



September 18, 2020

VIA EMAIL ONLY (rherrick@spsca.nv.gov & publicinformation@spsca.nv.gov)

(775) 684-1601

Ryan Herrick
General Counsel
State Public Charter School Authority
1749 North Stewart Street #40
Carson City, NV 89706

Dear Mr. Herrick:

On March 14, 2020, you made a presentation to the board members of the Nevada State Public Charter School Authority regarding agenda item No. 4 during which you opined that the board may adopt the COVID-19 In-Person Learning Guidance to establish the conditions in which charter schools may provide in person instruction in accordance with NRS 388A.397(5). It is my opinion that plain language of the statute fails to support your opinion. As a result, I believe that the board adopted the COVID-19 In-Person Learning Guidance without legal authority, and in a massive breach of public trust. It is the intent of this letter to expose the corruption that has permeated the Nevada State Public Charter School Authority as a direct result of your legal advice.

Please accept this letter in accordance with NRS Chapter 239 as an Open Records Act Request.

NRS 388A.397 (5.) states, "If the State Public Charter School Authority determines that the current operations of the charter school pose an imminent danger to the health and safety of the pupils or staff of the charter school, the State Public Charter School Authority shall order the charter school to suspend its operations at any or all of its facilities until appropriate corrective action has been taken." According to OSHA (<https://www.osha.gov/as/opa/worker/danger.html>), the definition of "imminent danger" includes "for a health hazard there must be a reasonable expectation that toxic substances or other health hazards are present and exposure to them will shorten life or cause substantial reduction in physical or mental efficiency." This, by definition, does not include the potential presence of a hazard within the community, but actual presence of the hazard at the place of

50 S. Jones Blvd., Suite 102, Las Vegas, Nevada 89107
Telephone: (702) 514-0102, Fax: (702) 410-6396

employment, or in this case, at the school. **Please provide records of the actual presence of COVID-19 in each of the schools for which the SPCSA has mandated a distance learning model.**

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

You may comply with this request by emailing electronic copies of the requested documents to jmaridon@maridonlaw.com.

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I understand that you may hide behind the attorney/client privilege or work product doctrine to avoid responding to this request. More important than any response you may provide to me is the NOTICE this letter provides to each of the State Public Charter School board members that their reliance on your advice was a mistake.

If you have any questions about this request, you may contact me by telephone at 702-514-0102 or email at jmaridon@maridonlaw.com.

Thank you for your consideration in this matter.

Sincerely,



Joseph R. Maridon, Jr.

Cc: Melissa Mackedon (mmackedon@oasisacademyfallon.us)
Randy Kirner (randy.kirner@gmail.com)
Sheila Moulton (MoultonSPCSA@gmail.com)
Sami Randolph (randolphspsca@gmail.com)
Mallory Cyr (malloryspsca@gmail.com)
Tonia Holmes-Sutton (tholmessutton.spsca@gmail.com)
Don Soifer (SoiferNV@gmail.com)
Tamika Shauntee Rosales (tsrosales2020@outlook.com)
Lee Farris (lfarrisnspcsa@gmail.com)
Rebecca Feiden (rebecca.feiden@spsca.nv.gov)
General Public via social media and by request