



STATE OF NEVADA
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April 28, 2015

Via First Class Mail

Dennis P. Diullo
P.O. Box 5595
Incline Village, NV 89451

Re: Open Meeting Law Complaint, A.G. File No. 14-033,
Incline Village/Crystal Bay Visitors Board

Dear Mr. Diullo:

This office reviewed your Open Meeting Law (OML) complaint shortly after we received it on December 10, 2014. We requested a response from the Incline Village Crystal Bay Visitors Bureau which was received on December 16, 2014.

Mr. Andy Chapman, CEO and Executive Director (Mr. Chapman), explained in a letter to this office dated December 16th, that you had requested to be placed on the Bureau's distribution list for the Board's packet of supporting materials which included the monthly meeting agenda. He further explained that the board packet is always sent out on the Monday before the Board's Wednesday meeting, which explains why you received the packet and the agenda on Monday December 8, 2014 at 11:36 a.m. Supporting materials are subject to a different sub-section statutory requirement for distribution to the public. NRS 241.020(5) and (6). Essentially, supporting materials may be distributed to the public body up to and including the meeting itself. Only then is the public entitled to receive supporting materials, i.e. also called a board packet.

Mr. Chapman also said in his response that the monthly meeting agenda is always posted on the Thursday prior the Monday meeting, so that the OML requirement for public notice is met.¹ The agenda was posted according to statute and it was sent to those who requested it.

He also stated that you had not asked to be on the distribution list for the board agenda, which is subject to the three day minimum requirement (set out below in footnote 1); you had only asked to receive the board packet. In conversation with you, I learned that you requested the agenda be sent to you electronically. It appears to us that a misunderstanding has taken place, but we believe the misunderstanding has been resolved.

It appears your name has been placed on the board agenda distribution list since the December 8, 2014 meeting. Since then you should have been receiving the board agenda in accordance with the law. NRS 241.020(3)(c) provides for two delivery options. The public body must place the notice/agenda in the mail not later than 9 a.m. of the third working day or transmit the notice/agenda by email not later than 9 a.m. of the third working day before the meeting.

We reviewed Mr. Chapman's explanation and find that the statutory requirements for minimum public notice and distribution of supporting materials were met.

¹ NRS 241.020(3). Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

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Thank you for your patience. We regret the delay in notifying you of this final determination.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By:



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