

1 Board's June 17, 2021, meeting, issues the following FINDINGS OF FACT AND
2 CONCLUSIONS OF LAW.

3 **FINDINGS OF FACT**

4 1. The Board is the governing body of the Southern Nevada Regional Housing
5 Authority (SNRHA). The Board and SNRHA were formed pursuant to Chapter 315 of the
6 Nevada Revised Statutes to exercise public and essential governmental functions.

7 2. At its meeting occurring on June 17, 2021, the Board formed the Committees
8 and appointed the membership of the Committees. A majority of the membership of each
9 of the Committees are commissioners or staff members of the Board. The Committees are
10 charged with discussion of ways the Board can improve the SNRHA and making
11 suggestions to the Board based on these discussions.

12 3. The Board and Committees are public bodies as defined in NRS 241.015(4)
13 and are subject to the OML.

14 4. On May 28, 2021, the OAG sent a letter to the Board requesting a response to
15 the Complaint, including any defenses, and records or documents supporting the response.
16 The Board did not respond.

17 5. On September 17, 2021, and September 21, 2021, the OAG followed up on the
18 May 28, 2021, request for a response by leaving voicemails with the Executive Director of
19 SNRHA. The Board and SNRHA did not respond.

20 6. On March 11, 2022, the OAG sent a letter to the Board requesting a response
21 to the Complaint and Second Complaint. The OAG requested the response be provided no
22 later than April 8, 2022. This letter specifically stated if "the Board does not respond, the
23 OAG may enter Findings of Fact and Conclusions of Law without your response." To date,
24 the Board has not responded.

25 7. Based on the lack of response from the Board, the only evidence the OAG is
26 in possession of which is relevant to this matter are the statements by Mr. Johnson and
27 the audio of the June 17, 2021, meeting. Accordingly, the OAG views the statements made
28 by Mr. Johnson as undisputed.

1 8. Sometime prior to May 17, 2021, Mr. Johnson requested the Board mail
2 agendas and supporting material to him pursuant to the OML. The Board replied to Mr.
3 Johnson stating the agenda was available online, and he was not entitled to a copy of the
4 supporting material. Mr. Johnson e-mailed a copy of the NRS (presumably Chapter 241)
5 to the Board. The Board did not provide further response to Mr. Johnson.

6 **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

7 The legislative intent of the OML is that the actions of public bodies “be taken
8 openly, and that their deliberations be conducted openly.” NRS 241.010(1); *see also McKay*
9 *v. Board of Supervisors*, 102 Nev. 644, 651, 730 P.2d 438, 443 (1986) (“the spirit and policy
10 behind NRS Chapter 241 favors open meetings”). The term “public body” includes any
11 “administrative, advisory, executive or legislative body of the State or a local government .
12 . . . which expends or disburses or is supported in whole or in part by tax revenue”
13 NRS 241.015(4)(a).

14 Allegation One sets out that the Board failed to provide supporting material for its
15 meetings to Mr. Johnson as required by the OML. “Upon any request, a public body shall
16 provide, at no charge, at least one copy of... supporting material provided to the members
17 of the public body...” subject to certain limitations. NRS 241.020(7). The supporting
18 material must be provided to the requestor at the same time the material is provided to the
19 members of the public body. NRS 241.020(8). The Board is a public body. Mr. Johnson
20 made a request for supporting material. The Board denied Mr. Johnson’s request without
21 stating a reason authorized by law. Thus, the OAG finds the Board violated the OML in
22 failing to provide Mr. Johnson with the requested supporting material.

23 Allegation Two sets out that the Committees formed by the Board at its June 17,
24 2021, meeting are subject to the OML and are not complying with the OML. A public body
25 subject to the OML specifically includes subcommittees or working groups appointed by a
26 public body where a “majority of the membership of the subcommittee or working group
27 are members or staff members of the public body that appointed the subcommittee ...” or
28 where the “subcommittee or working group is authorized by the public body to make a

1 recommendation to the public body for the public body to take any action.” NRS
2 241.015(4)(d). Based on the audio for the Board’s June 17, 2021, meeting, a majority of the
3 membership of each of the Committees are commissioners or staff members of the Board,
4 and the Committees are charged with discussion of ways the Board can improve the
5 SNRHA and making suggestions to the Board based on these discussions. Based on this,
6 it is clear that the Committees are public bodies subject to the OML.

7 The OAG is not in possession of any evidence that the Committees have complied
8 with the OML. Thus, the OAG finds the Board violated the OML in not ensuring the
9 Committees appointed by the Board as subcommittees or working groups followed the
10 OML.

11 Based on the Findings of Fact and Legal Standard and Conclusions of Law as set out
12 above, the OAG finds the Board failed to provide supporting material as required by NRS
13 241.020 (7) and (8) and failed to ensure the Committees followed the OML as required of
14 all public bodies pursuant to NRS 241.010 and NRS 241.020(1).

15 **SUMMARY AND INCLUSION OF AGENDA ITEM**

16 If the Attorney General investigates a potential OML violation and makes findings
17 of fact and conclusions of law that a public body has taken action in violation of the OML,
18 “the public body must include an item on the next agenda posted for a meeting of the public
19 body which acknowledges the Findings of Fact and Conclusions of Law.” NRS 241.0395.
20 The public body must treat the opinion of the Attorney General as supporting material for
21 the agenda item in question for the purpose of NRS 241.020. *Id.*

22 Here, upon investigating the present Complaint and Second Complaint, the OAG
23 makes findings of fact and conclusions of law that the Board committed violations of the
24 OML by failing to provide supporting material and failing to ensure the Committees
25 followed the OML. Therefore, the Board and the Committees must place on their next
26 meeting agendas these Findings of Fact and Conclusions of Law and include them in the
27 supporting material for the meetings. The agenda items must acknowledge these Findings
28 of Fact and Conclusions of Law to be the result of the OAG investigation in the matter of

1 Attorney General File No. 13897-413, and that it has been placed there as a requirement
2 of NRS 241.0395.

3 DATED this 13th day of June, 2022.

4 AARON FORD
5 Attorney General

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7 By: /s/ John S. Michela
8 JOHN S. MICHELA
9 Senior Deputy Attorney General
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2 **CERTIFICATE OF SERVICE**

3 I certify that I am an employee of the Office of the Attorney General, State of Nevada,
4 and that on June 13th, 2022, I served a copy of the foregoing ***FINDINGS OF FACT AND***
5 ***CONCLUSIONS OF LAW*** by placing said document in the U.S. Mail, Certified, postage
6 prepaid, addressed to the following:

7 Board of Commissioners
8 Southern Nevada Regional Housing Authority
9 340 North 11th Street
10 Las Vegas, Nevada 89101

11 Certified Mail No.: 7020 0640 0000 7651 8824

12 Lewis Jordan, Executive Director, SNRHA
13 Southern Nevada Regional Housing Authority
14 340 North 11th Street
15 Las Vegas, Nevada 89101

16 Certified Mail No.: 7020 0640 0000 7651 8817

17 Olivia Diaz, Chair, SNRHA Board of Commissioners
18 Southern Nevada Regional Housing Authority
19 340 North 11th Street
20 Las Vegas, Nevada 89101

21 Certified Mail No.: 7020 0640 0000 7651 9302

22 John Johnson, Complainant

23 [REDACTED]
24 [REDACTED]

25 Certified Mail No.: [REDACTED]

26 /s Debra Turman _____
27 Debra Turman, an employee of the
28 Office of the Nevada Attorney General