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June 26, 2018

Via First Class Mail

Alissa Magness
[REDACTED]

**Re: Open Meeting Law Complaint, O.A.G. File No. 13897-284
Nevada Board of Regents**

Dear Ms. Magness:

The Office of the Attorney General (OAG) is in receipt of your complaint alleging a violation of the Open Meeting Law (OML) by the Nevada Board of Regents (Board). The Complaint alleges that the Board violated the OML by conducting a meeting on Friday, May 4, 2018, that was not open to the public.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040.

FACTUAL BACKGROUND

The Complaint alleges that on May 4, 2018, four members of the Nevada Board of Regents attended a meeting at the Nevada System of Higher Education office in Las Vegas, Nevada, where they discussed Board business. The Complaint further alleges that this meeting did not comply with the OML and was not open to the public.

DISCUSSION AND LEGAL ANALYSIS

The OML defines a "meeting" as "[t]he gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory

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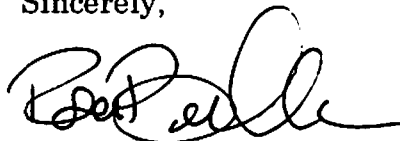
power.” NRS 241.015(3)(a)(1). A “quorum” means “a simple majority of the membership of a public body or another proportion established by law.” NRS 241.015(5).

The Board was created by statute and consists of thirteen members elected by registered voters within the State of Nevada. NRS 396.040(1). To establish a quorum and be a meeting under the OML, seven members of the Board would have to be present. You have alleged that only four members of the Board were present for the gathering at issue. Thus, it was not a “meeting” under the OML and OML compliance was not required.

CONCLUSION

The OAG has reviewed the available evidence and determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rosalie Bordelove', written over a horizontal line.

Rosalie Bordelove
Deputy Attorney General