



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701-4717

ADAM PAUL LAXALT
Attorney General

WESLEY K. DUNCAN
Assistant Attorney General

NICHOLAS A. TRUTANICH
Chief of Staff

November 10, 2015

Via First Class Mail

Tonja F. Brown
2907 Lukens Lane
Carson City, Nevada 89706

Re: Open Meeting Law, Attorney General File No. 13897-173,
Regarding the Board of the Nevada Prison Commissioners

Dear Ms. Brown:

This office has completed its review of the Open Meeting Law complaint submitted on September 23, 2015. This complaint alleged a violation by the State of Nevada, Board of Prison Commissioners.

INVESTIGATION AND BACKGROUND

The Open Meeting Law complaint contends Complainant submitted documents in addition to her public comment, asking they be made part of the record of the meeting by the Board of Prison Commissioners (the Board) at its May 19, 2015 public meeting. Complainant alleges that the Nevada Department of Corrections (NDOC) withheld these documents from being posted on [http://doc.nv.gov/Home/Prison Commissioners/Board of State Prison Commissioners/](http://doc.nv.gov/Home/Prison_Commissioners/Board_of_State_Prison_Commissioners/) Website. Complainant also alleges such action constitutes a crime. The Attorney General's Office (AGO) review and investigation did not provide any evidence that the process used by NDOC to prevent the disclosure of identified confidential documents was illegal. NDOC acknowledged possession of Complainant's submissions.

Our investigation showed that the documents that Complainant alleges were never made a part of the record are in the possession of the NDOC and that access to them via Internet link has been restored. Complainant's submissions were reviewed by NDOC to prevent publication of specific confidential material that complainant had agreed would remain

Tonja F. Brown
November 10, 2015
Page 2

confidential. These documents were disclosed to Complainant pursuant to discovery requests in litigation resulting from the death of Complainant's brother while in prison. The documents Ms. Brown submitted to the Board on May 19, 2015, during public comment, requesting they be made a part of the record, were reviewed by NDOC for possible redaction or removal based on the confidentiality terms of a Settlement Agreement entered into between Ms. Tonja Brown and the NDOC on March 30, 2012. Those Documents were included in the minutes of the May 19, 2015, public meeting and then made part of the record of the meeting which was placed on the DOC's website; however, pursuant to the Settlement Agreement's confidentiality provision, NDOC deactivated the website link to Complainant's documents pending review for the purpose of ensuring compliance with Paragraph M of the Settlement agreement. Once the review of the documents was finalized, the link was re-activated.

CONCLUSION


According to draft minutes from the September 15, 2015, Board meeting, Governor Sandoval confirmed with NDOC that they have all of Ms. Brown's previous documents and subsequently directed that Ms. Brown's documents become part of the record. Any documents that Ms. Brown has previously submitted at past meetings are available by accessing links to the minutes for the appropriate meeting at [http://doc.nv.gov/Home/PrisonCommissioners/Board of State Prison Commissioners/](http://doc.nv.gov/Home/PrisonCommissioners/BoardofStatePrisonCommissioners/).

The Attorney General's Office is closing its investigation in this matter. We found no evidence that Complainant's submission of documents to the Prison Commissioners' Board on May 19, 2015, was illegally handled. We find no evidence of a violation of the Open Meeting Law.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By:


GEORGE H. TAYLOR
Senior Deputy Attorney General
Bureau of Government Affairs
Boards and Commissions Division