



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
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*Attorney General*

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NICHOLAS A. TRUTANICH  
*Chief of Staff*

April 9, 2015

**Via First Class Mail**

Scott H. Husbands  
1050 Aultman Street  
Ely, Nevada 89301

Re: Open Meeting Law Complaint, A.G. File No. 14-034, Ely City Council

Dear Mr. Husbands:

This letter is to inform you that this office has closed the file we opened in response to your Open Meeting Law (OML) complaint dated December 11, of 2014. The single issue alleged to be a violation of the OML was whether the Ely City Council (City Council) "hired/engaged" attorney John Samberg to represent the City Council in a dispute with your client S&S Railroad, without benefit of notice or agenda item informing the public that the City Council would be hiring a lawyer.

Our office opened an investigation of the alleged violation. We requested a response from the City Council and its attorney Richard Sears. In his response letter, Mr. Sears insisted he had hired John Samberg due to Mr. Sears' conflict of interest with the S&S Shortline. No explanation was given as to the nature of the conflict of interest. Both, you and Mr. Sears submitted relevant minutes and agenda from the December 11, 2014 meeting of the City Council and the members of the Council sitting as trustees for the White Pine Historical Railroad Foundation Board of Trustees (Trustees).

During consideration of the Trustees' December 11, 2014 meeting agenda Item No. C.1, Ely Mayor and Foundation Trustee Melody Van Camp said she did get a phone call from Mr. Samberg today (December 11, 2014). She also said, we did engage Mr. Samberg to send a letter to the S&S Attorney. "We" was not specified; however,

Carol L. White  
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presumably "We" meant each member of the City Council sitting as the Foundation Trustees—not as the Ely City Council. Mr. Sears interjected that he had hired Mr. Samberg. Ms. Van Camp further clarified her statement stating, "Rich [Sears] engaged the letter for Mr. Samberg to send to the S&S."

There was no evidence that the Trustees discussed the matter among themselves before Mr. Sears hired Mr. Samberg. The Trustees formally hired Mr. Samberg a few days later in a public meeting.

Corrective action has been taken and no further action from this office is necessary.

Sincerely,

ADAM PAUL LAXALT  
Attorney General

By:

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

GHT:smg

Cc: Charles H. Odgers, Esq.  
501 Mill Street  
Ely, Nevada 89301

Melody VanCamp, City Mayor  
1125 Murry Street  
Ely, Nevada 89301

Richard W. Sears, Esq.  
1330 Aultman Street  
Ely, Nevada 89301

Members:

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