

# OPEN MEETING LAW TASK FORCE MEETING

MAY 23, 2018

ANGEL DE FAZIO STATEMENT AND  
DOCUMENTS

## May 23 2019 AG OML Meeting- Angel De Fazio- 1<sup>st</sup> Comment Period

Since this agenda item is suppose to elicit comments from the public, on what changes might be made to the OML, I welcome this opportunity, even though in my opinion, they are not going to be taken into consideration, but at least it will be on the record, so to speak.

The so-called spirit of the OML, really is just an ongoing board/commission requirement, that public comments are basically marginalized, dismissive, and tolerated as a part of the agenda, with the attitude that the public has nothing relevant to contribute to the discussion.

On the agenda notice it referenced: The OML Task Force may place reasonable restrictions on the time, place and manner of public comments but it will not restrict comments based upon viewpoint', I guess we shall see, just how truthful that statement was when it comes to my comments.

1. This is an OML meeting, yet, it is not being broadcasted over the internet like a majority of other public meetings, do you see the irony in that? Why can't it be video conferenced into one of the other meeting rooms that has internet capacities? Why in a room that you can claim isn't accessible to internet capability? Why restrict what is actually being discussed in this meeting to those who can't attend at one of your sites?

I know that boards and commissions in the outside rural areas may not have the ability to broadcast over the internet.

This is not to preclude that state agencies in Carson City, Reno or Las Vegas can't broadcast their meetings, when they are held in state office buildings, that other agencies use to broadcast over the internet.

Along with the fact there are no archived videos of this committee's prior meetings, nothing since the first referenced meeting of March 18, 2010.

Are there audio recordings that the public can request or are we stuck with just a transcript of the minutes?

If you were really interested in what the public has to say and I am using the word interested, facetiously, you would look into seeing how those who are home bound can actively participate.

Don't try to use the option, oh, they can submit written comments to be incorporated into the record, that's a cop-out, how many people actually look past the agenda and supporting documentation?

2. Lets discuss accessibility to the disabled, whereby, there seems to be a pick/choose mentality within each board, commission etc., which is both shameful and

discriminatory. Let me elaborate. When any public meeting allows their 'chosen' people to appear telephonically, it confirms that telephonic appearances are available. Does anyone here beside me, know the federal 3-prong approach to accommodating under the ADA? 1. Will it be a financial burden; 2. Will it involve structural modification; 3. Will it alter the purpose of the meeting. Appearing telephonically does not present any of these 3 prong issues.

You have public entities whose members are able to call in, but, when the public would like to use that access they are declined. I do appear telephonically at times, as I do it under the ADA, along with having a proudly earned reputation of never backing down and I guess people figure, lets just give it to her to shut her up, nevertheless, but seniors, people who are home restrictive can't gain access via this route.

Why not have pre-approved access to those who can prove they need this accommodation, so that they can call in and participate? Along with viewing it online?

Every notice has a statement at the bottom, if you need accommodations please contact us. That's fine, but, with over 30% of the US population having issues with environmental exposures, and over 6,000 in Clark County alone, calling in is a non-sequitur.

After filing an OML complaint and fighting, I finally got the PUC to incorporate a SIMPLE statement on their consumer notifications to wit:

Sent out on May 6, 2014,

"To accommodate individuals who enter the Commission office who are chemically sensitive to fragrances and other scented products, please use sparingly or not at all: perfume, aftershave, scented hand lotion, fragranced hair products, and/or similar products."

This is a REASONABLE accommodation that should be incorporated into the OML. No one is going to be excluded for wearing anything, but, it will address the accommodation issue. Why should the more visually obvious handicapped persons get ramps, visually impaired have larger fonts on computer screens, hearing impaired have interpreters? Why should the larger segment under the title invisible disabilities get sidelined? This simple statement does not violate any of the 3 prongs that can be considered problematic.

Having archived videos allows those who work during public meetings times, are afforded the opportunity to watch them at a later time, as I highly doubt employers are going to allow employees to listen during work hours.

It should be mandated that all public meetings be either aired over the internet or audio recordings made and archived.

Let me give you, what I perceive as the most egregious, flagrant lie that was stated during a PUC public meeting/workshop. On January 9<sup>th</sup>, I commented that the upcoming 10 days of workshops should be archived, as the Energy Choice Initiative is highly impactful to every Nevadan and they should be able to view the proceedings, in order to make an informed vote on this constitutional amendment. Joey Reynolds, chair of the PUC stated: we don't have the TECHNOLOGY to archive them'. Keep in mind they archive all of their agenda meetings, and the workshop days are in the same rooms as the agenda meeting. Then on January 16<sup>th</sup>, he proclaimed, 'I decided that these workshops are important and will be archived'. So just how in the span of a couple days did he acquire the technology?

Because of the ongoing lack of archived videos of PUC meetings I have videotaped all the ones I have attended, without a problem, then all of a sudden it was a distraction. As I was cited for trespassing, as I refused to turn off the camera, forced the DA to go to trial and of course I won. I know for a fact that the AG's Office was fully aware of this and as usual, your office protected a state commission, rather than look into seeing if it was an OML violation.

3. When an item on an agenda is referenced and there is a first comment period prior to the items being addressed, just how is the public suppose to comment on something that you just line item as 'for discussion'? We aren't mind readers.

One would extrapolate that a meeting convened regarding OML would actually be open, not cloaked under the guise of the phrase 'for discussion only', do you see the ambiguity of this?

Along with the fact, and let me use the PUC as an example, when there is an agenda item, they have 2 public comment periods. The first one is restricted to the items on the agenda, but, any comments made, are NOT ALLOWED to be considered, only formally filed pleadings by named parties, so why is there a public comment period? Apparently, to satisfy the 2 public comment periods, a sham to say the least.

There should be an adjustment to the OML, that if items delineated in the agenda notice can't be influenced by public comment, then the closing public comment period should incorporate those 2 time periods. Along with an adjustment if a member of the public is confused and asks a question, the panel is obligated to respond. This one way interaction just reaffirms that the public are irrelevant.

The usual 3 minute comment time frame, when there are massive items on an agenda, just reinforces, the 'we don't care what you have to say, but will nod our head and thank you for your comment' mentality.

Years ago, I had a conversation with a very senior member of the AG's staff regarding public comments. No, I will not disclose the name nor gender of the person, nevertheless, it was mentioned by me, that these so called public comment periods are tantamount to verbal masturbation, they agreed, that they have to endure the public

speaking and are not obligated to take the comments into consideration, nor do they even pay attention to them. They are there to look attentive, nod, and thank you for your comments.

4. Lets discuss your handling of OML complaints, another sham, with the AG's department that handles it, just sides with their sister agency et al.

I have filed quite a few OML complaints, with highly documented exhibits and the go along, get along approach to protect a state agency, committee, board, commission is not acceptable.

First I dealt with George Taylor, then Brent Kandt. With each complaint I was able to reply to the PUC's lies, deceptive responses. The last one was handled by a female, I can't recall her name, who stated she JUST came into the position and wasn't familiar with the complaint process but would be handling my complaint. When I saw the PUC's response, I did my usual reply and she refused to address it, claiming that it wasn't allowed? WASN'T ALLOWED? Why did 2 prior experienced attorneys allow it? In any legal action there is always allowed a reply to refute the opposing party's assertions. So basically your OML department takes the word of a sister agency as if it's the pure unvarnished truth! This ongoing go along get along mantra, protect each other approach is a sham under what it is suppose to be an unbiased review of what it is overseeing.

5. Last but not least the most UNACCEPTABLE problem with the OML is the LACK of concern and safety of both the public and state employees.

When the public is notified of a meeting at a building, they expect it to be in a safe environment, you put up sandwich signs when the floor is wet, but you NEVER EVER informed the public of the water damaged, mold issues in the Grant Sawyer building.

The only time it came to light was when the media just recently started covering it.

I have complained and requested accommodations since 2011, citing that the Sawyer Building was toxic. If requested, I can produce an email I sent to the LCB in 2013, about acquiring air filters.

I complained that there were wick air fresheners on the 4<sup>th</sup> floor and when I asked the receptionist why it was there, her response was, the office has a 'funny odor'.

I was given a small conference room to utilize when I came to the building, but I still got sick, once it was made public about the building, the dots were finally connected.

The AG's office knew FULL WELL of the toxicity of the building as 7 of their employees got sick, one of them was moved over FIVE times and now upon information and belief works outside of the building.

I was informed that the Secretary of State is looking to move her office out of the Sawyer building. When I confronted her about it, she said that she doesn't comment on SOS activities.

I am the only true barometer regarding a buildings toxicity, as I demonstrate highly visible neurological symptoms, like right now, with the shaking of my head.

Years ago, I complained about the PUC's building being toxic, no one paid attention. I finally tracked down the new owner, spoke with him and he had the building tested. I got copies of the reports and cancer causing chemicals were found in their office, such as formaldehyde and methylene chloride. Additionally, EPA known hazardous chemicals such as benzene, toluene, ethylbenzene, styrene, naphthalene and the 2 forms of xylene p and o. All of these are showing as ELEVATED! The owner went out and purchased 4 top of the line air filters to remove these and other problematic chemicals to protect me while I am in there also the employees.

Your agenda notices should reference, if there is/has been water damage or building modifications or pesticides being sprayed, that persons adversely affected by such are put on notice, prior to entering the building.

Would it kill you to express concern for public health and safety, when you invite them to a public meeting to comment?

That's enough for now, as I know you will not address them, I just want it on the record and that you have been apprised of them.

Elevated levels  
TTH  
VOC  
Elevated

COOPERATIVE ACTION

May 23 2019 AG OML Meeting- Angel De Fazio- 2<sup>nd</sup> Comment Period

Ok, lets get into the Open Records Request issue.

This again is a sham. Agencies like the PUC to PUNISH PEOPLE who request records, they respond in the 5 day period, then tell you, that you have to wait MONTHS for the information. I didn't have time to pull all of these examples from the PUC, but if you request them, I will produce them and they number well over an acceptable amount of time. They feign that they are over-worked, but when you review their calendar for said time, there are no hearings that said person who signed the request response letter was involved with.

Now, the AG's Office pulled this recently. On March 9<sup>th</sup> I requested an in-person inspection of their internal handbook for employees, a list of all committee members from 2015 to the present, of members of the Sexual Assault Working Group/Committee. On March 15<sup>th</sup>, I get an email telling me they will be responding by April 26<sup>th</sup>.

So we have a handbook that ALL employees are required to read is not available? You hold meetings and there is no list of members of a major issue for the AG's Office?

April 27<sup>th</sup> I get a letter stating: That they have provided my request, problem was, it was incomplete, which of course I informed them of such, in my usual 'don't screw with me rhetoric'.

May 3<sup>rd</sup>, I get a follow up letter, which I find a complete joke, farce to say the least stating: "The OAG does not possess a list of members of the Sexual Assault Working Group because the meetings consist of invitees only. There are no appointed members. As a result our office is releasing the email distribution for this working group, which is included with this communication. The OAG will now close this matter.'

A working group with no appointed members, just a generic list of invitees? So just what does a free for all gathering actually accomplish regarding a matter of this magnitude?

So many problems that are ignored and meetings being promulgated by those who seek to deceive the public over so-called concerns of their issues.

Page 8 of your minutes, Mr. Shipman's comment about balancing is right on track. Treating the symptom and not the real problem, which is the balancing test and how it get applied. The reference to a court of competent jurisdiction and delaying the process further, that may infuriate the public, as they are stuck with some sort of bureaucratic position which doesn't get an answer at the end of the day.

The use of the get of complying within the 5 day time frame, of being over-worked etc., contradicts the requirement to have an open records official, isn't it?

**VOC Sample**

Client Sample ID: Floor #2 Hearing Rm B Suite 250  
Sample Volume (L): 24.0  
Date Sampled: 04/28/2017  
Sample Type: TDT UU758

Client Sample ID: Floor #2 Hearing Rm B Suite 250  
Laboratory ID: 61378-2  
Scan Date: 05/02/2017

**Total Volatile Organic Compound (TVOC) Summary**

**Your TVOC Level is: 1600 ng/L**

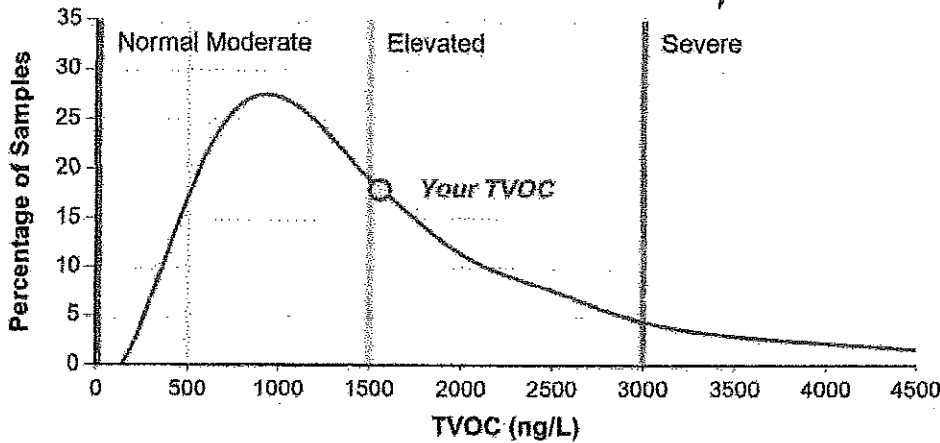
*ELEVATED*

IAQ needs improvement; effect on occupants is possible; reduce potential sources and increase ventilation.

**Your Indoor Air Quality Level (Highlighted)**

Normal < 500 ng/L	Moderate 500 - 1500 ng/L	<b>Elevated 1500 - 3000 ng/L</b>	Severe > 3000 ng/L
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**All IAQ Survey TVOC  
Air Quality Indicator**



The average TVOC is  
**1900 ng/L**

This chart represents the TVOC distribution of over 8,000 samples. Over 80% of these samples indicate improvements in IAQ are necessary to achieve the goal of TVOC less than 500 ng/L.

The chart above shows the TVOC levels for all locations tested using IAQ Survey. Results for this air sample are displayed on the chart as a yellow circle. The blue curved line represents the relationship between the percentage of locations (indicated on the vertical y-axis) and the TVOC level (indicated on the horizontal x-axis). The green, yellow, orange, and red vertical bars represent divisions between Normal, Moderate, Elevated, and Severe TVOC levels. As the TVOC value increases, individuals may experience aggravated health problems, and therefore, the need to address VOC issues becomes more critical. However, reductions in VOCs can be made at any level.

The U.S. federal government has not specified a TVOC limit for indoor air. However, the U.S. Green Building Council (USGBC) has recommended 500 ng/L as the upper TVOC limit. As the TVOC increases, the probability of adverse effects increases. The levels are based on observed health effects and have been determined from a combination of published journal articles (1, 2, 3) and the statistical distribution of TVOC concentrations from the IAQ Survey methodology.

The presence of chemicals in your sampled location can cause a wide range of problems, ranging from an unpleasant odor to physical symptoms (burning and irritation in the eyes, nose, and throat; headaches; nausea; nervous system effects; severe illness; etc.). In some cases, these conditions may make the location uninhabitable. Anyone with respiratory issues like asthma and allergies, as well as children, the elderly, and pregnant women are more susceptible to poor indoor air quality than healthy individuals. However, at higher TVOC levels even healthy individuals are likely to experience ill effects. The following websites can offer more information:

- US EPA [Indoor Air Quality \(IAQ\)](#)
- American Lung Association [Healthy Air at Work](#)
- World Health Organization (WHO) [Guidelines for Indoor Air Quality](#)
- Lawrence Berkeley National Laboratory [Indoor Volatile Organic Compounds \(VOCs\) and Health](#)

1 L. Mohave, Volatile Organic Compounds, Indoor Air Quality and Health, Vol. 5, International Indoor Air Quality Conference, Toronto, Canada, 1990, p. 22 ff.  
2 European Collaborative Action: Indoor Air Quality and its Impact on Man (ECA-IAQ), Report No 19 Total Volatile Organic Compounds (TVOC) in Indoor Air Quality Investigations, 1997. (from L. Malhave et al., Total Volatile Organic Compound (TVOC) in Indoor Air Quality Investigation, Indoor Air 1997; 225-240.)  
3 T. Sellhammer, Critical evaluation of approaches in setting indoor air quality guidelines and reference values, Chemosphere 82, 2011, 1507-1517.



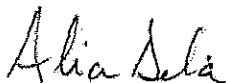
### EPA Hazardous Air Pollutants (HAPs)

Client Sample ID: Floor #2 Hearing Rm B Suite 250  
 Laboratory ID: 61378-2

Hazardous air pollutants, also known as toxic air pollutants or air toxics, are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. Listed below are those HAPs that are reported in this air sample, this list does not include all HAPs. For more information about HAPs visit the [EPA Air Toxics website](#). The exposure limits listed below can also be found in the [NIOSH Guide to Chemical Hazards](#).

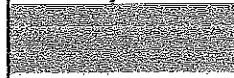
Compound	CAS	Estimated VOC Level (ng/L)	Estimated VOC Level (ppb)	NIOSH Exposure Limit	Description
Methylene Chloride	75-09-2	0.3	0.09	Carcinogen	Automotive products; degreasing solvent; paint stripper; adhesive remover; aerosol propellant; insecticide
Benzene	71-43-2	0.3	0.1	320 ng/L (100 ppb)	Gasoline. Less common sources include some discontinued solvents; printing and lithography; paints and coatings; rubber; dry cleaning; adhesives; detergents
Toluene	108-88-3	2.6	0.7	375,000 ng/L (100,000 ppb)	Gasoline; adhesives (building and arts/crafts); contact cement; solvent; heavy duty cleaner
Ethylbenzene	100-41-4	0.4	0.09	435,000 ng/L (100,000 ppb)	Gasoline; paints and coatings; solvent; pesticide
m,p-Xylene	108-38-3; 106-42-3	1.1	0.3	435,000 ng/L (100,000 ppb)	Gasoline; paints and coatings; adhesives and cements; solvent; print cartridges
o-Xylene	95-47-6	0.4	0.08	435,000 ng/L (100,000 ppb)	Gasoline; paints and coatings; adhesives and cements; solvent; print cartridges
Styrene	100-42-5	1.1	0.3	215,000 ng/L (50,000 ppb)	Polystyrene foam; synthetic rubber; flavoring agent
Naphthalene	91-20-3	0.3	0.05	50,000 ng/L (10,000 ppb)	Gasoline; diesel; Moth balls/crystals; insecticide

These results pertain only to this sample as it was collected and to the items reported.  
 These results have been reviewed and approved by the Laboratory Director or authorized representative.



Alice E. Delia, Ph.D., Laboratory Director

Prism Analytical Technologies, Inc.



This analysis was performed by Prism Analytical Technologies, Inc. (Prism). Prism Analytical Technologies, Inc. (ID 166272) is accredited by the AIHA Laboratory Accreditation Programs (AIHA-LAP), LLC in the Industrial Hygiene accreditation program for GC/MS Field of Testing as documented by the Scope of Accreditation Certificate and associated Scope. The results contained in this report are dependent upon a number of factors over which Prism has no control, which may include, but are not limited to, the sampling technique utilized, the size or source of sample, the ability of the sampler to collect a proper or suitable sample, the compounds which make up the TVOC, and/or the type of mold(s) present. Therefore, the opinions contained in this report may be invalid and cannot be considered or construed as definitive and neither Prism, nor its agents, officers, directors, employees, or successors shall be liable for any claims, actions, causes of action, costs, loss of service, medical or other expenses or any compensation whatsoever which may now or hereafter occur or accrue based upon the information or opinions contained herein.

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**Formaldehyde Sample** *ELEVATED*

**Client Sample ID:** Floor #2 Hearing Rm B Suite 250  
**Sample Volume (L):** 6.0  
**Date Sampled:** 04/28/2017  
**Sample Type:** TDT AA608

**Laboratory ID:** 61378-4  
**Scan Date:** 05/05/2017

**Formaldehyde Concentration:** 54 ng/L (43 ppb)

**Your Formaldehyde Level (Highlighted)**

Low	Moderate	<b>Elevated</b>	High
< 20 ng/L	20-50 ng/L	<b>50-100 ng/L</b>	> 100 ng/L
< 16 ppb	16-40 ppb	<b>40-80 ppb</b>	> 80 ppb

**Recommendation:** Consider locating and removing formaldehyde sources. See formaldehyde sources section for more information.

**Formaldehyde Exposure Limits**

The National Institute for Occupational Safety and Health (NIOSH) has set a recommended exposure limit (REL) of 20 ng/L (16 parts per billion). The Occupational Health and Safety Administration (OSHA) has set a **workplace permissible exposure limit (PEL)** of 936 ng/L (750 parts per billion). For more information on exposure limits, see this report about [Environmental Health](#).

Because of the number and range (from a few ppb to almost one ppm) of published exposure limits, the levels displayed above are based on the statistical distribution of concentrations Prism has gathered rather than exposure limits.

**Formaldehyde Sources**

The main sources of formaldehyde are composite or engineered wood products that contain urea-formaldehyde (UF) resins (e.g., particleboard, hardwood plywood paneling, medium density fiberboard). Products that contain phenol-formaldehyde (PF) resin also emit formaldehyde but at lower concentrations (e.g., softwood plywood, flake or oriented strand board). Formaldehyde is also present in other building products such as pre-finished engineered flooring, insulation, glues and adhesives, and paints and coatings, as well as textiles, disinfectant cleaning products and soaps, preservatives, cosmetics, some air fresheners, pet care products, bactericides and fungicides. Formaldehyde is also a byproduct of many combustion processes, such as tobacco smoke and fuel-burning appliances (gas stoves, kerosene space heaters and fireplaces).

The resources listed below provide additional information about formaldehyde.

US Environmental Protection Agency  
<http://www.epa.gov/iaq/formaldehyde.html>  
<http://www.epa.gov/ttn/atw/hlthef/formalde.html>

Agency for Toxic Substances and Disease Registry (ATSDR)  
<http://www.atsdr.cdc.gov/toxfacts/ifa.asp?id=219&tid=39>

National Institutes of Health (NIH)  
[http://www.niehs.nih.gov/health/materials/fact\\_sheet\\_formaldehyde.pdf](http://www.niehs.nih.gov/health/materials/fact_sheet_formaldehyde.pdf)  
[http://toxtown.nlm.nih.gov/text\\_version/chemicals.php?id=14](http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=14)  
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2855161/>

Note: This analysis was performed using the Hantzsch method. This test method has been correlated with or is compliant with the California Air Resources Board (CARB) § 93120, European DIN Standard EN-717, and ASTM methods D-5582 and E-1333. It has also been compared with DNPH testing used in NIOSH 2016 and found to be in good agreement.

**From:** Althea R. Zayas <AZayas@ag.nv.gov>

**To:** 'ntefusa@aol.com' <ntefusa@aol.com>

**Subject:** OML Task Force Meeting - Support Materials

**Date:** Tue, May 22, 2018 4:03 pm

**Attachments:** OML (Word Version).docx (52K), Open Meeting Law Task Force - Draft Minutes of 8-17-16 Meeting.pdf (388K)

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Ms. De Fazio,

Please see attached. Thank you.

Althea Zayas

Assistant to:

First Assistant Attorney General J. Brin Gibson

Chief Deputy Caroline Bateman

Deputy Attorney General Darlene Caruso

Deputy Attorney General Edward Magaw

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AG Topics

OPEN MEETING LAW TASK FORCE

Annual Forfeiture Reporting

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Download The Open Meeting Law 2009 Worksheet
Download The Open Meeting Law 2008 Worksheet
Download The Open Meeting Law 2007 Worksheet

Citizen Support

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Open Meeting Law Portal Page

Get Information

Originating Site Teleconference remote site Video Conference remote site View Online

Human Trafficking

Date Location

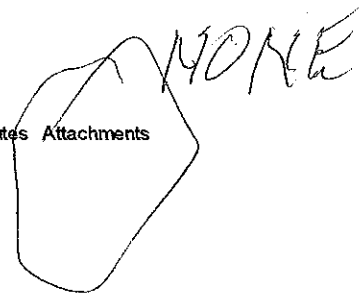
Agenda Minutes Attachments

Immigration/Notario Scams

Open Meeting Law Task Force

Inquire About

05/23/2018 10:00AM 4500 - Office of the Attorney General, 555 E. Washington Ave., Suite 3900 - Grant Sawyer Bldg. - Las Vegas
Mock Courtroom - Office of the Attorney General, 100 N. Carson St. - Carson City



Issue Advocacy

Open Government

Open Government Task Force

AG Meetings

08/17/2016 10:00AM 100 N. Carson St. - Carson City
4500 - Office of the Attorney General, 555 E. Washington Ave. - Las Vegas



Public Integrity

Violence Against Women Formula Grants

Open Meeting Law

Open Meeting Law Task Force

OML Opinions

06/30/2016 10:00AM 100 N. Carson St. - Carson City
3315 - Office of the Attorney General, 555 E. Washington Ave. - Las Vegas



OML Task Force

Tobacco Enforcement

Open Meeting Law Task Force

Victims of Crime

05/24/2016 10:00AM 100 N. Carson St. - Carson City
3315 - Office of the Attorney General, 555 E. Washington Ave. - Las Vegas



Open Meeting Law Task Force

03/09/2016 10:00AM 100 N. Carson St. - Carson City
4500 - Office of the Attorney General, 555 E. Washington Ave. - Las Vegas



Open Meeting Law Task Force Meeting

05/07/2014 10:00 AM Mock Courtroom - 100 N. Carson Street - Carson City, NV 89701
Room 4500 - 555 W. Washington Avenue - Las Vegas, NV 89101



Open Meeting Law Task Force Meeting