

# ERICKSON | SEDERSTROM

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August 4, 2023

**VIA US CERTIFIED MAIL RETURN RECEIPT**

**VIA EMAIL: [info@nifa.org](mailto:info@nifa.org)**

Nebraska Investment Finance Authority  
Attn: Public Records Request  
1230 "O" Street, Suite 200  
Lincoln, Nebraska 68508

RE: Nebraska Public Records Request  
Freedom of Information Act (FOIA) to the  
Nebraska Investment Finance Authority  
Our File No.: 33417.066272

## **NEBRASKA PUBLIC RECORDS REQUEST FREEDOM OF INFORMATION ACT REQUEST**

Nebraska Finance Authority Custodian of Records:

In accordance with the Nebraska public record statutes, Neb. Rev. Stat. §84-712 *et. seq.*, I hereby request the following information:

- (1) The response and all records produced in response to the Nebraska Public Records Request/Freedom of Information Act Request **attached hereto as Exhibit A**, submitted by Greg Scaglione.
- (2) Any communications between NIFA and Greg Scaglione, Thomas McLeay, Michael Peter, or Neeraj Agarwal, regarding the Omaha, Nebraska low-income housing tax credit development known as 30 Metropolitan Place's cost certifications for that project or correspondence with them regarding issuance of a Form 8609 for that project.
- (3) Any communications between NIFA and Greg Scaglione, Thomas McLeay, Michael Peter, or Neeraj Agarwal, regarding any of their status as eligible or ineligible to apply for or be awarded tax credits.

- (4) Approvals of tax credit applications or correspondence regarding the award of tax credits for the following companies or development projects issued since January 1, 2019: Clarity Development Company, LLC; ClarDevCo, LLC; Hanscom Apartments; inCommon Community Development; Georgia Rows; 18Howard; 18HowardOwner, LLC; 27Leavenworth; 27LeavenworthOwner, LLC; Blair High Townhomes; Hillside Rows; 2501Center Row Houses; 1904 Farnam aka 1904; 1904 FarnamOwner, LLC; Howard Street Rehab; HowardRehabOwner, LLC; 508South19th; 508S19Owner, LLC.
- (5) Any communications of NIFA with any of the companies listed in paragraph (4) above regarding any of their status as eligible or ineligible to apply for or be awarded tax credits.
- (6) An affidavit of an authorized NIFA representative sufficient to establish authenticity, foundation, and completeness of the NIFA records produced in response to this request.

I am aware that reasonable fees may be assessed to respond to this request. Please determine the charge for the above service and provide a bill to me at the address above. We are willing to pay fees for this request up to a maximum of \$100.00. If you estimate that the fees will exceed this limit, please inform me prior to processing this request. We request the records be provided as soon as possible and as permitted under the public records statutes. If you would like to produce records in electronic form, they can be emailed to me, or I can provide a link to do so. My direct phone number is 402-390-7122 and my email address is boryca@eslaw.com.

Thank you for your prompt attention to this matter.

Sincerely,

*s/ Bonnie M. Boryca*

June 7, 2023

**NEBRASKA PUBLIC RECORDS REQUEST  
FREEDOM OF INFORMATION ACT REQUEST**

**Via Certified Mail, Return Receipt and Email:**

Nebraska Investment Finance Authority  
Attn: Public Records Request  
1230 "O" Street, Suite 200  
Lincoln, Nebraska 68508  
info@nifa.org

Re: NEBRASKA PUBLIC RECORDS REQUEST & Freedom of Information Act (FOIA)  
Request to the Nebraska Investment Finance Authority ("NIFA")  
Our File Nos. 21623-0002, -0003, -0004  
Douglas County Dist. Ct. Case Nos. CI19-6345, CI19-8425 & CI19-8797

Custodian of Records for the NIFA:

This firm represents Clarity Development Company, LLC, 5319 North, LLC, 30 Metropolitan Place, LLC, Sorensen Senior Residences, LLC, Thomas McLeay, Neeraj Agarwal and Mike Peter (collectively, the "Requestor") in various lawsuits filed in the District Court of Douglas County, Nebraska, some of which are listed above (collectively, the "Nebraska Lawsuit").

Pursuant to the Nebraska Public Records Law § 84-712 et seq., Requestor hereby request

- (i) authenticated copies NIFA records relating to all applications and submissions dated or submitted on and after January 1, 2014, related to such applications and cost certifications made or submitted by Arun Agarwal and DANA Partnership, LLP sometimes doing business as "The White Lotus Group" (and any of its principals and affiliates) for government assistance or financing programs, including without limitation, Low-Income Housing Tax Credits and Nebraska's Affordable Housing Tax Credits for any development projects in Nebraska,

EXHIBIT A

**GREGORY C. SCAGLIONE**  
DIRECT. 402.343.3721  
GREG.SCAGLIONE@KOLEYJESSEN.COM

- (ii) all communications between NIFA and Arun Agarwal or any of his former or current agents, representatives and attorneys from and after January 1, 2014;
- (iii) all communications between NIFA and DANA Partnership, LLP sometimes doing business as “The White Lotus Group and any of its current or former agents, representatives, principals, officers and affiliates from and after January 1, 2014;
- (iv) all communications between NIFA and Ronco Construction Company and any of its current or former agents, representatives, principals, officers and affiliates from and after January 1, 2014;
- (v) all communications between with the Requestor (or any of them), Arun Agarwal and DANA Partnership, LLP sometimes doing business as “The White Lotus Group” regarding being deemed ineligible to submit applications to NIFA as well as such ineligibility being restored, from and after January 1, 2014; and
- (vi) an Affidavit of an authorized NIFA representative sufficient to establish authenticity, foundation and completeness of the NIFA records.

On information and belief, Arun Agarwal and DANA Partnership, LLP sometimes doing business as “The White Lotus Group” and any of its current or former agents, representatives, principals, officers and affiliates have applied for government assistance or finance programs, including without limitation, any development projects in Nebraska for which credits were sought from NIFA.

Requestor is not aware of any applicable exception to justify withholding of such public records under Nebraska Statutes §84-712.05. This information is not being sought for commercial purposes. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

**Deadline:** We request a response no later than as required by Nebraska Public Records Law § 84-712(4). If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records. Certainly, reasonable extension requests will be granted.

We appreciate your assistance in this matter and request that records and affidavit requested above be mailed to me at Koley Jessen P.C., L.L.O., One Pacific Place, Suite 800, 1125 South 103<sup>rd</sup> Street, Omaha, Nebraska 68124, or emailed to me at [greg.scaglione@koleyjessen.com](mailto:greg.scaglione@koleyjessen.com). If desired, I will send a share-file link for you to upload the documents to me.

If there are any fees Requestor is required to pay to fulfill this request, please advise so that payment may be arranged.

Thank you.

Nebraska Investment Finance Authority  
June 7, 2023  
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Sincerely yours,

*Gregory C. Scaglione*

Gregory C. Scaglione

GCS