

FINDINGS OF FACT

1
2 1. The Board held a public meeting on July 15, 2025, via the Zoom platform.
3 There was no physical location noticed for the meeting.

4 2. The agenda listed the following public comment statement: “Public comment
5 may be submitted in writing at sagecollegiatepcs@gmail.com, and any such public comment
6 received prior to the meeting will be provided to the Authority and included in the written
7 minutes of the meeting.” It also stated public comment could be made via telephone but
8 did not include a telephone number that could be dialed.

9 3. During the first public comment period of the July 15 meeting, Complainant
10 brought up that she had submitted written comments via email but did not see them in the
11 materials for the meeting. She stated she had emailed them to “the board email”. She was
12 informed her comments would be added to the minutes of the meeting.

13 4. Item #7 on the agenda for the July 15 meeting read: “Closed session, pursuant
14 to NRS 241.030 [Informational/Discussion] Facilitator: Jennifer Braster, Board Chair.”

15 5. About 7 minutes into the meeting, the Board reached Item #7 and announced
16 that it would be going into closed session. No instructions were given to members of the
17 public regarding logistics of the virtual meeting and the closed session.

18 6. Complainant alleges that all public, including Complainant, were removed
19 from the Zoom meeting and when Complainant attempted to rejoin, she received a message
20 saying the host had removed her from the meeting. Complainant later received an email
21 telling her she could rejoin the meeting but did not see it until after the meeting had
22 adjourned.

23 7. The Board reconvened the meeting and announced that the closed session had
24 been to discuss a pending legal matter. Complainant contends that no attorney
25 representing the Board was present during the meeting and the meeting minutes do not
26 list counsel to the Board. A staff member told the Chair that she could continue and did
27 not need to wait for anyone to rejoin the meeting.

1 8. The Board continued the meeting and finished its agenda in a total time of
2 about 15 minutes, not including the closed session.

3 9. On August 4, 2025, the OAG sent a letter to the Board requesting a response
4 to the Complaint, including any defenses, and records or documents supporting the
5 response. The Board did not respond.

6 10. On November 18, 2025, and January 14, 2026, the OAG followed up on the
7 August 4 request for a response by mailing and emailing letters to the address of the
8 school's main campus, the Executive Director's email address and the email address listed
9 on the school's website to contact the Board. These letters specifically stated if "the OAG
10 does not receive a response from the Board, an opinion may be written without
11 consideration of the Board's position in the matter." To date, the Board has not responded.

12 11. Based on the lack of response from the Board, the only relevant evidence the
13 OAG is in possession of are the statements by Complainant and the agenda, minutes and
14 video recording of the Board's July 15, 2025, meeting, as posted to the Board's website.
15 Accordingly, the OAG views the statements made by Complainant as undisputed.

16 **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

17 The Board is the governing body of the Sage Collegiate Public Charter School. The
18 Board was formed pursuant to Chapter 388A and must comply with the OML. NRS
19 241.015(5); NRS 388A.366.

20 **A. The OAG does not find a violation of the OML with respect to the Board's**
21 **treatment of written public comment.**

22 Public bodies must include periods devoted to comments by the general public during
23 their meetings and must list those periods on their agendas. NRS 241.020(3)(d)(3);
24 241.021(1). Public bodies are not prohibited from taking comments from the general public
25 in addition to the minimum requirements. NRS 241.021(3). The OML does not contain a
26 requirement that public bodies accept written comments, although the OAG encourages
27 the practice.

1 Complainant submitted written public comments prior to the July 15 meeting per
2 the information on the agenda, although the comments may have been emailed to an email
3 address for the Board different from the one listed on the agenda. Regardless, Complainant
4 was able to make public comment live at the meeting as was required by the OML.
5 Complainant’s written comments were later included in the materials for the meeting and
6 remain there today. As such, the OAG does not find a violation of the OML in this respect.

7 **B. The Board violated the OML in its closing of a portion of the meeting to**
8 **the public.**

9 Except as otherwise provided by law, all meetings of public bodies must be open and
10 public. NRS 241.020. The Nevada Supreme Court has held that meetings of public bodies
11 should be open whenever possible to comply with the spirit of the OML. *Chanos v. Nevada*
12 *Tax Commission*, 124 Nev. 232, 239, 181 P.3d 675, 680 (2008). As such, all exceptions
13 should be strictly construed in favor of openness. *Id.* The narrow construction of exceptions
14 to the OML stems from the Legislature’s use of the term ‘specific’ in NRS 241.020(1) and
15 that such exceptions must be explicit and definite. *Id.* Exceptions to the OML extend only
16 to the portions of a proceeding specifically, explicitly, and definitely excepted by statute.
17 *Id.*

18 To be considered a “meeting” under the OML, a quorum of the public body must be
19 present and must deliberate or take action on a matter within the body’s jurisdiction,
20 control or advisory power. NRS 241.015(4). The OML specifically excludes from the
21 definition of a meeting any “gathering or series of gatherings of members of a public body
22 at which a quorum is actually or collectively present . . . to receive information from the
23 attorney employed or retained by the public body regarding potential or existing litigation.”
24 NRS 241.015(4)(c).¹ A public body may hold a closed meeting, often described as a “closed
25 session” to consider the character of a person or perform certain tasks regarding
26 examinations. NRS 241.030(1).

27 _____
28 ¹ NRS 241.015(4)(c) was changed during Nevada’s 2025 legislative session to remove the limitation that
advice from counsel be regarding litigation. However, the language cited above was the operable language
at the time of the meeting at issue.

1 If the gathering at issue were to be considered an attorney-client session and thus
2 not a “meeting” under NRS 241.015(4)(c), the Board would need to have been receiving
3 information from an attorney employed or retained by them regarding potential or existing
4 litigation. However, the OAG does not possess evidence that an attorney retained by the
5 body was present for the gathering. The approved minutes for the July 15 meeting list the
6 five Board members, the Board’s Executive Director, Complainant and someone listed as
7 “potential new Board Member”. The OAG does not possess evidence that anyone else joined
8 the gathering after removal of the public. Thus, the OAG does not find this exception to
9 apply.

10 The agenda for the meeting listed NRS 241.030 as the statute under which Item #7
11 would be closed. In order to close a portion of a meeting under NRS 241.030, the public
12 body must make a motion which specifies the nature of the business to be considered and
13 the statutory authority pursuant to which the body is authorized to close the meeting. NRS
14 241.030(3). In addition, if the closure is to discuss the character of a person, that person’s
15 name must be listed on the agenda. NRS 241.020(3)(d)(5). Unlike attorney-client sessions,
16 “closed sessions” under NRS 241.030 are still part of the “meeting” requiring a recording to
17 be made and minutes to be kept. NRS 241.035.

18 During the closed session at issue, the Board removed all public attendees and
19 stopped the recording. No motion was taken prior to going into the closed session nor was
20 a statement made regarding the nature of the business to be discussed. No person’s name
21 was listed on the agenda other than the Chair, who was listed as the facilitator. After
22 returning to open session, the Board cited discussion of legal matters. Since the Board did
23 not comply with the requirements of NRS 241.030 and it does not appear that the purpose
24 of the gathering was to discuss matters permitted by NRS 241.030, the OAG finds that the
25 Board improperly closed a portion of the July 15 meeting in violation of the OML.
26

27 **C. The Board violated the OML for failing to provide adequate notice to the**
28 **public that it was reconvening the meeting.**

1 Public bodies may hold meetings via a remote technology system so long as members
2 of the public are permitted to “[h]ear and observe the meeting, participate in the meeting
3 by telephone and provide live public comment during the meeting using the remote
4 technology system.” NRS 241.023(1)(b)(2). It is undisputed from the Complaint and the
5 recording that the public, including the Complainant, were able to attend and participate
6 in the portion of the meeting prior to the closed session. However, Complainant alleges
7 that she was unable to participate in the latter portion of the public meeting, because she
8 did not receive the email stating that the Board was reconvening until after the meeting
9 had adjourned. As such, Complainant was unable to make public comment during the
10 second public comment period at the end of the meeting.

11 While the OAG understands that there can be some logistical hurdles with closing
12 portions of a virtual meeting, it is a public body’s responsibility when moving into closed
13 session or recessing during a virtual meeting to ensure the public is given reasonable notice
14 when the body will reconvene. Where the public body members sign off and move to a
15 “breakout room” or separate virtual location, public is allowed to remain signed into the
16 remote technology system and observe when members return. However, where public is
17 removed from the remote technology system entirely, notice must be given when the body
18 will reconvene, such as stating a time certain. *See* NRS 241.020(1). The complete absence
19 of instructions on the agenda or during the meeting regarding how public would be notified
20 to return to the meeting does not meet this reasonableness standard. As such the OAG
21 finds a violation of the OML in this respect.

22 **SUMMARY AND INCLUSION OF AGENDA ITEM**

23 If the Attorney General investigates a potential OML violation and makes findings
24 of fact and conclusions of law that a public body has taken action in violation of the OML,
25 “the public body must include an item on the next agenda posted for a meeting of the public
26 body which acknowledges the Findings of Fact and Conclusions of Law.” NRS 241.0395.
27 The public body must treat the opinion of the Attorney General as supporting material for
28 the agenda item in question for the purpose of NRS 241.020. *Id.*

1 Here, upon investigating the present Complaint, the OAG makes findings of fact
2 and conclusions of law that the Board committed violations of the OML by improperly
3 closing a portion of the meeting to the public and failing to provide adequate notice to the
4 public of its return to open session. Therefore, the Board must place on its next
5 meeting agenda these Findings of Fact and Conclusions of Law and include them in the
6 supporting material for the meeting. The agenda items must acknowledge these
7 Findings of Fact and Conclusions of Law to be the result of the OAG investigation in
8 the matter of Attorney General File No. 13897-554, and that it has been placed there
9 as a requirement of NRS 241.0395.

10
11 Dated: March 31, 2026.

12
13 AARON FORD
14 Attorney General

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16 By: /s/ Rosalie Bordelove
17 ROSALIE BORDELOVE
18 Chief Deputy Attorney General
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 31st day of March 2026, I served the foregoing,
3 **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same
4 in the United States mail, properly addressed, postage prepaid, CERTIFIED MAIL
5 addressed as follows:

6
7 Avalon Korringa

8 [REDACTED]

9 [REDACTED]

10 *Complainant*

11 Certified Mail No.: [REDACTED] 6616

12 Sage Collegiate Public Charter School Governing Board

13 Attn: Sandra Kinne

14 4100 West Charleston Boulevard

15 Las Vegas, Nevada 89107

16 *Respondent*

17 Certified Mail No.: [REDACTED] 6623

18 /s/ Quintina Buck

19 An employee of the Office of the
20 Nevada Attorney General