

OOOR RESPONSE TO PETITION FOR RECONSIDERATION

DATE ISSUED AND MAILED: May 1, 2024

IN RE: *James Glover and Shakur Capital, LLC v. City of Phila. Citizens Police Oversight Comm'n*,
OOOR Dkt. AP 2024-0745

Upon review of the petition for reconsideration (“Petition”) filed by the Requester with the Office of Open Records (“OOOR”) to the above-referenced docket number, the Petition is **DENIED**, for the following reasons:

- OOOR Appeals Officers have discretion to set submission schedules; to admit into evidence anything deemed probative; and to limit the nature and extent of cumulative materials. 65 P.S. §§ 67.1102(a)(1)-(2). There is nothing in the record demonstrating that the Appeals Officer abused their discretion in this instance.
- There is no due process right to respond to attestations or affidavits submitted on behalf of an agency. *See Jensen v. Pa. Dep’t of Corr.*, No. 317 C.D. 2023, 2024 Pa Commw. Unpub. LEXIS 108 (Pa. Commw. Ct., March 5, 2024). The Right-to-Know Law only requires notice and an opportunity to be heard, and the record reflects that both notice and an opportunity to be heard were provided to the Requester.
- While the Requester challenges the Appeals Officer’s use of a prior OOOR final determination, and subsequent filings made in that appeal, I note that the Requester himself submitted those materials as evidence in this appeal. Nevertheless, there is no legal support for the proposition that a prior final determination and supporting documents are “non-public.” The availability or non-availability of these materials on the OOOR’s online docket is irrelevant.
- To the extent that the Requester challenges any characterizations or statements made in the Final Determination, I cannot conclude that the Appeals Officer committed any abuse of discretion or error of law.

As noted in the Final Determination, the Requester is free to appeal the Final Determination to the Philadelphia County Court of Common Pleas.

Issued by:

/s/ Kyle Applegate

CHIEF COUNSEL
Kyle Applegate

Sent to: James Glover; Shea Skinner, Esq.; Feige Grundman, Esq.