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February 12, 2018

Via Electronic and First-Class Mail

Shawn Hanley, Chairman
Immigration Enforcement Review Board
270 Washington Street, S.W., Room 1-156
Atlanta, Georgia 30334-8400
shawn@semperfigr.com

Carol Schwinne, Director of Administration
Georgia Department of Audits and Accounts
270 Washington Street, S.W., Room 1-156
Atlanta, Georgia 30334-8400
schwinne@audits.ga.gov

RE: Immigration Enforcement Review Board; Complaint 2017- 01
*D.A. King v. Gwinnett County Board of Education; Gwinnett County Public
Schools, et al.*

Dear Mr. Hanley and Ms. Schwinne:

I write on behalf of and as attorney for the Gwinnett County Board of Education and the Gwinnett County School District in the above-referenced case. Pursuant to Immigration Enforcement Review Board Rule 291-2-.03 (3) please find enclosed a Motion Requesting the issuance of subpoenas for witnesses and documentary evidence for the February 28, 2018 hearing scheduled in Complaint 2017-01.

Thank you for your assistance in this matter. Should you require anything further to execute this request, please contact the undersigned by email (sp@thompson-sweeny.com) or phone (770. 963. 1997).

**IMMIGRATION ENFORCEMENT REVIEW BOARD
STATE OF GEORGIA**

D.A. KING,)	
)	
Petitioner)	
)	
v.)	
)	
GWINNETT COUNTY BOARD OF;)	IERB Complaint 2017- 01
EDUCATION, GWINNETT COUNTY)	
PUBLIC SCHOOLS, ET AL.)	
)	
Respondents)	

MOTION REQUESTING ISSUANCE OF SUBPOENA

COME NOW, Gwinnett County Board of Education and the Gwinnett County School District (hereinafter "Respondents") by and through counsel and hereby request that the Immigration Enforcement Review Board issue subpoenas to compel the presence of witness Cori Alston, Georgia Department of Education Program Manager for Georgia's Title III and English as a second language ("ESOL") Program as well as five blank witness subpoenas and five blank subpoenas *duces tecum* for the hearing scheduled for February 28, 2018 and any subsequent evidentiary hearings held in the above-styled matter.

FURTHER, Respondents request that Cori Alston be compelled to bring to any hearing in this matter along all correspondence, guidance or advice provided to local school districts and local boards of education regarding expenditure of Title III funding by local boards of education/local school districts for adult literacy/language programs from 2012 through the present.

In support of said motion Respondents show the following:

1.

Respondents have been named in a Complaint filed by D.A. King which alleges the violation of O.C.G.A. § 50-36-1 by the expenditure of funding for “adult education” by the Gwinnett County Board of Education’s International Newcomer’s Center without verifying the immigration status of recipients.

2.

Immigration Enforcement Review Board Rule 291-2-.03 (3) provides in pertinent part “Upon motion by either the complaining party of the applicable public agency or employee, for good cause shown, the review panel may issue subpoenas to compel the attendance of and testimony by witnesses or the production of documents at the hearing.”

3.

Respondents administer funds and conduct education operations with the guidance and oversight of the Georgia Department of Education;

4.

Cori Alston is the Program Director for the Georgia Department of Education’s English as a Second Language and Title III Program and in that role provides oversight and direction to local boards of education and local school districts;

5.

Cori Alston can provide the Immigration Enforcement Review Panel with critical testimony and evidence regarding the nature of the Title III programs provided by Respondents

to parents of students enrolled in the Gwinnett County Public Schools which bear directly on the Complaint in this case;

6.

Respondents continue to research possible witnesses and evidence which could be helpful to the Panel in determining the issues in this case and may identify additional witnesses following the 15 day deadline to request subpoenas set forth in Rule 291-2-.03 (3).

NOW THEREFORE, Respondents respectfully request that a subpoena to compel witness attendance and evidence be issued to Cori Alston, Georgia Department of Education, Director of Title III and ESOL Programs, 205 Jesse Hill Jr. Drive SE, Atlanta, GA 30334 for the February 28, 2018 and any additional evidentiary hearings held in the above-styled matter. FURTHER, Respondents request five blank witness subpoenas and five blank subpoenas *duces tecum* to allow the Respondents to address the allegations made by Petitioner at the February 28, 2018 hearing in this matter.

Respectfully submitted this 12th day of February, 2018

**THOMPSON, SWEENEY,
KINSINGER & PEREIRA, PC**



STEPHEN D. PEREIRA
Georgia Bar No. 572051
Counsel for Respondents

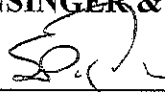
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This 12th day of February 2018.

**THOMPSON, SWEENY,
KINSINGER & PEREIRA, PC**



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Respondents)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing **MOTION REQUESTING ISSUANCE OF A SUBPOENA** upon the following participants by U.S. Mail with sufficient postage affixed there to and addressed as follows:

D.A. King, Petitioner
2984 Lowe Trail
Marietta, Georgia 30066

and by U.S. Mail with sufficient postage affixed thereto and Email to the following:

Shawn Hanley, Chairman
Immigration Enforcement Review Board
270 Washington Street, S.W., Room 1-156
Atlanta, Georgia 30334-8400
shawn@semperfigr.com

Carol Schwinne, Director of Administration
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