

AARON D. FORD
Attorney General

CRAIG A. NEWBY
First Assistant Attorney General

CHRISTINE JONES BRADY
Second Assistant Attorney General



TERESA
BENITEZ-THOMPSON
Chief of Staff

LESLIE NINO PIRO
General Counsel

HEIDI PARRY STERN
Solicitor General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

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

July 23, 2025

Via U.S. Mail

Joseph Rodriguez
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-518
Nevada Commission on Ethics**

Dear Mr. Rodriguez,

The Office of the Attorney General ("OAG") has reviewed your complaint ("Complaint") alleging violations of the Open Meeting Law ("OML") by the Nevada Commission on Ethics ("Commission") regarding the Commission's July 23, 2024, 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 included a review of the Complaint, the Response on behalf of the Commission, and the agenda, minutes and video recording for the Commission's July 23, 2024, meeting. After investigating the Complaint, the OAG determines that the Commission did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

The Commission held a public meeting on July 23, 2024, at 1:30 p.m. via Zoom and telephone. The meeting agenda was properly posted and it included clear instructions for accessing the meeting and submitting public comment. The agenda was posted on the Commission's website, the Nevada Public Notice Website, and at the Commission's physical office, as required by statute.

Agenda Item 5 addressed whether to authorize legal steps to appeal the District Court's Order granting Mr. Rodriguez's Petition for Judicial Review ("PJR"). The appeal would effectively seek reinstatement of sanctions and findings previously imposed on Mr. Rodriguez related to alleged ethics violations.

Agenda Item 5 stated:

Discussion and possible action to direct Commission Counsel to take legal steps to file a Notice of Appeal and any other steps necessary to appeal the Order Granting Petition for Judicial Review issued in Rodriguez v. NCOE, Armstrong; Second Judicial District Court Case No. CV23-01054 and to defend the Commission's decision in Ethics Case No. 22-051C.

The minutes and video of the July 23, 2024, meeting show that the Commissioners discussed the District Court's decision to grant Mr. Rodriguez's PJR, the scope of the statute applied, and the possibility of seeking clarification from the Nevada Supreme Court. While Rodriguez's name was mentioned in connection with the underlying matter, the discussion focused exclusively on legal and procedural concerns related to the appellate process.

Mr. Rodriguez alleges the Commission failed to provide statutorily required written notice to him and his counsel, thereby depriving him of the opportunity to offer public comment on matters that were uniquely personal and potentially adverse. Mr. Rodriguez further asserts that the Commissioners discussed factual and legal aspects of the original ethics complaint against him during the meeting.

The Commission contends that the discussion centered exclusively on the District Court's legal reasoning and did not address Mr. Rodriguez's character, misconduct, competence, or health. They maintain that no administrative action was considered or taken against Mr. Rodriguez and that no notice was required under NRS 241.033.

LEGAL ANALYSIS

- 1. The Commission complied with the OML as it did not consider or deliberate on Mr. Rodriguez's character, alleged misconduct, professional competence, or physical or mental health.**

NRS 241.033 provides that if a public body intends to consider a person's character, alleged misconduct, professional competence, or health, it must provide that person with written notice at least seven calendar days before the

meeting. However, this requirement applies only where such personal deliberations are a subject of the meeting.

In this instance, the Commission did not consider or evaluate Mr. Rodriguez's personal characteristics. Rather, the discussion involved whether to appeal a court order based on the legal interpretation of the decision granting Mr. Rodriguez's PJR. Commentary by Commissioners, including Commissioner Scherer—concerned the legal reasoning in the District Court's decision and broader statutory implications, not Mr. Rodriguez's conduct or personal attributes. While Scherer did express the view that Mr. Rodriguez had not committed an ethics violation, this comment was made in the context of critiquing prior Commission interpretations and urging legal clarity—not in reevaluating Mr. Rodriguez's character or professional competence.

This situation is comparable to the Attorney General's prior opinion in OMLO 2003-14/AG File No. 03-009, where a charter school board discussed litigation involving a complainant. Although her name was mentioned, the board did not evaluate her personal attributes, and thus no violation of NRS 241.033(1) was found. The Commission's conduct at the July 23, 2024, meeting falls within this precedent. No evaluative discussion occurred; therefore, written notice under NRS 241.033(1) was not required.

2. The Commission did not violate the OML, as it did not take administrative action against Mr. Rodriguez.

Under NRS 241.015(2), "administrative action against a person" refers to actions that are uniquely personal and carry the potential for a negative change in circumstances. Agenda Item 5 authorized legal counsel to pursue an appeal—not to impose or reimpose sanctions. The action taken was procedural and did not immediately alter Mr. Rodriguez's professional status or legal rights.

Although an eventual outcome of the appeal could affect Mr. Rodriguez, the July 23, 2024, meeting itself did not discipline him or take direct administrative action. Such future consequences would be contingent on litigation, not Commission action at that meeting. Accordingly, the Commission properly noticed and conducted its meeting in compliance with NRS 241.020, and no individual notice to Mr. Rodriguez was legally required.

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 Bordelove
ROSALIE BORDELOVE
Chief Deputy Attorney General

cc: Elizabeth J. Bassett, Esq.
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703
Counsel to the Commission