TO: State Records committee, Nova Dubovik - Exec. Secretary

FROM: Daniel Rivera Jr.

DATE: 3/23/2015

Re: Notice of Appeal on case #14-172.

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MAR 2015
Per:

Dear Ms. Nova Dubovik,

This case is related to the case that was heard by your committee on 12/11/2014.

This case here deals with the Attorney Generals office and their unacceptable answers by Mr. Parker Douglas with regards to the offices original response from Carol L.C. Verdoia.

I appeal because the answers are unacceptable and I do not believe to be within the meaning of GRAMA and or Legal in a statutory or constitutional sense.

The Attorney General goes to great extent to support Ms. Verdoia's but fails, as she did, to justify why I can't have the requested documents as I will explain. As outlined by the Attorney General starting on pg. 2, I will explain why;

#1 The point is being avoided, the state says that my claim of right to the documents I requested is moot because I don't have parental rights because the state took them but my assertion is I have a right to the documents because the whole termination (and evidence used in that proceeding) was based on police and DCFS misconduct. Therefore the whole proceeding was tainted by illegal misconduct, thus invalid. That's my point. And to set the record straight, the childrens mother and myself are still together. There fore I am entitled to the records and I have demonstrated the right to them.

#2 Demonstrating governmental misconduct is relevant in determining my right to the documents to prove that the proceedings against me were constitutionally infirm. I have some documents which support my conclusion that there was police and DCFS misconduct and if allowed to be submitted in seal, I can submit them to support my conclusion that I'm constitutionally entitled to the documents I requested.

Therefore my reasons for wanting my records is relevant to the analysis of their classification under GRAMA.

#3 My assertion remains the same, GRAMA is designed to keep persons from obtaining needed governmental documents hence, this proceeding. It keeps them from persons and allows the government to "Lose or doctor" up documents as needed and the "Record sharing game" is used as a reason to deny records etc. of course the AG's office will state that no where have I stated their response to my GRAMA request was inappropriate. My whole response to Mr. Douglas explains where Ms. Verdoia's answer was inappropriate. The statements I make about GRAMA are important to the case as they explain, not criticize, the short comings of GRAMA and how GRAMA is designed to allow the government to hide their misconduct and illegal actions.

#4 The amount of redaction was out of line. I do understand that redaction is important in cases where a party has no clue who is involved or what ~~whas~~ was said but in this case I know who was involved with exception of the police, but, the knowledge of that person is not pertinent to obtaining the record or its subject matter.

The records were needed to find out the process by which the search happened, how the warrant was obtained and how DCFS confabulated its evidence based on the search as well as DCFS's internally generated documents.

#5. This is True and relevant. I know lots of the redacted information, I just don't have the unredacted document to use as an Exhibit on a court document. That's my whole claim.

#6 I realize that the Attorney Generals office is not in the position and does not have the authority to consider or Rule on the Constitutionality of any GRAMA provision nor do you have the jurisdiction or authority to. But I realize that I have to raise the issue to exhaust the Administrative remedies in this case since constitutional, procedural and statutory provisions are implicit in this case as well as the issues involved herein.

#7 and finally when I used the word "etc." it ~~wase~~ was used on the end of a specific set of requested documents of a certain subject matter which would be unique only to that requested type.

It cannot be impossible to determine what type of document I am requesting. If I said "Police Reports etc." it means reports of the same subject matter. There are officers reports and detective reports, they are both police reports even though an officer is arguably different than a detective albeit only by rank. It's hard for me to comprehend that by the way I wrote the request with an etc. on the end, how the state would have problems understanding the request or how GRAMA would prohibit the request even with

how clear it is.

Therefore it is my argument that the states seven (7) reasons for denial have no merit and provide no basis for which to deny my GRAMA request.

It is my assertion that the state is hiding evidence of its wrongdoing and it is hiding behind GRAMA to do so even though GRAMA cannot constitutionally do so.

I respectfully request a hearing on this matter, and I respectfully request an order directing the attorney Generals office to release the requested documents promptly. Thank you.

Dated this 23rd day of March 2015.

Daniel Rivera Jr.

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