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November 12, 2025

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Via U.S. Mail

Robert J. Muszar  
[REDACTED]  
[REDACTED]

**Re: Open Meeting Law Complaint - The Mesquite City Council,  
OAG File No. 13897-538**

Dear Mr. Muszar,

The Office of the Attorney General ("OAG") has reviewed your complaint ("Complaint") alleging violations of the Open Meeting Law ("OML") by the Mesquite City Council ("MCC") regarding their April 22, 2025, 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 MCC, and the agenda, minutes and video recording for the MCC's April 22, 2025, meeting. After investigating the Complaint, the OAG determines that the MCC did not violate the OML as alleged in the Complaint.

**FACTUAL BACKGROUND**

The MCC convened a duly noticed public meeting on April 22, 2025, at 5:00 p.m. in the City Council Chambers—City Law, located at 10 East Mesquite Blvd., Mesquite, NV 89027. The meeting agenda was posted in full compliance with NRS 241.020, including clear instructions for public access and participation. As mandated by NRS 241.020, the agenda provided for public comment at the beginning of the meeting, after each actionable item, and prior to adjournment, thereby ensuring meaningful public engagement and transparency.

On April 3, 2025, the Council held a scheduled attorney-client conference pursuant to NRS 241.015(4)(c) to discuss legal strategy regarding

unrelated civil litigation. This session was exempt from the OML's public access requirements due to its privileged nature. Prior to the commencement of the conference, the City Manager made an unsolicited and unscheduled appearance, addressing the Council regarding media inquiries into a recording in which he was alleged to have made racially insensitive remarks. He departed before the attorney-client session began.

Following his departure, Councilmembers made brief, informal remarks, including isolated suggestions that a reprimand might be warranted. There was no deliberation, vote or commitment made, and no action was taken at that time.

The matter was subsequently placed on the agenda for the April 22, 2025, regular Council meeting, in full compliance with NRS 241.020. At that meeting, the Council publicly discussed the City Manager's conduct, received public comment, and voted to terminate his employment. This action was taken in open session, with proper notice, agenda clarity, and public participation, satisfying all procedural requirements under Nevada's OML.

### **LEGAL ANALYSIS**

#### **A. There Was No OML Violation as the Attorney-Client Conference Did Not Constitute a Meeting**

Under NRS 241.015(4), a "meeting" is defined as a gathering of a quorum of a public body to deliberate or take action. The Council's attorney-client conference falls under the statutory exemption in NRS 241.015(4)(c), which permits closed sessions for confidential legal advice and may include deliberation, provided it is confined to legal strategy and not broader policy decisions.

The City Manager's presence, occurring prior to the commencement of the attorney-client session, does not transform the gathering into a meeting under OML. His remarks were unsolicited and not part of the agenda, and there is no evidence that his presence facilitated deliberation or action regarding his remarks. This aligns with *Sandoval v. Board of Regents*, 119 Nev. 148 (2003), which clarifies that informational briefings do not constitute deliberation unless they are used to build consensus or influence decision-making.

The Council's brief comments following his departure do not meet the threshold for deliberation under NRS 241.015(3). Expressing individual views without movement toward a decision does not trigger OML requirements. The

final decision to terminate the City Manager was made publicly on April 22, 2025, which fully complies with NRS 241.020.

**B. There Was No OML Violation as the Racial Statement Allegations Did Not Trigger Meeting Requirements**

The complaint involving racially insensitive remarks, while serious, does not alter the procedural requirements of OML. Under NRS 241.010, the intent of the law is to ensure that actions be taken openly and that deliberations be conducted openly.

However, NRS 241.030 and NRS 241.033 provide specific procedures for closed meetings when the body considers the character, misconduct, or competence of a person. In this case, there was no closed meeting to consider disciplinary action. NRS 241.031 prohibits a City Council from going into closed session to discuss their City Manager. The Council's decision was made in open session, with public comment opportunities as required by NRS 241.020.

While the content of the allegations may raise public concern, the process followed by the Council adhered to statutory requirements. As emphasized in *Dewey v. Redevelopment Agency of City of Reno*, 119 Nev. 87, 64 P.3d 1070 (2003), even highly sensitive matters must be handled transparently, but the mere existence of controversy does not trigger the OML unless deliberation or action occurs outside a properly noticed meeting.

**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

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STEPHANIE ITKIN-GOODMAN  
Deputy Attorney General

Robert J. Muszar  
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