

1 OFFICE OF THE ATTORNEY GENERAL
2 STATE OF NEVADA

3
4 In the Matter of:

5
6 NEVADA COMMISSION ON AUTISM
7 SPECTRUM DISORDERS
8

A.G. FILE NO.:13897-556

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

9 Steven Cohen filed a complaint with the Office of the Attorney General (“OAG”) pursuant to Nevada Revised Statutes (“NRS”) 241.039 alleging violations of the Nevada Open Meeting Law (“OML”) by the Nevada Commission on Autism Spectrum Disorders (“Commission”) regarding its August 15, 2025, meeting. The Complaint alleges that the Board violated the OML by failing to post all of its supporting material to its website, conducting serial communications in between meetings, and deliberating during public comment periods.

16 The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040. The OAG’s investigation included a review of the Complaint, the Response on behalf of the Commission, the agenda, minutes, and video recording for the Commission’s August 15, 2025, meeting and the minutes of the Commission’s October 17, 2025, meeting. After investigating the Complaint, the OAG determines that the Commission committed a technical violation of the OML by failing to post its draft bylaws as supporting material for its August 15, 2025, meeting where they were to be approved. The OAG does not find violations of the OML with respect to the other allegations.

1 **FINDINGS OF FACT**

2 1. The Commission held a public meeting on August 15, 2025. The meeting was
3 held via a remote technology system without a physical location for members or the public
4 to attend and participate.

5 2. Agenda item #5 of the public notice agenda read “Update Discussion and
6 Possible Vote on CASD Bylaws and public record requirements to post bylaws.”

7 3. The bylaws had been on the agenda for the Commission’s June 20, 2025,
8 meeting, but were not approved at that time.

9 4. The draft bylaws had been posted to the Commission’s website as supporting
10 material prior to the June 20 meeting and were listed as supporting material for that
11 meeting. The draft bylaws were not reposted as supporting material for the August 15
12 meeting.

13 5. During the August 15 meeting, the bylaws were discussed and approved.

14 6. Agenda item #7 of the public notice agenda read “Review Analysis of 2015-
15 2020 Strategic Plan. Discussion and Possibly Vote to approve assignments for layout,
16 research, deadlines, and writing tasks to members.”

17 7. After introducing Item #7, the Chair stated she had developed a draft of the
18 Strategic Plan and wanted to send it to other members for review with a plan that they
19 would submit a Google form to her with their input. The Chair’s plan was to incorporate
20 the input into a finished draft that she would present at the Commission’s October 17
21 meeting for its approval.

22 8. After some discussion, the Commission passed a motion that the Chair would
23 send her draft Strategic Plan to the other members along with a Google form where they
24 would submit their input on the goals and objectives by September 15, 2025, and she would
25 present an updated draft at the October 17 meeting.

26 9. During the public comment periods of the August 15 meeting, some questions
27 were asked with respect to clarifying acronyms used by commenters. The Chair
28

1 commented a few times, but no substantive discussion occurred by members of the
2 Commission.

3 10. Complainant filed the instant complaint, alleging that the Commission
4 violated the OML by (1) failing to post the draft bylaws as supporting material for the
5 August 15 meeting, (2) approving a plan for drafting and providing input on the Strategic
6 Plan that involved serial communication amongst a quorum of members, and (3)
7 deliberating during public comment on items not on the agenda for the meeting.

8 9 LEGAL STANDARDS AND CONCLUSION OF LAW

10 The Nevada Commission on Autism Spectrum Disorders is a “public body” as defined
11 in NRS 241.015(5); therefore, the Commission is subject to the OML.

12 **A. The Commission committed a technical violation of the OML by failing to** 13 **post the draft bylaws to its website as supporting material for its August** 14 **15 meeting.**

15 If a public body holds a meeting using a remote technology system and has no physical
16 location for the meeting, the public body must post supporting material to its website. NRS
17 241.020(11)(b). “Supporting material” under the OML means, “material that is provided to
18 at least a quorum of members of a public body by a member or staff member to the public
19 body and that the members of the public body would reasonably rely on to deliberate or take
20 action on a matter contained in a published agenda.” NRS 241.015(8).

21 The document at issue, the draft bylaws for the Commission, was provided to a
22 quorum of the Commission for its June 20 meeting. A connection between a document that
23 has been received by members of a public body for a prior meeting, where it was made
24 available to the public, with an agenda item for a later meeting does not alone cause it to
25 become supporting material for the later meeting. *In re Washoe County Board of*
26 *Commissioners*, OMLO 13897-529 at 2-3 (Nov. 26, 2025). However, in this instance, the
27 agenda item called for the specific document at issue to be approved. As such, the OAG finds
28 it to meet the definition of supporting material for Item #5 of the August 15 meeting and
thus was required to be posted to the Commission’s website.

1 The OAG notes that the document was posted to the website at the time of the
2 meeting, but it was posted as supporting material for another meeting. When posted to a
3 public body's website, supporting material must be posted in a way that a member of the
4 public could reasonably be able to find it. See OMLO 13897-529. It is not reasonable for a
5 member of the public to have to search prior meetings to find supporting material for a later
6 meeting. As such, the OAG finds a technical violation of the OML.

7 **B. The Commission did not violate the OML in its drafting of the Strategic**
8 **Plan.**

9 Except as otherwise provided by law, all meetings of public bodies must be open and
10 public. NRS 241.020(1). Although, the OML is not intended to prohibit every private
11 discussion of a public issue. *Dewey v. Redevelopment Agency of Reno*, 119 Nev. 87, 94 (2003).
12 A "meeting" under the OML includes any gathering or series of gatherings at which a quorum
13 is present, either in person or via electronic communication, held with the specific intent to
14 avoid the provisions of the OML. NRS 241.015(4)(a)(2). However, the definition of a
15 "meeting" does not include any gathering or series of gatherings if the members of the public
16 body do not *deliberate toward a decision or take action* on a matter over which the public
17 body has supervision, control, jurisdiction or advisory power. NRS 241.15(4)(b). To
18 "deliberate" under the OML means "collectively to examine, weigh and reflect upon the
19 reasons for or against the action," including "the collective discussion or exchange of facts
20 preliminary to the ultimate decision." NRS 241.015(3).

21 The evidence in this matter indicates that the Commission's plan was for the Chair to
22 send a draft document to all members, for them to review it individually and prepare
23 responses to a specific set of questions from the Chair. Those responses were then to be sent
24 directly to the Chair, who planned to compile them into a revised draft that would be
25 presented back to the Commission during a public meeting. The OAG does not possess
26 evidence that the Commission deviated from that plan in its creation of the Strategic Plan.
27 The Chair did indeed present a revised Strategic Plan draft to the Commission for approval
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1 at its October 17 meeting and the OAG does not possess evidence of an intent to avoid the
2 requirements of the OML.

3 The collective drafting of a report or other document by a public body provides
4 logistical difficulties. The issue at hand is whether sending responsive opinions/edits to a
5 document constituted deliberation and/or action by the Commission as it occurred in between
6 public meetings. The OAG finds that because the responses on the Google form were only
7 sent to the Chair and not to other members of the Commission and the edited document was
8 presented to the Commission at a public meeting, the Commission did not engage in
9 deliberation or action outside of a public meeting. Thus, the OAG does not find a violation
10 of the OML in this respect. *In re Fernley City Council*, OMLO 13897-544 at 2 (“serial
11 communications or informal discussions among public officials do not violate the OML unless
12 they amount to deliberation toward a decision”).

13 **C. The Commission did not deliberate during public comment.**

14 The agenda for a public meeting must include clear and complete statements of the
15 topics scheduled to be considered and periods devoted to comments by the general public and
16 discussion of those comments. NRS 241.020(3)(d); *Sandoval v. Board of Regents of Univ.*,
17 119 Nev. 148, 154 (2003). As such, a public body may not deliberate or take action on a
18 matter raised during public comment unless that item is also included on the agenda. The
19 inclusion of “discussion of those comments” in NRS 241.020(3)(d)(3), means members of
20 public bodies are not prohibited from responding to comments from members of the general
21 public and/or discussing those comments so long as their discussion does not rise to the level
22 of deliberation.

23 During the August 15 meeting, public commenters were asked to clarify acronyms
24 they used and the Chair made a few comments and/or questions regarding comments made.
25 There was no deliberation amongst the Commission during the public comment periods on
26 any matter, let alone one not otherwise on the agenda. As such, the OAG does not find a
27 violation of the OML in this respect.

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1 **SUMMARY**

2 Upon investigating the present Complaint, the OAG makes findings of fact and
3 conclusions of law that the Nevada Commission on Autism Spectrum Disorders committed
4 a technical violation the OML as described above. If the Attorney General investigates a
5 potential OML violation and makes findings of fact and conclusions of law that a public
6 body has taken action in violation of the OML, “the public body must include an item on
7 the next agenda posted for a meeting of the public body which acknowledges the findings
8 of fact and conclusions of law.” NRS 241.0395. The public body must treat the opinion of
9 the Attorney General as supporting material for the agenda item in question for the
10 purpose of NRS 241.020. *Id.* Accordingly, the Commission must place an item on its next
11 meeting agenda in which is acknowledges the present Findings of Fact and Conclusions of
12 Law (“Opinion”) resulting from the OAG’s investigation in this matter. The Board must
13 also include the OAG Opinion in the supporting materials for its next meeting.

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15 Dated: May 1, 2026.

16 AARON FORD
17 Attorney General

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19 By: /s/ Rosalie Bordelove
20 ROSALIE BORDELOVE
21 Chief Deputy Attorney General
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 1st day of May 2026, I served the foregoing **FINDINGS**
3 **OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same in the United
4 States mail, properly addressed, postage prepaid, CERTIFIED MAIL addressed as follows:

5
6 Steven Cohen

7 [REDACTED]
8 *Complainant*

9 Certified Mail No.: [REDACTED] 6654

10
11 Autumn Blattman
12 Regional Coordinator of Office of Community Living

13 [REDACTED]
14 *Representative for Respondent*

15 Certified Mail No.: [REDACTED] 6661

16 */s/ Quintina Buck* _____
17 An employee of the Office of the
18 Nevada Attorney General
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