EXHIBIT A

EXHIBIT A

AFFIDAVIT OF JASON GUINASSO

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STATE OF NEVADA

COUNTY OF WASHOE

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Under penalty of perjury, I, Jason David Guinasso, hereby swear that the information contained in this Affidavit is true and accurate:

- 1. My name is Jason Guinasso.
- 2. I am a resident of the State of Nevada.

) ss.

- 3. I am over 18 years of age.
- 4. I am an attorney licensed to practice law in both Nevada and California.
- 5. I am and at all times relevant hereto have been a Member of the State Public Charter School Authority Board ("SPCSA" or "SPCSA Board").
- 6. Nevada Connections Academy ("NCA") is a Charter School under the authority of the SPCSA.
- 7. I have been designated by the Chair of the SPCSA Board to act as chair designee ("Chair Designee") for the hearing regarding Nevada Connections Academy.
- 8. On September 30, 2016, and February 10, 2017, NCA was sent a Notice of Intent to Revoke NCA's Charter Contract because NCA is alleged to have failed to graduate 60% or more of its students. In fact, for each of the past five years, the State of Nevada Department of Education has reported that NCA's is graduation rate has been below far below 60%.
- 9. The Notice of Intent has been scheduled and re-scheduled for hearing to address whether the Nevada State Public Charter School Authority ("Authority") can establish

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by a preponderance of the evidence that NCA has failed to correct the deficiency in its graduation rate. To decide this issue, the Board must hear evidence and argument regarding:

- a. Whether, for the 2015 and 2016 graduating cohorts at NCA as defined by NAC 389.0246, the NCA graduation rate was less than 60%;
- b. Whether NCA corrected or proposed corrections to these deficiencies.
- c. Whether the corrections or proposed corrections are sufficient to correct the deficiencies.
- 10. Additionally, if the SPCSA Board finds that Nevada Connections Academy had a graduation rate(s) less than 60% and that it has not corrected these deficiencies, then the Authority will have the burden to prove by a preponderance of the evidence to the SPCSA Board whether it is lawful and appropriate to either reconstitute the governing body of Nevada Connections Academy or to revoke Nevada Connection Academy's written charter.
- 11. With respect to the foregoing issues before the SPCSA Board, I have not formed any conclusions. In this regard, I have been waiting for a hearing to commence so I can hear evidence and argument and make an informed decision.
- 12. To date, NCA has requested that the hearing be continued three times.
 - a. The first request for continuance came at the December 16, 2016, hearing where Counsel for NCA requested the SPCSA Board and the Authority make space available for several hundred parents to be present and give public comment at the hearing. Counsel for NCA stated that an Open Meeting Law complaint would be filed if the hearing was not continued so arrangements could be made for NCA parents to attend and speak at the hearing. NCA agreed to waive its NRS



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388A.330(3) right to a hearing within 90 days of the Notice of Intent so the hearing could be continued to a later date with a satisfactory venue.

- b. Thereafter, SPCSA's Staff worked with the Board to secure a new date and an appropriate location for the hearing and scheduled the hearing for February 1-3, 2017. However, Counsel for NCA requested further rescheduling because she had pre-arranged personal commitments on those dates. The Chair granted NCA's request.
 - Finally, NCA's counsel agreed to be prepared to appear for and present evidence and argument at a three-day hearing beginning March 30 and ending April 1, 2017. However, on March 28, 2017, two days before the scheduled hearing, NCA's counsel filed a Motion for Continuance. NCA's requested in its Motion, ". . . at minimum, a three-week continuance of the hearing to allow NCA's counsel to deal with this serious matter." The Declaration in Support of the Motion explained that Counsel for NCA's mother has been ill for several months and that Counsel's mother had been in and out of the hospital. Apparently, Counsel's mother's condition had worsened over the previous month and she was hospitalized. Under these circumstances, Counsel stated that it would be difficult for her to prepare for and attend the scheduled hearing. The SPCSA's Board is comprised of seven volunteer members. The hearing in question will likely require three full days to complete at locations that can accommodate hundreds of people. Finding three consecutive dates for the NCA hearing that would allow for a quorum of the Board to be present is an extremely difficult undertaking for SPCSA's staff. This difficulty was compounded by the need for facilities to accommodate the attendance of hundreds of NCA parents. In order to secure a



Reese Kintz, Guinasso 190 W Huffaker Ln Suite 402 Reno, NV 89511 (775) 853-8746 24 venue to accommodate hundreds of NCA parents, SPCA Staff had to work with three venues, including the Nevada Department of Education in Las Vegas, SLAM Academy in Henderson, and the Nevada Department of Education in Carson City. Consequently, appropriate dates and venues could not be secured until two months later, on March 30, 31 and April 1. While the Chair of the SPCSA was sympathetic to Counsel for NCA's personal family matter, it was clear to the Chair's Designee from Counsel's motion that her mother's health condition had been tenuous for several months. In this regard, the circumstances she was confronted with could have and, in the opinion of the Chair, should have been considered and contingency plans should have been put in place given her obligation to represent NCA at the hearing from March 30 to April 1, 2017. Therefore, NCA's request for continuance was denied on March 29, 2017.

- 13. Within one hour of the Order for Denying the Continuance being issued, I received a phone call from John Sande, IV, Esq., who I understood at the time to be the paid lobbyist for Connections Inc., the Education Management Organization of NCA. Mr. Sande explained NCA's Counsel's personal situation that NCA's counsel was dealing with and asked for an explanation as to why the continuance was denied. I provided Mr. Sande with the concerns I had with continuing the hearing.
- 4. Thereafter, throughout the day I continued to engage in good faith communication with Mr. Sande regarding reaching a resolution that would accommodate NCA, while at the same time addressing the concerns of the SPCSA Board.
 - a. During our phone and text conversations, Mr. Sande asked if the following compromise would satisfy my concerns and allow for the hearing to be continued: NCA would prepare a motion for reconsideration and agree in the motion to split

Reese Kintz, Guinasso 190 W Huffaker Ln Suite 402 Reno, NV 89511 (775) 853-8746 the costs the SPCSA had incurred and NCA would help secure a new venue for the hearing. See Exhibit A (March 29, 2017, Morning Text Messages Between John Sande, IV, Esq., and Jason Guinasso).

- b. In response, I explained to Mr. Sande that this addressed part of the concerns I had. <u>Id</u>. I explained that it would be good if the SPCSA could get through public comment period before bringing the hearing to recess. <u>Id</u>.
- c. I pointed out to Mr. Sande that his client had the ability to control the crowds so that when the hearing did commence the focus of the hearing could be on the merits of the issues presented. <u>Id</u>.
- d. Further, I explained that taking public comment and then calling the hearing into recess would allow for the Authority and the NCA to find time and space for a two-day hearing rather than a three-day hearing which would be a lot easier to reschedule and accommodate everyone's interests. <u>Id</u>.
- e. Moreover, I explained that the sooner we can get to the merits of the matter the better it would be for the families at NCA who are waiting in limbo uncertain about whether their school's governance will be fundamentally changed or whether their school will be closed for the upcoming school year. <u>Id</u>.
- f. Mr. Sande responded by stating that the public comment component of the hearing was "relevant to the merits of the case" and that NCA would prefer to have public comment and the hearing on the merits occur during the same period of time. Id. Mr. Sande then explained that NCA was willing to pay for the entire cost of the rent and pay for the facility for the rescheduled hearing. Id.
- g. Thereafter, I provided Mr. Sande with the following response:



Reese Kintz, 23 Guinasso 190 W Huffaker Ln Suite 402 Reino, NV 89511 (775) 853-8746 24 i. "Again, there seems to be a lack of regard for the time and inconvenience placed on 7 board members who have to find three days to be available for this and a staff who will have to find a space to accommodate everyone for three days. This could push the hearing out to late [M]ay or early June which would not be fair to the thousands of families waiting for a decision ... it disturbs me the way NCA is attempting to use public comment in this way [and] is really the reason why Laura is in this precarious position. If we are going to get to a reasonable compromise, NCA is going to need to be flexible regarding public comment and the hearing so that we can reschedule sooner rather than later." Id.

- h. Following this exchange, NCA filed a Motion for Reconsideration regarding the Order Denying Continuance. Just before I was scheduled to Board a plane to Las Vegas, Mr. Sande texted me inquiring whether the SPCSA was going to grant the requested continuance because NCA was considering filing with the District Court for a Temporary Restraining Order, but would prefer not to do so if there was a scenario where a solution could be reached without filing. See Exhibit B (March 29, 2017, Afternoon Text Messages Between John Sande, IV, Esq., and Jason Guinasso). I responded by stating the following in a text message:
 - i. "Not sure. Working on it now. The only sticking point is public comment.

 We may proceed with the hearing, take public comment and, if Ms.

 Granier is not available to represent NCA, take a recess to a date when

 Ms. Granier is available or other counsel can substitute.

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Reese Kintz, 23 Guinasso 190 W Huffaker Ln Suite 402 Reno, NV 89511 (775) 853-8746 24 The fact is if we have 300 people show up like last time and they each give three minutes of public comment, then we will have 15 hours of public comment. Ms. Granier does not have to attend public comment.

It would be easier if your clients would just stipulate to this scenario. Again, I think it is unreasonable for NCA to ask for a continuance and not work with us to make sure (1) NCA parents are heard; (2) a hearing is held sooner rather than later at a time and location that will work; and (3) finality regarding a decision is reached so parents can know whether they will be attending NCA or another school." Id.

- 15. During the afternoon text exchange, I was at the Reno International Airport waiting to Board my plane to Las Vegas. While waiting, SPCSA Board Member Melissa Mackedon arrived to Board the same plane.
- 16. I do not recall specifically what was said because the time and the place of our conversation occurred nearly six weeks ago and was relatively brief.
- 17. However, I do recall providing Member Mackedon with an update regarding the status of the scheduled hearing, discussions with Mr. Sande about reaching a resolution, and the need to prepare an Order in response to NCA's Motion for continuance.
- 18. I also recall expressing concern about delaying the hearing any further and the adverse impact the continuance could have on NCA families if the SPCSA were to reach a decision resulting in the closure of the school.
- 19. I did not speculate or make statements about whether the delay was a part of a strategy on the part of NCA counsel.
- 20. I did not speculate or make statements about whether NCA's counsel was being truthful in her representations regarding her mother's illness.

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- 21. I did not speculate or make statements about the potential for NCA's chances for obtaining an injunction from any adverse decision of the SPCSA Board.
- 22. I do not have any bias for or against NCA or Counsel for NCA.
- 23. I have had and continue to have great empathy for NCA's counsel. I understand from personal experience the difficulty of caring for a family member while in hospice and the pain that accompanies the passing of a family member. Indeed, at the same time NCA's counsel was addressing her personal situation, I was also dealing with the pain of a close family member fighting a terminal illness while in the care of hospice. Since becoming a Member of the SPCSA Board, I have traveled to Las Vegas to visit with this family member at least once a month, often my visits coincided with the SPCSA meetings I have attended in Las Vegas. Just like NCA's counsel, my family member recently succumbed to his illness and passed away. See Exhibit C (May 1, 2017, Obituary of Howard "Howdy" A. Wells, Jr.)
- 24. I deny saying the words attributed to me by NCA Principal Joseph Thomas in his "Declaration" attached to NCA's motion requesting that I recuse myself from the NCA hearing or otherwise be disqualified.
- 25. I remain open minded and eager to hear evidence and argument regarding the issues presented before the SPCSA Board.
- 26. To date, I have read all the materials submitted by the NCA and the Authority in advance of the hearing, including the prehearing statements and evidence they have submitted in support of their respective positions and I have several questions to which I need answers to before I will be in a position to make a decision.
- 27. As the record will reflect from past SPCSA Board meetings, I ask several questions on matters that come before the Board before I make a decision.

28.	I do not reach conclusions on matters that come before the SPCSA Board before having
	the benefit of hearing from the parties at the scheduled hearings.

- 29. While I do have concerns about NCA's graduation rates, I do not have any bias for or against NCA. In this regard, on September 21, 2016, prior to NCA suing the Authority, I made my self available to NCA's attorney and Principal for a phone conference.

 During this meeting, I listened to NCA's concerns and candidly provided my feedback.
- 30. Additionally, I have responded to dozens of emails sent to me by NCA parents who were told that their school was going to be closed. In this regard, I explained to each parent who has written me that no decision had been made to close NCA.
- 31. I have not predetermined an outcome regarding the NCA matter.
- I remain open minded to consider all evidence and argument from both NCA and the Authority.

33. I do not have bias for or against NCA or NCA's counsel.

DATED: This 10 th day of May, 2017.

Jason D. Guinasso,

SUBSCRIBED and SWORN to before me This \04^\text{day of May, 2017.}

NOTARY PUBLIC

KATRINA HUDSON
Notary Public, State of Nevada
Appointment No. 12-6739-2
My Appt. Expires Jan 12, 2020

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EXHIBIT A

EXHIBIT A







Wed, Mar 29, 8:05 AM

Are you around this morning?

(I aim heading for Las Vegas)

Sorry, I can't talk right now.

No worries. I was just returning your call

Thanks! I'll call back in just a minute.

Wed, Mar 29, 10:02 AM

In their motion they are offering to split the costs the Authority has incurred and to find a venue for the hearing. Does that help assuage some of your concerns?











Painty Sidmodel more the with the restance. His waster to be a grocoxét ilit werkerenthekejett ithmorrigh paulėtic cramminicinii itomnomrowy (wyhich will lilkely take 6 to seven hours). Thereafter, we can continue the hearing and and not have to have as innainty people to accommodate and take public comment again. I think you all can help control the crowds so that when we meet again we can focus on the merits of the hearing.

This would allow us to find 1-2 days for reschedule rather than three.

The sooner we can get to











the pooper we can est to the inventer line better liewill be for three families at NCA who are in limbo while this matter drags out. But, we can't get a hearing scheduled sooner if we have to block out three days and rent special facilities

I'll go back to them and let them know. I don't know if they submitted the Motion for Reconsideration yet, but I'll see if it is possible to hold off and suggest this option.

Their concern is that the public comment component is relevant to the merits of the case, and







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Their concern is that the public comment component is relevant to the merits of the case, and they would like to do it all together, if possible. They said they would cover the entire cost of the rent, and pay for the facility for the hearing. The Authority just needs to give them the minimum requirements for space, and they can book it ASAP. Thoughts?

Again, there seems to be a lack of regard for the time and inconvenience placed on 7 board members who have to find three days to be available for this and a staff who will have to find a space to accommodate







Again, through constants lardk of nægand for idne tilbræ diagnitica de la contrata del contrata del contrata de la contrata del contrata de la contrata del contrata de la contrata del con Westernibrand Improved 7 nro Injawe to filmd three days to lose awaillalolle for this aind a stafff who will have to find a space to accommodate everyone for three days. This could push the hearing out to late may or early June which would not be fair to the thousands of families waiting for a decision it disturbs me the way NCA is attempting to use public comment in this way is really the reason why Laura is in this precarious position. If we are going to get to a reasonable compromise, NCA is going







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Wed, Mar 29, 1:34 PM

Can you share if you think the Authority is leaning towards or against granting a continuance? The School has asked me to file a TRO, and I would obviously prefer not to do that if there is a scenario where we can find a solution. Thanks!

EXHIBIT B

EXHIBIT B



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Wed, Mar 29, 3:14 PM

The order should be going out from Robert Whitney's office within the hour. Let me know if you have







Wed, Mar 29, 3:14 PM

The ender should be getting out thom Robert Whitney's office within the hour. Let me know it you have questions

Do you know what it is going to say? I'm about to leave to file the TRO, and as I said, I'd really like not to.

I think you all should be happy with the Order because it accommodates Laura

What is your email and I will forward to you. It was just sent to Greg and Laura

Thank









Do you know what it is going to say? I'm about to leave to file the TRO, and as I said, I'd really like not to.

I think you all should be happy with the Order because it accommodates Laura

What is your email and I will forward to you. It was just sent to Greg and Laura

Thank you! <u>John@argentumnv.c</u> om

Sent. Let me know if this alleviates your client's concerns. An attempt was made to balance









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Thank you. I saw it. In full disclosure, my client instructed me to file the tro. It is with the judge. I wanted to tell him that we received the new order for his consideration, but he won't because it is an exparte communication. I don't know if he is going to sign or not.

Your TRO is more than likely ex large as well because I am not sure we have been served your pleading, which is okay.









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likely ex lange as well because I am not sure we have been served your pleading, which is okay. Advising him that there has been a subsequent order would not be inappropriate under the circumstances- you may have an ethics duty to do so? Whatever you decide just trying to work with you in good faith.

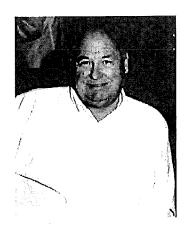
Thank you. I'm going to try.

FYI- our attorneys have not been served with Motion for TRO yet.



EXHIBIT C

EXHIBIT C







There are 47 photos in the gallery

LOVIEW MARKET CONTROL CHEST

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Service Information

FOLING INDUSTRIAL PROPERTY

In Memory of

HOWARD AVERY WELLS JR.

AUGUST 24, 1937 - APRIL 25, 2017

OBITUARY

BIOGRAPHY

Howard "Howdy" A. Wells, Jr. was born on August 24, 1937, in Reno. Nevada to

Lucia and Howard Wells, Sr. He began his journey in eternal life with his loving

family surrounding him on April 25, 2017, in Las Vegas.

Howdy grew up in Reno, Nevada and graduated from Reno High School in 1955.

After he graduated, the Washington State Cougars gained a determined and wise

football tackle where he played for two years. He loved sports and was an avid fan of

the San Francisco 49ers, the San Diego Padres, and the UNLV Rebels basketball and

football teams. Howdy had a most generous spirit, and he loved sharing his passion

for sports with his family and friends. The younger family members were always

happy to accept his invitation to go watch a game.

After attending Washington State and becoming a member of Sigma Phi Epsilon,

Howdy returned to Reno in 1958, From there, he went to Acarí, Peru to head his

family's iron ore mine. When he returned from Peru, he attended the University of

Nevada at Reno, graduating in 1961 with a Bachelor of Science in Business

Administration.

While boating with friends on Lake Tahoe in the summer of 1959, he spotted a

young beauty sunbathing with friends on the beach. He piloted the boat over.



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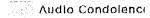
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Use your phone to dial in a free personalized message, Cited on to make an entry or listen to recordings from friends and familiary.

While boating with friends on Lake Tahoe in the summer of 1959, he spotted a

young beauty sunbathing with friends on the beach. He piloted the boat over,

managed to get her to accept an invitation to take a ride, and thus Jan and Howdy

embarked upon a beautiful love affair that spanned 58 years. Jan and Howdy took

many more rides, traveling the world together. Their travels often included their

children and grandchildren. Howdy treasured those adventures and delighted in his

family.

Howdy's family were blessed to have a devoted and loving husband, father and

grandfather. Those who were fortunate enough to live under the protection of his

wing know a man of gentle strength, warm humor, humility, kindness and

generosity. These attributes extended to his public life as well.

Howdy, with Jan by his side, was an active participant in the Elks BPOE in Rono.

He was an avid rodeo fan and Director of the Reno Rodeo Association, President of

United Way while in Reno, and a member of the Prospector's Club of Reno. Howdy's

philanthropic efforts continued in Las Vegas. Howdy was passionately involved in a

number of charitable organizations, giving of his time and support. The United Way,

Opportunity Village, local youth sports teams and numerous local charitable

organizations all benefited from his experience, knowledge and desire to make an

impact on the local community. Howdy was a Rotary Paul Harris Fellow, as was Jan,

his children and grandchildren, and past President of Southwest Rotary, Christmas

trees around the state are graced every year with the unique ornaments Howdy,

trees around the state are graced every year with the unique ornaments Howdy,

with the help of Jan, designed and sold to raise money for the eradication of polio

through Rotary International. With their involvement in this organization, Howdy

and Jan made long-lasting friendships throughout the world which remain to this

day

Early in Howdy and Jan's marriage, he managed the Riverside Parking Garage in

Reno while also selling Aetha Insurance. In August of 1971, Howdy & Jan packed up

and moved their family to Las Vegas where Howdy became responsible for the

operation of Wells Cargo, Inc.'s international mining, transportation and

construction operations.

Howdy's strength in leadership extended to the business community as well. He was

a founding member of the Reno Downtown Association, a board member of the

former Pioneer Citizens Bank, a member of the governing boards of the Las Vegas

Metro Chamber of Commerce and the Associated General Contractors, He was the

founding father of the Nevada Contractors Associationappropriately so, since he

held the oldest active contractor's license, number 273, in the State of Nevada.

While Howdy's numerous accomplishments and experiences are difficult to

summarize, the man himself is not. He is a man who loved well and lived a beautiful

life. He is survived by his beloved wife Janet, daughter Shawn Landrum (Tim), son

Guy Wells (Jodi), daughter Jenna Wells-Doto (Dave), grandchildren Kelsey, Lauren,

summarize, the man himself is not. He is a man who loved well and lived a beautiful

life. He is survived by his beloved wife Janet, daughter Shawn Landrum (Tim), son

Guy Wells (Jodi), daughter Jenna Wells-Doto (Dave), grandchildren Kelsey, Lauren,

Sierra, Beau, Alexandra, Brönte, and Savannah, and numerous other cherished

family members.

A funeral is scheduled for Thursday, May 4, at 1:00 pm at Canyon Ridge Christian

Church, 6200 W. Lone Mountain Road, Las Vegas, Nevada 89130, Pastor Kevin Odor

officiating,

Donations in memory of Howdy may be made to the Scripps Whittier Diabetes

Institute, 10140 Campus Point Drive, San Diego, California 92121. Please designate donations to

http://distriction.com/patheoretic-monophistics/incorporation/ _gen/19992592.11.1738.11.95803.9980398.554 Please select "Scripps Diabetos Care and Prevention" from the drop down menu upon making donation.

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GUEST BOOK

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Share your memories or express your condolences by signing the Guest Book below or about the for entry suggestions.

"Guy-I will never forget the day you were sworn in as a Member of the State Contractors Board. Your mom and dad came to witness the event and take pictures...."

Margl Grein (Las Vegas, NV)

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