



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

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March 11, 2013

Tonja Brown
2907 Lukens Lane
Carson City, Nevada 89706

Re: Open Meeting Law Complaint / A.G File No. 13-003
Board of Prison Commissioners

Dear Ms. Brown:

You have alleged in an Open Meeting Law (OML) complaint that the Nevada Board of Prison Commissioners did not notice its October 15, 2012 meeting until 62 days after the meeting had already been held, thereby causing your planned objection to the Board's approval of the minutes of its May 17, 2012 meeting, to not be heard. You re-submitted that complaint with a new explanation not included in your earlier complaint. Now, you allege that the agenda was not posted on the Nevada Department of Corrections (NDOC) website and the agenda indicated that it would be posted there. The agenda does indicate that the agenda should have been posted on both the Secretary of State's website and NDOC's website.

We have investigated this new allegation. In a previous letter to you we indicated that the agenda for the BOPC's October 15, 2012 meeting had been timely posted by the Secretary of State's office. After investigation of this newer allegation regarding whether the agenda was also posted on NDOC's website, we find that the agenda had been timely posted on October 9, 2012 to NDOC's website (<http://www.doc.nv.gov>), but we also learned that the day after the meeting on October 15, 2012, the agenda was removed.

You would not have found the agenda on NDOC's webpage 62 days after the meeting. Our review of the website showed only minutes of meetings. The OML does not forbid removal of an agenda from a public body's website following the meeting.

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We previously reviewed the notice and agenda for the Board of Prison Commissioner's October 15, 2012 meeting published on the Secretary of State's website and found that the agenda had been timely posted on October 8, 2012.

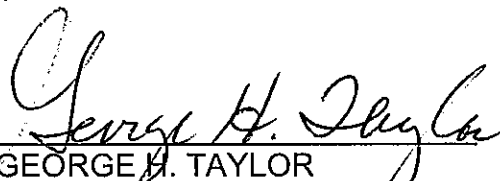
Our review of NDOC's website finds that the minutes of BOPC meetings are posted and are reviewable. Minutes are public records, whereas agendas are not specifically mentioned in NRS 241.035(2).

After a careful review of the posting of the agenda for the BOPC's October 15, 2012 meeting, we do not find that there has been an OML violation. We are closing our file on this matter.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:


GEORGE H. TAYLOR
Senior Deputy Attorney General
(775) 684-1230

GHT/cg

cc: Michon Martin, Chief, Division of Public Safety
James G. Cox, Director, NDOC