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July 31, 2026

Via U.S Mail

Catherine M. Bakaric
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-579
White Pine County Board of Commissioners**

Dear Ms. Bakaric:

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 White Pine County Board of Commissioners (“Board”) regarding its April 22, 2026, 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 Board, and the agenda, minutes and recording of the Board’s April 22, 2026, meeting. After investigating the Complaint, the OAG determines that the Board did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

The Board held a public meeting on April 22, 2026. The Complainant, who served as the County Treasurer, was not present at the meeting. The meeting’s public notice agenda included the following item relevant to this complaint:

4. ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS

B. ELECTED OFFICIALS

1. Catherine Bakaric, Treasurer

- a) Discussion/ Update: Delinquent tax affidavit
- b) Discussion/ Update: Treasurer's monthly report for February 2026

During discussion of Agenda Item 4(B)1(b), Chair Paula Carson addressed the Board & Asset Management Billings report for the month ending February 28, 2026. She noted that the report reflected a balance of \$26.1 million and included a notation indicating that the figure had been corrected due to a typographical error in the January 2026 report. Chair Carson stated that she had not seen a revised January 2026 report reflecting that correction.

Chair Carson then referenced the correction and questioned how it could be attributed to a typographical error because it reflected a \$1.9 million reduction. The Chair continued, referring to the report as "the report that the Treasurer refuses to give to the Board" and adding that she had "no confidence in these numbers."

As discussion of the report concluded, Chair Carson invited additional questions or discussion. Commissioner Vogler then inquired whether the Board could speak with the Attorney General to seek a resolution.

District Attorney Brown immediately interjected, advising that the matter was not on the agenda and that the item was for discussion and updates only. Chair Carson followed, clarifying that the discussion concerned the reports and informing the citizens of White Pine County that the Board was "just discussing and updating." Commissioner Vogler responded that he believed his question fell within the discussion but acknowledged that he could not pursue it further. The Board concluded the discussion of Agenda Item 4(b)1(b).

Complainant Bakaric (hereinafter "Complainant") filed the instant complaint, alleging that she did not receive proper notice that Chair Carson would discuss her character, alleged misconduct, and competence during the April 22, 2026, meeting.

LEGAL ANALYSIS

The White Pine County Board of Commissioners is a "public body" as defined in NRS 241.015(4), and therefore, is subject to OML.

The Board did not violate the OML by discussing discrepancies in the February 2026 Treasurer's report or by inquiring about obtaining missing reports.

A public body may not hold a meeting to consider the character, alleged misconduct, professional competence or physical or mental health of any person unless the body has provided written notice to that person of the time and place of the meeting and received proof of service of the notice. NRS 241.033. However, the OML provides that “casual or tangential references to a person or the name of a person during a meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.” NRS 241.033(7).

In evaluating alleged violations of NRS 241.033, the OAG reviews the actual discussion by the public body, including the substance of the remarks and relevant contextual cues. See *In re Humboldt County Board of Commissioners* OMLO No. 13897-464 (April 19, 2024); *In re Esmeralda County Board of Commissioners*, OMLO No. 13897-419 (Jan. 16, 2023); *In re Mineral County School District Board of Trustees*, OMLO No. 13897-406 (May 31, 2022); *In re Lander County Commissioners*, OMLO No. 13897-351 (Aug. 5, 2020). Where comments are limited and tangential, and no formal consideration occurs, the notice requirement does not apply.

Here, the Board did not meet to consider the Complainant's character, alleged misconduct, professional competence, or physical or mental health. Rather, the discussion was limited to the Treasurer's monthly report for February 2026 which was properly and timely noticed on the agenda. Chair Carson's remarks remained focused on the contents of that report, the reported correction, and the availability of requested reports. Although Chair Carson expressed skepticism regarding the reported correction and referenced the Complainant in connection with the reports, her remarks remained within the scope of the noticed agenda item. They did not constitute a substantive evaluation of the Complainant's character or professional competence. Consistent with prior OAG opinions, those references did not rise to the level of “consideration” contemplated by NRS 241.033.

Likewise, Commissioner Vogler's inquiry sought clarification regarding whether the Board could seek assistance from the Attorney General in obtaining the reports under discussion. The inquiry was immediately curtailed and no further discussion occurred. No additional Board members participated in any discussion concerning the Complainant, and the Board did not collectively deliberate regarding her character, alleged misconduct, professional competence, or physical or mental health.

Accordingly, because the discussion remained within the scope of the properly noticed agenda item and did not involve consideration of the Complainant's character, alleged misconduct, professional competence, or

physical or mental health, the Board was not required to provide notice under NRS 241.033. The OAG therefore finds no violation of the OML.

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 the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

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