



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701-4717

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General

THOM M. GOVER
Acting Chief of Staff

September 16, 2014

Via First Class Mail

Tiecha K. Ashcroft
606 Calcutta Lane
Henderson, Nevada 89015

Re: Open Meeting Law Complaint, A.G. File No. 14-013
Pinecrest Academy of Nevada School Board

Dear Ms. Ashcroft:

We have reviewed an Open Meeting Law (OML) complaint filed with the Office of the Attorney General against the Pinecrest Academy Board of Directors. The complaint alleges the Board failed to provide complainant with its Open Meeting Agenda in advance of each Board meeting. NRS 232.2175; NRS 241.020(3). Failure to provide notice (which includes the agenda, NRS 241.020(2)) to a person, who requests to receive it, is a violation of NRS 241.020(3).

NRS 241.020(3) is set out below:

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) **Providing a copy of the notice to any person who has requested notice of the meetings of the public body.** A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the

meeting for transmittal to the requester by regular mail; or
(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.
(c) **Posting the notice on the official website of the State pursuant to NRS 232.2175** not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.

Delivery of notice and agenda to a person is defined by statute. Notice by mail must be delivered to the Postal Service before 9 a.m. of the third working day before the meeting. Delivery by electronic mail must also be sent to the requester before 9 a.m. of the third working day before the meeting.

We reviewed counsel's reply to the complaint. Pinecrest has taken appropriate steps to rectify its failure to deliver notice and agenda. It has hired an individual to handle the requests for delivery of notice and agenda to requestors. Pinecrest apologized to the complainant for the lapses.

We are confident that the Board of Directors will ensure future compliance with statutory requirements for requests for delivery of notice and agenda. We warn the Board to provide adequate oversight of this administrative duty under the OML, but we don't find that further discipline is necessary.

We are closing our file on this matter.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:


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

GHT:smg

Cc: Corrinne L. Wurm, Esq.

Board Members:

Candace Friedmann, Chairwoman
Randall Walker
Bob Ranney
Ellen Herring