

OFFICE OF THE ATTORNEY GENERAL

STATE OF NEVADA

In the Matter of:

NEVADA STATE HIGH SCHOOL
GOVERNING BOARD

A.G. FILE NO.:13897-558

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

Pamela Wells and Wendi Hawk filed complaints 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 State High School Governing Board (“Board”) regarding its actions both during and outside of meetings between April and November, 2025. The Complaints allege that the Board violated the OML by:

1. Creating a subcommittee to conduct its CEO search that did not comply with the OML,
2. Improperly going into closed session on August 7, 2025, to discuss Complainant Wells’ character,
3. Failing to timely send meeting documents when requested,
4. Improperly going into closed session during its November 19, 2025, meeting to receive advice from counsel, and
5. Taking action on an item during its November 19, 2025, meeting without a clear and complete statement listed on the agenda.¹

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 Complaints and supplemental material; the Responses on behalf of the Board, including declarations from multiple staff members and a Board member; and the agendas, minutes, and audio recordings for

¹ The Complaints also included allegations that fell outside of the NRS 241.039’s 120-day time limitation and/or did not fall within NRS Chapter 241. As such, those allegations are not addressed in this opinion.

1 meetings of the Board during the period at issue. After investigating the Complaints, the
2 OAG determines that the Board violated the OML by creating a subcommittee that
3 conducted the School's CEO search and selecting a final candidate without complying with
4 the OML. The OAG does not find violations with respect to the other allegations.

5 **FINDINGS OF FACT**

6 1. The former CEO of Nevada State High School gave notice that he would be
7 resigning during the Spring of 2025.

8 2. The Board held a public meeting on April 29, 2025, where it appointed
9 Melissa McCormick as Interim CEO while it conducted a search for a permanent CEO.

10 3. At the same meeting, the Board instructed its Human Resources Director,
11 Tristan Gallego, to form a Succession Advisory Team ("SAT") consisting of up to eight
12 members including Mr. Gallego, two Board members and one executive leadership
13 member. The SAT was tasked with preparatory items for the CEO search, such as
14 adjusting the CEO's job description and researching the potential of using a search firm.

15 4. Mr. Gallego then formed the SAT and selected its members. The SAT
16 consisted of five members: Mr. Gallego, Board Members Jonathan Via and Darrell Ward,
17 Board staff member Amy Davis and a contractor to the Board, Judy Gugino.

18 5. The Board held a public meeting on May 22, 2025. At the meeting, the Board
19 delegated to the SAT the duty of searching for and recommending the school's new CEO.

20 6. Between May 22 and July 18, the SAT reviewed candidate applications and
21 narrowed the applicant pool to four finalists. Those finalists were interviewed by the SAT
22 on or around July 17.

23 7. On July 18, an email was sent out to all Nevada State High School staff
24 announcing Ms. McCormick as the School's new CEO.

25 8. The Board held a public meeting on August 7, 2025. Item #3 of the Board's
26 agenda read:

27 CHIEF EXECUTIVE OFFICER CONFIRMATION: Confirming Melissa
28 McCormick, M.Ed as Chief Executive Officer following SAT selection.
(Succession Advisory Team, Tristan Gallego) ***(For Possible Action)***.

1 9. During the August 7 meeting, the Board entered a closed gathering with its
2 legal counsel to discuss issues relating to Complainant Wells, an employee of the school.
3 Ms. Wells was not permitted to attend the gathering and was not given notice that it would
4 occur.

5 10. On August 11, the Board sent a termination letter to Ms. Wells.

6 11. On October 25, Complainant Hawk emailed a request to the Board for
7 meeting records for three of the Board's meetings. On November 3, the Board's attorney
8 responded with links to the meeting minutes.

9 12. The Board held a public meeting on November 19, 2025. Agenda Item 7 was
10 listed as a closed session with legal counsel and Items 8 and 9 on the public notice agenda
11 read:

12 Item 8: "Consideration and possible administrative or other action, if any,
13 following information from NSHS legal counsel. (***For Possible Action***)

14 Item 9: "Approval and Ratification (consistent with NRS 78.0296, to the extent
15 applicable per se or by analogy to an NRS Cha. 82 entity governed by NRS
16 Cha. 241) of a Contract regarding the Processing of Immunization Records
(Mark Gardberg, Howard & Howard) (***For Possible Action***)

17 13. During the November 19 meeting, the Board recessed from the main meeting
18 to consult with legal counsel under Item 7 for 32 minutes. Upon their return, Item 8 was
19 not called and the Board moved on to Item 9.

20 14. Under Item 9, the Board's attorney stated that the contract at issue was
21 between the school and CEO Melissa McCormick's spouse. He further stated that the
22 contract had already been completely performed and the Board was only being asked to
23 ratify the contract. The Board voted unanimously to ratify the contract.

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LEGAL STANDARDS AND CONCLUSION OF LAW

The Board, as the governing body of a Nevada charter school, is a public body as defined in NRS 241.015(5) and is subject to the OML. NRS 388A.320(5); NRS 241.015(5).

A. The Board and the Succession Advisory Team, its subcommittee, violated the OML by failing to conduct open meetings.

The OML requires all meetings of public bodies to be open and public. NRS 241.020(1). The spirit and policy behind the OML further favors open meetings. *McKay v. Board of Supervisors*, 102 Nev. 644, 651, 730 P.2d 438, 443 (1986). It should be liberally construed and broadly interpreted to promote openness in government. *Dewey v. Redevelopment Agency of City of Reno*, 119 Nev. 87, 94 (2003). The OML includes in its definition of a public body subcommittees of public bodies, specifically:

- (d) A subcommittee or working group consisting of at least two people who are appointed by a public body described in paragraph (a), (b) or (c) if:
 - (1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or
 - (2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action; NRS 241.015(5)(d).

The Board contends that the SAT was not a “subcommittee” under the OML because the Board did not set up the SAT as an official Board committee, the majority of members were not Board members and because the Board did not select the individual members, it did not “appoint” the SAT. The OAG disagrees and finds that the SAT was a subcommittee under the definition contained in NRS 241.015(5)(d).

Regardless of title or designation as an official “committee”, a body that meets the definition contained in the OML is a “subcommittee” and required to hold open meetings. *See Foley v. Pont*, 2013 WL 1010320 at 5 (D. Nev. 2013) (“As the proverb goes, ‘if it walks like a duck, quacks like a duck, looks like a duck, it must be a duck.’”). The SAT included two Board members and two employees of the Board in its five members. It was also authorized by the Board to conduct a search for the Board’s CEO and make a recommendation regarding

1 a final candidate. Mr. Gallego even announced the SAT's final selected candidate as the
2 chosen candidate prior to the Board's approval.

3 While the Board did not initially select the members of the SAT, it delegated specific
4 authority to the SAT at its May 22 meeting after knowing who the members were.
5 Delegation of authority contemplated by NRS 241.015(5)(d)(2) to a known pre-existing body,
6 whether or not it is already a "public body" under the OML, certainly makes it a public body
7 under the law. This finding is consistent with prior opinions of the OAG finding bodies that
8 are not explicitly created as a subcommittee to still be subcommittees or working groups
9 under the law. *In re Churchill County Board of Commissioners*, OMLO 13897-550 (May 20,
10 2026) (discussing prior OAG opinions regarding creation of subcommittees both before and
11 after the addition of NRS 241.015(5)(d)(2)'s definition). Thus, the SAT's failure to open its
12 meetings to the public constitutes a violation of the OML.

13 **B. The Board did not violate the OML by attending an attorney-client**
14 **session on August 7, 2025, wherein it discussed issues relating to**
15 **Complainant Wells' potential termination.**

16 Public bodies may not hold meetings to consider a person's character unless they have
17 given written notice to that person and must permit that person to attend the meeting along
18 with his or her counsel. NRS 241.033(1), (4). However, the Nevada Legislature has excepted
19 from the OML gatherings of public bodies at which a quorum is present "[t]o receive
20 information from the attorney employed or retained by the public body regarding potential
21 or existing litigation involving a matter over which the public body has supervision, control,
22 jurisdiction or advisory power and to deliberate toward a decision on the matter, or both."
23 NRS 241.015(4)(c).²

24 The parties do not dispute that a quorum of the Board met with its counsel on August
25 7 and that they discussed Complainant Wells' character and potential termination.

26 ² The Nevada Legislature amended NRS 241.015(4)(c) during its 2025 legislative session to remove the
27 requirement that an attorney-client session be limited to potential or existing litigation. However, this
28 language did not go into effect until October 1, 2025. As such, the language cited here was the operable
language at the time of the alleged violation. Assembly Bill 64 of the 2025 Nevada Legislative Session,
available at <https://www.leg.state.nv.us/App/NELIS/REL/83rd2025/Bill/11873/Text#>.

1 Complainant Wells contends that because her character was discussed, she was entitled to
2 receive notice of and attend the gathering pursuant to NRS 241.033. The OAG disagrees.
3 Attorney-client sessions are an exception to the definition of a “meeting” under the OML.
4 NRS 241.015(4)(c). As such, the requirements of NRS 241.033 do not apply so long as the
5 content of the discussion during the gathering stays within the limits of the attorney-client
6 exception.

7 Complainant Wells further contends that because she was not party to any litigation
8 with the Board and had not threatened litigation, the discussion could not have related to
9 “potential or existing litigation.” This gathering was not recorded, nor was it required to be,
10 and the OAG is limited in its inquiry into the meeting as it is covered by the attorney-client
11 privilege. NRS 49.095. However, the history between the parties and the parties’ actions
12 after Complainant Wells’ termination indicate that it was reasonable for the Board to
13 consider its actions the potential subject of future litigation. *See In re Nevada State High*
14 *School Governing Board*, OMLO 13897-491 at 3-4 (Jul. 9, 2024). Thus, the OAG finds
15 sufficient evidence that the purpose of the gathering fits within NRS 241.015(4)(c)’s exception
16 to the definition of a meeting and the Board did not violate the OML by excluding the
17 Complainant Wells from the gathering.

18 **C. The Board did not violate the OML in its response to Complainant**
19 **Hawk’s request for meeting records.**

20 The OML requires public bodies to provide or allow to be inspected, upon request,
21 copies of agendas, meetings materials and minutes. NRS 241.020(7); 241.035. Complainant
22 Hawk alleged that the Board failed to timely respond to her request for meeting information
23 submitted on Saturday, October 25.³ The Board responded with links to the requested
24 records on November 3, one week later. The time frame contemplated by the OML with
25 respect to inspection of minutes is that they must be available for inspection by the public

26 ³ Complainant Hawk requested other records from the Board that were not meeting related. As those records
27 do not fall under the OML’s production requirements, they are not addressed in this opinion. Complainant
28 also alleged violations of the Nevada Public Records Act, NRS Chapter 239. The OAG does not have
jurisdiction on an OML complaint to opine on NRS Chapter 239 and those allegations are not addressed in
this opinion.

1 within 30 working days after adjournment of the meeting. NRS 241.035(2). The law does
2 not state how quickly a public body must respond to a request for records. The OAG finds
3 the production timeline in this instance to be reasonable and not in violation of the OML.

4 **D. The Board did not violate the OML by attending an attorney-client**
5 **session with its counsel during its November 19, 2025 meeting.**

6 As discussed previously, the OML contains an exception to the definition of a meeting
7 allowing a public body to gather as a quorum with its counsel. This exception was amended
8 during Nevada's 2025 Legislative Session and now states that the definition of a meeting:

9 Does not include a gathering or series of gatherings of members of a public body
10 at which a quorum is actually or collectively present, whether in person, by use
11 of a remote technology system or by means of electronic communication, to
12 receive legal advice from the attorney employed or retained by the public body
13 regarding a matter over which the public body has supervision, control,
jurisdiction or advisory power and to deliberate on the matter, provided such
deliberation is limited to the legal advice.

14 NRS 241.015(4)(c). The change removed the requirement that the advice being received by
15 the public body be limited to potential or existing litigation and went into effect on October
16 1, 2025. Nevada Assembly Bill 64, *supra*. As such, the amended language shown above was
17 the operable language at the time of the November 19 meeting. The OAG does not possess
18 evidence, and the Complaint does not allege, that the Board discussed or deliberated on
19 matters other than advice from counsel who attended the gathering. As such the OAG does
20 not find a violation of the OML in this respect.

21 **E. The Board did not violate the OML in its actions taken under Items 8**
22 **and 9 of its November 19, 2025, agenda.**

23 NRS 241.020(3)(d) requires that a meeting agenda include "a clear and complete
24 statement of the topics scheduled to be considered." The Nevada Supreme Court has
25 confirmed that the purpose of agenda specificity is to provide the public with notice of what
26 topics will be discussed, not to mandate disclosure of every detail associated with an agenda
27 item, especially when supplemental materials are made available. *See Sandoval v. Board of*

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Regents, 119 Nev. 148, 155 (2003). In addition, public bodies may remove an item from their agenda at any time. NRS 241.020(3)(d)(6)(III).

During the November 19 meeting, the Board recessed for an attorney-client session under Item 7, skipped or “removed” Item 8 and proceeded to act on Item 9. Thus, our inquiry in only whether the discussion and action under Item 9 strayed beyond the statement on the agenda. The OAG finds that it did not. The agenda item stated that the Board would consider whether to ratify a contract regarding processing of immunization records. During the item, the attorney for the Board presented some additional information regarding the item, little to no discussion occurred, and the Board voted to ratify. This fit within the stated agenda item and did not violate the OML.

SUMMARY

Upon investigating the present Complaint, the OAG makes findings of fact and conclusions of law that the Nevada State High School Governing Board violated the OML as described above. If the Attorney General investigates a potential OML violation and makes findings of fact and conclusions of law that a public body has taken action in violation of the OML, “the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges the findings of fact and conclusions of law.” NRS 241.0395. The public body must treat the opinion of the Attorney General as supporting material for the agenda item in question for the purpose of NRS 241.020. *Id.* Accordingly, the Board must place an item on its next meeting agenda in which is acknowledges the present Findings of Fact and Conclusions of Law (“Opinion”) resulting from the OAG’s investigation in this matter.

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1 The Board must also include the OAG Opinion in the supporting materials for its next
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4 Dated: September 30, 2026.

5 AARON FORD
6 Attorney General

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8 By: /s/ Rosalie Bordelove
9 ROSALIE BORDELOVE
Chief Deputy Attorney General

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