May 8, 2023

VIA EMAIL

Gregory J. Rolen
Height Brown & Bonesteel
Three Embarcadero Center, Suite 200
San Francisco, California 94111
Email: grolen@hbblaw.com

Re: Carmel Unified School District
California Public Records Act Request dated April 28, 2023
Our file 1885-210002

Dear Mr. Rolen:

I write on behalf of the Carmel Unified School District ("District") in response to three (3) April 28, 2023 requests via the District’s website portal requesting public records under the California Public Records Act ("CPRA"), Government Code section 7920.000 et.seq.

I have summarized your three requests as listed below. The District understands your requests included the following:

1. Any and all email communications, text messages, meeting notes, or other writings as defined by Government Code §6252 (g) between Sara Hinds ("Trustee Hinds") and Superintendent Edward Knight ("Ted Knight") during the following months: a) February 2022; b) November 2022; c) January 2023; and d) February 2023.

2. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Karl Pallastrini ("Trustee Pallastrini") and Ted Knight during the following months: a) June-August 2022.

3. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Ted Knight and Carmel Unified School District ("District") staff on or about February 6, 2023.

4. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Hinds and Trustee Pallastrini from January 1-2023 to the present.
5. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Hinds and Trustee Pallastrini which refer, relate or pertain to Tracy Henderson.

6. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Hinds and Ted Knight on or about March 16, 2023.

7. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Pallastrini and Ted Knight on or about March 16, 2023.

8. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Hinds and Ted Knight during March 2023 which refer, relate or pertain to the following a) sexual harassment; b) sexual assault; or c) Title IX.

9. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Pallastrini and Ted Knight during March 2023 which refer, relate or pertain to the following a) sexual harassment; b) sexual assault; or c) Title IX.

10. Any and all email communications, text messages, meeting notes, or other writings as defined by Government Code §6252 (g) between Sara Hinds ("Trustee Hinds") and Superintendent Edward Knight ("Ted Knight") from July 1, 2021-present which refer, relate or pertain to the following: a) "When students change gender identity," b) Hanover Lake Start Gender Identity Survey; and c) "Far Left Superintendent’s Student Advisory Group."

11. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Karl Pallastrini ("Trustee Pallastrini") and Ted Knight from July 1, 2022, to the present which refer, relate or pertain to Trustee Pallastrini’s comments on high school girls in their prom dresses.

12. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Ted Knight and Carmel Unified School District ("District") staff which refer, relate or pertain to pass complaints against Trustee Pallastrini.

13. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) on or about March 8, 2023, between Trustee Pallastrini and Ted Knight regarding student complaints of sexual assault.

14. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Trustee Pallastrini which refer, relate or pertain to Tracy Henderson.

15. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) during March 2023 between Trustee Pallastrini and Sharon Setliff ("Ms. Setliff”).

16. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Pallastrini
Trustee Hinds and Ted Knight in or about March 2023, which refer, relate or pertain to Ms. Setliff.

17. Any and all email communications, text messages, meeting notes, or other writings as defined by Government Code §6252 (g) which refer, relate or pertain to complaints of a sexual nature against Jay Marden (“Mr. Marden”).

18. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) which refer, relate or pertain to complaints of a sexual nature against between Trustee Karl Pallastrini (“Trustee Pallastrini”).

19. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) which refer, relate or pertain to substantive responses to the Carmel Unified School District (“District”) sexual harassment survey conducted by District Human Resources and investigator Amy Oppenheimer.

20. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Sara Hinds (“Trustee Hinds”) and Trustee Pallastrini and John Lyons (“Mr. Lyons”) from December, 2022-present.

21. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Trustee Pallastrini which refer, relate or pertain to Tracy Henderson.

22. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) on or about February 10, 2023, between Trustee Hinds and Ted Knight which refer, relate or pertain to Ted Knight’s resignation.

23. Any and all email communications, text messages, meeting notes, calendar invitations or other writings as defined by Government Code §6252 (g) between Trustee Pallastrini Trustee Hinds and Ted Knight from January 2022-present which refer, relate or pertain to the Brown Act.

Preliminarily, the District notes that at least two of the requests (#14 and #21) appear to be duplicative. Further, some of your requests need additional clarification to be understood and processed. You requested communications “between” Trustee Karl Pallastrini but did not indicate any other person with whom the Trustee was communicating. These include:

14/21. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) between Trustee Pallastrini which refer, relate or pertain to Tracy Henderson.

18. Any and all email communications, text messages, meeting notes or other writings as defined by Government Code §6252 (g) which refer, relate or pertain to complaints of a sexual nature against between Trustee Karl Pallastrini (“Trustee Pallastrini”).
In general, the following records, among others, are exempt from disclosure: (1) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business (Gov. Code, § 7927.500); (2) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to the official information privilege, as well as trade secrets or other confidential or proprietary information (Gov. Code, § 7927.705); Evid. Code, §§ 1040 & 1060); (3) Records exempt from disclosure under the deliberative process privilege, work product, or attorney-client privilege, or the public interest exemption (Gov. Code, §§ 7927.205 & 7922.000; Evid. Code, § 950 et seq.; Citizens for Open Gov. v. City of Lodi (2012) 205 Cal.App.4th 296, 305; City of San Jose v. Superior Court (1999) 74 Cal.App.4th 1008, 1019); (4) Records pertaining to pending litigation or claims (Gov. Code, §§ 7927.200 & 7927.205); and (5) Any other public records exempt from disclosure under Government Code section 7927.200 et seq., or other applicable law. Furthermore, the CPRA only requires production of records which exist at the time of the request, and the District is not required to create records in order to respond to requests. (Gov. Code, §§ 7920.510 & 7922.525; Haynie v. Sup. Ct. (2001) 26 Cal.4th 1061.) To the extent your requests seek any of the foregoing, such records are exempt from disclosure, and the District is unable to produce such exempt and non-disclosable records, except as otherwise set forth above.

Without waiving its rights or any other objections that may be available to it, please be advised that the District has determined that it has disclosable records responsive your requests. The District is in the process of locating, reviewing, and compiling these records and anticipates providing a further update no later than June 8, 2023.

Very truly yours,

Erin M. Dervin
EMD

CC: Interim Supt. Sharon Ofek
William Tunick