

RECONSIDERATION

Appeal officer : Blake Eilers

Agency : CPOC ; Represented by City of Phila law Dpt ; Attorney : Shea Skinner

Requester : James Glover & Shakur Capital, LLC

I, James Glover , respectfully request reconsideration of the recent Right-to-Know Law (RTKL) final determination. This request is based on critical concerns about procedural fairness and substantive errors that potentially influenced the outcome unfavorably against me. These include unequal submission opportunities, the inappropriate application of prior legal outcomes, and the disregard of substantial evidence. Given these issues, a reassessment is crucial to uphold the principles of fairness, transparency, and impartiality in the RTKL process.

Grounds for Reconsideration

Unfair Submission Extensions and Assistance to the Agency (CPOC):

The CPOC was allowed to make multiple additional submissions after the official close of the submission period (4/3/24). The appeals officer permitted submissions on 4/9/24 and 4/19/24, whereas I was informed that no further submissions from me would be accepted after 4/5/24. The assistance provided to the agency by the appeals officer benefited them by correcting an incorrect filing, which would have likely resulted in a decision in favor of the requester. No equivalent opportunity was extended to me. This discrepancy in treatment raises concerns about fairness and impartiality in the appeals process.

The second submission, termed “supplemental evidence,” included a sworn affidavit which I could not adequately contest, as I was not given a chance to respond with substantive evidence addressing the claims made therein, per the appeals officer

barring me from adding to the submission. This is particularly concerning as the first affidavit by Catherine Twigg, which I had objected to and provided evidence of alleged bad faith by the agency, was overlooked by the Appeals Officer. It was still partially quoted in the final determination, despite my contestation and evidence, including emails and two cease and desist notices for related incidents. Both Shea Skinner and Catherine Twigg were aware of the pending lawsuit filed in district court, currently in default judgment in my favor for \$1.5 million, and knew the false allegations of being a threat, made by Lt. Barry Jacobs, were untrue because of the lawsuit and the criminal case being nolle prossed, as detailed in the lawsuit and the cease and desist notices. Despite this, the final determination reads as if I, James Glover and Shakur Capital, LLC, had not made a submission at all.

Misuse of Prior Legal Outcomes:

The Appeals Officer incorrectly utilized a previous OOR final determination (Shakur Capital, LLC v. City of Philadelphia Police Department - OOR Dkt. No.: AP 2021-2244) to disadvantage me, despite it being cited as evidence of my activism and understanding of public records law. The 18-page decision showed why the records are public. I also explained that it was reversed due to a false arrest and my inability to respond as the appellant because of the ongoing criminal case, which I was advised not to discuss. I provided evidence of a related criminal case (nolle prossed) and an ongoing lawsuit citing First Amendment and due process violations, which should have mitigated any misinterpretation or misrepresentation of my legal standing and intentions. However, the appeals officer appears to have disregarded the 18-page decision and instead cited a reconsideration that was neither submitted by any party nor granted by the OOR when submitted. This reconsideration was extensively quoted and used against me, despite being factually incorrect. Additionally, this record is not public; it was removed by the OOR at my request either last week or the week before, following the expungement of the associated false arrest as of 8/17/23. This misuse of reconsideration and possibly a non-public and incorrect record in this final determination is both incomprehensible and unjust.

Deletion and Disregard of Submissions:

On 4/19/24, one of my submitted responses was deleted by the Appeals Officer while another submission for the purpose of inquiring permission to respond to the agency submission from that day remained on record. Yet the brief non formal response was removed. This action questions the consistency and integrity of the review process. Statements by the Appeals Officer, alleging that my submitted evidence was "irrelevant" as claimed by the agency, were both inappropriate and inaccurate, as they disregarded the substantial factual content and documentation I provided.

Biased Character Assessments and Safety Allegations:

The determination referenced alleged "harassing, disruptive, and threatening behavior" on my part, which is not only unsubstantiated but also contradicted by the evidence I provided. Such assertions were improperly used to justify the non-disclosure of requested information, based on a mischaracterization of my interactions with city departments that have already been proven to be untrue.

Conclusion and Request

Given the outlined concerns, particularly the uneven opportunities for submission and the handling of evidence, I respectfully request a thorough reconsideration of the RTKL final determination. It is imperative that the appeals process remains fair, transparent, and impartial to ensure that all parties are equally heard and that justice is rightly served.

Thanks

James Glover , Pro Se

Shakur Capital.LLC

This request for reconsideration does not add or request to add new evidence and is made based on the record and information known prior to the record of the final determination. Please review the Requester's main document and exhibits.