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July 23, 2025

Via U.S Mail

Gary R. Schmidt  
[REDACTED]  
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-522  
Washoe County Board of Adjustment**

Dear Mr. Schmidt:

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 Washoe County Board of Adjustment ("Board") regarding its July 8, 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 of the Complaints included a review of the Complaint, the Response on behalf of the Board, and the agenda, minutes and recording of the Board's July 8, 2024, 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 July 8, 2024. Prior to the meeting, Gary R. Schmidt (hereinafter, "Complainant") submitted a public records request to the Board for a complete copy of the agenda packet, including all supporting materials. The Board provided Complainant the agenda packet, however, "Exhibit H – Record of Appeal," a recording of an administrative hearing, was not included. Upon notification from Complainant, the Board explained that Exhibit H was unavailable due to technological issues.

Despite its unavailability, Exhibit H remained listed under Agenda Item #8A at the July 8, 2024 meeting. Neither the Complainant nor the Board had access to Exhibit H at that time. Agenda Item #8A concerned Complainant's appeal of a Washoe County Code Violation upheld by an Administrative Hearing Officer. For reasons unrelated to Exhibit H, Complainant requested and was granted a continuance. Accordingly, the matter was not heard at the July 8, 2024 meeting.

On July 11, 2024, three days after the meeting was held, Exhibit H became available and was sent to the Complainant via electronic mail. A copy of the same, on a flash drive, was also offered to the Complainant on July 17, 2024.

Complainant subsequently filed the instant complaint, alleging that Chad Giesinger and the Board failed to provide a complete copy of the agenda packet upon Complainant's request, including all "supporting materials" for Agenda Item #8A, prior to the Washoe County Board of Adjustment's meeting on July 8, 2024.

### **LEGAL ANALYSIS**

The Washoe County Board of Adjustment is a "public body" as defined in NRS 241.015(5), and therefore, the Board is subject to OML.

The OML reflects the Nevada Legislature's intent for the actions and deliberations of public bodies to be conducted openly. NRS 241.010. To facilitate open government, the OML requires that agendas and supporting material for public meetings be made available to the public as they are sent to members of the public body. NRS 241.020(8)(a). The OML defines "supporting material" as material, including video and audio recordings, that is provided to at least a quorum of the members of a 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. NRS 241.015(8)

However, the OML does not require that supporting material be created or provided for an agenda item. Rather it only requires that supporting material be made available to the public *if* it is provided to the members of the public body. *See* AG File No. 13897-248 (December 21, 2017).

Here, Exhibit H was not provided to the Board prior to or during the July 8, 2024 meeting. Therefore, it does not meet the definition of "supporting material" under the OML.

Furthermore, although Exhibit H was listed under Agenda Item #8A, the item was continued at Complainant's request and was not heard or deliberated upon. The Board did not rely on Exhibit H in any manner that could have prejudicially affected the Complainant. Thus, the OAG finds no violation of the OML with respect to this matter.

### **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  
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