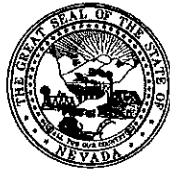


ADAM PAUL LAXALT
Attorney General



J. BRIN GIBSON
First Assistant Attorney General

NICHOLAS A. TRUTANICH
Chief of Staff

KETAN D. BHIRUD
General Counsel

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

January 4, 2018

Via Electronic Mail

Angel De Fazio
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-251
Public Utilities Commission of Nevada Chairman Joe
Reynolds**

Dear Ms. De Fazio:

The Office of the Attorney General (OAG) is in receipt of your complaint (Complaint) alleging violations of the Open Meeting Law (OML) by Public Utilities Commission of Nevada (PUCN) Chairman Joe Reynolds during the PUCN-sponsored General Consumer Session held on September 12, 2017, at the offices of the PUCN in Las Vegas, Nevada.

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.

DISCUSSION AND LEGAL ANALYSIS

The OML, as comprised by Chapter 241 of the NRS, applies to meetings of public bodies and it requires that 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). The OML defines a "public body" as "any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons...". NRS 241.015(4) (*emphasis added*).

Angel De Fazio
Page 2
January 4, 2018

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).

Your Complaint does not allege a cognizable OML violation against a public body that requires investigation by the OAG. Rather, your complaint alleges that PUCN Chairman Reynolds, as a member of a public body, violated the OML by not incorporating your written comments into the record with a date and time stamp at a General Consumer Session. PUCN-sponsored General Consumer Sessions are not meetings of a public body, but rather meetings to "solicit comment from the public on issues concerning public utilities." NRS 704.069(2). Additionally, Chairman Reynolds was the only member of the PUCN present at the General Consumer Session. Meetings held by individual members of a public body, absent unique circumstances that are not present here, are not subject to the OML. It follows that Chairman Reynolds did not violate the OML through his actions at the General Consumer Session.

CONCLUSION

Upon review of your Complaint, the OAG has determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By: 

TIFFANY E. BREINIG
Deputy Attorney General

TEB:arz

cc: Garrett Weir, General Counsel