

CRAIG A. NEWBY
First Assistant Attorney General

AARON D. FORD
Attorney General

LESLIE NINO PIRO
General Counsel

CHRISTINE JONES BRADY
Assistant Attorney General



HEIDI PARRY STERN
Solicitor General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

1 State of Nevada Way, Suite 100
Las Vegas, Nevada 89119

June 10, 2026

Via U.S Mail and Email

Tony P. Simmons



**Re: Open Meeting Law Complaint, OAG File No. 13897-561
Public Utilities Commission of Nevada**

Dear Mr. Simmons:

The Office of the Attorney General ("OAG") is in receipt of your complaint ("Complaint") alleging violations of the Open Meeting Law, NRS Chapter 241, ("OML") by the Public Utilities Commission of Nevada ("Commission") regarding the notice for its November 18, 2025, meeting.

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 of the Complaint included a review of the Complaint, the Response on behalf of the Commission, and the agenda and mailing information for the Commission's November 18, 2025, meeting. The OAG concludes that the that the Commission did not violate the OML as alleged in the complaint.

FACTUAL BACKGROUND

The Commission held a public meeting on November 18, 2025. On the afternoon of November 12, 2025, Commission staff completed a posting checklist consisting of the Commission's internal procedural requirements for posting and mailing agendas for its meetings. The posting checklist included preparing notices to be mailed to the Commission's requestor list, metering them at the State mail room and then delivering them to the Carson City post office. Particularly, the checklist included the following note: "Take the postmarked envelopes directly to the Carson City Post Office. Note – the envelopes must be taken inside the post office; do not use the drive-up boxes." The staff member signed that checklist as being completed at 4:31 p.m. on November 12.

Complainant, who has a standing request with the Commission to be mailed notices of its meetings, received a mailed notice for the November 18 meeting that had been postmarked by the United States Postal Service in the afternoon or evening of November 13, 2025, as the postmark listed "PM". The Commission provided images of notice mailings from the same batch as Complainant's that had been returned to sender. They show a postage meter stamp listing November 12 and a postmark listing Reno, Nevada, and November 13.

Complainant filed the instant complaint alleging the notice was not mailed by 9 a.m. on the third working day prior to the meeting in violation of the OML.

LEGAL ANALYSIS

The Public Utilities Commission of Nevada, created by NRS 703.020, is a "public body" as defined in NRS 241.015(5) and subject to the OML. Minimum public notice of a meeting includes "Providing a copy of the notice to any person who has requested notice of the meetings of the public body." NRS 241.020(3)(c). Further, the notice must be "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." *Id.* To comply with this requirement, a public body must reasonably ensure the notice will be in the possession of the postal service by the deadline. *In re Discovery Charter School Governing Board*, OMLO 13897-250 & 258 at 5 (May 2, 2018) (finding that depositing notices in an internal outgoing mail basket prior to 9 a.m. when the mail was not normally picked up by the postal service until the afternoon to be a violation).

It is undisputed that the Complainant had requested notices be sent to him via regular mail and that the Commission was required by the OML to send such a notice by 9 a.m. of the third working day before the meeting, or 9 a.m. on November 13. A postmark alone is not determinative of when a notice

has been delivered to the post office. Postmarking Myths and Facts, United States Postal Service (Jan. 2, 2026), <https://about.usps.com/newsroom/statements/010226-postmarking-myths-and-facts.htm>. The evidence indicates that the notices were delivered to the Carson City post office on the afternoon of November 12, prior to the third working day deadline, and were then transmitted by the U.S. Postal Service to Reno where they were later postmarked after 12 p.m. on November 13. Thus, the OAG does not find a violation of the OML with respect to the notice's mailing.

CONCLUSION

Upon review of your Complaint and available evidence, the OAG has determined that no violation of the OML has occurred. The OAG will close its file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

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

cc: Garrett Weir, General Counsel to the Commission