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*Attorneys for Dave Jeppesen, Shane Leach and
Jennifer Palagi*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

**IN THE MATTER OF:
THE IDAHO ATTORNEY
GENERAL'S INVESTIGATION OF
THE COMMUNITY PARTNER
GRANT PROGRAM – CIVIL
INVESTIGATIVE DEMANDS FOR
DAVE JEPPESEN, JENNIFER
PALAGI, and SHANE LEACH**

Case No.

DECLARATION OF DAVE JEPPESEN

DAVE JEPPESEN, under penalty of perjury of the law of the State of Idaho, and pursuant to I.R.C.P. 2.7, Idaho Code § 9-1406, and the Idaho Rules for Electronic Filing and Service 9(a) declares as follows:

1. I am the Director of the Idaho Department of Health and Welfare ("IDHW").
2. That all things testified to herein are of my own personal knowledge and I am competent to testify thereto.
3. This Declaration is made in support of the Petitioners' Motion to Set Aside Civil Investigative Demands.

4. In October 2022, IDHW received a public records request from lobbyist John Foster, seeking grantee applications and grant award letters related to IDHW's administration of the Community Grant Program. IDHW provided those records in response to Mr. Foster's public records request.

5. During the fall of 2022, Mr. Foster communicated with IDHW staff to share his concerns regarding the administration of the Community Grant Program.

6. In response to Mr. Foster's concerns, Jennifer Palagi of IDHW requested a legal opinion from the Idaho Attorney General's Office as to the propriety of IDHW's administration of the Community Grant Program, as well as to address another of Mr. Foster's concerns, which was that an employee of IDHW had a conflict of interest as to the administration of the Community Grant Program.

7. On November 30, 2022, the Idaho Attorney General's Office issued the requested legal opinion. The opinion found that IDHW's administration of the Community Grant Program was lawful and that IDHW had taken reasonable and appropriate measures to avoid conflicts in the Community Grant Program.

8. Ms. Palagi asked that the personnel issue (whether the now former employee had a conflict of interest in the administration of the Community Grant Program) be separated from the issue of whether IDHW's administration of the Community Grant Program was lawful.

9. On January 25, 2023, the Idaho Attorney General's Office provided the revised opinion, which only addressed the propriety of IDHW's administration of the Community Grant Program, but was otherwise the same. A true and correct copy of that opinion, along with the November 30, 2022, opinion, are attached hereto as **Exhibit A**. The

name of the Deputy Attorneys General who prepared and/or were copied on the opinion, along with the former IDHW employee, are redacted to protect their privacy.

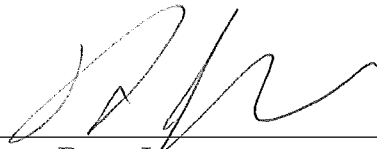
10. On March 6, 2023, I was served with a Civil Investigative Demand ("CID"). A true and correct copy of the CID is attached hereto as **Exhibit B**. Two members of my staff, Ms. Palagi and Mr. Leach, were served with CIDs as well (on March 6 and March 7, respectively). True and correct copies of those CIDs are attached hereto as **Exhibit C** and **Exhibit D**, respectively.

11. The Attorney General neither made an informal request for such documents and did not make me aware that I would be served with a CID until I was served with the CID.

12. The Attorney General informed my office that neither the Attorney General nor any of the Deputy Attorney Generals (including the ones assigned to IDHW) would be representing myself, Mr. Leach, or Ms. Palagi in this matter.

I declare under penalty of perjury, pursuant to the law of the State of Idaho, that the foregoing is true and correct.

DATED this 22 day of March 2023.



Dave Jeppesen

Exhibit A



Raúl R. Labrador
Attorney General
Chelsea E. Kidney
Division Chief

State of Idaho
OFFICE OF THE ATTORNEY GENERAL
Health and Human Services Division

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LEGAL MEMORANDUM – CONFIDENTIAL AND PRIVILEGED

DATE: January 25, 2023

TO: Jennifer Palagi, Deputy Director
Shane Leach, Self-Reliance Division Administrator

CC: Dave Jeppesen, Director
[REDACTED]

FROM: [REDACTED]

RE: Self-Reliance Child Care Development Fund (CCDF) community grant program
administration's statutory compliance

You asked for a legal analysis about the Self-Reliance Division's implementation of community grant programs, and whether that implementation violates Idaho law. In brief, Self-Reliance's processing of community grants raises no concerns of statutory violations. The Idaho Department of Health & Welfare works with federal partners to implement federal grants under the American Rescue Plan Act (ARPA or ARP Act), and adheres to federal guidance.

A. Child Care and Development Fund (CCDF) Discretionary Funds are governed by federal and state guidelines.

Under ARPA, Congress appropriate funding for child care through three funding streams, including the supplemental Child Care and Development Fund (CCDF) Discretionary Funds that you asked about here. *See* U.S. Department of Health and Human Services (HHS) Guidance, Log No. CCDF-ACF-IM-2021-03 (issued 06-11-2021) (hereafter "HHS Guidance"). "The ARP Act requires lead agencies to use these supplemental funds to carry out the program authorized under section 658C of the [Child Care and Development Block Grant] CCDBG Act (42 U.S.C. 9858a)." *Id.* at 3. That Act, signed into law in November 2014 (updating the CCDBG for the first time in 20 years), authorizes the CCDF program. *See* 42 U.S.C. 9857 *et seq.*; 45 C.F.R. Parts 98 and 99.

HHS Guidance provides that "Child care is essential to our children, our families, and our communities," adding that "chronic underfunding has led to a child care system of uneven quality that is unaffordable and inaccessible for many families." HHS

Guidance at 2. Further, the “COVID-19 public health emergency highlighted and exacerbated the fragility of the child care system and urgent need for resources and reforms.” *Id.* “In response to the urgent need to address meaningfully [the] system failures exacerbated by the COVID-19 public health emergency, the ARP Act included nearly \$15 billion in supplemental CCDF Discretionary funds.” *Id.* at 3.

To this end the federal Office of Child Care (OCC) “strongly recommends that lead agencies focus resources to invest in child care in ways that strengthen the child care system and ensure that families have equal access to quality, affordable child care to support them during and after the pandemic.” *Id.* The OCC also “strongly recommends that lead agencies prioritize increasing provider payment rates and workforce compensation so that child care providers can retain a skilled workforce and deliver higher-quality care to children receiving subsidies.” *Id.* “Secondarily, lead agencies should implement policies that will build the supply of child care in low-income communities” *Id.*

The HHS Guidance states, “During the COVID-19 public health emergency, many families have experienced unemployment or left the workforce due to child care needs,” and advises, “[l]ead agencies are encouraged to expand access to child care assistance by supporting families struggling to afford child care, providing subsidies for essential workers, and investing in data systems to ensure parents have up-to-date information about child care in their area.” *Id.* at 10. Lead agencies are also “encouraged to invest in mental health supports for child care providers and children, including resources providers can use to help parents support their child’s mental and behavioral health.” *Id.* at 13. Further, lead agencies are “strongly encouraged to use some of [the supplemental funds] for outreach activities,” to assist families and providers “who have not previously participated in the child care subsidy system.” *Id.*

In addition to federal guidance, the Idaho Legislature passed the 2022 appropriations bill, HB764, offering state guidance for expenditure of funds appropriated to the Idaho Department of Health and Welfare – Idaho’s lead agency for implementing the CCDF program. Section 6 of the bill, “Guidelines for Community Partner Grants,” provides that “\$36,000,000 shall be used for community partner grants to address COVID-19 pandemic impacts on school-aged children, including learning loss.” Further, “Community provider grants shall be used only for in-person educational and enrichment activities that focus on student needs and for providing behavioral health supports to address student needs.” In addition, “Grants shall be used for serving school-aged participants ages 5 through 13 years, as allowable by federal guidance.” Finally, “The Department of Health and Welfare shall require grant applications from community providers that are in compliance with grant guidelines.”

Notably, federal guidelines emphasize enabling access to high-quality child care, without regard for age. State guidelines emphasize serving school-aged participants aged 5-13, “as allowable by federal guidance,” and also require the Department to ensure that applications comply “with grant guidelines.” Read together, the guidelines do not preclude serving children younger than five years of age – toward whom federal guidelines are arguably geared (as child care needs lean heavily toward younger children). Rather, the combined-guidelines indicate that applicants should include – and not exclude – serving children ages 5-13.

B. The Department’s implementation of the CCDF program does not appear to violate federal and state guidelines.

The Department’s Self-Reliance Division created a Grant Guide for Child Care Providers, providing all information about the grant and how to apply for one, including eligibility requirements, the review process, deadlines, and accountability expectations. *See Idaho Child Care Grant: Phase 2 (Grant Guide for Child Care Providers).* The Department’s application form and instructions note that eligible programs must: administer in-person; serve Idaho children ages 5-13; and address one or more of (1) education learning loss, (2) behavioral health supports for children, and (3) expanded access to services. The Department’s application process is consistent with the federal and state guidelines.

The application instructs that an eligible program must serve children 5-13 – in other words, a program that excludes children 5-13 would be ineligible – consistent with the combined federal and state guidelines. *See Grant Guide at 5.* The application instructions also outline that the eligible program must address topics encouraged by the combined-guidelines – education learning loss, behavioral health supports, or expanded access to services – all of which would serve children 5-13, or younger children.

C. Conclusion

Federal and state guidelines and laws reflect an intent that federal CCDF and CCDBG funding be implemented in Idaho to assist Idaho families in receiving high-quality child care assistance for children aged 0-13, given hardships associated with COVID-19. The Department’s implementation of the CCDF program is consistent with federal and state guidelines.

I hope this is helpful. If there are other specific questions or facts you would like me to evaluate, I am happy to do so.



State of Idaho
OFFICE OF THE ATTORNEY GENERAL
Health and Human Services Division

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LEGAL MEMORANDUM – *CONFIDENTIAL AND PRIVILEGED*

DATE: November 30, 2022

TO: Jennifer Palagi, Deputy Director
Shane Leach, Self-Reliance Division Administrator

CC: Dave Jeppesen, Director
[REDACTED]

FROM: [REDACTED]

RE: Self-Reliance Child Care Development Fund (CCDF) community grant program
administration's statutory compliance

You asked for a legal analysis about the Self-Reliance Division's implementation of community grant programs, and whether that implementation violates Idaho law. In particular, you asked about compliance with the 2022 legislature's appropriations bill HB764, and Idaho Code § 67-6506.

In brief, Self-Reliance's processing of community grants raises no concerns of statutory violations. The Idaho Department of Health & Welfare works with federal partners to implement federal grants under the American Rescue Plan Act (ARPA or ARP Act), and adheres to federal guidance, as recognized in HB764. Section 67-6506, Idaho Code, concerns conflicts of interest in local land use planning and is thus inapplicable here. However, as to a general question about conflict of interest, Self-Reliance's process does not raise concerns.

A. Child Care and Development Fund (CCDF) Discretionary Funds are governed by federal and state guidelines.

Under ARPA, Congress appropriate funding for child care through three funding streams, including the supplemental Child Care and Development Fund (CCDF) Discretionary Funds that you asked about here. See U.S. Department of Health and Human Services (HHS) Guidance, Log No. CCDF-ACF-IM-2021-03 (issued 06-11-2021) (hereafter "HHS Guidance"). "The ARP Act requires lead agencies to use these

supplemental funds to carry out the program authorized under section 658C of the [Child Care and Development Block Grant] CCDBG Act (42 U.S.C. 9858a).” *Id.* at 3. That Act, signed into law in November 2014 (updating the CCDBG for the first time in 20 years), authorizes the CCDF program. *See* 42 U.S.C. 9857 *et seq.*; 45 C.F.R. Parts 98 and 99.

HHS Guidance provides that “Child care is essential to our children, our families, and our communities,” adding that “chronic underfunding has led to a child care system of uneven quality that is unaffordable and inaccessible for many families.” HHS Guidance at 2. Further, the “COVID-19 public health emergency highlighted and exacerbated the fragility of the child care system and urgent need for resources and reforms.” *Id.* “In response to the urgent need to address meaningfully [the] system failures exacerbated by the COVID-19 public health emergency, the ARP Act included nearly \$15 billion in supplemental CCDF Discretionary funds.” *Id.* at 3.

To this end the federal Office of Child Care (OCC) “strongly recommends that lead agencies focus resources to invest in child care in ways that strengthen the child care system and ensure that families have equal access to quality, affordable child care to support them during and after the pandemic.” *Id.* The OCC also “strongly recommends that lead agencies prioritize increasing provider payment rates and workforce compensation so that child care providers can retain a skilled workforce and deliver higher-quality care to children receiving subsidies.” *Id.* “Secondarily, lead agencies should implement policies that will build the supply of child care in low-income communities . . .” *Id.*

The HHS Guidance states, “During the COVID-19 public health emergency, many families have experienced unemployment or left the workforce due to child care needs,” and advises, “[l]ead agencies are encouraged to expand access to child care assistance by supporting families struggling to afford child care, providing subsidies for essential workers, and investing in data systems to ensure parents have up-to-date information about child care in their area.” *Id.* at 10. Lead agencies are also “encouraged to invest in mental health supports for child care providers and children, including resources providers can use to help parents support their child’s mental and behavioral health.” *Id.* at 13. Further, lead agencies are “strongly encouraged to use some of [the supplemental funds] for outreach activities,” to assist families and providers “who have not previously participated in the child care subsidy system.” *Id.*

In addition to federal guidance, the Idaho Legislature passed the 2022 appropriations bill, HB764, offering state guidance for expenditure of funds appropriated to the Idaho Department of Health and Welfare – Idaho’s lead agency for implementing

the CCDF program. Section 6 of the bill, “Guidelines for Community Partner Grants,” provides that “\$36,000,000 shall be used for community partner grants to address COVID-19 pandemic impacts on school-aged children, including learning loss.” Further, “Community provider grants shall be used only for in-person educational and enrichment activities that focus on student needs and for providing behavioral health supports to address student needs.” In addition, “Grants shall be used for serving school-aged participants ages 5 through 13 years, as allowable by federal guidance.” Finally, “The Department of Health and Welfare shall require grant applications from community providers that are in compliance with grant guidelines.”

Notably, federal guidelines emphasize enabling access to high-quality child care, without regard for age. State guidelines emphasize serving school-aged participants aged 5-13, “as allowable by federal guidance,” and also require the Department to ensure that applications comply “with grant guidelines.” Read together, the guidelines do not preclude serving children younger than five years of age – toward whom federal guidelines are arguably geared (as child care needs lean heavily toward younger children). Rather, the combined-guidelines indicate that applicants should include – and not exclude – serving children ages 5-13.

B. The Department’s implementation of the CCDF program does not appear to violate federal and state guidelines.

The Department’s Self-Reliance Division created a Grant Guide for Child Care Providers, providing all information about the grant and how to apply for one, including eligibility requirements, the review process, deadlines, and accountability expectations. *See Idaho Child Care Grant: Phase 2 (Grant Guide for Child Care Providers).* The Department’s application form and instructions note that eligible programs must: administer in-person; serve Idaho children ages 5-13; and address one or more of (1) education learning loss, (2) behavioral health supports for children, and (3) expanded access to services. The Department’s application process is consistent with the federal and state guidelines.

The application instructs that an eligible program must serve children 5-13 – in other words, a program that excludes children 5-13 would be ineligible – consistent with the combined federal and state guidelines. *See Grant Guide at 3 (preschool only programs not eligible).* The application instructions also outline that the eligible program must address topics encouraged by the combined-guidelines – education learning loss, behavioral health supports, or expanded access to services – all of which would serve children 5-13, or younger children.

C. The Department's process presents no apparent conflicts of interest.

You asked whether the Department's application and grant-administration process presented any conflicts of interest. Specifically, you mentioned that Self-Reliance's Child Care Program Manager [REDACTED], who oversaw administration of the CCDF grant program, knew some grant applicant-recipients on a personal level, or as a board-member. You also asked about possible implication of Idaho Code Section 67-6506.

As to Section 67-6506, that provision sits in Idaho Code Title 67, Chapter 65, the Local Land Use Planning Act. The scope of the Local Land Use Planning Act does not extend to the state Department of Health and Welfare's administration of CCDF funds, thus the conflict-of-interest provision in Section 67-6506 is inapplicable.

Nonetheless, whether the Department's administration of a grant program presents a conflict is a valid concern. Given the Department's process, there appears to be no conflict here. Primarily, as noted in the Grant Guide, the CCDF program "is a non-competitive grant opportunity" and "is NOT a 'first-come, first-served' grant opportunity." Grant Guide at 3. Instead, "All eligible applicants will receive at least two monthly award payments," and "subsequent monthly awards will be issued depending on the volume of applications received and the availability of funding." *Id.* Absent a competitive aspect to the grant-awards, it is unclear how a personal connection between [REDACTED] and an applicant would present a conflict.

Still, Department records reflect that [REDACTED] – who sits on the board of the United Way Treasure Valley – recused herself from voting on topics related to CCDF, and did not participate in consideration of United Way Treasure Valley's community grant application. Further, Department records demonstrate that all grant-recipients met established criteria, consistent with federal and state guidelines. Accordingly, it appears the Department has taken reasonable and appropriate measures to avoid conflicts in its CCDF program-implementation.

D. Conclusion

Federal and state guidelines and laws reflect an intent that federal CCDF and CCDBG funding be implemented in Idaho to assist Idaho families in receiving high-quality child care assistance for children aged 0-13, given hardships associated with COVID-19. The Department's implementation of the CCDF program is consistent with federal and state guidelines. The Department has acted appropriately in ensuring no conflicts in the CCDF program's administration.

I hope this is helpful. If there are other specific questions or facts you would like me to evaluate, I am happy to do so.

Exhibit B

RAÚL R. LABRADOR
ATTORNEY GENERAL

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Attorneys for the State of Idaho

<i>IN THE MATTER OF THE ATTORNEY</i>)	CIVIL INVESTIGATIVE
<i>GENERAL'S INVESTIGATION OF THE</i>)	DEMAND - Dave Jeppesen
<i>IDAHO DEPARTMENT OF HEALTH &</i>)	
<i>WELFARE'S COMMUNITY PARTNER</i>)	
<i>GRANT PROGRAM</i>		

Attorney General Raúl R. Labrador, acting under Idaho Code §§ 48-1908(1), 48-1204(1), and 48-611(1), demands that Dave Jeppesen provide a written report and copies of all information, documentary material, and physical evidence in his custody or control requested in this Civil Investigative Demand ("CID") in accordance with the definitions and instructions set forth below. Pursuant to Idaho Code § 48-611(1), a response is due within 20 days from service of this CID.

I. DEFINITIONS

1. "Attorney General" means the Office of the Idaho Attorney General.
2. "CID" means Civil Investigative Demand.
3. "Document," "Documentation," or "Documents" means all true, accurate, and complete copies of all writings and recorded materials, of any kind, that are or have been in your possession, control, or custody of which you have knowledge, whether originals or copies. Such writings or recordings include, but are not limited to: work logs, work notes, account notes, negotiations logs, records regarding work completed on a client's behalf, contracts, bills of sale, agreements, promissory notes,

applications, file memoranda, correspondence, telegrams, forms, bank statements, tax invoices, tax returns, files, books, pamphlets, circulars, transcripts, orders, bids, estimates, receipts, warranties, guarantees, bulletins, periodicals, letters, reports, Advertisements, graphs, charts, plans, records, studies, logs, manuals, minutes, photographs or microfilm, diagrams, drawings or other visual materials, lists, working papers, rough drafts, research material, notes, papers, ledgers, journals or other books of account, computer print-outs or discs or tapes, computer programs, e-mails, text messages, facsimiles, instant messages, web sites, intra- and inter-office memoranda, notebooks, desk calendars, diaries, statistical computations, confirmations, reports and/or summaries of interviews or conversations, reports and/or summaries of investigations, opinions or reports of consultants, statements or expressions of policy, appraisals, forecasts, of all natures and kinds whether handwritten, typed, printed, mimeographed, photocopied or otherwise reproduced, models, electronically stored information (including writings, drawings, graphs, charts, photographs, sound recordings, images, phono-records, and other data and data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by you into a reasonably usable form), or other manner of tangible things on which words, phrases, symbols, information, or other matter are written, printed, or recorded. The term “native format” means the default format of a data file created by its associated software program (e.g., for Microsoft Excel, the native format is “.xls” and for Microsoft Word, the native format is “.doc”).

4. “Identify” or “identity” means the following:
 - a. When used in reference to a natural person, to state:
 - i. The person’s full name;
 - ii. The person’s title;

- iii. The person's current or last known residential and business physical address (non-post office box);
 - iv. The person's current last known residential address and business telephone numbers; and
 - v. The person's current or last known e-mail address.
- b. When used in reference to a legal entity, such as a corporation or partnership, to state:
 - i. The organization's full name, trade names, and doing business as names, if any;
 - ii. The physical address and telephone number of its principal place of business and any business locations in Idaho;
 - iii. The e-mail addresses and websites operated by the entity; and
 - iv. The names and titles of the entity's owners, officers, directors, managing agents, and employees.
- c. When used in reference to a document or documentary material, to state:
 - i. The type of document (e.g., letter, memorandum, print-out, report, newspaper, etc.);
 - ii. The title and date, if any, of the document;
 - iii. The author's name and physical mailing address and e-mail address;
 - iv. The addressee's name and physical address and e-mail address;
 - v. A brief description of the document's contents;
 - vi. The present location of the document; and
 - vii. The name, physical address, and e-mail address of the person or persons having custody over the document. If any such document was, but is no longer, in your possession, or custody, or subject to your control, state what disposition was made of each document. In all cases where you are requested to identify particular documents, in lieu of such identification, you may supply a full legible copy of the document in question.
- d. When used in reference to a date:
 - i. State the month, day, and year upon which the fact, communication, act, or omission occurred, commenced, started, recommenced, or restarted;
 - ii. State the months, days, and years during which the fact, communication, act, or omission ended;

- iii. Any interval of time should be designated by a beginning month, day, and year and an ending month, day, and year; and
 - iv. If the exact date is not ascertainable, then furnish the closest approximation that can be made thereto by means of relationship to other events, locations, or matters.
- 5. "Person" means or refers to any natural person, corporation, partnership, association, organization, joint venture, or other entity of any type or nature.
 - 6. "You," or "Your," means Dave Jeppesen and all Persons acting, purporting to act, or that have purported to act on behalf of any of them.
 - 7. "Community Partner Grant," "Grant," "Community Partner Grant Program," or "Community Partner Program," "Grant Program," or "Grant," means any grant, grant program or aspect of a grant program administered by Idaho Department of Health & Welfare and created and funded by the Idaho Legislature's appropriation in House Bill 764, § 6 (2022).

II. GENERAL INSTRUCTIONS

- 1. This CID seeks production of all described documents in Your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., Your employees, agents, representatives, members, or others).
- 2. This CID includes documents in possession of Your employees, agents, representatives, and attorneys, unless privileged. If any document or information is withheld under claim of privilege, identify the document and state the basis for the privilege, and provide a detailed privilege log that contains at least the following information for each document or information that You have withheld:
 - a. The name of each author, writer, sender, creator, or initiator of such document;

- b. The name of each recipient, addressee, or party for whom such document was intended or to whom the document was sent;
 - c. The date of such document, or an estimate thereof if no date appears on the document;
 - d. The general subject matter of the document; and
 - e. The claimed grounds for withholding the document, including, but not limited to, the nature of any claimed privilege and grounds in support thereof.
3. This CID imposes continuing duty to produce promptly any responsive information or item that is not objected to, which comes into Your knowledge, possession, custody, or control after Your initial production of responses to the CID.
 4. **Time Period:** Unless otherwise specified, the relevant time period for this CID is between January 1, 2021 and the date of production.
 5. In each instance in which a document is produced, produce the current edition, along with all earlier editions or predecessor documents serving the same function, even though the title of earlier documents may differ from current versions.
 6. Your responses to these Demands for Production should include all relevant electronically stored information in Your possession, custody, or control. The Attorney General considers electronically stored information to be an irreplaceable source of evidence in this matter. Accordingly, the Attorney General insists that You implement appropriate safeguards against the destruction of evidence until the final resolution of this issue.
 7. If particular documents responsive to this CID no longer exist for reasons other than the ordinary course of business but You have reason to believe they have been in existence, describe the documents, state the circumstances under which such documents were lost or destroyed, and identify persons having knowledge of the content of the documents.

8. If You contend that the information requested by any Demand for Production is privileged in whole or in part or if You otherwise object to any part of any Demand for Production, or contend that any identified document would be excluded from production to the Attorney General in discovery regardless of its relevance, state the reasons for such objection or ground for exclusion and identify each person having knowledge or the factual basis, if any, on which the objection, privilege, or other ground is asserted.
9. Do not destroy any documents relating to any of these Demands for Production.
10. While the Attorney General's investigation remains pending, all documents received in response to the CID are confidential law enforcement records and considered exempt from disclosure under Idaho's Public Records Act. Unless another section of the Act or state or federal law prohibits disclosure, all documents that the Attorney General receives in response to the CID are considered public record when the Attorney General: (1) terminates his investigation; or (2) takes any other action authorized under Idaho law. Any document that You believe is exempt from disclosure under Idaho's Public Records Act or other state or federal law must be marked "CONFIDENTIAL." Such designation, however, does not constitute the Attorney General's acceptance of a document's confidential status.
11. You must provide the information and material requested no later than 20 days from service of this CID. You or Your legal representative must sign the copy of the response supplied to the Attorney General. Any request for an extension to respond must be made in writing, at least seven (7) days before the deadline. No extension or waiver of the deadline provided in Idaho Code § 48-611(1) is valid, except if it is in writing, signed by the Attorney General or his designee, and the result of good cause.

12. The Attorney General may supplement this CID with additional requests in the future.

III. INFORMATION AND DOCUMENT DEMANDS

1. Produce all documents created, edited, viewed, or used by You discussing, planning for, relating to, or involving in any way the Community Partner Grant program.
2. Provide the names of all individuals currently or formerly employed by IDHW that worked on the Community Grant Program in any capacity. For each person identified, provide the following information:
 - a. The person's name, title, email address and phone number.
 - b. Whether the person is still employed at IDHW.
 - c. If the person is no longer employed at IDHW, his or her reason for leaving employment.
 - d. A description of the person's duties or responsibilities.
 - e. A list of all charitable organizations for which the person is a member, board member, director, volunteer, or donor. "Charitable Organizations" means the same thing here as it does under Idaho Code § 48-1903(4).
3. Produce all drafts, electronic, written, or otherwise, no matter how complete, of IDHW's application for the Community Partner Grant Program.
4. For each draft produced in response to Demand No. 3, provide the following information:
 - a. The names and titles of all individuals who worked on, reviewed, or contributed to the draft in any way, including all IDHW current or former directors, executives, managers, and other employees and any other individuals, whether or not they are or were employed by IDHW.
 - b. The names and titles of all individuals who received a copy of the draft.
5. Produce all documents created, edited, viewed, or used by You discussing or relating to IDHW's decision to include in its Phase 2 grant applications a question requiring applicants to explain "[h]ow are you [sic] aligned with the E.C.C.E. (Early Childhood Care Education) strategic plan."

6. Produce a complete list of all applicants for community partner grants.
7. For each applicant identified in response to Demand No. 6, provide the following information:
 - a. Any and all applications submitted by the applicant.
 - b. Whether the applicant was awarded a grant.
 - c. Any written and electronic communications created, edited, viewed, or used by IDHW and any of its current or former directors, executives, managers, or employees, discussing or relating to that applicant and its application.
 - d. Any communications between IDHW—and any of its current or former directors, executives, managers, or employees—and the applicant and any of its directors, executives, managers, or employees.
 - e. The date, place, and time of any meetings between IDHW—and any of its current or former directors, executives, managers, or employees—and the applicant and any of its directors, executives, managers, or employees, or volunteers.
8. Produce all documents You received from or sent to any of the applicants—or their directors, executives, agents, or employees—listed in your response to Demand No. 7.
9. Produce all documents created, edited, viewed, or used by You evaluating, grading, ranking, reviewing, or discussing in any way applications for Community Partner Grants.
10. Produce all documents created, edited, viewed, or used by You discussing Ericka Rupp's departure from employment at IDHW.
11. Produce all documents You received from or sent to John Foster or Kate Haas in 2021 and 2022.
12. Produce all documents You received from or sent to Beth Oppenheimer in 2021 and 2022.
13. Produce all documents You received from or sent to any officer or employee of any other department of state government, including the Legislature, the office of the Idaho Governor, or any other state agency, regarding the Community Grant Program.

14. Produce all documents You received from or sent to any other department, agency, branch, or entity of Idaho's state government—or any officer or employee thereof—related to the Community Partner Grant Program.
15. Produce all documents within Your possession, custody, and control accounting for the funds DHW received from the Legislature for and disbursed to grant recipients under the Community Partner Grant Program.

DATED this 3rd of March, 2023.



Lincoln D. Wilson, ISB# 11860
Chief of Civil Litigation and
Constitutional Defense
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Facsimile: (208) 854-8073

Attorney for the State of Idaho

Exhibit C

RAÚL R. LABRADOR
ATTORNEY GENERAL

Lincoln D. Wilson, ISB# 11860
Chief of Civil & Constitutional Defense
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Boise, ID 83720-0010
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Attorneys for the State of Idaho

<i>IN THE MATTER OF THE ATTORNEY</i>)	CIVIL INVESTIGATIVE
<i>GENERAL'S INVESTIGATION OF THE</i>)	DEMAND - Jennifer Palagi
<i>IDAHO DEPARTMENT OF HEALTH &</i>)	
<i>WELFARE'S COMMUNITY PARTNER</i>)	
<i>GRANT PROGRAM</i>		

Attorney General Raúl R. Labrador, acting under Idaho Code §§ 48-1908(1), 48-1204(1), and 48-611(1), demands that Jennifer Palagi provide a written report and copies of all information, documentary material, and physical evidence in his custody or control requested in this Civil Investigative Demand ("CID") in accordance with the definitions and instructions set forth below. Pursuant to Idaho Code § 48-611(1), a response is due within 20 days from service of this CID.

I. DEFINITIONS

1. "Attorney General" means the Office of the Idaho Attorney General.
2. "CID" means Civil Investigative Demand.
3. "Document," "Documentation," or "Documents" means all true, accurate, and complete copies of all writings and recorded materials, of any kind, that are or have been in your possession, control, or custody of which you have knowledge, whether originals or copies. Such writings or recordings include, but are not limited to: work logs, work notes, account notes, negotiations logs, records regarding work completed on a client's behalf, contracts, bills of sale, agreements, promissory notes,

applications, file memoranda, correspondence, telegrams, forms, bank statements, tax invoices, tax returns, files, books, pamphlets, circulars, transcripts, orders, bids, estimates, receipts, warranties, guarantees, bulletins, periodicals, letters, reports, Advertisements, graphs, charts, plans, records, studies, logs, manuals, minutes, photographs or microfilm, diagrams, drawings or other visual materials, lists, working papers, rough drafts, research material, notes, papers, ledgers, journals or other books of account, computer print-outs or discs or tapes, computer programs, e-mails, text messages, facsimiles, instant messages, web sites, intra- and inter-office memoranda, notebooks, desk calendars, diaries, statistical computations, confirmations, reports and/or summaries of interviews or conversations, reports and/or summaries of investigations, opinions or reports of consultants, statements or expressions of policy, appraisals, forecasts, of all natures and kinds whether handwritten, typed, printed, mimeographed, photocopied or otherwise reproduced, models, electronically stored information (including writings, drawings, graphs, charts, photographs, sound recordings, images, phono-records, and other data and data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by you into a reasonably usable form), or other manner of tangible things on which words, phrases, symbols, information, or other matter are written, printed, or recorded. The term “native format” means the default format of a data file created by its associated software program (e.g., for Microsoft Excel, the native format is “.xls” and for Microsoft Word, the native format is “.doc”).

4. “Identify” or “identity” means the following:
 - a. When used in reference to a natural person, to state:
 - i. The person’s full name;
 - ii. The person’s title;

- iii. The person's current or last known residential and business physical address (non-post office box);
 - iv. The person's current last known residential address and business telephone numbers; and
 - v. The person's current or last known e-mail address.
- b. When used in reference to a legal entity, such as a corporation or partnership, to state:
 - i. The organization's full name, trade names, and doing business as names, if any;
 - ii. The physical address and telephone number of its principal place of business and any business locations in Idaho;
 - iii. The e-mail addresses and websites operated by the entity; and
 - iv. The names and titles of the entity's owners, officers, directors, managing agents, and employees.
- c. When used in reference to a document or documentary material, to state:
 - i. The type of document (e.g., letter, memorandum, print-out, report, newspaper, etc.);
 - ii. The title and date, if any, of the document;
 - iii. The author's name and physical mailing address and e-mail address;
 - iv. The addressee's name and physical address and e-mail address;
 - v. A brief description of the document's contents;
 - vi. The present location of the document; and
 - vii. The name, physical address, and e-mail address of the person or persons having custody over the document. If any such document was, but is no longer, in your possession, or custody, or subject to your control, state what disposition was made of each document. In all cases where you are requested to identify particular documents, in lieu of such identification, you may supply a full legible copy of the document in question.
- d. When used in reference to a date:
 - i. State the month, day, and year upon which the fact, communication, act, or omission occurred, commenced, started, recommenced, or restarted;
 - ii. State the months, days, and years during which the fact, communication, act, or omission ended;

- iii. Any interval of time should be designated by a beginning month, day, and year and an ending month, day, and year; and
 - iv. If the exact date is not ascertainable, then furnish the closest approximation that can be made thereto by means of relationship to other events, locations, or matters.
- 5. "Person" means or refers to any natural person, corporation, partnership, association, organization, joint venture, or other entity of any type or nature.
 - 6. "You," or "Your," means Jennifer Palagi and all Persons acting, purporting to act, or that have purported to act on behalf of any of them.
 - 7. "Community Partner Grant," "Grant," "Community Partner Grant Program," or "Community Partner Program," "Grant Program," or "Grant," means any grant, grant program or aspect of a grant program administered by Idaho Department of Health & Welfare and created and funded by the Idaho Legislature's appropriation in House Bill 764, § 6 (2022).

II. GENERAL INSTRUCTIONS

- 1. This CID seeks production of all described documents in Your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., Your employees, agents, representatives, members, or others).
- 2. This CID includes documents in possession of Your employees, agents, representatives, and attorneys, unless privileged. If any document or information is withheld under claim of privilege, identify the document and state the basis for the privilege, and provide a detailed privilege log that contains at least the following information for each document or information that You have withheld:
 - a. The name of each author, writer, sender, creator, or initiator of such document;

- b. The name of each recipient, addressee, or party for whom such document was intended or to whom the document was sent;
 - c. The date of such document, or an estimate thereof if no date appears on the document;
 - d. The general subject matter of the document; and
 - e. The claimed grounds for withholding the document, including, but not limited to, the nature of any claimed privilege and grounds in support thereof.
- 3. This CID imposes continuing duty to produce promptly any responsive information or item that is not objected to, which comes into Your knowledge, possession, custody, or control after Your initial production of responses to the CID.
- 4. **Time Period:** Unless otherwise specified, the relevant time period for this CID is between January 1, 2021 and the date of production.
- 5. In each instance in which a document is produced, produce the current edition, along with all earlier editions or predecessor documents serving the same function, even though the title of earlier documents may differ from current versions.
- 6. Your responses to these Demands for Production should include all relevant electronically stored information in Your possession, custody, or control. The Attorney General considers electronically stored information to be an irreplaceable source of evidence in this matter. Accordingly, the Attorney General insists that You implement appropriate safeguards against the destruction of evidence until the final resolution of this issue.
- 7. If particular documents responsive to this CID no longer exist for reasons other than the ordinary course of business but You have reason to believe they have been in existence, describe the documents, state the circumstances under which such documents were lost or destroyed, and identify persons having knowledge of the content of the documents.

8. If You contend that the information requested by any Demand for Production is privileged in whole or in part or if You otherwise object to any part of any Demand for Production, or contend that any identified document would be excluded from production to the Attorney General in discovery regardless of its relevance, state the reasons for such objection or ground for exclusion and identify each person having knowledge or the factual basis, if any, on which the objection, privilege, or other ground is asserted.
9. Do not destroy any documents relating to any of these Demands for Production.
10. While the Attorney General's investigation remains pending, all documents received in response to the CID are confidential law enforcement records and considered exempt from disclosure under Idaho's Public Records Act. Unless another section of the Act or state or federal law prohibits disclosure, all documents that the Attorney General receives in response to the CID are considered public record when the Attorney General: (1) terminates his investigation; or (2) takes any other action authorized under Idaho law. Any document that You believe is exempt from disclosure under Idaho's Public Records Act or other state or federal law must be marked "CONFIDENTIAL." Such designation, however, does not constitute the Attorney General's acceptance of a document's confidential status.
11. You must provide the information and material requested no later than 20 days from service of this CID. You or Your legal representative must sign the copy of the response supplied to the Attorney General. Any request for an extension to respond must be made in writing, at least seven (7) days before the deadline. No extension or waiver of the deadline provided in Idaho Code § 48-611(1) is valid, except if it is in writing, signed by the Attorney General or his designee, and the result of good cause.

12. The Attorney General may supplement this CID with additional requests in the future.

III. INFORMATION AND DOCUMENT DEMANDS

1. Produce all documents created, edited, viewed, or used by You discussing, planning for, relating to, or involving in any way the Community Partner Grant program.
2. Provide the names of all individuals currently or formerly employed by IDHW that worked on the Community Grant Program in any capacity. For each person identified, provide the following information:
 - a. The person's name, title, email address and phone number.
 - b. Whether the person is still employed at IDHW.
 - c. If the person is no longer employed at IDHW, his or her reason for leaving employment.
 - d. A description of the person's duties or responsibilities.
 - e. A list of all charitable organizations for which the person is a member, board member, director, volunteer, or donor. "Charitable Organizations" means the same thing here as it does under Idaho Code § 48-1903(4).
3. Produce all drafts, electronic, written, or otherwise, no matter how complete, of IDHW's application for the Community Partner Grant Program.
4. For each draft produced in response to Demand No. 3, provide the following information:
 - a. The names and titles of all individuals who worked on, reviewed, or contributed to the draft in any way, including all IDHW current or former directors, executives, managers, and other employees and any other individuals, whether or not they are or were employed by IDHW.
 - b. The names and titles of all individuals who received a copy of the draft.
5. Produce all documents created, edited, viewed, or used by You discussing or relating to IDHW's decision to include in its Phase 2 grant applications a question requiring applicants to explain "[h]ow are you [sic] aligned with the E.C.C.E. (Early Childhood Care Education) strategic plan."

6. Produce a complete list of all applicants for community partner grants.
7. For each applicant identified in response to Demand No. 6, provide the following information:
 - a. Any and all applications submitted by the applicant.
 - b. Whether the applicant was awarded a grant.
 - c. Any written and electronic communications created, edited, viewed, or used by IDHW and any of its current or former directors, executives, managers, or employees, discussing or relating to that applicant and its application.
 - d. Any communications between IDHW—and any of its current or former directors, executives, managers, or employees—and the applicant and any of its directors, executives, managers, or employees.
 - e. The date, place, and time of any meetings between IDHW—and any of its current or former directors, executives, managers, or employees—and the applicant and any of its directors, executives, managers, or employees, or volunteers.
8. Produce all documents You received from or sent to any of the applicants—or their directors, executives, agents, or employees—listed in your response to Demand No. 7.
9. Produce all documents created, edited, viewed, or used by You evaluating, grading, ranking, reviewing, or discussing in any way applications for Community Partner Grants.
10. Produce all documents created, edited, viewed, or used by You discussing Ericka Rupp's departure from employment at IDHW.
11. Produce all documents You received from or sent to John Foster or Kate Haas in 2021 and 2022.
12. Produce all documents You received from or sent to Beth Oppenheimer in 2021 and 2022.
13. Produce all documents You received from or sent to any officer or employee of any other department of state government, including the Legislature, the office of the Idaho Governor, or any other state agency, regarding the Community Grant Program.

14. Produce all documents You received from or sent to any other department, agency, branch, or entity of Idaho's state government—or any officer or employee thereof—related to the Community Partner Grant Program.
15. Produce all documents within Your possession, custody, and control accounting for the funds DHW received from the Legislature for and disbursed to grant recipients under the Community Partner Grant Program.

DATED this 3rd of March, 2023.



Lincoln D. Wilson, ISB# 11860
Chief of Civil Litigation and
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Attorney for the State of Idaho

Exhibit D

3/7/23 10:30AM

RAÚL R. LABRADOR
ATTORNEY GENERAL

Lincoln D. Wilson, ISB# 11860
Chief of Civil & Constitutional Defense
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Attorneys for the State of Idaho

<i>IN THE MATTER OF THE ATTORNEY</i>)	CIVIL INVESTIGATIVE
<i>GENERAL'S INVESTIGATION OF THE</i>)	DEMAND - Shane Leach
<i>IDAHO DEPARTMENT OF HEALTH &</i>)	
<i>WELFARE'S COMMUNITY PARTNER</i>)	
<i>GRANT PROGRAM</i>		

Attorney General Raúl R. Labrador, acting under Idaho Code §§ 48-1908(1), 48-1204(1), and 48-611(1), demands that Shane Leach provide a written report and copies of all information, documentary material, and physical evidence in his custody or control requested in this Civil Investigative Demand ("CID") in accordance with the definitions and instructions set forth below. Pursuant to Idaho Code § 48-611(1), a response is due within 20 days from service of this CID.

I. DEFINITIONS

1. "Attorney General" means the Office of the Idaho Attorney General.
2. "CID" means Civil Investigative Demand.
3. "Document," "Documentation," or "Documents" means all true, accurate, and complete copies of all writings and recorded materials, of any kind, that are or have been in your possession, control, or custody of which you have knowledge, whether originals or copies. Such writings or recordings include, but are not limited to: work logs, work notes, account notes, negotiations logs, records regarding work completed on a client's behalf, contracts, bills of sale, agreements, promissory notes,

applications, file memoranda, correspondence, telegrams, forms, bank statements, tax invoices, tax returns, files, books, pamphlets, circulars, transcripts, orders, bids, estimates, receipts, warranties, guarantees, bulletins, periodicals, letters, reports, Advertisements, graphs, charts, plans, records, studies, logs, manuals, minutes, photographs or microfilm, diagrams, drawings or other visual materials, lists, working papers, rough drafts, research material, notes, papers, ledgers, journals or other books of account, computer print-outs or discs or tapes, computer programs, e-mails, text messages, facsimiles, instant messages, web sites, intra- and inter-office memoranda, notebooks, desk calendars, diaries, statistical computations, confirmations, reports and/or summaries of interviews or conversations, reports and/or summaries of investigations, opinions or reports of consultants, statements or expressions of policy, appraisals, forecasts, of all natures and kinds whether handwritten, typed, printed, mimeographed, photocopied or otherwise reproduced, models, electronically stored information (including writings, drawings, graphs, charts, photographs, sound recordings, images, phono-records, and other data and data compilations stored in any medium from which information can be obtained either directly or, if necessary, after translation by you into a reasonably usable form), or other manner of tangible things on which words, phrases, symbols, information, or other matter are written, printed, or recorded. The term "native format" means the default format of a data file created by its associated software program (e.g., for Microsoft Excel, the native format is ".xls" and for Microsoft Word, the native format is ".doc").

4. "Identify" or "identity" means the following:

- a. When used in reference to a natural person, to state:
 - i. The person's full name;
 - ii. The person's title;

- iii. The person's current or last known residential and business physical address (non-post office box);
- iv. The person's current last known residential address and business telephone numbers; and
- v. The person's current or last known e-mail address.
- b. When used in reference to a legal entity, such as a corporation or partnership, to state:
 - i. The organization's full name, trade names, and doing business as names, if any;
 - ii. The physical address and telephone number of its principal place of business and any business locations in Idaho;
 - iii. The e-mail addresses and websites operated by the entity; and
 - iv. The names and titles of the entity's owners, officers, directors, managing agents, and employees.
- c. When used in reference to a document or documentary material, to state:
 - i. The type of document (e.g., letter, memorandum, print-out, report, newspaper, etc.);
 - ii. The title and date, if any, of the document;
 - iii. The author's name and physical mailing address and e-mail address;
 - iv. The addressee's name and physical address and e-mail address;
 - v. A brief description of the document's contents;
 - vi. The present location of the document; and
 - vii. The name, physical address, and e-mail address of the person or persons having custody over the document. If any such document was, but is no longer, in your possession, or custody, or subject to your control, state what disposition was made of each document. In all cases where you are requested to identify particular documents, in lieu of such identification, you may supply a full legible copy of the document in question.
- d. When used in reference to a date:
 - i. State the month, day, and year upon which the fact, communication, act, or omission occurred, commenced, started, recommenced, or restarted;
 - ii. State the months, days, and years during which the fact, communication, act, or omission ended;

- iii. Any interval of time should be designated by a beginning month, day, and year and an ending month, day, and year; and
 - iv. If the exact date is not ascertainable, then furnish the closest approximation that can be made thereto by means of relationship to other events, locations, or matters.
- 5. "Person" means or refers to any natural person, corporation, partnership, association, organization, joint venture, or other entity of any type or nature.
 - 6. "You," or "Your," means Shane Leach and all Persons acting, purporting to act, or that have purported to act on behalf of any of them.
 - 7. "Community Partner Grant," "Grant," "Community Partner Grant Program," or "Community Partner Program," "Grant Program," or "Grant," means any grant, grant program or aspect of a grant program administered by Idaho Department of Health & Welfare and created and funded by the Idaho Legislature's appropriation in House Bill 764, § 6 (2022).

II. GENERAL INSTRUCTIONS

- 1. This CID seeks production of all described documents in Your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., Your employees, agents, representatives, members, or others).
- 2. This CID includes documents in possession of Your employees, agents, representatives, and attorneys, unless privileged. If any document or information is withheld under claim of privilege, identify the document and state the basis for the privilege, and provide a detailed privilege log that contains at least the following information for each document or information that You have withheld:
 - a. The name of each author, writer, sender, creator, or initiator of such document;

- b. The name of each recipient, addressee, or party for whom such document was intended or to whom the document was sent;
 - c. The date of such document, or an estimate thereof if no date appears on the document;
 - d. The general subject matter of the document; and
 - e. The claimed grounds for withholding the document, including, but not limited to, the nature of any claimed privilege and grounds in support thereof.
3. This CID imposes continuing duty to produce promptly any responsive information or item that is not objected to, which comes into Your knowledge, possession, custody, or control after Your initial production of responses to the CID.
4. **Time Period:** Unless otherwise specified, the relevant time period for this CID is between January 1, 2021 and the date of production.
5. In each instance in which a document is produced, produce the current edition, along with all earlier editions or predecessor documents serving the same function, even though the title of earlier documents may differ from current versions.
6. Your responses to these Demands for Production should include all relevant electronically stored information in Your possession, custody, or control. The Attorney General considers electronically stored information to be an irreplaceable source of evidence in this matter. Accordingly, the Attorney General insists that You implement appropriate safeguards against the destruction of evidence until the final resolution of this issue.
7. If particular documents responsive to this CID no longer exist for reasons other than the ordinary course of business but You have reason to believe they have been in existence, describe the documents, state the circumstances under which such documents were lost or destroyed, and identify persons having knowledge of the content of the documents.

8. If You contend that the information requested by any Demand for Production is privileged in whole or in part or if You otherwise object to any part of any Demand for Production, or contend that any identified document would be excluded from production to the Attorney General in discovery regardless of its relevance, state the reasons for such objection or ground for exclusion and identify each person having knowledge or the factual basis, if any, on which the objection, privilege, or other ground is asserted.
9. Do not destroy any documents relating to any of these Demands for Production.
10. While the Attorney General's investigation remains pending, all documents received in response to the CID are confidential law enforcement records and considered exempt from disclosure under Idaho's Public Records Act. Unless another section of the Act or state or federal law prohibits disclosure, all documents that the Attorney General receives in response to the CID are considered public record when the Attorney General: (1) terminates his investigation; or (2) takes any other action authorized under Idaho law. Any document that You believe is exempt from disclosure under Idaho's Public Records Act or other state or federal law must be marked "CONFIDENTIAL." Such designation, however, does not constitute the Attorney General's acceptance of a document's confidential status.
11. You must provide the information and material requested no later than 20 days from service of this CID. You or Your legal representative must sign the copy of the response supplied to the Attorney General. Any request for an extension to respond must be made in writing, at least seven (7) days before the deadline. No extension or waiver of the deadline provided in Idaho Code § 48-611(1) is valid, except if it is in writing, signed by the Attorney General or his designee, and the result of good cause.

12. The Attorney General may supplement this CID with additional requests in the future.

III. INFORMATION AND DOCUMENT DEMANDS

1. Produce all documents created, edited, viewed, or used by You discussing, planning for, relating to, or involving in any way the Community Partner Grant program.
2. Provide the names of all individuals currently or formerly employed by IDHW that worked on the Community Grant Program in any capacity. For each person identified, provide the following information:
 - a. The person's name, title, email address and phone number.
 - b. Whether the person is still employed at IDHW.
 - c. If the person is no longer employed at IDHW, his or her reason for leaving employment.
 - d. A description of the person's duties or responsibilities.
 - e. A list of all charitable organizations for which the person is a member, board member, director, volunteer, or donor. "Charitable Organizations" means the same thing here as it does under Idaho Code § 48-1903(4).
3. Produce all drafts, electronic, written, or otherwise, no matter how complete, of IDHW's application for the Community Partner Grant Program.
4. For each draft produced in response to Demand No. 3, provide the following information:
 - a. The names and titles of all individuals who worked on, reviewed, or contributed to the draft in any way, including all IDHW current or former directors, executives, managers, and other employees and any other individuals, whether or not they are or were employed by IDHW.
 - b. The names and titles of all individuals who received a copy of the draft.
5. Produce all documents created, edited, viewed, or used by You discussing or relating to IDHW's decision to include in its Phase 2 grant applications a question requiring applicants to explain "[h]ow are you [sic] aligned with the E.C.C.E. (Early Childhood Care Education) strategic plan."

6. Produce a complete list of all applicants for community partner grants.
7. For each applicant identified in response to Demand No. 6, provide the following information:
 - a. Any and all applications submitted by the applicant.
 - b. Whether the applicant was awarded a grant.
 - c. Any written and electronic communications created, edited, viewed, or used by IDHW and any of its current or former directors, executives, managers, or employees, discussing or relating to that applicant and its application.
 - d. Any communications between IDHW—and any of its current or former directors, executives, managers, or employees—and the applicant and any of its directors, executives, managers, or employees.
 - e. The date, place, and time of any meetings between IDHW—and any of its current or former directors, executives, managers, or employees—and the applicant and any of its directors, executives, managers, or employees, or volunteers.
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10. Produce all documents created, edited, viewed, or used by You discussing Ericka Rupp's departure from employment at IDHW.
11. Produce all documents You received from or sent to John Foster or Kate Haas in 2021 and 2022.
12. Produce all documents You received from or sent to Beth Oppenheimer in 2021 and 2022.
13. Produce all documents You received from or sent to any officer or employee of any other department of state government, including the Legislature, the office of the Idaho Governor, or any other state agency, regarding the Community Grant Program.

14. Produce all documents You received from or sent to any other department, agency, branch, or entity of Idaho's state government—or any officer or employee thereof—related to the Community Partner Grant Program.
15. Produce all documents within Your possession, custody, and control accounting for the funds DHW received from the Legislature for and disbursed to grant recipients under the Community Partner Grant Program.

DATED this 3rd of March, 2023.

A handwritten signature in dark ink, appearing to read 'LDW', with a long horizontal flourish extending to the right.

Lincoln D. Wilson, ISB# 11860
Chief of Civil Litigation and
Constitutional Defense
Office of the Attorney General
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Attorney for the State of Idaho