

DISTRICT COURT CIVIL COVER SHEET

COPY

Carson City, Nevada
 Case No. **180600272**
 (Assigned by Clerk's Office)
REC'D & FILED
2018 NOV 15 AM 1:35

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): NATIONAL COALITION FOR PUBLIC SCHOOL OPTIONS by SUSAN MERRIWETHER C. TORRES	Defendant(s) (name/address/phone): NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY, IDENTITY
Attorney (name/address/phone): Joel E. Tasca, Esq., Justin A. Shiroff, Esq. Ballard Spahr LLP, 1980 Festival Plaza Drive, Suite 900 Las Vegas, NV 89135 (702) 471-7000	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)


Civil Case Filing Types

<p>Real Property</p> <p>Landlord/Tenant</p> <p><input type="checkbox"/> Unlawful Detainer</p> <p><input type="checkbox"/> Other Landlord/Tenant</p> <p>Title to Property</p> <p><input type="checkbox"/> Judicial Foreclosure</p> <p><input type="checkbox"/> Foreclosure Mediation Assistance</p> <p><input type="checkbox"/> Other Title to Property</p> <p>Other Real Property</p> <p><input type="checkbox"/> Condemnation/Eminent Domain</p> <p><input type="checkbox"/> Other Real Property</p>	<p>Negligence</p> <p><input type="checkbox"/> Auto</p> <p><input type="checkbox"/> Premises Liability</p> <p><input type="checkbox"/> Other Negligence</p> <p>Malpractice</p> <p><input type="checkbox"/> Medical/Dental</p> <p><input type="checkbox"/> Legal</p> <p><input type="checkbox"/> Accounting</p> <p><input type="checkbox"/> Other Malpractice</p>	<p>Torts</p> <p>Other Torts</p> <p><input type="checkbox"/> Product Liability</p> <p><input type="checkbox"/> Intentional Misconduct</p> <p><input type="checkbox"/> Employment Tort</p> <p><input type="checkbox"/> Insurance Tort</p> <p><input type="checkbox"/> Other Tort</p>
<p>Probate</p> <p>Probate (select case type and estate value)</p> <p><input type="checkbox"/> Summary Administration</p> <p><input type="checkbox"/> General Administration</p> <p><input type="checkbox"/> Special Administration</p> <p><input type="checkbox"/> Set Aside <input type="checkbox"/> Surviving Spouse</p> <p><input type="checkbox"/> Trust/Conservatorship</p> <p><input type="checkbox"/> Other Probate</p> <p>Estate Value</p> <p><input type="checkbox"/> Greater than \$300,000</p> <p><input type="checkbox"/> \$200,000-\$300,000</p> <p><input type="checkbox"/> \$100,001-\$199,999</p> <p><input type="checkbox"/> \$25,001-\$100,000</p> <p><input type="checkbox"/> \$20,001-\$25,000</p> <p><input type="checkbox"/> \$2,501-\$20,000</p> <p><input type="checkbox"/> \$2,500 or less</p>	<p>Construction Defect & Contract</p> <p>Construction Defect</p> <p><input type="checkbox"/> Chapter 40</p> <p><input type="checkbox"/> Other Construction Defect</p> <p>Contract Case</p> <p><input type="checkbox"/> Uniform Commercial Code</p> <p><input type="checkbox"/> Building and Construction</p> <p><input type="checkbox"/> Insurance Carrier</p> <p><input type="checkbox"/> Commercial Instrument</p> <p><input type="checkbox"/> Collection of Accounts</p> <p><input type="checkbox"/> Employment Contract</p> <p><input type="checkbox"/> Other Contract</p>	<p>Judicial Review/Appeal</p> <p>Judicial Review</p> <p><input type="checkbox"/> Petition to Seal Records</p> <p><input type="checkbox"/> Mental Competency</p> <p>Nevada State Agency Appeal</p> <p><input type="checkbox"/> Department of Motor Vehicle</p> <p><input type="checkbox"/> Worker's Compensation</p> <p><input type="checkbox"/> Other Nevada State Agency</p> <p>Appeal Other</p> <p><input type="checkbox"/> Appeal from Lower Court</p> <p><input type="checkbox"/> Other Judicial Review/Appeal</p>
<p>Civil Writ</p> <p>Civil Writ</p> <p><input type="checkbox"/> Writ of Habeas Corpus</p> <p><input type="checkbox"/> Writ of Mandamus</p> <p><input type="checkbox"/> Writ of Quo Warrant</p> <p><input type="checkbox"/> Writ of Prohibition</p> <p><input type="checkbox"/> Other Civil Writ</p>	<p>Other Civil Filing</p> <p>Other Civil Filing</p> <p><input type="checkbox"/> Compromise of Minor's Claim</p> <p><input type="checkbox"/> Foreign Judgment</p> <p><input type="checkbox"/> Other Civil Matters</p>	

Business Court filings should be filed using the Business Court civil coversheet.

11/13/18

Date



Signature of initiating party or representative

See other side for family-related case filings.

DISTRICT COURT CIVIL COVER SHEET

Carson City County, Nevada

Case No. REC'D & FILED 150600772
(Assigned by Clerk's Office)

COPY

2018 NOV 15 PM 1:35

I. Party Information (provide both home and mailing address if different)

Plaintiff(s) (name/address/phone): NATIONAL COALITION FOR PUBLIC SCHOOL OPTIONS	Defendant(s) (name/address/phone): SUSAN MERRIWETHER CLERK NEVADA STATE PUBLIC DEP'T CHARTER SCHOOL AUTHORITY,
Attorney (name/address/phone): Joel E. Tasca, Esq., Justin A. Shiroff, Esq. Ballard Spahr LLP, 1980 Festival Plaza Drive, Suite 900 Las Vegas, NV 89135 (702) 471-7000	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

<p>Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Foreclosure Mediation Assistance <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p>Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p>Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p>Torts</p> <p>Other Torts</p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<p>Probate</p> <p>Probate (select case type and estate value)</p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Surviving Spouse <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p>Estate Value</p> <input type="checkbox"/> Greater than \$300,000 <input type="checkbox"/> \$200,000-\$300,000 <input type="checkbox"/> \$100,001-\$199,999 <input type="checkbox"/> \$25,001-\$100,000 <input type="checkbox"/> \$20,001-\$25,000 <input type="checkbox"/> \$2,501-20,000 <input type="checkbox"/> \$2,500 or less	<p>Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p>Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<p>Civil Writ</p> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<p>Other Civil Filing</p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

11/13/18

Date

Signature of initiating party or representative

See other side for family-related case filings.

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SUSAN MERRIWETHER
CLERK

BY C. TORRES DEPUTY

1 Your name or firm: Joel E. Tasca, Esq., Justin A. Shiroff, Esq.
Mailing Address: Ballard Spahr LLP, 1980 Festival Plaza Drive, Suite 900
2 City, State, Zip: Las Vegas, NV 89135
3 Telephone: (702) 471-7000

4 **In The First Judicial District Court of the State of Nevada**
5 **In and for Carson City**

6 NATIONAL COALITION FOR
PUBLIC SCHOOL OPTIONS

7)
8 Plaintiff,

Case No. 180C002721B

Dept. No. #

9 vs.
NEVADA STATE PUBLIC CHARTER
SCHOOL AUTHORITY,

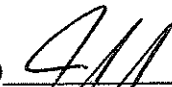
10)
Defendant.

11 **AFFIRMATION**
12 **Pursuant to NRS 239B.030/603A.040**
13 **(Initial Appearance)**

14 The undersigned does hereby affirm that the document entitled Petition For Writ of Mandamus
15 **does not** contain "*Personal Information*" and agrees that upon the filing of additional documents in the
16 above matter, an Affirmation will be provided **ONLY** if the document contains a social security number
(NRS 239B.030) or "personal information" (NRS 603A.040), which means a natural person's first name
or first initial and last name in combination with any one or more of the following data elements:

- 17 1. Social Security number.
- 18 2. Driver's license number, driver authorization card number or identification card number.
- 19 3. Account number, credit card number or debit card number, in combination with any required
20 security code, access code or password that would permit access to the person's financial
account.
- 21 4. A medical identification number or a health insurance identification number.
- 22 5. A user name, unique identifier or electronic mail address in combination with a password,
access code or security question and answer that would permit access to an online account.

23 The term does not include publicly available information that is lawfully made available to the general
24 public.

25 (Your signature) 

(Date) 11/13/18

The purpose of this initial affirmation is to ensure that each person who initiates a case, or upon first
appearing in a case, acknowledges their understanding that no further affirmations are necessary unless a
pleading which is filed contains personal information.

Ballard Spahr LLP
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135

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PET
Joel E. Tasca, Esq.
Nevada Bar No. 14124
Justin A. Shiroff, Esq.
Nevada Bar No. 12869
BALLARD SPAHR LLP
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89106-4617
Telephone: 702.471.7000
Facsimile: 702.471.7070
tasca@ballardspahr.com
shiroffj@ballardspahr.com

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SUSAN MERRIWETHER
CLERK
BY C. TORRES
DEPUTY

Attorneys for Petitioner

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

National Coalition for Public School
Options,

Petitioner,

v.

Nevada State Public Charter School
Authority,

Respondent.

CASE NO. 180100272

PUBLIC RECORDS ACT
APPLICATION PURSUANT TO NEV.
REV. STAT. § 239.011/ PETITION FOR
WRIT OF MANDAMUS

COMES NOW Petitioner the National Coalition for Public School Options (“PSO”), by and through its undersigned counsel, and hereby brings this Petition for Writ of Mandamus for declaratory and injunctive relief and seeking an order requiring the Nevada State Public Charter School Authority (“SPCSA”) to provide PSO access to public records. PSO also requests an award for all fees and costs associated with its efforts to obtain withheld public records as provided for by Nev. Rev. Stat. § 239.011(2). Further, PSO respectfully asks that this matter be expedited pursuant to Nev. Rev. Stat. § 239.011(2).

PSO hereby alleges as follows:

///

///

NATURE OF ACTION

1
2 1. PSO brings the petition for relief pursuant to Nev. Rev. Stat. §
3 239.011, commonly known as the Nevada Public Records Act (“NPRA”). *See also*
4 *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884 n.4, 266 P.3d 623, 630 n.4
5 (2011).

6 2. PSO’s petition to this Court is the proper means to secure SPCSA’s
7 compliance with the NPRA. *See id.*; *see also DR Partners v. Bd. of Cty. Comm’rs of*
8 *Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Donrey of Nev. v.*
9 *Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990)) (writ of mandamus is appropriate
10 procedural remedy to compel compliance with NPRA).

11 3. PSO is entitled to an expedited hearing on this matter pursuant to
12 Nev. Rev. Stat. § 239.011(2), which mandates that “[t]he court shall give this
13 matter priority over other civil matters to which priority is not given by other
14 statutes.”

PARTIES

15
16 4. PSO is a social welfare organization that operates pursuant to Section
17 501(c)(4) of the Internal Revenue Code of 1986, as amended, and is incorporated as
18 a non-profit corporation in the Commonwealth of Virginia.

19 5. Respondent SPCSA is a statewide public agency in Nevada. SPCSA is
20 subject to the NPRA pursuant to Nev. Rev. Stat. § 239.005(5)(b).

JURISDICTION AND VENUE

21
22 6. This Court has jurisdiction to issue writs of mandamus. Nev. Const.
23 art. VI, § 6; Nev. Rev. Stat. § 34.160.

24 7. This Court has jurisdiction pursuant to Nev. Rev. Stat § 239.011,
25 SPCSA holds the records in question in Carson City.

26 8. Venue is proper in the First Judicial District Court of Nevada
27 pursuant to Nev. Rev. Stat. § 239.011. All parties and all relevant actions to this
28 matter were and are in Carson City, Nevada.

STANDING

1
2 9. PSO has standing to pursue this expedited action pursuant to Nev.
3 Rev. Stat. § 239.010 because SPCSA continues to unjustly withhold the public
4 records it requested.

FACTS

5
6 The First and Second Requests

7 10. On May 4, 2018, PSO sent two public records requests to SPCSA.

8 11. PSO sent a public records request to SPCSA seeking “any and all email
9 communications between the Authority and the National Association of Charter
10 School Authorizers (“NACSA”) which were sent on or after June 1, 2016 . . .
11 including any and all email communications between individuals acting on behalf of
12 [the respective entities].”

13 12. Also on May 4, 2018, PSO requested “public records related to or
14 documenting any costs, including all travel or other expense reimbursements,
15 related to the meeting of the Authority Board on April 27, 2018.”

16 13. SPCSA acknowledged receipt of these requests on May 9, 2018. A true
17 and correct copy of this acknowledgment is attached here as Exhibit 1.

18 14. In SPCSA’s acknowledgement, it stated that it expected to provide any
19 responsive documents by May 18, 2018. *See* Ex. 1.

20 15. SPCSA responded to the Second Request on June 22, 2017 via email,
21 providing a number of purportedly responsive documents. A true and correct copy of
22 the cover email that accompanied the response to the Second Request is attached
23 here as Exhibit 2.

24 16. SPCSA never provided any documents in response to the First
25 Request.

26 17. SPCSA also never stated that it was withholding records responsive to
27 the First Request on the grounds of privilege or confidentiality.
28

1 The Third Request

2 18. On June 6, 2018, PSO sent a third public records request to SPCSA
3 (the "Third Request"), seeking records related to:

4 [T]he Authority's review, approval, and/or denial of any
5 request by the Authority's Executive Director to pursue any
6 other business or occupation or hold any other office,
7 including, without limitation, to serve as a member on a
8 committee, board or task force of an organization relating to
9 charter schools, to serve as a reviewer of applications to form
10 a charter school for organizations other than the State Public
11 Charter School Authority and/or to hold an office of profit. . .

9 A true and correct copy of the Third Request is attached here as Exhibit 3.

10 19. The Third Request requested a subset of records virtually identical to
11 an earlier PSO request, except covering a different date range. The previous
12 request generated 1,199 pages of email correspondence and hundreds of pages of
13 attachments between SPCSA and NACSA during the time period October 1, 2014
14 through April 11, 2016.

15 20. On June 26, 2018, a representative from SPCSA called undersigned
16 counsel requesting additional clarification regarding the Third Request. A true and
17 correct copy of confirmatory emails related to that conversation are attached here as
18 Exhibit 4.

19 21. SPCSA requested clarification of the specific years' worth of documents
20 PSO sought in its Third Request. *Id.*

21 22. PSO stated that though it would permit SPCSA to prioritize the most
22 recent two years of documents, it did not waive its right to access for all relevant
23 public records responsive to that request. *Id.*

24 23. On June 29, 2018, SPCSA sent a letter to PSO's undersigned counsel
25 in response to the Third Request (mis-dated in SPCSA's letter as one of the May 4,
26 2018 requests). A true and correct copy of that response is attached here as Exhibit
27 5.

28

1 24. SPCSA stated that it “[did] not have any responsive records” under the
2 Third Request. *Id.*

3 25. On August 15, 2018, undersigned counsel for PSO contacted SPCSA to
4 request a response to the pending public records requests, including the First
5 Request and the remaining timeframe covered by the Third Request. *See Ex. 4.*

6 26. PSO requested a full response no later than August 22, 2018. *Id.*

7 27. On August 17, 2018, SPCSA emailed in response, stating that “it
8 [would] have any responsive records to [PSO] by mid next week.” *Id.*

9 28. On August 28, 2018, SPCSA emailed again, stating that it “searched
10 an additional two (2) years of records, and have again found no responsive records.”
11 A true and correct copy of that email is attached here as Exhibit 6.

12 The Fourth Request

13 29. On September 28, 2018, PSO sent a fourth public records request to
14 SPCSA (the “Fourth Request”), seeking records related to:

- 15 1) any communications between the Authority and the
16 TenSquare Group and/or Joshua (“Josh”) Kern (collectively
17 “TenSquare”) which were sent on or after June 1, 2016.; and
18 2) any and all communications between members, employees,
19 staff, or other individuals working with the Authority
20 relating to TenSquare, which were sent on or after June 1,
21 2016.

22 A true and correct copy of the Fourth Request is attached here as Exhibit 7.

23 30. On October 9, SPCSA emailed undersigned counsel for PSO, seeking
24 clarification concerning the Fourth Request. Specifically, SPCSA wanted to know if
25 PSO was “only seeking communications relating to the TenSquare Group?” A true
26 and correct copy of confirmatory emails related to that conversation are attached
27 here as Exhibit 8.

28 31. Counsel for PSO provided the requested clarification and, in response,
SPCSA affirmatively stated that it would produce any responsive documents no
later than October 24, 2018. *Id.*

1 32. SPCSA never provided any documents in response to the Fourth
2 Request.

3 33. SPCSA also never stated that records responsive to the Fourth
4 Request existed but were being withheld from production on the grounds of
5 privilege or confidentiality.

6 Evidence That SPCSA's Responses Are Insufficient And Incomplete

7 34. An additional request for public records related to NACSA, not
8 directed to SPCSA, revealed documents proving that SPCSA was in communication
9 with NACSA during the time frame relevant to the requests at issue in this
10 Petition. A true and correct copy of emails between E. Westapher and P. Gavin et.
11 al., Oct. 20, 2016, is attached here as Exhibit 9.

12 35. These publicly available records demonstrate multiple instances of
13 interactions between SPCSA's staff and board, including the Executive Director,
14 and NACSA. *Id.*

15 36. These documents show the existence of other potential business
16 interactions between the Executive Director and NACSA that should have
17 generated documents responsive to the Third Request. *Id.*

18 LEGAL AUTHORITY

19 37. Pursuant to Nev. Rev. Stat. § 239.011, PSO is entitled to an order
20 requiring SPCSA to provide copies of all documents responsive to the First, Second,
21 Third, and Fourth Requests that were not otherwise produced.

22 CLAIM FOR RELIEF

23 38. PSO re-alleges and incorporates by reference each and every allegation
24 contained in Paragraphs 1-37 as if fully set forth herein.

25 39. Pursuant to the NPRA, SPCSA should provide PSO with the records it
26 requested.

27 40. The records sought are subject to disclosure, and SPCSA has not met
28 its burden of establishing otherwise.

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41. A writ of mandamus is necessary to compel SPCSA's compliance with the NPRA.

WHEREFORE, PSO prays for the following relief:

1. That the Court resolve this matter on an expedited basis as mandated by Nev. Rev. Stat. § 239.011;
2. Injunctive relief ordering SPCSA to immediately make available complete copies of all records requested without charging fees, other than permissible fees should PSO request copies;
3. Declaratory relief;
4. Reasonable costs and attorney's fees; and
5. Any further relief the Court deems appropriate.

DATED this 13th day of November, 2018.

Ballard Spahr LLP

By: 
Joel E. Vasca, Esq.
Nevada Bar No. 14124
Justin A. Shiroff, Esq.
Nevada Bar No. 12869
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135
Telephone: 702.471.7000

Attorneys for Petitioner

Ballard Spahr LLP
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135

EXHIBITS

Exhibit Tab	Description	No. of Pages
1	5/8/2018 SPCSA letter to J. Shiroff Acknowledging Receipt of May 4, 2018 Public Records Requests	1
2	6/22/2018 SPCSA Email to J. Shiroff Responding to Second Request	1
3	6/6/2018 PSO Third Public Records Request to SPCSA	2
3	Email Exchange between SPCSA and J. Shiroff Confirming Third Request	3
5	6/29/2018 SPCSA Letter to J. Shiroff re Third Request	1
6	8/28/2018 SPCSA Email Response from SPCSA to J. Shiroff regarding responsive records	3
7	9/28/2018 PSO Fourth Public Records Request to SPCSA	2
8	Email Exchange between SPCSA and J. Shiroff re Fourth Request	2
9	10/20/2018 Email Exchange btw E. Westapher and P. Gavin, et al	1

Ballard Spahr LLP
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135

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STATE OF NEVADA

BRIAN SANDOVAL
Governor

PATRICK GAVIN
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40
Carson City, Nevada 89706-2543
(775) 687 - 9174 · Fax: (775) 687 - 9113

**VIA UNITED STATES POSTAL SERVICE
AND ELECTRONIC MAIL**

May 9, 2018

Justin A. Shiroff
Ballard Spahr LLP
One Summerlin
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135
shiroffj@ballardspahr.com

Re: Public Records Requests

Justin,

The State Public Charter School Authority is in receipt of two public records requests from your office dated May 4, 2018. Both of these requests were received by the SPCSA on May 7, 2018.

We are currently researching both requests, and we expect to have any responsive public records to you by May 18, 2018.

Please confirm receipt of this correspondence and, as always, please feel free to contact me with any questions or concerns. You can reach me via my direct line at (775) 687-9159 or electronic mail at rherrick@spsca.nv.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan W. Herrick".

Ryan W. Herrick
General Counsel

Walton, Sarah H. (Las Vegas)

From: Aisheh Quiroz <aquiroz@spsca.nv.gov>
Sent: Friday, June 22, 2018 5:08 PM
To: Shiroff, Justin A. (LV)
Cc: Ryan Herrick
Subject: Re: Public Records Request
Attachments: 20180522114832922.pdf; 20180522114901446.pdf; 20180522115241290.pdf; 2018052212223991.pdf; 20180522122238939.pdf

Mr. Shiroff,

Here are the public records you requested related to travel expenses for the Nevada State Public Charter School Authority Board meeting held on April 27, 2018.

We are still working on your other requests and hope to have those documents to you soon.

Thank you,
Aisheh

Aisheh Quiroz
Legal Assistant
State Public Charter School Authority
1749 Stewart Street, Suite 40
Carson City, NV 89706-2543
Office: 775-687-9174
Direct: 775-687-9157
Fax: 775-687-9113
aquiroz@spsca.nv.gov
<http://charterschools.nv.gov/>

CONFIDENTIALITY - This message and accompanying documents are covered by the electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, is confidential and may contain information that is protected by the attorney-client privilege or work product doctrine, may be covered by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 122g; 34 CFR Part 99, and may contain confidential information or Protected Information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. Violations may result in administrative, civil, or criminal penalties. If you have received this communication in error, please notify sender immediately by e-mail, and delete the message. The State Public Charter School Authority will not accept any liability in respect of such communication that violates our e-mail policy.

June 6, 2018

Custodian of Records
Nevada State Public Charter School Authority
1749 North Stewart Street Suite 40
Carson City, Nevada 89706

Re: Public Records Request

Dear Sir or Madam:

Pursuant to the Nevada Public Records Act, N.R.S. 239 *et seq.*, I am submitting this request for copies of public records in the custody and control of the Nevada State Public Charter School Authority ("the Authority"). Specifically, I am requesting any public records related to the Authority's review, approval, and/or denial of any request by the Authority's Executive Director to pursue any other business or occupation or hold any other office, including, without limitation, to serve as a member on a committee, board or task force of an organization relating to charter schools, to serve as a reviewer of applications to form a charter school for organizations other than the State Public Charter School Authority and/or to hold an office of profit . . . See Nev. R. Stat. § 388A.193.

If format allows, please send the responsive documents by email. I understand there is a charge for copies of public records. I understand I will receive a written estimate for production of the records indicated above if the estimated cost is expected to be over \$25.00. I will be required to pay the cost in full prior to reproduction. This information is not being sought for commercial purposes.

If access to the records I am requesting will take longer than a five (5) business days, please contact me with information about when I might expect copies of the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

DMEAST #24975482 v1

Custodian of Records
June 6, 2018
Page 2

If you have any questions about my request, please do not hesitate to contact me. I look forward to your reply.

Very truly yours,



Justin A. Shiroff

jas/shw

Shiroff, Justin A. (LV)

From: Ryan Herrick <rherrick@spsca.nv.gov>
Sent: Friday, August 17, 2018 10:30 AM
To: Shiroff, Justin A. (LV)
Subject: RE: Public Records Request

Justin,
We are finishing up collecting these documents and I will have any responsive records to you by mid next week.

Please direct any and all future correspondence or communications regarding any and all SPCSA related issues to my attention.

As an aside, I will be in Las Vegas next week on agency-related business. I would be happy to meet with you at your office to discuss the various issues that you have raised in regard to the SPCSA over the last few months. Please let me know if you have time to meet Thursday afternoon.

Thanks,
Ryan

Ryan Herrick
General Counsel
State Public Charter School Authority
1749 Stewart Street, Suite 40
Carson City, NV 89706-2543
Office: 775-687-9174
Direct: 775-687-9159
Fax: 775-687-9113
rherrick@spsca.nv.gov
<http://charterschools.nv.gov/>

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From: Shiroff, Justin A. <ShiroffJ@ballardspahr.com>
Sent: Wednesday, August 15, 2018 11:03 AM
To: Aisheh Quiroz <aquiroz@spsca.nv.gov>
Subject: RE: Public Records Request

Aisheh,

It's been nearly two months since we last exchanged emails. Your office has not produced any additional records related to the Executive Director. We request full compliance with our long-overdue request no later than August 22, 2018. Your office has had ample time to sort out the records and gather everything together.

Thank you

Justin A. Shiroff

Ballard Spahr
L.L.P.

One Summerlin, 1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135-2958
702.868.7527 DIRECT
702.471.7070 FAX

shiroffj@ballardspahr.com
CyberAdviser | vCARD

www.ballardspahr.com

From: Shiroff, Justin A. (LV) <ShiroffJ@ballardspahr.com>
Sent: Tuesday, June 26, 2018 1:57 PM
To: Aisheh Quiroz <aquiroz@spsca.nv.gov>
Subject: RE: Public Records Request

Aisheh,

Thank you for reaching out. If you want to start with the two most recent years, we're fine with you prioritizing those records. But we do ultimately want all of the records you have that are responsive. We don't think that the universe of documents goes that far back in time and is ultimately fairly narrow in scope.

Justin A. Shiroff

Ballard Spahr
L.L.P.

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From: Aisheh Quiroz [<mailto:aquiroz@spsca.nv.gov>]
Sent: Tuesday, June 26, 2018 12:15 PM
To: Shiroff, Justin A. (LV) <ShiroffJ@ballardspahr.com>
Subject: Public Records Request

Justin,

It was nice speaking with you earlier and I just wanted to follow up on one point we discussed. For what years specifically are you requesting records as they pertain to the SPCSA Executive Director? Would records for the past two years be sufficient?

Thank you and have a nice day,
Aisheh

Aisheh Quiroz
Legal Assistant
State Public Charter School Authority
1749 Stewart Street, Suite 40
Carson City, NV 89706-2543
Office: 775-687-9174
Direct: 775-687-9157
Fax: 775-687-9113
aquiroz@spsca.nv.gov
<http://charterschools.nv.gov/>

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STATE OF NEVADA

BRIAN SANDOVAL
Governor

PATRICK GAVIN
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40
Carson City, Nevada 89706-2543
(775) 687 - 9174 · Fax: (775) 687 - 9113

VIA UNITED STATES POSTAL SERVICE
AND ELECTRONIC MAIL

June 29, 2018

Justin A. Shiroff
Ballard Spahr LLP
One Summerlin
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135
shiroffj@ballardspahr.com

Re: Public Records Request

Justin,

The State Public Charter School Authority is in receipt of a public records request from your office dated May 4, 2018. We received this request on May 7, 2018.

We have researched the request and we do not have any responsive records pertaining to, "...the Authority's review, approval, and/or denial of any request by the Authority's Executive Director to pursue any other business or occupation or hold any other office, including, without limitation, to serve as a member on a committee, board or task force of an organization relating to charter schools, to serve as a reviewer of applications to form a charter school for organizations other than the State Public Charter School Authority and/or to hold an office of profit..."

Please confirm receipt of this correspondence and, as always, please feel free to contact me with any questions or concerns. You can reach me via my direct line at (775) 687-9159 or electronic mail at rherrick@spsca.nv.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ry W", followed by a horizontal line.

Ryan W. Herrick
General Counsel

Shiroff, Justin A. (LV)

From: Ryan Herrick <rherrick@spsca.nv.gov>
Sent: Tuesday, August 28, 2018 10:12 AM
To: Shiroff, Justin A. (LV)
Cc: Aisheh Quiroz
Subject: RE: Public Records Request

Justin,
We have searched an additional two (2) years worth of records, and have again found no responsive records.

Please let me know if this satisfies your public records request.

Thanks,
Ryan

Ryan Herrick
General Counsel
State Public Charter School Authority
1749 Stewart Street, Suite 40
Carson City, NV 89706-2543
Office: 775-687-9174
Direct: 775-687-9159
Fax: 775-687-9113
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From: Shiroff, Justin A. <ShiroffJ@ballardspahr.com>
Sent: Monday, August 27, 2018 1:32 PM
To: Ryan Herrick <rherrick@spsca.nv.gov>
Cc: Patrick Gavin <pgavin@spsca.nv.gov>; Aisheh Quiroz <aquiroz@spsca.nv.gov>
Subject: RE: Public Records Request

Ryan,

Good afternoon. I am in receipt of your August 22, 2018 letter. However, we never agreed to limit the request to the last two (2) years. What I told Aisheh in response to her prior email correspondence was that your office could prioritize the

records from the past two years but that we wanted all responsive records. For your reference, this was all in an email to Aisheh, from me, on June 26, 2018 (attached here).

Please let me know when we can anticipate seeing the balance of the records responsive to our request.

Thank you

Justin A. Shiroff

Ballard Spahr
LLP

One Summerlin, 1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135-2958
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702.471.7070 FAX

shiroffj@ballardspahr.com
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www.ballardspahr.com

From: Aisheh Quiroz <aquiroz@spsca.nv.gov>
Sent: Thursday, August 23, 2018 10:02 AM
To: Shiroff, Justin A. (LV) <Shiroffj@ballardspahr.com>
Cc: Patrick Gavin <pgavin@spsca.nv.gov>; Ryan Herrick <rherrick@spsca.nv.gov>
Subject: Public Records Request

Mr. Shiroff,

Please find attached correspondence from Ryan Herrick.

Thank you,
Aisheh

Aisheh Quiroz
Legal Assistant
State Public Charter School Authority
1749 Stewart Street, Suite 40
Carson City, NV 89706-2543
Office: 775-687-9174
Direct: 775-687-9157
Fax: 775-687-9113
aquiroz@spsca.nv.gov
<http://charterschools.nv.gov/>

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communication in error, please notify sender immediately by e-mail, and delete the message. The State Public Charter School Authority will not accept any liability in respect of such communication that violates our e-mail policy.

September 28, 2018

Custodian of Records
Nevada State Public Charter School Authority
1749 North Stewart Street Suite 40
Carson City, Nevada 89706

Re: Public Records Request

Dear Sir or Madam:

Pursuant to the Nevada Public Records Act, N.R.S. 239 *et seq.*, I am submitting this request for copies of public records in the custody and control of the Nevada State Public Charter School Authority (“the Authority”). Specifically, I am requesting any and all electronic records and communications fitting the following two categories: 1) any communications between the Authority and the TenSquare Group and/or Joshua (“Josh”) Kern (collectively “TenSquare”) which were sent on or after June 1, 2016.; and 2) any and all communications between members, employees, staff, or other individuals working with the Authority relating to TenSquare, which were sent on or after June 1, 2016. Such communications shall include any and all electronic communications, including but not limited to MMS or SMS text messages, between individuals acting on behalf of the Authority and individuals acting on behalf of TenSquare. Keeping in mind that “all government-generated records are open to disclosure,” Reno Newspapers, Inc. v. Gibbons, 266 P.3d 623, 628 (2011), this request encompasses all “government-generated” electronic communications between the Authority and TenSquare, as well as by the Authority about TenSquare, and individuals acting on their behalf, regardless of whether those electronic communications were transmitted from state issued or privately maintained devices or accounts.

If format allows, please send the responsive documents by email. I understand there is a charge for copies of public records. I understand I will receive a written estimate for production of the records indicated above if the estimated cost is expected to be over \$25.00. I will be required to pay the cost in full prior to reproduction. This information is not being sought for commercial purposes.

If access to the records I am requesting will take longer than a five (5) business days, please contact me with information about when I might expect copies of the requested records.

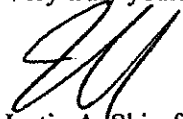
DMEAST #24975482 v1

Custodian of Records
September 28, 2018
Page 2

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

If you have any questions about my request, please do not hesitate to contact me. I look forward to your reply.

Very truly yours,



Justin A. Shiroff

jas/shw

Walton, Sarah H. (Las Vegas)

From: Ryan Herrick <rherrick@spsca.nv.gov>
Sent: Thursday, October 18, 2018 8:11 AM
To: Shiroff, Justin A. (LV)
Subject: RE: Public Records Request

Justin,
Thank you for this clarification. We expect to get you any public records within the scope of your request by October 24, 2018.

Thanks,
Ryan



**Nevada State Public
Charter School
Authority**

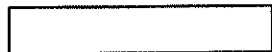
Ryan Herrick | General Counsel
State of Nevada | State Public Charter School Authority
1749 North Stewart Street Suite 40, Carson City, Nevada 89706
O: 775.687.9159 | F: 775.687-9113 | E: rherrick@spsca.nv.gov
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From: Shiroff, Justin A. <ShiroffJ@ballardspahr.com>
Sent: Wednesday, October 17, 2018 12:20 PM
To: Ryan Herrick <rherrick@spsca.nv.gov>
Subject: RE: Public Records Request


Ryan,
You are correct, we are seeking communications related to TenSquare.

Justin A. Shiroff



One Summerlin, 1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135-2958
702.868.7527 DIRECT
702.471.7070 FAX

shiroffj@ballardspahr.com
CyberAdviser | vCARD


www.ballardspahr.com

From: Ryan Herrick <rherrick@spsca.nv.gov>
Sent: Tuesday, October 9, 2018 8:10 AM
To: Shiroff, Justin A. (LV) <ShiroffJ@ballardspahr.com>
Subject: Public Records Request

Justin,
We have reviewed your recent public records request.

In regard to your request, it appears as though you are requesting any communications between the Authority and the TenSquare Group, and any communications between members and staff of the Authority related to the TenSquare Group. In essence, it appears as though you are looking for any internal or external communications related to the TenSquare Group from June 1, 2016 to present.

I am clarifying your request, because at one point you request communications between the Authority and the TenSquare Group "and/or Joshua Kern..." Of course, communications related to Joshua Kern that are not related to the TenSquare Group significantly expand the scope of your request. Can you please clarify that you are only seeking communications relating to the TenSquare Group?

I look forward to hearing from you.

Thanks,
Ryan



**Nevada State Public
Charter School
Authority**

Ryan Herrick | General Counsel

State of Nevada | State Public Charter School Authority
1749 North Stewart Street Suite 40, Carson City, Nevada 89706

O: 775.687.9159 | F: 775.687-9113 | E: rherrick@spsca.nv.gov

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Bonnie Holliday

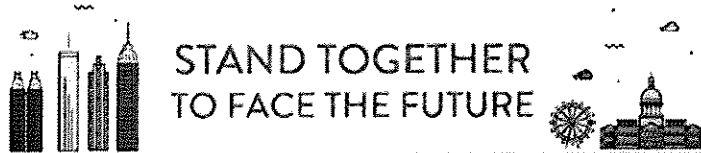
From: Elisa Westapher <elisaw@qualitycharters.org>
Sent: Thursday, October 20, 2016 2:32 PM
To: Bonnie Holliday; Olivia Roser; Nelson Smith; Jennifer Robison; Patrick Gavin; mukta@safalpartners.com
Cc: hoang.nguyen@safalpartners.com
Subject: RE: NACSA Conference: Virtual Schools Planning Call

Bonnie,

Yes, I'll be sending out a summary of the proposed game plan for the session today or this evening. We will have a few introductory slides, but otherwise Nelson will be leading the discussion after each of you have had the opportunity to talk about your authorizing environment/virtual schools in your portfolio.

Elisa

Elisa Westapher
Director of Authorizer Development
National Association of Charter School Authorizers
105 West Adams, Suite 1900
Chicago, Illinois 60603
312 376 2363



Register Today!

ATLANTA | October 24-27

From: Bonnie Holliday [mailto:bonnie.holliday@scsc.georgia.gov]
Sent: Thursday, October 20, 2016 1:29 PM
To: Olivia Roser ; Elisa Westapher ; Nelson Smith ; Jennifer Robison ; Patrick Gavin ; mukta@safalpartners.com
Cc: hoang.nguyen@safalpartners.com
Subject: RE: NACSA Conference: Virtual Schools Planning Call

Hi all:

I am printing all my materials next week, and I wanted to make sure I'm not missing something for the iVerify session. Did we decide to use any slides? And I know we discussed the basic flow of the session, but did we memorialize that anywhere? (Sadly, my short-term memory is at capacity, and I'm already a bit foggy on exactly how we decided to structure things!)

Sorry—
Bonnie

From: Olivia Roser [mailto:oliviara@qualitycharters.org]
Sent: Monday, October 3, 2016 3:35 PM
To: Elisa Westapher <elisaw@qualitycharters.org>; Nelson Smith <nelsons@qualitycharters.org>; Jennifer Robison <JRobison@buckeyehope.org>; Patrick Gavin <pgavin@spsca.nv.gov>; Bonnie Holliday