

1 OFFICE OF THE ATTORNEY GENERAL
2 STATE OF NEVADA

3 In the matter of:
4 AMARGOSA VALLEY TOWN BOARD

OAG FILE NO.: 13897-433

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

7
8 **BACKGROUND**

9 Jeanne Diane Brigham filed a complaint with the Office of the Attorney General
10 (“OAG”) alleging violations of the Nevada Open Meeting Law (“OML”) by the Amargosa
11 Valley Town Board (“Board”), stemming from her request for meeting materials for various
12 meetings in that occurred in 2018, 2019 and 2021.¹

13 After investigating the Complaint, the OAG determines that the Board violated the
14 OML by failing to provide copies of its meeting agendas, supporting material and minutes
15 to Complainant upon request. The OAG has previously found the Board violated the OML
16 for its failure to keep adequate meeting minutes pursuant to NRS 241.035 for the meetings
17 at issue in 2021. *In re Amargosa Valley Town Board*, OMLO 13897-416 (Jun. 16, 2022).

18 **FINDINGS OF FACT**

19 1. On July 2, 2021, Complainant placed copies of a letter in the Board members’
20 boxes at the Board office and handed one to the Deputy Town Clerk. The letter requested
21 “the agendas, back up materials, and minutes” of Board meetings occurring on May 24,
22 July 5, and July 26, 2018; January 10 and March 28, 2019; and April 22, May 27 and June
23 10, 2021.

24 2. As of September 3, 2021, the date of the Complaint, the Board had not
25 provided these records to Complainant.²

26 ¹ In addition, Ms. Brigham made allegations regarding a request for non-meeting related public records
27 from the Board. Requirements regarding public records not relating to an open meeting do not fall within
28 the purview of the OML and instead fall within the purview of NRS Chapter 239. As such, the OAG does
not have jurisdiction to opine on these allegations and will not discuss them in this opinion.

² The OAG inquired if the Complainant had received these records as of July 2022. As of the date of this
opinion, the OAG has not received a response from the Complainant.

1 3. In response to an inquiry from the Nye County Chief Deputy District Attorney
2 into whether Board members had received the letter and why meeting records had not been
3 provided to the Complainant, one Board member stated he hadn't received the letter and
4 challenged other actions by the Complainant, another stated he had not visited the Town
5 Office and did not have access to his inbox, and the remaining three members did not
6 respond.

7 4. The same inquiry was made of the Deputy Town Clerk, who also did not
8 respond.

9 **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

10 The Amargosa Valley Town Board, formed pursuant to NRS Chapter 269, is a "public
11 body" as defined in NRS 241.015(4) and is subject to the OML.

12 Public bodies are required to provide copies of meeting agendas, materials and
13 minutes to members of the public, upon request. NRS 241.020(7); NRS 241.035(2).
14 Complainant delivered copies of a request for meeting records to the Town Office via Board
15 staff and Board member inboxes. The agenda for the Board's June 10, 2021, meeting lists
16 the Town Office as the location where supporting material for meetings is available to the
17 public. The evidence reviewed indicates that the Board either reviewed Complainant's
18 request and failed to provide the records or lacks adequate procedures to review requests
19 delivered to the Town Office. Both scenarios result in a failure of the Board to comply
20 with the OML's requirements regarding public requests for meeting documents. Thus, the
21 OAG finds the Board violated the OML in this respect.

22 **SUMMARY**

23 Upon investigating the present Complaints, the OAG makes findings of fact and
24 conclusions of law that the Amargosa Valley Town Board violated the OML as described
25 above.

26 If the Attorney General investigates a potential OML violation and makes findings
27 of fact and conclusions of law that a public body has taken action in violation of the OML,
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1 “the public body must include an item on the next agenda posted for a meeting of the public
2 body which acknowledges the findings of fact and conclusions of law.” NRS 241.0395. The
3 public body must treat the opinion of the Attorney General as supporting material for the
4 agenda item(s) in question for the purpose of NRS 241.020. *Id.* Accordingly, the Board
5 must place an item on its next meeting agenda in which it acknowledges the present
6 Findings of Fact and Conclusions of Law (“Opinion”) resulting from the OAG’s investigation
7 in this matter. The Board must also include the OAG Opinion in the supporting materials
8 for its next meeting.

9 Dated: January 16, 2023.

10 AARON FORD
11 Attorney General

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13 By: /s/ Rosalie Bordelove
14 Rosalie Bordelove
15 Chief Deputy Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January, 2023, I served the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, **CERTIFIED MAIL** addressed as follows:

Jeanne Diane Brigham



Certified Mail No.: _____

Amargosa Valley Town Board
C/O Marla Zlotek, Esq.
Nye County Office of the District Attorney
P.O. Box 39
Pahrump, Nevada 89041

Certified Mail No.: 7009 3410 0002 3253 1987

/s/ Debra Turman
An employee of the Office of the
Nevada Attorney General