

OFFICE OF THE ATTORNEY GENERAL  
STATE OF NEVADA

In the Matter of:

SAGE COLLEGIATE CHARTER  
SCHOOL GOVERNING BOARD

A.G. FILE NO.:13897-515

**FINDINGS OF FACT**  
**AND CONCLUSIONS OF LAW**

The Office of the Attorney General (“OAG”) received two complaints filed pursuant to Nevada Revised Statutes (“NRS”) 241.039 that allege Sage Collegiate Public Charter School Governing Board (“Sage”) violated the Nevada Open Meeting Law (“OML”). Avalon Korringa submitted a complaint on March 21, 2024 (“Korringa Complaint”), and Robert Diaz submitted a complaint on June 5, 2024 (“Diaz Complaint”). The Korringa Complaint alleges Sage (1) failed to provide past meeting minutes as requested; (2) did not properly notice a meeting that took place remotely on December 12, 2023; and (3) noticed an in-person meeting for March 5, 2024, but held the meeting remotely without timely notice. The Diaz Complaint separately alleges Sage (1) improperly restricted public comment at its June 3, 2024 meeting and (2) violated the OML at the same meeting when it addressed one agenda item in a perfunctory manner and skipped another item entirely.

The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037, 241.039, 241.040. The OAG’s investigation included a review of the Complaints, Sage’s response and website, the minutes for the meetings on December 12, 2023 and March 5, 2024, the recording of Sage’s June 3, 2024 meeting, and the notices and agendas for all three meetings. Based on this investigation, the OAG determines that Sage violated the OML as alleged in the Complaints, except that the Diaz Complaint’s second allegation fails to state a claim. A public body need not discuss every item on its agenda, and while the OML does not permit a public body to exceed the scope of a clearly and completely stated agenda topic, it does

not specify the degree to which the public body must discuss agendized items. *See Schmidt v. Washoe Cnty.*, 123 Nev. 128, 135, 159 P.3d 1099, 1104 (2007); *see also Sandoval v. Bd. of Regents of Univ.*, 119 Nev. 148, 154, 67 P.3d 902, 905 (2003). All other allegations set forth in the Korrington Complaint and the Diaz Complaint are addressed below.

## **FINDINGS OF FACT**

### **I. Sage’s website provides access to only some of its OML materials.**

Sage is the governing body of a public charter school in Nevada. Sage’s website ([www.sagecolliagiate.org](http://www.sagecolliagiate.org)) contains a page entitled “Governance & Public Info” that provides access to various materials related to its board and financial committee meetings. As of the time of this Findings of Fact and Conclusions of Law, these materials can be accessed from Sage’s website without the user creating a Google account. The landing page states that “[a]ll board meetings take place at 6 p.m. in the Community Hub and are available for access online via Zoom link.” This same language is repeated on Sage’s “2024-25 Board Calendar,” which again represents that *all* meetings “are available for access online via a Zoom link.” It is not clear in either instance to what the term “Community Hub” refers.<sup>1</sup>

Sage’s website provides access to materials for meetings that occurred during prior school years, between 2020 and June 2024. These archived materials are organized based on school year, with a tab for “2020-21 Meetings,” “2021-22 Meetings,” and so forth. Each tab contains a link for that year’s “board materials,” which brings the user to a Google Drive folder for that particular year. Each Google Drive folder is further broken down according to the date each meeting occurred, with a subfolder existing for each meeting date. These subfolders contain, at minimum, a copy of the agenda and related supporting materials.<sup>2</sup>

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<sup>1</sup> The “Community Hub” may be a virtual space that is not open to the public, and it may also refer to a physical location. Sage’s notice for a regular board meeting that occurred on August 13, 2024 provides, in relevant part, the following information about the place of the meeting: “In person: Community Hub, 4100 W. Charleston Blvd, 89102.”

<sup>2</sup> The term “supporting material” refers to “material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda,” which includes “written records, audio recordings, video recordings, photographs and digital data.” NRS 241.015(8).

1 Sage's website also provides access to materials for meetings that have occurred or will  
2 occur during the current school year. The user can either navigate to the folder for the current  
3 school year on Google Drive, in which a subfolder exists for each meeting that has occurred  
4 or that Sage has noticed, or the user can directly select a specific meeting on Sage's website,  
5 which will then bring the user directly to the Google Drive subfolder for that specific meeting.  
6 As with the archived materials, these subfolders contain, at minimum, a copy of the agenda  
7 and related supporting materials.

8 No separate tab or folder exists for meeting minutes, whether proposed or approved,  
9 and only some subfolders contain minutes. A user cannot locate the minutes for a specific  
10 meeting by navigating to the subfolder for that meeting, and it appears that Sage has posted  
11 only some approved minutes on its website. In some instances, Sage has uploaded a recording  
12 of a particular meeting to the subfolder for that meeting; however, some subfolders contain  
13 neither approved meeting minutes nor a recording.

## 14 **II. Sage's December 12, 2023 Meeting**

15 Sage held a regular board meeting on December 12, 2023. Korringa alleges she  
16 attempted to attend this meeting, but was misled by Sage's website, which she understood as  
17 stating that all meetings would be held on campus. The notice for this meeting, made  
18 available on Sage's website on December 7, 2023, provides a Zoom link, meeting ID, passcode,  
19 and "one tap mobile" information that reads: "+16694449171,,81622569855#,,, \*961156# US."  
20 The agenda does not provide any information about how to appear remotely.

21 The Google Drive folder for Sage's December 12, 2023 meeting does not include any  
22 minutes. The next regular board meeting occurred on February 13, 2024; however, Sage did  
23 not approve the minutes from its December 12, 2023 meeting on that date. Sage approved  
24 the December 12, 2023 minutes at the following meeting, on March 5, 2024. The Google Drive  
25 folder for the March 5, 2024 meeting contains two copies of the December 12, 2023 minutes.  
26 Both copies are watermarked "for approval," making it unclear whether either document  
27 constitutes the minutes Sage approved, and if so, which document.

### 1    **III.   Korringa’s Request for Meeting Minutes**

2           Korringa requested meeting minutes from Sage on February 5, 2024. Specifically,  
3    Korringa requested “the approved meeting minutes and any and all related documents from  
4    past board meetings” via email. Korringa explicitly stated: “While I have been able to locate  
5    some of the minutes, I’ve noticed that many of the folders available through your website only  
6    have the agenda available.” On February 15, 2024, Sanda Kinne, Sage’s Executive Director,  
7    responded that she would “dig into” an apparent “issue” with Sage’s “links and access,” after  
8    which she would respond to Korringa by the end of the month.

9           When Kinne did not respond by the end of February, Korringa sent another email, on  
10    March 1, 2024, stating she would accept the meeting minutes “in ANY format” given Sage’s  
11    apparent technical issues, stressing “the importance of allowing public documents to be made  
12    public,” and thanking Kinne for her prompt attention to the matter. Korringa followed up  
13    again on March 4, 2024. Kinne responded later that day, stating she would ensure that  
14    Korringa would have access to “all documents by Friday, March 15,” even if it required  
15    “sending [the requested documents] as attachments or creating a new publicly accessible  
16    link.” Kinne also requested, for the first time, that Korringa provide “a range of dates or  
17    specific dates” for the requested documents.

18           When Kinne did not respond by March 15, 2024, Korringa emailed her again. Korringa  
19    noted that she still did not have access to all of Sage’s meeting minutes, emphasizing again  
20    “the importance of allowing public records to be made public” and expressing her “hope” that  
21    Kinne would “take this request seriously.” Korringa emailed again on March 20, 2024,  
22    expanding her request to include audio recordings for all prior meetings. Later that day,  
23    Jennifer Braster, Sage’s Board Chair, responded that Kinne would “address the minutes issue  
24    when she can” and assured Korringa “the minutes for [Sage’s] meetings have been prepared  
25    and approved,” noting that she “always access[es] [the] agenda and supporting documents  
26    from the school’s website.” Korringa and Braster engaged in additional email correspondence  
27    through March 21, 2024, with Braster declining to engage further and Korringa  
28    communicating that she would seek the records through OAG.

1 Sage responded to Korringa's complaint that it "provided Ms. Korringa with requested  
2 materials," but Sage did not provide any evidence to show that it did anything other than  
3 reference its website in email correspondence with Korringa. Following the submission of her  
4 complaint, as of May 14, 2024, Korringa had "access to *most* of the meeting minutes, but still  
5 no access to any of the audio files" (emphasis added).

#### 6 **IV. Sage's March 5, 2024 Meeting**

7 Sage held a regular board meeting on March 5, 2024. Korringa alleges that she  
8 attempted to attend this meeting, which had been noticed to occur in-person on campus, but  
9 when she arrived, she learned the meeting would be held remotely. Korringa attached to her  
10 complaint a picture of an informal notice posted at the meeting location, which states: "Due  
11 to illness, tonight's Board meeting is exclusively online." The informal notice further states  
12 that participants may "join remotely on Google Meet" and provides a link. For telephone  
13 information, the informal notice reads: "+1%20402-225-6016;100905130%23." Korringa  
14 claims she "couldn't make sense" of the call-in information provided and was unable to attend  
15 the meeting. The first page of the notice for the March 5, 2024 meeting indicates the meeting  
16 will be held on campus, at 4100 W. Charleston Boulevard; it does not provide any information  
17 for or about remote attendance but states public comment can be provided by using the  
18 "conference call line: +16694449171,,81622569855#,,, \*961156# US." The second page of the  
19 notice provides remote access information, including a Google Meet link and a phone number  
20 to dial, along with a pin number to enter, in a readable format:

21 Video call link: <https://meet.google.com/dtr-ykwu-rtq>  
22 Or dial: (US) +1 402-225-6016 PIN: 100 905 130#

23 None of this information is on the first page of the notice.

24 There are no minutes posted in the subfolder for the March 5, 2024 meeting; however,  
25 minutes watermarked "pending board approval" may be found in the subfolder for Sage's next  
26 regular meeting, which took place on April 9, 2024. These minutes reflect the meeting  
27 occurred both in-person and remotely. Regarding the first agenda item, public comment, the  
28 minutes state: "Neighbor submitted a letter. It has been added to publicly available meeting

resources.” This note appears to reference the letter Korringa submitted, which is contained in the March 5, 2024 subfolder. The minutes do not contain any of the substance of Korringa’s written public comment, which calls for the removal of Kinne from her leadership role.

#### **V. Sage’s June 3, 2024 Meeting**

Robert Diaz alleges that Kinne and Braster “attempt[ed] to remove members of the public” from a finance committee meeting on June 3, 2024. The Diaz Complaint states that according to Sage’s policy, “everyone . . . had to provide their information in the chat box or they would be removed from the call,” but this restriction was not included on Sage’s meeting notice, which stated only that each person making a public comment would be limited to three minutes, subject to the Board Chair’s discretion. Sage responds to the Diaz Complaint that it provided the meeting recording as Diaz requested, failing to address the substance of Diaz’s allegations concerning Sage’s public-comment policy.

The recording of Sage’s June 3 meeting does not corroborate Diaz’s allegation that Sage attempted to remove members of the public from the remote meeting on this occasion. The recording does confirm, however, that Sage has adopted and implemented a policy requiring anyone who wants to make a public comment to provide the reason for comment, a name, and contact information in the chat box, and if an individual refuses to comply, that person is not only restricted from making a public comment, but also removed from the meeting entirely. Because each person who wanted to make a public comment on June 3, 2024 provided the information requested, Sage did not remove anyone from the public meeting.

#### **LEGAL STANDARDS AND CONCLUSION OF LAW**

The Sage Collegiate Public Charter School Governing Board, as the governing body of a public charter school in Nevada, is a “public body” as defined in NRS 241.015(4) and is therefore subject to the OML.<sup>3</sup>

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<sup>3</sup> A charter school must comply with OML, codified at NRS chapter 241, pursuant to NRS 388A.366(1)(e). The governing body of each charter school must complete, before the opening of the charter school and every three years thereafter, “training on the governance of charter schools.” NRS 388A.224.

1 **I. Sage’s Deficient Meeting Notices Violate the OML**

2 A public body must provide “written notice of all meetings . . . at least 3 working  
3 days before the meeting.” NRS 241.020(3). The written notice must contain, among other  
4 things, “[t]he time, place and location of the meeting,” and if the meeting is to be held  
5 remotely, the notice must explain “*how* a member of the public may: (1) [u]se the remote  
6 technology system to hear and observe the meeting; (2) [p]articipate in the meeting by  
7 telephone; and (3) [p]rovide live public comment [or, if allowed,] prerecorded public  
8 comment.” NRS 241.020(3)(a) (emphasis added). When a meeting is held remotely and  
9 there is no “physical location designated for the meeting where members of the general  
10 public are permitted to attend and participate,” the notice must set forth “*clear and*  
11 *complete instructions* for a member of the general public to be able to call in to the meeting  
12 to provide public comment,” which includes, but is not limited to, providing “a telephone  
13 number and any necessary identification number of the meeting or other access code.”  
14 NRS 241.020(3)(d)(8) (emphasis added).<sup>4</sup> Strict compliance is required, in part because  
15 “incomplete and poorly written agendas deprive citizens of their right to take part in  
16 government.” *See Sandoval*, 119 Nev. at 154, 67 P.3d at 905 (internal quotations omitted).

17 Sage violated these requirements. First, the notices for Sage’s remote meetings on  
18 December 12, 2023 and June 3, 2024 do not adequately explain how a member of the public  
19 may use the link provided on the Zoom website or app to hear and observe the meeting,  
20 participate by phone, or provide public comment, nor did either notice provide “clear and  
21 complete” instructions for calling into the meeting. Second, Sage did not provide written  
22 notice of its remote meeting that occurred on March 5, 2024 at least 3 working days prior.  
23 The first page of the notice for the March 5 meeting refers to a physical location only. Sage  
24 therefore noticed the meeting to occur at a physical location (on campus) and then held the  
25 meeting remotely without providing notice in accordance with the OML. Sage’s notice

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27 <sup>4</sup> A meeting may be remote only if members of the public are able to “[h]ear and observe  
28 the meeting, participate in the meeting by telephone and provide live public comment  
during the meeting using the remote technology system.” NRS 241.023(1)(b)(2).

1 posted at the school was neither timely nor proper. *See* NRS 241.020(3). Third, Sage’s  
2 website provides incorrect information to the public concerning its open meetings, stating  
3 that *all* meetings will be held at the “Community Hub,” i.e. a physical location, and that  
4 “Zoom” information is also available for *all* meetings. Some meetings are noticed to occur  
5 at a physical location only (e.g. Sage noticed a meeting for February 13, 2024 at its physical  
6 location only), and others are noticed to be held via remote platform only (e.g. the remote  
7 meeting noticed for December 12, 2023). Plus, Sage sometimes uses Google Meet, not Zoom.  
8 Sage’s provision of incorrect information concerning the place of its meetings and its refusal  
9 to correct the misstatement on its website—even after Korringa provided notice of the  
10 error, which prevented her from attending an open meeting—violates the OML.

## 11 **II. Sage’s Practices for Providing Approved Minutes Violate the OML**

12 A public body must “keep written minutes of each of its meetings.”<sup>5</sup> “Unless good  
13 cause is shown, a public body shall approve the minutes of a meeting within 45 days after  
14 the meeting or at the next meeting of the public body, whichever occurs later.” NRS  
15 241.035(1)(e).<sup>6</sup> “Good cause” is defined as “a ground for legal action” or “a legally sufficient  
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17 <sup>5</sup> When a “member of the general public has prepared written remarks,” the minutes must  
18 include, among other things, “a copy of the prepared remarks if the member of the general  
19 public submits a copy for inclusion.” NRS 241.035(1). Sage included Korringa’s written  
20 public comment in its supporting materials posted prior to the March 5, 2024 meeting. The  
21 minutes for that meeting do not reflect the substance of Korringa’s public comment. They  
22 do not include “a copy” of the written comment Korringa submitted. The minutes do not  
23 even recognize Korringa’s public comment as a public comment at all, referring vaguely to  
24 “a letter” that a “[n]eighbor submitted,” which Sage made publicly available. Because Sage  
25 changed the venue from a physical location to a remote technology system and failed to  
26 include in the meeting notice “clear and complete” instructions for Korringa or any other  
27 member of the public to call in to make a public comment, Korringa was prevented from  
28 attending the March 5 meeting and addressing Sage at that meeting. Korringa could not  
“request that the minutes reflect” her would-be remarks, but she submitted her comment  
in writing prior to the meeting. Korringa does not allege it, but Sage violated OML by  
failing to include Korringa’s public comment in its March 5 minutes. *See* NRS 241.035(1)(d);  
*c.f. In re: Washoe County Commissioners*, OAG File No. 13897-319 (2019).

<sup>6</sup> A total of 84 days passed before Sage approved its December 12, 2023 minutes, which it  
did on March 5, 2024—after it had already held an intervening meeting on February 13,  
2024. This is another OML violation.



reason.” *In re: Nevada System of Higher Education Board of Regents*, OAG File No. 13897-380 (2020) (quoting Black’s Law Dictionary (11th ed. 2019)). A public body is also required, “for each of its meetings, whether public or closed, [to] record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter.” NRS 241.035(4). “Minutes or an audio recording of a meeting . . . must be made available for inspection by the public within 30 working days after adjournment of the meeting” and “must be made available to a member of the public upon request at no charge.” NRS 241.035(2). Recognizing that minutes “have permanent value,” the OML requires public bodies to retain them “for at least 5 years,” after which the minutes may be “transferred for archival preservation” pursuant to Nevada law. *Id.*

A public body is not required to post its minutes online. *In re: I Can Do Anything Charter School Board*, OAG File No. 13897-311 (2019). Sage is required, however, to make its minutes “available for inspection by the public” in accordance with the OML. Indeed, Sage’s minutes constitute public records pursuant to NRS 241.035(1)-(2). *Id.* Sage should have been able to offer its minutes or a recording for each meeting held within the last five years to Korringa for inspection in accordance with the OML. To the extent Sage endeavors to provide access on its website in lieu of providing minutes and recordings for inspection, (1) a member of the public cannot reasonably access approved minutes, which are difficult to locate in the Google Drive folders linked on Sage’s website,<sup>7</sup> and (2) even if online access is likely a suitable or even desirable alternative to inspection for at least some members of the public, posting some, most, or even all of its minutes online does not relieve Sage from its obligation to make either its minutes for or a recording of each meeting available for inspection pursuant to the OML and within the time it requires.

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<sup>7</sup> Creating a single folder for “approved meeting minutes” each year or placing the approved minutes for each meeting in the subfolder for that meeting following approval would most likely alleviate or at least significantly curtail this barrier to online access should Sage want to assist the public in accessing its minutes or meeting recordings online.

### III. Sage's Public Comment Policy Violates the OML

Public bodies exist to aid in the conduct of the people's business. NRS 241.010(1). While the OML permits a public body to remove from a public meeting "any person who willfully disrupts [the] meeting to the extent that its orderly conduct is made impractical," NRS 241.030(4)(a), it also directs that "all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting," NRS 241.020(1).

Open meetings must include periods devoted to public comment. NRS 241.020(3)(d)(3). Reasonable time, place, and manner restrictions may be placed on public comment periods, but public bodies cannot restrict public comments based on viewpoint. NRS 241.020(3)(d)(7). A viewpoint-neutral restriction is permissible so long as it is "reasonably related to purpose served by the forum." *DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ.*, 196 F.3d 958, 965 (9th Cir. 1999); *see also Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266, 270–71 (9th Cir. 1995). "[R]easonable time, place, and manner restrictions . . . preserve a board's legitimate interest in conducting efficient, orderly meetings." *Kindt*, 67 F.3d at 271; *see also In re: Incline Village General Improvement District*, OAG File No. 13897-224 & 226 at 8 (2017) (stating "reasonable rules and regulations during public meetings ensure orderly conduct of a public meeting and ensure orderly behavior on the part of those persons attending the meeting"). Restrictions are therefore permitted to maintain "decorum and order," including when a comment becomes "irrelevant or repetitious." *See Reza v. Pearce*, 806 F.3d 497, 504 (9th Cir. 2015); *Kindt*, 67 F.3d at 270. When it notices a meeting, a public body must include any restrictions as to public comment in the meeting notice. 241.020(3)(d)(7).

Diaz accurately argues Sage violated the OML because it failed to include its policy of restricting public comment unless a member of the public provides a name, contact information, and the reason for comment. The policy itself also violates Nevada's OML. A public body may *request* that an individual wishing to comment provide a name, contact information, and the reason for comment, but provision of that information cannot be mandatory, and refusal is not a reasonable basis to prevent a member of the public from commenting. *See re: Washoe County School District*, OAG File No. 13897-293 (2018). Sage's

1 policy of requiring anyone who wants to make a public comment to provide a name, contact  
2 information, and the reason for comment is therefore not a reasonable restriction. Further,  
3 an individual's refusal to provide this information for the record does not warrant the removal  
4 of that individual from an open meeting, so long as the person is not disruptive. Since Sage's  
5 policy is not reasonably related to ensuring the orderly conduct of the meeting or those  
6 present, it violates the letter and spirit of Nevada's OML.

7 **SUMMARY**

8 Upon investigating the present Complaints, the OAG makes findings of fact and  
9 conclusions of law that Sage Collegiate Public Charter School Governing Board violated  
10 the OML as described above. If the OAG investigates a potential OML violation and makes  
11 findings of fact and conclusions of law that a public body acted in violation of the OML, "the  
12 public body must include an item on the next agenda posted for a meeting of the public  
13 body which acknowledges the findings of fact and conclusions of law." NRS 241.0395. The  
14 public body must treat the opinion as supporting material for the agenda item(s) in  
15 question for the purpose of NRS 241.020. *Id.* Accordingly, Sage must place an item on its  
16 next meeting agenda in which it acknowledges this Findings of Fact and Conclusions of  
17 Law ("Opinion") resulting from the OAG's investigation in this matter. Sage must also  
18 include this Opinion in the supporting materials for its next meeting

19 Dated: May 29, 2025.

20 AARON FORD  
21 Attorney General

22  
23 By: /s/ Paige L. Magaster

24 PAIGE L. MAGASTER  
25 Deputy Attorney General  
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# Avalon Korringa

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