



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

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April 30, 2015

Via First Class Mail

Domenick Fugarino
9550 S. Eastern Ave. Ste. 253
Las Vegas, Nevada 89123

Re: Open Meeting Law Complaint, A.G. File No. 13897-140,
Mineral County Board of Commissioners

Dear Mr. Fugarino:

I have reviewed your complaint filed on behalf of your company Green Energy Nevada (GEN). The complaint alleges various contract and criminal law issues in the guise of an Open Meeting Law complaint. This office only conducts investigations of matters arising directly under NRS Chapter 241. Allegations against Mineral County sounding in tort for exclusion, fraud, oppression, breach of contract, falsity of the characterization of the relationship between Mineral County and GEN are not within the scope of the investigatory authority of the Attorney General.

The allegation that the Mineral County Board of County Commissioners (MBOCC) failed to notice GEN of its board meeting for January 7, 2015 is contradicted by the facts. The County alleged and proved it properly posted an agenda for its January 7, 2015 MBOCC meeting within the statutory timeframes and even emailed personal notice of the upcoming meeting on January 31, 2014 to you.

Furthermore, my review of the Board's agenda item #17 from the January 7, 2015 meeting convinces me that it is "clear and complete" under the requirements of the OML, especially considering the factual context of GEN's relationship with Mineral County.

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Your complaint that the County's use of the word "proposal" insinuates that the County did not completely or clearly describe the relationship of the parties is belied by the facts. Additionally, GEN's offer to buy county land is a "proposal" until contractual duties are fulfilled in escrow. The agenda item was clear and complete.

This office has no duty under the NRS 241.037 to investigate any further Green Energy Nevada's allegations, which clearly have not arisen under NRS Chapter 241.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By:



GEORGE H. TAYLOR
Senior Deputy Attorney General
Bureau of Government Affairs
Open Meeting Law

Cc: Sean A. Rowe, District Attorney
Mineral County DA's Office
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Hawthorn, Nevada 89415

Mineral County Board of Commissioners
Jerrie Tipton, Chairman
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