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Attorney General



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August 1, 2018

Via U.S. Mail

Cheryl Noriega

Re: **Open Meeting Law Complaint - Ely City Council,**
OAG File No. 13897-267

Dear Ms. Noriega:

The Office of the Attorney General (OAG) is in receipt of your complaint (Complaint) alleging violations of the Open Meeting Law (OML) by the Ely City Council (Council). Unfortunately, you have failed to state your allegation with sufficient particularity to enable the OAG to determine whether you have stated a claim under the OML, and to enable the Council to reasonably prepare a response.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. Nevada Revised Statutes (NRS) 241.037; NRS 241.039; NRS 241.040. In response to the Complaint, the OAG reviewed the Complaint, which referenced the attachments without stating an actual allegation of misconduct, as well as the attachments.

DISCUSSION AND LEGAL ANALYSIS

Chapter 241 of the Nevada Revised Statutes requires the actions of public bodies "be taken openly and that their deliberations be conducted openly." NRS 241.010(1); *see McKay v. Bd. Of Supervisors*, 102 Nev. 644, 651 (1986). Further, "the constraints of the Open Meeting Law apply only where a quorum of a public body, in its official capacity as a body, deliberates toward a decision or makes a decision." *Del Papa v. Board of Regents*, 114 Nev. 388, 400, 956 P.2d 770, 78-779 (1988).

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Here, the Complaint fails to allege a cognizable OML violation against the Council that requires investigation. On March 21, 2018, the OAG sent you a letter requesting that you enumerate your allegations of OML violations against the Council. As of the date of this letter, you have not responded to the OAG's request. Based on the lack of information, the OAG will close the file regarding this matter without making a determination as to whether an OML violation occurred.

CONCLUSION

For the reasons set forth above, the OAG cannot make a determination as to whether or not a violation of the OML has occurred. Accordingly, the OAG will close the file regarding this matter.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By: 
CAROLINE BATEMAN
Chief Deputy Attorney General
Bureau of Gaming and Government
Affairs

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