

1 OFFICE OF THE ATTORNEY GENERAL  
2 STATE OF NEVADA

3  
4 In the matter of:  
5 NEVADA PREP CHARTER SCHOOL  
6 GOVERNING BOARD

AG FILE NO.: 13897-362  
**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

7  
8 **BACKGROUND**

9 Ron Tetirick filed a Complaint (Complaint) with the Office of the Attorney General  
10 (OAG) alleging violations of the Nevada Open Meeting Law (OML) by the Nevada Prep  
11 Charter School Governing (Board). The Complaint alleges that the Board violated the OML  
12 by failing to send notice to complainant of its January 22, 2020 meeting three working days  
13 prior to the meeting.

14 The OAG has statutory enforcement powers under the OML and the authority to  
15 investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS  
16 241.040. The OAG's investigation of the Complaint included a review of the Complaint,  
17 the Response from the Board, and the agenda of the Board's January 22, 2020 meeting.

18 After investigating this matter, the OAG determines that the Board violated the  
19 OML by failing send a copy of its agenda to Complainant three working days prior to the  
20 meeting.

21 **FINDINGS OF FACT**

22 1. Board is a "public body" as defined in NRS 241.015(4) and NRS 388A.366(1)  
23 and is subject to the OML.

24 2. The Board sent the public notice agenda for its January 22, 2020 meeting to  
25 Complainant on January 17, 2020. The Board subsequently held a meeting on January 22,  
26 2020.

27 3. Monday, January 20, 2020 was the third Monday in January and was a  
28 Nevada State holiday in observance of Martin Luther King Jr.'s birthday.

1 **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

2 The legislative intent of the OML is that actions of public bodies “be taken openly,  
3 and that their deliberations be conducted openly.” NRS 241.010(1); *see also McKay v. Board*  
4 *of Supervisors*, 102 Nev. 644, 651, 730 P.2d 438, 443 (1986) (“the spirit and policy behind  
5 NRS chapter 241 favors open meetings”). Public bodies working on behalf of Nevada  
6 citizens must conform to statutory requirements in open meetings under an agenda that  
7 provides full notice and disclosure of discussion topics and any possible action. *Sandoval*  
8 *v. Board of Regents*, 119 Nev. 148, 67 P.3d 902 (2003). Any exceptions to the open meeting  
9 law must be narrowly construed. *McKay* at 651.

10 NRS 241.020(3) requires written notice of all meetings of public bodies to be given  
11 at least three working days before the meeting. While not specifically defined in the OML,  
12 the OAG has consistently interpreted “working days” to mean every day of the week except  
13 Saturday, Sunday and any day declared to be a legal holiday. NEVADA OPEN MEETING LAW  
14 MANUAL at 46 (12th ed. 2016); Open Meeting Law Opinion 99-06 at 3 (Mar. 19, 1999).  
15 Martin Luther King, Jr.’s birthday is on January 15, but is observed as a legal holiday each  
16 year on the third Monday in January. NRS 236.015(1).

17 The Board held a meeting on January 22, 2020, meaning that notice of the meeting  
18 was required to be posted and sent by 9:00 a.m. on January 16, 2020, the third working  
19 day prior to the meeting. The Board violated the OML by sending notice to complainant  
20 on January 17, 2020, only two working days prior to the meeting.

21 In its response, the Board acknowledged that it had misinterpreted the meaning of  
22 “working day” under the OML and has adjusted its policies and procedures accordingly.  
23 The OAG does not find it necessary for further action at this time.

24 **SUMMARY**

25 Because the OAG finds that the Board has violated the OML, the Board must place  
26 these Findings of Fact and Conclusions of Law on its next meeting agenda and include  
27 them in the supporting material. The agenda item must acknowledge these Findings of  
28 Fact and Conclusions of Law to be the result of the OAG investigation in the matter of the

1 Attorney General File No. 13897-362, and that they have been placed on the agenda as a  
2 requirement of NRS 241.0395.

3 Dated: April 14, 2021.

4 AARON D. FORD  
Attorney General

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6 By: /s/ Rosalie Bordelove  
7 ROSALIE BORDELOVE  
8 Deputy Attorney General  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 13<sup>th</sup> day of April, 2021, 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 Ronald Tetirick  
7 [REDACTED]  
8 [REDACTED]

9 **Certified Mail No.:** [REDACTED]

10 David Blodgett, Executive Director  
11 Nevada Prep Charter School  
12 2525 Emerson Ave.  
13 Las Vegas, NV 89121

14  
15 **Certified Mail No.: 7020 9640 0000 7651 8176**

16 /s/ Debra Turman  
17 An employee of the Office of the  
18 Nevada Attorney General