?

Yes

Please select your race or ethnicity:

[REDACTED]

Please select your gender:

[REDACTED]

Please select your age range:

55-64 years old

Please enter your neighborhood of residence:

Univercity City Section of West Philadelphia

What type of expertise and experience would you bring to the board? Select all that apply:

Community Affairs

Education

Finance

Parent Advocacy

Special Education Advocacy

Disclaimer:

Please note that the information submitted in response to this form may be subject to requests from the public for disclosure. Under State law, records in the City's possession are presumed to be public.

The Nominating Panel will only be reaching out to individual candidates who have moved to the next round of review. Other interested candidates will only receive notification once the process has concluded. All candidates interested in serving on the Board of Education should be prepared to make themselves available to the Nominating Panel for an interview and will go through a thorough background vetting process.

Get updates

I want to receive email updates from Mayor Kenney on City programs and events.



Why I Care about All Children

My introduction to the School District of Philadelphia started with [REDACTED] challenges in the classroom. As a single parent, I learned how to navigate the School District of Philadelphia's array of specialized services. My passion for education and a strong desire to see all students succeed in the classroom led to my involvement with various educational organizations.

As a result of my volunteerism, I have been selected to sit on various boards and to serve in leadership positions in the city. Currently, I am Chairperson of the Philadelphia Right to Education Local Task Force, Appointed Panel Member and Voted Secretary for the Governors Special Education Advisory Panel (SEAP) and Board Member of Philadelphia Family Voices which is dedicated to seeing children do better in public schools. I am a member of the Parent and Community Advisory Panel with the Philadelphia Board of Education, currently in my second year. In addition to that, I have had the pleasure of being a Peer Parent with the PA Bureau of Special Education Cyclical Monitoring Team and the Philadelphia Special Education Coalition of Advocates. Last fall, Mayor Jim Kenney appointed me as Commissioner to the Mayor's Commission on People with Disabilities. My past work experiences include serving as a Community Education Outreach Coordinator at the Arc of Philadelphia and Family Interviewer under the Philadelphia System of Care. In that capacity, I specifically dealt with students with and without disabilities impacted by substance abuse, trauma, behavior, and educational challenges within the School District of Philadelphia.

Furthermore, my passion and advocacy for the education of all children, and ensuring the finances and policies reflect fairness and equity to students and staff, are shown through my testimony before the former School Reform Commission (SRC) and the current Board of Education. My testimonies have included family engagement, questioning change orders through the Capital Programs, questioned the timeline for the Ben Franklin project and how the student displacement affects their academics, various board policies, ensuring low-income children are fed during extended holiday breaks, and, prior to Covid-19, participation in the



Why I Care about All Children

Comprehensive School Planning Review (CSPR) school building utilization process, ensuring family and community voice are heard, to name a few.

With all I do to advocate for [REDACTED] needs, I continue to volunteer and advocate for all children with and without disabilities because I believe all families should have the information needed to advocate for the supports, services, and activities leading towards academic success and an overall contributor to society.

As a lifelong advocate of public education with experience serving at the state and local levels, I offer important and unique skills and experiences that set me apart from other candidates. I have been involved with the Board of Education, School Reform Commission, and now Board of Education for over fifteen years. I have provided testimony regarding special education and other initiatives related to children and families. I take this information and provide to families so they are informed and can advocate for their school community. I have been a constant advocate for special education for over fifteen years, to ensure students with disabilities and their families are included in all the decisions of the school district. I also advocate for families living in low income neighborhoods, because I am a family living in one of the many low-income neighborhoods, so I have the same struggles as my neighbors. Becoming a servant to improve the educational, recreational, and supports to a student becoming a holistic citizen is a mission I would be humbled to endeavor.

CECELIA THOMPSON



SUMMARY

Educational Advocate professional with eighteen years of experience servicing the public. Certified in Special Education Advocacy; Trained in special education and Disability Services; Knowledgeable in IDEIA 2004 and Function of the Intermediated Units. Trained in the function and operations of the School District of Philadelphia

EXPERIENCE

University of Pennsylvania

Family Interviewer Philadelphia, PA 01/2018 to Present

- Interview parents and their children using national instruments on high fidelity wraparound experience.
- Collect data on attempts to reaching parents.
- Collect anecdotal positive data unique to youth for future reports.
- Participate in trainings pertaining to mental health
- Participate in strategic meetings towards 100% interview collection.
- Temporary position

PA Department of Education, Bureau of Special Education, Cyclical Monitoring for Continuous Improvement Team Member

September 2006 to Present

Volunteer

- Review student files to ensure files are in accordance to the compliance guidelines prescribed by the Bureau of Special Education, who is following the guidance of the U.S. Department of Education, Office of Special Education, in accordance with IDEA (Individuals with Disabilities Education Act).
- Interview families on their special education experience with their child's school, in accordance to the compliance guidelines prescribed by the Bureau of Special Education, who is following the guidance of the U.S. Department of Education, Office of Special Education, in accordance with IDEA (Individuals with Disabilities Education Act).
- Interview general and special education teachers to ensure they are in compliance in accordance with the guidelines prescribed by the Bureau of Special Education, who is following the guidance of the U.S. Department of Education, Office of Special Education, in accordance with IDEA (Individuals with Disabilities Education Act).

School District of Philadelphia – Board of Education – Parent and Community Advisory Council

September 2019 to Present

Volunteer

- Attend community meetings sharing and educating families and the community on board initiatives
- Attend community meetings to collect information from families and the community pertaining to the improvement of education in public and charter schools
- Advise members of the board on various action items before board votes

PEAC (Pennsylvania Education for All Coalition) Philadelphia, PA 09/2014 to Present

Consultant / Volunteer

- Support to families who desire an inclusive education in schools
- Provide supports and resources to families to advocate and educate their children
- Facilitate workshops to families, community, and colleges on the special education process
- Provide resources through various forms of outreach to families and communities on inclusive education

CECELIA THOMPSON

PA Department of Education Philadelphia, PA 08/2009 to Present

Compliance Monitor / Volunteer

- Review all paperwork necessary for the special education process for students receiving services
- Observe students within their classrooms ensuring the students learn from their IEP's
- Interview educators, students, and administrators on the special education process
- Provide reports based on data collection and receive training on special education issues at the state level

Philadelphia Right to Education Local Task Force Philadelphia, PA 09/2008 to Present

Volunteer / Chairperson

- Planned and organized family and community meetings on topics in special education
- Provided community resources for families at meetings and advocacy for all children receiving special education in public and charter schools
- Planned and organized awards for children making improvements and paraprofessionals, educators, and administrators providing supports to children resulting in academic and social progress
- Prepared minutes and reports to the State Task Force on meetings and events
- Facilitated conversations between families and the School District of Philadelphia on their concerns

PARENT POWER Philadelphia, PA 01/2008 to Present

Vice President, Special Education / Volunteer

- Provide resources and support to children with exceptionalities and their families
- Help families navigate the school, mental health, and intellection disability systems
- Train families and communities on the rights of families on Title I and on special education at each level
- Community outreach promoting family involvement in school and community

Mayor's Commission on People with Disabilities

Mayoral Appointment

- Provide advocacy and support to individuals with disabilities
- Provide advocacy, guidance, and support to the caregivers of individuals with disabilities.
- Provide support and guidance to city government on various initiatives ensuring the voices of those with disabilities are heard and included in government policies, procedures, and protocols in all aspects of daily living.
- Co-Chair of the Education Sub-Committee
 - Provide guidance on education for students receiving special education in Philadelphia schools
 - Gather information from families on how the special education process, supports, and services can be improved for their children.

SEAP (Governors Special Education Advisory Panel) Philadelphia, PA 09/2017 to Present

Governor Appointment

- Provide advice to the PA Department of Education, Bureau of Special Education on all initiatives related to special education.
- Provide feedback on family engagement initiatives
- Provide guidance on supports and services for all disabilities, including those with severe or multiple disabilities.
- Share feedback from families we represent on initiatives in our area of the state

Philadelphia Family Voices Philadelphia, PA 10/2018 to Present

Board Member

- Provide guidance on the governance of the organization
- Provide guidance on the fiduciary governance of the organization
- Participate on subcommittee, includes Executive Director Search, Board Member Recruitment, Bylaws, and other committees as needed.

CECELIA THOMPSON

Arc of Philadelphia, PA 09/2007 to 08/2013

Community Facilitator / Education Outreach Advocate

- Assisted families with disability and special education issues in school, home, and community
- Did legislative and Philadelphia School Board Advocacy
- Partnered with various organizations, including the School District of Philadelphia, on special education
- Provided trainings on various special education and community disability topics

Volunteer / Advocacy Department 11/2004 to 09/2007

- Assisted families or individuals with disabilities with issues in school, home, and community
- Went on outreaches to distribute materials to improve the quality of life in the disability community
- Made legislative visits to city council, state officials on issues impacting the disability community
- Supported families at IEP and ISP meetings

CECELIA THOMPSON

EDUCATION

Grand Canyon University Phoenix, AZ 10/2020

Pursuing Master of Education with a Specialization in Special Education

University of Phoenix Phoenix AZ 10/2006

Bachelor of Science in Management

Certified Special Education Advocate Pennsylvania 06/2013

Organizational Involvement

10/2016 to Present: Governor Appointment, Member, Special Education Advisory Council

2005-Present: Member, Philadelphia Right to Education Local Task Force

2008 to 2013: Chairperson, Philadelphia Right to Education Local Task Force

2009 to Present: Compliance Monitor for PA Department of Education, Bureau of Special Education

2008 to Present: Member, PARENT POWER

2011 to Present: Member, Philadelphia Education Fund Compact

2011 to Present: Philadelphia Special Education Advocate

2008 to Present Philadelphia Mental Health Family Group and System of Care

Committee Involvement

Various School District of Philadelphia Committees including:

- Superintendent Roundtables 2008 to 2013
- Title I Parent Advisory Council 2008 to 2013
- School District of Philadelphia Budget Process 2004 to Present
- Weighted Student Funding 2008 to 2011
- Participation in Hiring of Various District Level Staff 2008 to Present
- Imagine 2014 Strategic Planning Committee 2008-2009
- Title I Parent Advisory Council 2008 to 2015
- Title I Parent Advisory Board 2009 to 2011
- Renaissance/Facilities Master Plan Committee 2009 to 2012
- Blue Ribbon Commission on School Violence 2010 to 2011
- Decentralization Plan 2011 to 2012
- Superintendent Search Process (via committee meetings) 2011 to 2012
- Special Needs Workgroup 2011 to 2013
- Principals Institute for New Principals (Summer Institutes) 2011 to 2013

Finance Experience

November 2002 to 2004, T. Curtis & Company, P.C., Philadelphia PA 19107

Financial Controls, US Department of Housing and Urban Development - Junior Accountant

- Review tax transmittals, broker invoices, monthly broker report
- Analyzed and maintain expense and suspense accounts
- Track transmittals from the prepared stage to payment stage
- Input invoice transmittals as submitted from the Staff & Senior Accountants
- Submit weekly & monthly reports, assist in preparation of monthly billing to closing agents
- Process checks, stamp incoming invoices & transmittals
- Mail & fax all correspondence as requested
- File records and assist Staff and Senior accountants as needed

CECELIA THOMPSON

January 1999-November 2002, United Bank of Philadelphia, Philadelphia PA 19106

Junior Accountant

- Assistant to the Cash Management Manager
- Maintained cash management and investment spreadsheet
- Accounts Managed: Reconciled 10 Prepaid, 13 Fixed Asset, 10 Roll Forward, 2 Accounts Payable, 18 Checking and 4 General Ledger.
- Entered, posted & coded invoices, Printed, posted and mailed checks weekly.
- Assisted with the Call Reports & Visa Quarterly reports.
- Maintained accruals, prepaid & fixed asset accounts.
- Closed accounts payable, prepaids, and fixed asset accounts.
- Prepared month end financial closing journal entries and accruals.
- Provided administrative assistance to the Accounting Operations department.

November 1997-December 1999, Aventis-Behring, King of Prussia PA 19046

Accounts Payable Representative

- Processed invoices & expense reports for payment. Reconciled general ledger accounts monthly.
- Prepared & entered journal entries to reconciled accounts. Researched payment inquiries.
- Assisted in computer software transition to SAP.
- Wrote an Accounts Payable procedures manual. Trained new employees on accounts payable policies and procedures.

October 1996-October 1997, Comcast Metrophone, Wayne PA 19087

Accounts Payable Specialist

- Coded, keyed, & batched invoices for payment.
- Processed expense reports for payment. Researched payment inquiries.

January 1996-October 1996, Acsys Resources, Philadelphia PA 19103

Junior Accountant at American Red Cross.

- Keyed, matched & paid invoices on a computerized purchase order system (3-way matching) –
- Audited, reviewed, & prepared invoices for payment.
- Resolved vendor & departmental daily inquiries
- Keyed journal entries and assisted in month end closings

BOE - Board of Education interest form

Apply to be a Board of Education appointee.

All fields are required.

Your contact information

About you

View the BOE's [Goals & Guardrails here](#).

Service on the Board of Education requires a substantial commitment of time. Listed below are the types of time commitments that all Board members must make and the types of additional discretionary commitments that Board members might also consider.

- Attendance at two evening meetings a month lasting approximately 4 hours each. Meetings are generally held on Thursday evenings and may last anywhere from 3 to 7 hours. Meetings may either be held virtually, as dictated by health mandates, or in person at the District's central offices at 440 N. Broad Street. Additional evening meetings each month are possible at the discretion of the Board.
- Participation in approximately four hours of meetings every week during the work day which might include briefings, meetings with community groups, and executive sessions.
- Discretionary attendance at meetings such as community meetings, press occasions, and/or other school events.
- Approximately five hours of reading every month in order to prepare for action meetings.

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3 December 2020

Lisa Salley

[REDACTED]
[REDACTED]

Philadelphia School District
440 N. Broad Street
Philadelphia, PA 19130

Re: Application for Philadelphia Board of Education Consideration

Dear School Board Appointment Committee:

Please accept this letter and attached resume to initiate formal consideration for placement on the Board of Education for the Philadelphia School District. This letter and application result from the notice that aired on KYW Radio this week.

I am an alum of the Philadelphia High School for Girls and completed junior high at JR Masterman. Prior to attending the Philadelphia Public School System, I completed grade school at St. Athanasius in the West Oak Lane Neighborhood.

My Philadelphia education has served me well across my professional life. In particular, I completed undergraduate and graduate studies in engineering. I've worked in corporate America as a senior executive, as an educator in the Goldman Sachs 10,000 Small Business Program, and I've judged business planning competitions at Temple University. Additionally, I sat on numerous panels across the world to discuss technical topics as well as women in STEM/diversity conversations. As an example, earlier this year I was one of three judges selected by the Department of Energy to judge the 2020 Solar Competition Prize. I also previously participated in the Department of Commerce Energy Trade Mission to Africa.

As I hear local or statewide news on the condition of the Philadelphia School District, I am often saddened. I often wonder what happened to the district that prepared me to compete on a global scale. It was a district that worked well and served all socioeconomic levels. I am further concerned when I hear much larger districts like New York City have figured out how to return to in-person instruction during the current pandemic yet, our district lacks a similar plan or published roadmap.

Generally, as an engineer I have been trained to solve legacy problems and to shape emerging technological challenges. As an executive, I also count it part of my responsibility to train future generations. The essence of this mindset is what I would hope to bring to the Philadelphia School District through the Board of Education. I'd like to transition my concerns for the state of the Philadelphia School District to being part of the strategy and solutions that continue to equip our youth to be global citizens who see the world as their playground – and a district that again, works for all abilities and all socioeconomics.

I'm including a copy of my bio as an attachment to this cover letter. Please use all of the information I've provided to give my application full consideration for appointment to the Board of Education for the Philadelphia School District.

In the event you have questions or would find additional information helpful, you can reach me via email at [REDACTED] or via cellphone at [REDACTED]

Thank you in advance for all consideration.

Regards,
Lisa Salley

Attachment: Lisa Salley Bio

Attachment

Lisa Salley

A Tale of Two Cities: Award-Winning, C-Suite Senior Executive & Award-Winning Entrepreneur

Philadelphia Education: Philadelphia High School for Girls – Graduated 1983, J. R. Masterman, and St. Athansius

Lisa's passion is strategy and transformation. This passion allows her to drive portfolio growth and financial improvement, year over year. It has also shaped strong governance and board relationship know-how. Lisa can be summarized as a "tale of two cities". Specifically, she is both an award-winning entrepreneur and an award-winning senior corporate executive. She has also developed human talent in 100-year-old industrial brands but also conceptualized, built, trained, and developed "green-field" talent required in today's fast paced technological world. And, she has mastered concurrent leadership of strategic revenue growth and cost structure management to yield double digit, sustainable results, quarter-by-quarter. She has been repeatedly recognized for leadership and execution abilities. She is six sigma master black belt certified and is most well-known for innovation, profitable growth, and execution.

Since 2019, Lisa has advised Arduro (www.arduro.co), on its intellectual property and 1.0 product strategy. Arduro is a cleantech start-up, materials science company that manufactures and commercializes recycled carbon black.

Lisa is the Founder and CEO of Heritage Solutions Group, a strategy advisory firm and the 1st place winner of the 2005/5th Annual Enterprising Woman Business Plan Competition. The business levels the playing field for start-up, mid-tier businesses, transitional organizations by providing the same game-changing solutions that enable rapid growth, restarts, and smart execution that larger organizations access thru big brand management consulting firms. She has spent over 30 years in corporate American, including senior executive positions at GE, Dow, Underwriters' Laboratories, and the American Petroleum Institute. Her formal training includes metallurgy and materials engineering as well as simulation and modeling of manufacturing systems from Carnegie Mellon University and Renesselaer Polytechnic Institute, respectively.

Quick review of her resume highlights collective leadership and experiences in industrial business in roles of P&L leader, strategy, and manufacturing/operations with a strong emphasis on integrating emerging technologies in emerging geographies. She has

driven multiple global P&Ls, with the largest in a \$13B highly regulated market. She has doubled the size of a specialty chemical business within 5 years – including defining segment strategies, and the roadmap to ensure global coordination and global execution of strategy. Lisa also led another industrial p&l where she led a cross-industry, global team of executives to yield 34% improvement above plan without jeopardizing safety. Lisa was also the inaugural chief operating officer for an advanced stage biotech during its early regulatory approval seeking, fundraising, and business development stages. She remained at GE for nearly 17 years, mostly during the Jack Welch era and where she was continually mentored by Lloyd Trotter, the most senior manufacturing executive; she initially joined GE on the Chemical-Metallurgical Manufacturing Management Program and spent her early career at Dupont. She has also advised three start-up companies from virtual stage to fully operating (with the first near IPO) and is a Babson College part-time instructor who teaches business growth and risk assessment in the Goldman Sachs' 10,000 Small Businesses Program. Lisa also founded the energy industry's Renewable Council during employment at UL. She has also served as moderator or panelist on numerous "product safety standards and free trade" discussions all over the world including such countries as the United States, Germany, Ireland, China, Korea, Singapore, Turkey, Africa, and Dubai. She currently sits on the board of a green chemistry company where she chairs the IP & Strategy Committee and she previously served on the board of a fintech where she served as the inaugural Corporate Secretary. Recently, she is a repeat guest Lecturer at Carnegie Mellon and was one of three judges for the US Department of Energy 2020 Solar Prize.

Those GE years honed a niche for balancing market driven priorities with strong cultural/organizational alignment and sustainable performance. Since leaving GE, Lisa has been sought three times as a c-suite/company officer to transform industrial organizations at very pivotal points and with complex organizational and market demands. In each scenario, results exceeded performance expectations, human capital was developed, and culture evolved. Her award-winning track record demonstrates deep know-how in instituting operational excellence and strategic growth with the specific aim of delivering mid to long range operating income while concurrently developing human capital. All experiences have taught her the nuances of running both a strong core business while simultaneously driving well thought out incubator strategies and supply chain plays – all constrained by today's fast paced, demanding world.

Lisa volunteers in her community especially in the area of generational wealth gap closing, is an avid genealogist of her Gullah heritage, with current research hovering around the 1750's, and is a Silver Star, financial member of Alpha Kappa Alpha Sorority, Boule Chapter. In addition to her professional and civic responsibilities, she has coached girls' soccer at her church, Enon Tabernacle Baptist Church and is an ardent advocate for Alzheimer's.

EXECUTIVE SUMMARY

C-Level, award-winning global industrial manufacturing executive with strong track record of driving transformation and change resulting in double-digit growth and market expansion. Extensive expertise in transformation, strategy, emerging markets, operations, and global portfolio/P&L management of organizations ranging from 2 to several hundred reports. Particularly effective positioning sustainable profitability by driving revenue growth, improving cost efficiencies, and solving customer issues, concurrently. Experience spans multiple business models including commodity, rapid growth, organic growth, emerging geographies, and restructuring for high growth. Success leading growth and transformation in Fortune 50 companies including GE, Dow, and DuPont. Strengths include building human capital, developing business systems and strategic analytics.

SKILLS AND EXPERTISE

- Profit | Growth Optimization
- Market Positioning
- Transformation/Change Management/Turnaround
- Global Expansion
- Investor/Board Relations
- Staff Development/Retention
- Operations Management/Planning
- Product Development and Launch
- Business Strategy/Tactical Planning/Execution
- Budget/P&L/Revenue Management
- Joint Ventures/Strategic Partnerships
- Metric-Based Performance Management
- Organizational Restructuring
- Market Entry | Expansion
- Specialty Chemicals Manufacturing
- Multi-Site | Global Manufacturing
- Regulatory Compliance
- Building/Leading High-Performance Teams

PROFESSIONAL EXPERIENCES

Arduro

2019 – Present

Start-up (<https://www.arduro.co/>) focused on commercializing green tire technology.

Board Director, Committee Chair, Patent & Strategy Committee Product Development Advisor to CEO

Currently serve on board of cleantech start-up, materials science company and product strategy advisor to the CEO. As traditional oil and gas is cleaner, by-products to rubber technologies become more constrained and prices increase thereby creating a demand for alternate materials. The company manufactures and commercializes recycled carbon black. The business model is a dual strategy - a financial business that "sells" green raw materials contracts for specialty rubber applications and, a tire recycling factory that fulfills the orders of the contract. Arduro has "McDonald's-like capability for long-term market replication, but the scope of the business plan includes 1% market penetration.

AMERICAN PETROLEUM INSTITUTE, (API), Washington, DC

2015 - 2019

National trade association representing all aspects of America's oil and natural gas industry. 605+ corporate members, from the largest major oil company to the smallest independents. Members include producers, refiners, suppliers, pipeline operators and marine transporters, and service and supply companies.

COO/Senior Vice President & General Manager, Global Industry Services API Senior Executive/Chair, Industry Public Safety Governance Board

API had experienced complex international challenges which put the core brand at risk. The situation shook board confidence leading them to question whether a "for-profit safety business" could continue to coexist with the lobby/nonprofit engine. Sought by API and recruited to rebuild business post corruption, fix profitability, regain trust of board, demonstrate relevance of safety business, and demonstrate asset's strength to the lobby strategy. Additionally, tasked with developing roadmap for second century of relevance, since 2019 marked the 100-year anniversary. Responsible for \$115MM global P&L business with 60% of sales outside of the US and iconic branding in the Oil and Gas testing, inspection, and certification market. Led an ecosystem of

250 employees, 8000 industry subject matter experts, 300 committees, 15 outsourced labs and 10 critical suppliers.

- Led pivotal transformation that restored trust and yielded Increased net income by 37+% year-over-year, four consecutive years despite flat revenue and reduced price
- Restructured vendor management to improve cost structure during economic downturn
- Launched transformation, compliance, and ops excellence functions for sustained profitability and improved operational due diligence
- Convened industry chief technology officers to define second century roadmap with an emphasis on mergers and acquisitions and next generation testing, inspection, and certification platforms

UNDERWRITERS' LABORATORIES, (UL), Northbrook, IL

2013 – 2015

Established in 1894, as a global safety certification company, UL has offices in 46 countries and offers a suite of services includes testing, inspection, auditing, certification, marketing claim verification, training, advisory services and software solutions.

Senior Vice President & General Manager, Energy and Power Technologies Business

Founder and Chair, UL Renewables Council

UL spun off for-profit business from historical non-profit public safety business. Sought out by UL and recruited for second attempt to staff a for-profit leader of the largest P&L in the company. Predecessor lacked transformation know-how, lacked ability to build matrixed team and win support of the board. Charge was to transform mindset and culture from safety-only non-profit, to safety as a business, without sacrificing safety for increased profits. Core business included traditional electrical grid plus all renewables including wind, solar, energy storage systems, electrical vehicles, etc. Responsible for \$300+ million global P&L business including all general management activities with over 13,000 customers in the electrical and renewable energy market.

- Exceeded strategic and operational goals including financial targets, business growth, and geographic expansion; Exceeded financial targets by 25% for two consecutive years by staffing and driving global transformation and growth
- Launched business development function to accelerate growth through acquisitions. Launch included due diligence, process and metrics to drive more rapid identification of targets and to monitor integration of first-generation acquisitions while identifying and negotiating second generation acquisition targets
- Launched and chaired UL Renewables Council – External Cross-Market Think Tank with Emphasis on Future State M&A Filters and Targets

HERITAGE SOLUTIONS GROUP, Philadelphia, PA

2005 – 2013

Portfolio management firm focused on start-up due diligence, product management, and portfolio management.

Founder & Chief Executive Officer

Launched consultancy to fill an identified need for companies where Board supported critical initiatives and/or strategic needs had failed. Provided contracted portfolio management offerings for advanced start-ups and privately held companies. Launched firm from concept to fully operating. Opened 3 offices in first six months of operation. Secured 3 contracts and collected over \$350,000 of revenue in first 60 days without a sales team. Leveraged key personal contacts from GE, Carnegie Mellon, etc. to launch and grow the business. Representative projects:

- Advised advanced stage start-ups on methodical due diligence in support of M&A target identification
- Advisor/Investor: Immunomix, PainQx, Intezyne, PermaPlas, geeRemit
- Services:
 - Biotech – Contract COO for 5 years; grew from virtual to operating company
 - Privately Held Specialty Chemical Company – Ongoing Growth Focused Advisory Services, Grew 20%+ year-over-year

- International Privately Held Specialty Chemical – Geographic Growth & Market Entry
- Small Law Firm – Ongoing Strategic Planning & Growth Council Development
- Start-Up Medical Device – Business Model and Profitable Growth Review
- Start-Up Financial Services Brokerage – Concept to Fully Operational to Restructuring
- Won Local Business Planning Competition during second year of operation.

Dow, Inc. (Formerly Rohm and Haas)**2004 - 2005**

Global specialty materials company which invented, developed, and manufactured products for personal care, grocery, automotive, building and construction, and electron industries with annual sales of \$7.2B in 2004.

Director and Chief Strategy Officer

Rohm and Haas experienced extreme competitive pressure as China rapidly entered core markets and drove reduced prices and positioned lower quality products. Prior to this period, Rohm and Haas positioned regional strategies in lieu of a global strategy. The core hypothesis had been that global strategy would default through Product Development/R&D. Sought and recruited to create and implement global strategy in the legacy businesses for the first time in the history of the company. Further charge was to position for longer term share/wins that defended old core markets and selectively participated in newer innovations/markets. Also tasked with launching growth council/incubator and business level strategic planning linked to budgeting.

- Delivered \$6MM in marketing productivity and 75% R&D portfolio reduction to achieve strategic alignment.
- Created, staffed, and managed the global marketing organization, including global business incubator. Defined and set-up strategy to double business in five years.
- Managed enterprise-wide business planning. Structured and executed segment priorities.
- Strategy avoided commoditization and emphasized balanced portfolio with high growth, specialty product launches, and commercial alliances with equipment manufacturers and complimentary chemical companies.

GENERAL ELECTRIC – US, Puerto Rico, Asia, Africa, Europe, Canada**1988 – 2004**

Developed, manufactured, marketed and serviced varied technical products and systems through 11 segments: Advanced Materials, Commercial Finance, Consumer Finance, Consumer and Industrial, Energy, Equipment and Other Services, Healthcare, Infrastructure, Insurance, NBC Universal, and Transportation. Operated in approximately 100 countries worldwide with annual sales of \$152B in 2004.

Vice President, New Business Development/Emerging Markets, GE Capital (2001 – 2004)

Promoted to define and launch new business that took market advantage of domestic growth trends and to grow topline revenue through geographic expansion into other English-speaking regions across the globe. (i.e., Canada, UK, Singapore). Responsible for \$13B market expansion strategy in a highly regulated market.

- Led in-depth market analysis and strategy creation that led to launch of new business unit in capital emerging markets with an e-channel and to the design of a joint venture
- Created M&A filters, first targets list, and analytics for pipeline flow and setup for longer term business expansion
- Launched resulting new business and generated over \$5 million new business within first 90 days of operation. Led newly created P&L to \$140 million of organic growth within first year.
- Coordinated and authored portions of the Corporate Strategic Review and Operating Plan.
- Member of President's weekly growth/new business development council. Included acquisition, JV, and other strategic growth opportunities.
- Led due diligence of transfer of US product to new markets in the UK.

General Manager & Global Product Manager, GE Plastics (1999 – 2001)

Promoted to this role based on recognition of “best six sigma integration & implementation” across company. GE was considering the sale of the parent business and had restricted the investment budget to zero without relaxing financial targets. The charge was to manage Ireland union relationship during critical evaluation period and to deliver on financial targets in spite of speculation of sale. Charged with overall reinvention and growth in an over-capitalized market with double-digit price erosion and 70% of sales outside of the US. P&L of \$100MM specialty chemical business and commercial team, 3 manufacturing plants serving over 5000 customers.

- Increased revenues by 18% vs. prior decade 2-3% year over year
- Realized 3% improvement in price. Improved on-time delivery rate to 99%
- Introduced first new product in five years, launched new venture in Hong Kong, and launched application development centers in Southern Europe and Asia
- Developed six sigma competitive analysis, market analysis, and growth platform. Drove ongoing global benchmarking.
- Member of President’s senior leadership team.
- Ongoing role in evaluating a range of employee related matters across all departments, including compensation, promotion, recruiting strategy, and merit and performance evaluation.

General Manager & Chief Quality Officer, GE Industrial Systems (1995-1999)

CEO Jack Welch had launched company-wide Six Sigma Initiative that was not yet meeting expectations. Selected for this role and tasked with revamping whole organization and ensuring six-sigma methodologies were deployed across one global equipment-based business with multiple manufacturing plants. Led team of 15.

- Pioneered six sigma initiative at two worldwide businesses. Responsibilities included: organizational design, job description development, hiring of first master black belts and black belts.
- Positioned six sigma as a strategic tool to yield total cost productivity, to drive integration of recent acquisition, and to create disciplined growth platform for all new products.
- Results: delivered \$22.7 million in validated benefits to business in the form of cost-cutting, higher price realization, and new sales.
- Achieved two Six Sigma certifications: Quality Leader; Master Black Belt
- Won Presidential Award for “Best Six Sigma Integration & Execution”

Chief Operating Officer/GM Support Operations, GE Credit Services

- Led Support Operations P&L. Transformed a single site, single shift, weekday only operation into a three site, twenty-four hour per day, 365-day per year operation in eight months. Eliminated \$2.5 million of operational cost during the transformation by implementing disciplined supplier quality routines, and engineering feedback systems for all equipment. Also implemented performance standards, scorecards, and visual metrics for all support operations
- Member of President’s senior leadership team
- Ongoing role in evaluating a range of employee related matters across all departments, including compensation, promotion, recruiting strategy, and merit and performance evaluation

Manager, Innovation & Growth, GE Capital (1994-1995)

- Managed business growth planning process, including development of key assumptions and key data feeds.
- Implemented growth feedback metrics and process between corporate headquarters and regional offices.
- Drove regional cost development programs resulting from growth metrics review.

Process Manager, Distribution & OEM Quality, GE Industrial Systems (1993-1994)

- Redesigned the Returns Goods Strategy for a worldwide business and eliminated over \$5 million of operational cost and achieved 50% improvement in cycle time.

Island Manager, Quality Systems & Process Engineering, GE Industrial Systems, Caribe GE (1991-1993)

- Pioneered ISO 9000 Initiative for twelve plants on the island of Puerto Rico and one plant in the Dominican Republic. Results: designed and implemented 6 plant registrations; set worldwide record on the time required to achieve registration. Standardized processes across multiple plants and ultimately created three COE's (manufacturing centers of excellence) and merged two manufacturing facilities into one operation.
- Maintained ongoing role in evaluating a range of employee related matters across all departments, including compensation, promotion, recruiting strategy, and merit and performance evaluation.

EARLIER CAREER: GE Chemical-Metallurgical Manufacturing Management Program and Other GE Industrial Systems/Electrical Distribution & Controls Jobs; **DuPont**, Nuclear Engineer.

EDUCATION

Master of Science, Industrial & Management Engineering, Decision Science and Engineering Systems, **Rensselaer Polytechnic Institute**, Troy, NY

Bachelor of Science, Metallurgical Engineering and Materials Science, **Carnegie Mellon University**, Pittsburgh, PA
Six Sigma Certification (GE)

CERTIFICATIONS

Certified Quality Leader, Certified Master Black Belt, Babson College Instructor – Goldman Sachs 10,000 Small Business Faculty

COMMUNITY ACTIVITIES

- Weaver's Way Food CoOp
- Trained Chaplain – Alzheimer's/Dementia – University of Pennsylvania
- FBI Citizen's Academy
- Carnegie Mellon Admissions Council

MEMBERSHIPS

Forum of Executive Woman, Women's Council on Energy and the Environment, Alpha Kappa Alpha Sorority, Leadership Philadelphia Alum

AWARDS & RECOGNITION

- Department of Energy Solar Prize Judge (2020)
- Repeat Guest Lecturer – Carnegie Mellon (2019- Present)
- Panelist, Energy Storage Systems Conference (2018)
- Panelist – Turkey, China, Dubai – Trade Discussions; Role of Standards and Safety on Trade (2013-18)
- Launched UL's first Cyber Safety Certification (2015)
- US Department of Commerce Energy in Africa Trade Mission (2015)
- Assigned by Rex Tillerson to Launch Energy Industry CTO Council (2017)
- Washington, DC and Harrisburg, PA Presented to Congress to Influence Caregiver Laws (2014)
- Washington, DC Represented State of PA – Annual Day of Lobby – State-by-State Roll Call (2014)
- Co-Founder, GE African American Forum (First Group of Women Added to Group – “*-Group”)

**CITY OF PHILADELPHIA
MAYOR'S OFFICE**

Appellant

v.

NAT LOWNES

Appellee

**COURT OF COMMON PLEAS
PHILADELPHIA COURT
TRIAL DIVISION**

No. 220100090

Affidavit of Otis Hackney, Chief Education Officer
City of Philadelphia

My name is Otis Hackney and, as the Chief Education Officer for the City of Philadelphia, I am authorized to execute this affidavit. I state the following to the best of my knowledge, information, and belief under penalty of perjury pursuant to 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities:

1. I have served in the position of Chief Education Officer for the City since January 4, 2016. In this role, I oversee various citywide education initiatives serving thousands of children families in Philadelphia, including being instrumental in the 2017 transition of the School District of Philadelphia's governance back to a locally appointed school board after 17 years of state control. Prior to my role as Chief Education Officer, I served as the Principal of South Philadelphia Highschool.
2. I am familiar with the process for seeking applicants to serve as the nine (9) members on the Board of Education for the School District of Philadelphia (the "Board").
3. I provide administrative support to the Education Nominating Panel (the "Panel") in their search for candidates to recommend to the Mayor pursuant to the Panel's role under the City of Philadelphia's Home Rule Charter.
4. Hopeful volunteers apply to be considered for an unpaid position as Board member by submitting a Statement of Interest to the Panel.
5. The position of a Board member is a very demanding role and it requires significant dedication of time without pay. On top of their regular, generally full-time jobs, Board members are expected to:
 - Attend regular monthly meetings

- Public Action Meetings (approximately 4-6 hours during the evening)
 - Executive Sessions (approximately 3-4 hours during the daytime)
 - Committee Meetings (approximately 3 hours during the daytime)
 - Meet with the Mayor and City Council in Council Chambers to discuss the administration, management, operations, and finances of the School District (at least twice per school year)
 - Attend budget and charter school hearings (approximately 3-6 hours during the evening)
 - Attend Finance and issue briefings (approximately 4 hours per month during the daytime)
 - Prepare for meetings (approximately 5 hours per month of reading)
 - Attend weekly school visits (approximately 3 hours each)
 - Attend community meetings (regularly throughout the year)
6. Additionally, Board members are subject to great public scrutiny and criticism.
 7. Under the Charter, the Panel is charged with providing qualified candidates for the Mayor to consider for appointment to the Board. In addition to the eligibility requirements in the Charter and in state law, the Panel is expected to look for potential Board members who have a commitment to education and ensuring that Philadelphia has quality schools in every neighborhood; understand the challenges of urban education; collaborate with colleagues and stakeholders; are able to deal with conflict; have demonstrated integrity; are dedicated to all aspects of diversity and inclusion; have previously attended a Philadelphia District-run or public charter school and/or has (or had) a child attend a District-run or public charter school; and reflect the diversity of the City of Philadelphia.
 8. The Panel's work is done on a very short time-frame. The Charter requires that once convened by the Mayor, the Panel must within forty (40) days provide three (3) candidates for each vacancy for the Mayor's consideration. The Mayor then has ten (10) days to ask the Panel to provide additional names which, if requested, the Panel must provide within another ten (10) days.
 9. When the School District of Philadelphia first returned to local control in 2018, after being governed by School Reform Commission since 2001, there was a great deal of community and media interest and the Panel received approximately 600 applications for the nine (9) available new Board positions.
 10. Since that time, however, the Panel has increasingly had a challenging time soliciting a large enough pool of qualified applicants.
 11. For example, for the most-recent round of vacancies, the Panel had forty days to identify three (3) candidates for each of 2 vacant positions (i.e., at least 6 individuals

total – with the potential of needing to identify an additional three (3) candidates if the Mayor requested additional names). The Panel at first set a twenty-one (21) day window to receive applications for one open position in order to give the Panel time to consider the applications, conduct interviews, and finalize its recommendations to the Mayor. However, by Day 14, the Panel had only received 8 applications. At that point, and after learning that there was a second vacancy that needed to be filled, the Panel decided to extend the application window for a total of 28 days in the hopes that news of the second vacancy would bring additional interest. Ultimately 63 applications were received – but the panel had a very short time period to conclude its work.

12. Requiring the disclosure of *unsuccessful* applications will make it even more challenging to attract a sufficient number of qualified candidates.
13. A prospective applicant may find it personally or professionally embarrassing for the public to know that they applied and were not selected.
14. It may also be uncomfortable for applicants to have their personal statements and professional qualifications published – especially since these statements often relate to their children's or their own primary and secondary school experiences.
15. I am aware that some unsuccessful candidates have specifically indicated they will not apply to positions of this nature if their names or unsuccessful applications are made public.

By Otis Hackney on August 15, 2022

A handwritten signature in black ink, appearing to read "Otis Hackney", is written over a faint, dashed rectangular box.

Otis Hackney
Chief Education Officer
City of Philadelphia

**CITY OF PHILADELPHIA
MAYOR'S OFFICE**

Appellant

v.

NAT LOWNES

Appellee

**COURT OF COMMON PLEAS
PHILADELPHIA COURT
TRIAL DIVISION**

: No. 220100090

Affidavit of Feige Grundman, Divisional Deputy City Solicitor
City of Philadelphia Law Department Right-to-Know Group

My name is Feige Grundman, and as the Divisional Deputy City Solicitor working in the Right-to-Know Group in the Legislation and Legal Counsel Unit of the City of Philadelphia Law Department (Law Department), I am authorized to execute this affidavit. I also serve as the Open Records Officer for the Law Department. I state the following to the best of my knowledge, information, and belief under penalty of perjury pursuant to 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities:

1. As Open Records Officer for the Law Department and as Divisional Deputy City Solicitor working in the Right-to-Know Division in the Legislation and Legal Counsel Unit of the Law Department, I am familiar with the request at issue in this appeal seeking “all submitted Board of Education ‘interest forms’ submitted by individuals applying to be Board of Education appointees between the dates of 9/1/2020 and 12/8/2020” (the Request).
2. During the course of the Nat Lownes’ (Requester’s) appeal of the Request to the Office of Open Records (OOR), I personally reached out to the approximately 80 applicants who submitted Statements of Interest to the City because they wanted to volunteer on the Board of Education to let them know that an appeal had been filed, their personal information may be disclosed, and they had a right to participate in the appeal.
3. These applicants were, by and large, members of the public, and many did not understand my outreach or what participating in the appeal with the OOR meant.
4. The overwhelmingly large majority of these individuals are not attorneys, and the Law Department was not able to provide legal representation to them in this process.

5. Many of those who wanted to participate had technical problems filling out the forms.
6. Others filled out the forms but did not understand that they needed to include a statement explaining their concerns if they did not want their information to be disclosed.
7. Some individuals said they wanted to participate or were concerned with release, but did not provide the appropriate forms.
8. Other individuals did not want their identity released to OOR or to the requester.
9. At least one unsuccessful candidate, whose name and materials are sought by the request at issue in this appeal, was not comfortable identifying themselves in writing, but called me to tell me they would have had to quit their job if they were selected to serve as a Board member because of the state law prohibitions on appointing individuals who hold certain incompatible offices. This unnamed unsuccessful candidate has indicated that while they were prepared to resign if selected, they did not inform their employer of the application or the fact that they were willing to resign, and they fear job repercussions if that were to become public.
10. At least another 10—if not more—applicants expressed concern with the release of their information, , but did not want to or did not (or could not) take the steps necessary to participate in the appeal.
11. While the Right to Know Law does not require the City to reach out to requesters, OOR policy requires the City to provide notice to the requesters and coordinate their responses for submission to the OOR.
12. I sent electronic notice to the emails addresses the City had on file for these hopeful applicants, but I cannot have any level of confidence that those that did not respond received the outreach.
13. This was an exceptionally burdensome process during a time when the City was particularly short-staffed and dealing with numerous challenges across the City due to the pandemic and a City-wide hiring freeze with few exceptions.
14. I tried to help troubleshoot the issues the applicants were having with technological problems and questions about submitting an OOR statement of interest, but there was not much I could do to help if the requesters were unable to fill out the form, stopped responding when they had trouble filling it out, or submitted the form but did so incorrectly.

15. I have no doubt many more of the applicants I contacted wanted to participate and object to the release of their information but were unable to do so either because of a lack of understanding of the proceedings, time limitations, and/or technological challenges.
16. Still others didn't want their identity released, and submission of the requests to participate necessarily involved disclosing their identity to the requester and to OOR.



By _____ on August 16, 2022
Feige Grundman, Divisional Deputy City Solicitor
City of Philadelphia Law Department
Right-to-Know
Feige.Grundman@Phila.gov

CITY OF PHILADELPHIA LAW DEPARTMENT

DIANA P. CORTES, CITY SOLICITOR

By: Jo Rosenberger Altman, Senior Attorney

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**CITY OF PHILADELPHIA
MAYOR'S OFFICE**

Appellant

v.

NAT LOWNES

Appellee

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**COURT OF COMMON PLEAS
PHILADELPHIA COURT
TRIAL DIVISION**

No. 220100090

**BRIEF IN SUPPORT OF MOTION OF APPELLANT CITY OF PHILADELPHIA TO
SUPPLEMENT THE RECORD**

Appellant, the City of Philadelphia, by and through its undersigned counsel, hereby
moves to supplement the record in the above-captioned appeal and avers as follows:

I. INTRODUCTION

The matter before this court is the Appellant's Motion to Supplement the Record.

II. STATEMENT OF THE QUESTION

1. Whether this Court should grant the instant Motion to Supplement the Record
with an additional affidavit concerning the public interest in maintaining the confidentiality of
unsuccessful applications to volunteer for the City submitted by dozens of private City residents,
and to demonstrate records that were released during the course of the instant appeal?

Suggested Answer: Yes

III. BRIEF STATEMENT OF RELEVANT FACTS AND PROCEDURAL HISTORY

In the instant matter, the City has appealed the December 3, 2021 Final Determination of the Office of Open Records (OOR) in *Lownes v. City of Philadelphia, Mayor's Office*, OOR Dkt. AP 2019-1981 granting, in large part, Appellee Mr. Lownes' (Appellee) appeal seeking "all submitted Board of Education "interest forms" submitted by individuals applying to be Board of Education appointees between the dates of 9/1/2020 and 12/8/2020)" (the Request). The City refers to these forms, which include cover letters, resumes and curriculum vitae as "Statements of Interest" or more generally as applications.

At issue is the identities, resumes, curriculum vitae, financial information, and very personal statements of dozens of private residents of Philadelphia who applied, unsuccessfully, to volunteer for the Board of Education. The request for these sensitive records were a matter of first impression for the City as well as OOR and implicate novel issues of law.

Additionally, the Request came in during the midst of the ongoing COVID-19 pandemic at a time when the City was particularly short staffed, as described in the Affidavit of Feige Grundman, Divisional Deputy City Solicitor of the Law Department's Right to Know Division in her affidavit that is part of the Supplemental Record the City seeks to file. Exhibit A, S.R. at 035, at ¶13. Ms. Grundman further explains that the applicants whose records were at issue were confused about the process of participating in the OOR appeal, many ran into technical problems, and many that indicated they wanted to participate did not end up submitting the proper paperwork. Exhibit A, S.R. at 034-35, at ¶¶ 2-12.

The OOR's Final Determination recognized the confusion experienced by the applicants but nevertheless ordered the disclosure of their personal information with limited redactions.

Certified Record, *Philadelphia v. Lownes*, No. 220100090, Phila. CCP (Filed May 2, 2022 by OOR) (C.R.) at 199-201, 212.

On January 3, 2022, the City timely filed the instant appeal of the OOR's Final Determination.

IV. ARGUMENT

The Supreme Court of Pennsylvania has held that courts hearing appeals from the OOR have the “have the authority to expand their record to fulfill their statutory role” as fact finders. *Bowling v. Office of Open Records*, No. 20 MAP 2011, 2013 WL 4436219 (Pa. Aug. 20, 2013). Moreover, the Commonwealth Court has specifically and repeatedly held that agencies may meet their burden of proof in Right to Know Matters through the submission of affidavits. *See, e.g., Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. 2011) (“[A]n agency may satisfy its burden of proof that it does not possess a requested record with either an unsworn attestation by the person who searched for the record or a sworn affidavit of nonexistence of the record.”); *accord McGowan v. Pennsylvania Dep't of Env't Prot.*, 103 A.3d 374, 382–83 (Pa. Commw. Ct. 2014) (holding that in the absence of bad faith “averments in the [City's] affidavits should be accepted as true”).

Before the OOR, however, local agencies have an extremely limited timeframe to submit evidence. While the City was able to obtain additional time in the course of this appeal beyond the initial seven business day time period OOR provides for responding to an appeal – the time remained extremely limited (less than a month) and was during the midst of a global pandemic and when the City was exceptionally short staffed. C.R. at 001 (noting that the appeal was filed on February 3, 2021 and the City's submission was filed on February 24, 2021). Indeed, the Courts have repeatedly recognized that the “efficiency” of the RTKL process “results in

informality bordering on lack of due process.” *See, e.g., Levy v. Senate of Pennsylvania*, 65 A.3d 361, 382 (2013).

At issue in the instant appeal is whether the OOR improperly held that the detailed biographical and professional profiles of dozens of private Philadelphia residents who sought to volunteer for the City are subject to public disclosure. As third-party interests are involved supplementation of the record is particularly appropriate. *Cf. Pennsylvania State Police v. Grove*, 119 A.3d 1102, 1110 (Pa. Commw. Ct. 2015), *aff’d in part, rev’d in part on other grounds*, 161 A.3d 877 (2017) (holding that ground of denial was properly raised for the first time on appeal to Commonwealth Court because “[a]n agency . . . cannot waive third parties’ privacy rights”); *see also Pennsylvania State Educ. Ass’n v. Commonwealth Dep’t of Cmty. & Econ. Dev.*, 148 A.3d 142, 158 (2016) (“nothing in the RTKL suggests that it was ever intended to be used as a tool to procure personal information about private citizens”). Additionally, in the course of the instant appeal, the City disclosed the Statements of Interest of those candidates that were ultimately appointed to the Board, as a result a portion of the appeal is now moot. Exhibit A, S.R. 4-33. The information in those applications also provides this Court additional insight into the type of confidential information that is at stake for the unsuccessful candidates whose records the City was ordered to release.

The City’s supplementation of the record will allow the City clarify the public interest in maintaining the confidentiality of unsuccessful applicants’ to the volunteer role on Board of Education, better contextualize the outreach process to unsuccessful applicants and concerns such applicants raised in the process, and provide information on the records that were released while this appeal was pending. *See* Exhibit A. The City has relied on the supplemental affidavit

in its briefing before this Court and the supplemental affidavits and records will provide the Court additional factual background that will be helpful in making its determination.

For the reasons discussed above, supplementation of the record is necessary to clarify the factual issues discussed above and provide information necessary to eliminate any confusion caused by the OOR's Final Determination.

V. RELIEF REQUESTED

For the foregoing reasons, the City respectfully requests that the Court grant the City's Motion to Supplement the Record with the supplemental record attached as Exhibit A to the City's Motion.

Respectfully Submitted,

/s Jo Rosenberger Altman

Jo Rosenberger Altman
Senior Attorney
City of Philadelphia Law Department
1515 Arch Street, 17th Floor
Philadelphia, PA 19102-1595

DIANA P. CORTES, CITY SOLICITOR

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**CITY OF PHILADELPHIA
MAYOR'S OFFICE**

Appellant

V.

NAT LOWNES

Appellee

**COURT OF COMMON PLEAS
PHILADELPHIA COURT
TRIAL DIVISION**

No. 220100090

CERTIFICATE OF SERVICE

I, Jo Rosenberger Altman, hereby certify that on August 17, 2022, a true and correct copy of the foregoing Motion to Supplement the Record and Brief in Support thereof in the above-captioned matter was served upon the party below via the Court's ECF Filing System.

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Respectfully,

/s Jo Rosenberger Altman

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