

1 OFFICE OF THE ATTORNEY GENERAL
2 STATE OF NEVADA

3 In the matter of:

4 TAHOE REGIONAL PLANNING
5 AGENCY

OAG FILE NO.: 13897-423 & 440

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

7
8 **BACKGROUND**

9 The Office of the Attorney General (“OAG”) received Complaints¹ from Doug
10 Flaherty alleging violations of the Nevada Open Meeting Law (“OML”) by the Tahoe
11 Regional Planning Agency (“TRPA”) and the Tahoe Transportation District (“TTD”). The
12 Complaints allege that the TRPA violated the OML in its actions during and surrounding
13 meetings occurring between April 2021 and July 2021.

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 241.040.
16 The OAG’s investigation of the Complaints included a review of the Complaints and
17 supplemental information; the response from the TRPA and attachments; the Tahoe
18 Regional Planning Compact (“Compact”), the TRPA Rules of Procedures, applicable Nevada
19 statutes, and applicable case law.

20 After investigation of the Complaints, the OAG determines that the TRPA is subject
21 to the OML, that it violated the OML by failing to include public comment periods, failing
22 to include contact information for the person from whom the public can request meeting
23 supporting material, failing to denote action items with “for possible action,” and failing to
24 prepare and approve minutes for all its public bodies.

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¹ Your complaints were filed on June 30, 2021, July 10, 2021, July 13, 2021, July 18, 2021, July 22, 2021,
August 25, 2021, and November 22, 2021.

1 **FINDINGS OF FACT**

2 1. The TRPA and TTD were created by an Act of Congress through the
3 ratification of the Tahoe Regional Planning Compact.

4 2. The Tahoe Regional Planning Compact constitutes federal law, which
5 preempts Nevada law.

6 3. The Compact has reserved the rights of the states to impose state law on the
7 TRPA regarding the OML.²

8 4. The Compact does not seem to reserve the rights of the states to impose state
9 law on the TTD regarding the OML.

10 5. Article III (d) of the Tahoe Regional Planning Compact states that “[a]ll
11 meetings shall be open to the public to the extent required by the law of the State of
12 California or the State of Nevada, whichever imposes the greater requirement, applicable
13 to local governments at the time such meeting is held.”

14 6. TRPA agrees that the State of Nevada’s open meeting law (“OML”) imposes
15 the greater requirements and so follows the Nevada OML. See also *Tahoe Reg'l Planning*
16 *Agency v. McKay*, 590 F. Supp. 1071, 1074 (D. Nev. 1984), *aff'd*, 769 F.2d 534 (9th Cir.
17 1985).

18 7. On or about June 30, 2021,³ you filed your first of several Complaints stating
19 your concerns that the TRPA violated the OML.

20 8. You alleged that (1) the TRPA violated various requirements of the OML
21 regarding meeting agendas and postings of notices, (2) the TRPA violated various
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24 ² The Compact, Article IX, does not include a provision subjecting the TTD to the Nevada or California OML. For that reason, no investigation was made of your allegations against the TTD.

25 ³ NRS 241.039(2)(a) requires the Office of the Attorney General to investigate violations of the OML if alleged in a complaint no later than 120 days after the alleged violations. NRS 241.039(2)(c) allows the Office of the Attorney General to investigate older violations if they were not discoverable and the complaint is not filed more than 1 year after the alleged violation. Several of the concerns in your complaints fall outside of the 120 days and some outside of the 1 year requirement. Based on a review of the facts, it does not seem that any of the alleged violations reported more than 120 days after they allegedly occurred, but less than a year after, were not discoverable at the time. Therefore, those complaints will not be investigated pursuant to NRS 241.039(2)(a).
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1 requirements of the OML regarding meeting minutes, (3) the TRPA deliberated out-side of
2 a public meeting.

3 9. On January 13, 2022, the TRPA responded saying that it was not subject to
4 the OML as the compact which created the TRPA is based on federal law, and federal law
5 preempts Nevada state law. The TRPA additionally asserted that it did not violate the
6 OML.

7 8 **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

9 The Open Meeting Law governs meetings, gatherings, decisions, and actions
10 obtained through the collective consensus of a quorum of the public body membership.⁴

11 **1. The TRPA is Subject to the OML**

12 The Tahoe Regional Planning Agency was created by an Act of Congress through the
13 ratification of the Tahoe Regional Planning Compact. The TRPA states that the Tahoe
14 Regional Planning Compact is federal law which preempts Nevada law, including the OML.
15 In support of this claim, the TRPA cited *League to Save Lake Tahoe v. Tahoe Regional*
16 *Planning Agency*, (7 F.2d 517 (9th Cir. 1974); *Lake Tahoe Watercraft Recreation Ass’n v.*
17 *Tahoe Regional Planning Agency*, 24 F.Supp.2d 1062, 1068 (E.D. Cal. 1998). These cases
18 confirm that the Tahoe Regional Planning Compact constitutes federal law. The Court in
19 *Lake Tahoe Watercraft Recreation Ass’n* directly addressed this issue when it stated that
20 “[t]o the extent that the [Compact] conflicts with state law, the [Compact] preempts state
21 law.” 24 F.Supp.2d at 1069. This Court further explained that “the only exception to this
22 rule is where a compact specifically reserves the right of the state to impose state law on
23 the compact organization.” *Id.* In addition, the *League to Save Lake Tahoe* Court also stated
24 that that an interstate compact was a “statute of the United States.” 507 F.2d at 522.

25 The Compact has reserved the rights of the states to impose state law on the TRPA
26 regarding the OML. Article III (d) of the Tahoe Regional Planning Compact states that

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⁴ See also *Dewey v. Redevelopment Agency*, 119 Nev. 87, 64 P.3d 1070 (2003) (collective process of decision making must be accomplished in public).

1 “[a]ll meetings shall be open to the public to the extent required by the law of the State of
2 California or the State of Nevada, whichever imposes the greater requirement, applicable
3 to local governments at the time such meeting is held.” This section of the Compact clearly
4 reserves to the State of California and the State of Nevada the right to ensure that TRPA’s
5 meetings are “open to the public.” TRPA agrees that the State of Nevada’s open meeting
6 law (“OML”) imposes the greater requirements and so follows the Nevada OML. *See also*
7 *Tahoe Reg’l Planning Agency v. McKay*, 590 F. Supp. 1071, 1074 (D. Nev. 1984), *aff’d*, 769
8 F.2d 534 (9th Cir. 1985).

9 The sole dispute is to what extent the Nevada OML controls. TRPA argues that the
10 Nevada OML controls solely “for the limited topic of which meeting should be open to the
11 public” and none of the other aspects of the Nevada OML are applicable to the TRPA. TRPA
12 further argues that the Compact, its Code of Ordinances and its implementing Rules of
13 Procedure “preempt conflicting provisions” of Nevada OML. The OAG respectfully
14 disagrees.

15 The Ninth Circuit affirmed a case that discussed this very topic. In *Tahoe Reg’l*
16 *Planning Agency v. McKay*, the Court stated that the Nevada OML “is expressly
17 incorporated into the [Compact].” 769 F.2d 534, 537 (9th Cir. 1985). In that case, the
18 Nevada Attorney General was attempting to enforce a Nevada Attorney General’s opinion
19 of a provision of the Nevada OML against the TRPA. While the Court disagreed with the
20 Nevada Attorney General’s opinion, neither the District Court nor the Ninth Circuit Court
21 stated that the Nevada Attorney General lacked the ability to pursue its case against the
22 TRPA or otherwise enforce the Nevada OML against the TRPA. Further, the District Court
23 discussed various aspects of the Nevada OML and their application to the TRPA. *Id.* at
24 1073-1074, 1076-1077. *See also Tahoe Reg’l Planning Agency v. McKay*, 769 F.2d 534, 537
25 (9th Cir. 1985) (discussing the Compact using Nevada OML “to fill the interstices” of the
26 Compact.) Based on the language of the Compact and the Ninth Circuit’s case law, the
27 Nevada OML fully applies to the TRPA.

1 **2. The TRPA Tahoe Living: Housing and Community Revitalization Working**
2 **Group is a Public Body Subject to the OML.**

3 You believe that the TRPA Tahoe Living: Housing and Community Revitalization
4 Working Group is a public body and is thus required to comply with the OML. As described
5 above, the TRPA is subject to the OML. NRS 241.015(4)(a) includes in the definition of
6 “public body” committees, subcommittees and other subsidiaries. As the Working Group is
7 a “formal committee of the TRPA’s Advisory Planning Commission” as stated in the support
8 material dated August 12, 2020, describing the Working Group member roles and
9 responsibilities, the Working Group is a public body subject to the OML. Further, working
10 groups are defined as public bodies when they are created by a public body and the working
11 group is authorized to make recommendations to the public body. Here, the Working Group
12 was allowed to make recommendations to the TRPA’s Advisory Planning Commission, and
13 it did. *See* NRS 241.015(4)(d). Finally, it seems the TRPA agrees that the Working Group
14 is a public body due to the changes it has made as explained in its response.

15 **3. The TRPA Agendas’ Descriptions of Agenda Items were “Clear and**
16 **Complete.”**

17 You alleged that several of the TRPA’s agendas⁵ included descriptions of agenda
18 items which were not “clear and complete,” specifically you alleged the following agenda
19 item descriptions were not “clear and complete”: agenda items IV,V,VI(A)-(D), and VII of
20 the Working Groups’ April 7, 2021 meeting agenda, agenda item VI(A) of the TRPA’s
21 Advisory Planning Committee’s June 9, 2021 meeting agenda, agenda item III(A) TRPA’s
22 Local Government & Housing Committee’s June 9, 2021 meeting agenda.

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25 ⁵ You allege the entire April 28, 2021, meeting agendas for the TRPA Governing Board, TRPA Regional Plan
26 Implementation Committee, the TRPA Environmental Improvement, Transportation, & Public Outreach
27 Committee and the TRPA Operations & Governance Committee were not clear or complete. You also allege
28 the entire May 26, 2021, agendas for the TRPA Governing Body, TRPA Legal Committee, TRPA
Environmental Improvement; Transportation & Public Outreach Committee, TRPA Operations &
Governance Committee. When filing a complaint with the Office of the Attorney General specific allegations
of possible violations of the OML are required. Bulk allegations that an entire meeting agenda does not
include clear and complete statements is not enough to state a claim under the OML. For that reason, these
allegations were not investigated.

1 NRS 241.020(3)(d)(1) requires that a public body's agenda include a "clear and
2 complete statement of the topics scheduled to be considered during the meeting. The
3 Nevada Supreme Court stated that "Nevada's Open Meeting Law seeks to give the public
4 clear notice of the topics to be discussed at public meetings so that the public can attend a
5 meeting when an issue of interest will be discussed." *Sandoval v. Bd. of Regents of Univ.*,
6 119 Nev. 148, 155, 67 P.3d 902, 906 (2003).

7 A. Agenda items IV, V, VI(A)-(D), and VII of the Working Groups' April 7,
8 2021, meeting agenda were "clear and complete."

9 Based on a review of the description included in Agenda items IV, V, VI(A)-(D), and
10 VII and the meeting notes, the Working Group's April 11, 2021, meeting agenda did provide
11 a "clear and complete" description of Agenda items IV, V, VI(A)-(D), and VII. Your
12 allegation that the descriptions were "generalized" is not valid. A review of the minutes
13 from that meeting shows that the agenda item descriptions provided followed what was
14 discussed in those agenda items and so the public was provided clear notice of what would
15 be discussed. As the description was "clear and complete," the Working Group did not
16 violate the OML.

17 B. Agenda item VI(A) of the TRPA's Advisory Planning Committee's June
18 9, 2021 meeting agenda was "clear and complete."

19 Based on a review of the description included in Agenda Item VI(A), the meeting
20 minutes, and the support materials made regarding that Agenda Item, the TRPA's
21 Advisory Planning Committee's June 9, 2021, meeting agenda did provide a "clear and
22 complete" description of Agenda Item VI(A). The public was provided clear notice that the
23 TRPA's Advisory Planning Committee would be holding a hearing to discuss and possibly
24 take action on the housing code amendments, including the specific chapters that would be
25 possibly amended and a description of what those chapters cover. As the description was
26 "clear and complete," the TRPA Advisory Planning Committee did not violate the OML.

1 C. Agenda item III(A) of TRPA's Local Government & Housing
2 Committee's June 9, 2021, meeting agenda was "clear and complete."

3 Based on a review of the description included in Agenda Item III(A) and the support
4 materials made regarding that Agenda Item, the TRPA's Local Government & Housing
5 Committee's June 9, 2021, meeting agenda did provide a "clear and complete" description
6 of Agenda Item III(A). The public was provided clear notice that the TRPA's Local
7 Government & Housing Committee would be holding a hearing to discuss and possibly take
8 action on the housing code amendments, including the specific chapters that would be
9 possibly amended and a description of what those chapters cover. As the description was
10 "clear and complete," the TRPA Local Government & Housing Committee did not violate
11 the OML.

12 D. Agenda item VI(A) of TRPA's Governing Board's July 29, 2021, meeting
13 agenda was "clear and complete."

14 Based on a review of the description included in Agenda Item VI(A), the support
15 materials, and public comments made regarding that Agenda Item, the TRPA Governing
16 Board's July 29, 2021, meeting agenda did provide a "clear and complete" description of
17 Agenda Item VI(A). The public was provided clear notice that the TRPA Governing Board
18 would be holding a hearing to possibly approve housing code amendments, including the
19 specific chapters that would be possibly amended and a description of what those chapters
20 cover. The fact that the support material includes more information than the agenda does
21 not detract from whether the description of the agenda item was "clear and complete." The
22 support material will almost always have more information than the agenda item
23 description, the OML solely requires that the public receive clear notice of what is being
24 discussed by the description of the agenda item. As the description was "clear and
25 complete," the TRPA Governing Board did not violate the OML.

1 **4. The TRPA Did Not Deliberate Outside of a Public Meeting.**

2 You allege that the Working Group violated the OML by using a survey to conduct
3 electronic deliberations outside of a public meeting. The Working Group sent out a survey
4 to its members asking various questions about Accessory Dwelling Units. The Working
5 Group provided a summary of this survey at its April 7, 2021, meeting and it states that
6 18 of the 21 members of the Working Group responded to the survey. The OML applies to
7 meetings in which a quorum of a public body meets to “deliberate toward a decision or to
8 take action on any matter over which the public body has supervision, control, jurisdiction
9 or advisory power.” NRS 241.015(3)(a)(1). Without a quorum and deliberations/actions, a
10 public meeting is not held and the OML does not apply.

11 Here, the survey was sent to a quorum of the Working Group, and a quorum of the
12 Working Group provided responses, but there is insufficient evidence that the members of
13 the Working Group saw the other members’ responses before the April 7, 2021, Working
14 Group meeting. The fact that a quorum provided responses to the survey is not enough
15 evidence by itself for an OML violation, there must also be evidence that a quorum saw the
16 answers of the other members, thus showing that a quorum of the Working Group
17 deliberated outside of a public meeting. Without evidence of deliberation or of any action
18 being taken, the OML would not apply even though a quorum of the Working Group
19 responded to the survey. As there is insufficient evidence that a quorum of the Working
20 Group deliberated or took an action outside of a public meeting, there is no violation of the
21 OML.

22 **5. The TRPA Did Not Violate the OML by Describing its Public Comment**
23 **Periods as “Public Interest Comments.”**

24 You alleged that TRPA violated the OML by describing its public comment periods
25 as “Public Interest Comments.”⁶ NRS 241.020(3)(d)(3) requires that an agenda for a public
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27 ⁶ TRPA’s Local Government & Housing Committee’s June 9, 2021, meeting agenda, TRPA Governing Body’s
28 April 28, 2021, meeting agenda, TRPA Regional Plan Implementation Committee’s April 28, 2021, meeting
agenda, TRPA Environmental Improvement; Transportation & Public Outreach Committee’s April 28, 2021,
meeting agenda, TRPA Operations & Governance Committee’s April 28, 2021, meeting agenda, TRPA

1 meeting include periods “devoted to comments by the general public.” Those periods can
2 either be at the beginning and end of the meeting or after “each item on the agenda on
3 which action may be taken is discussed by the public body, but before the public body takes
4 action on the item.” NRS 241.020(3)(d)(3)(II). The OML does not require that the
5 description of the public comment periods use any specific words or phrase. Therefore, as
6 there is no description requirement for public comment periods and the description used
7 by TRPA provides notice to the public that they are allowed to make comments during that
8 period,⁷ the TRPA did not violate the OML.

9 **6. The TRPA Complied with the OML by Posting its Agenda and, Generally,**
10 **with Public Comment Periods. The TRPA Violated the OML by Failing to**
11 **Include Contact Information and Failing to Denote Action Items with “For**
12 **Possible Action.”**

13 You allege that TRPA’s agenda included several violations of the OML including
14 failure to post the agenda in the Incline Village General Improvement District’s (“IVGID”)
15 office,⁸ not providing a list of locations where the agenda was posted,⁹ insufficient public
16 comment periods,¹⁰ missing contact information for the person from whom the public can
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19 Governing Body’s May 26, 2021, meeting agenda, TRPA Legal Committee’s May 26, 2021, meeting agenda,
20 TRPA Environmental Improvement; Transportation & Public Outreach Committee’s May 26, 2021, meeting
21 agenda, TRPA Operations & Governance Committee’s May 26, 2021, meeting agenda, and Tahoe
22 Transportation District’s June 18, 2021, July 23, 2021, August 4, 2021, meeting agendas.

23 ⁷ To prevent confusion, it may be recommended that the agenda description for public comment periods state
24 “public comment,” but it is not a requirement of the OML.

25 ⁸ Working Group’s April 7, 2021, meeting agenda, TRPA Advisory Commission’s June 9, 2021, meeting
26 agenda, and TRPA’s Local Government & Housing Committee’s June 9, 2021, meeting agenda.

27 ⁹ Working Group’s April 7, 2021, meeting agenda, TRPA Advisory Commission’s June 9, 2021, meeting
28 agenda, and TRPA’s Local Government & Housing Committee’s June 9, 2021, meeting agenda.

¹⁰ Working Group’s April 7, 2021, meeting agenda, TRPA’s Local Government & Housing Committee’s June
9, 2021, meeting agenda, TRPA Governing Body’s April 28, 2021, meeting agenda, TRPA Regional Plan
Implementation Committee’s April 28, 2021, meeting agenda, TRPA Environmental Improvement;
Transportation & Public Outreach Committee’s April 28, 2021, meeting agenda, TRPA Operations &
Governance Committee’s April 28, 2021, meeting agenda, TRPA Governing Body’s May 26, 2021, meeting
agenda, TRPA Legal Committee’s May 26, 2021, meeting agenda, TRPA Environmental Improvement;
Transportation & Public Outreach Committee’s May 26, 2021, meeting agenda, TRPA Operations &
Governance Committee’s May 26, 2021, meeting agenda, and Tahoe Transportation District’s June 18, 2021,
July 23, 2021, August 4, 2021, meeting agendas.

1 request meeting supporting material,¹¹ and failure to denote action items with “for possible
2 action.”¹²

3 First, during the time in question (April 2021-July 2021) the State of California’s
4 Executive Order No. N-29-20 and/or the State of Nevada’s Declaration of Emergency 006
5 were active. These executive orders suspended the requirements to hold meetings with
6 physical locations and post physical notices in public. Therefore, there does not appear to
7 be a violation of the OML for failure to post a notice at IVGID’s office or for failing to provide
8 a list of locations where the notices were posted due to the States’ executive orders.

9 Second, in general, the allegations that TRPA did not include sufficient public
10 comment periods is inaccurate. As shown by TRPA’s agenda minutes, TRPA provided
11 public comment on its action items and again at the end of the meeting before adjournment.
12 This complies with the second option listed in NRS 241.020(3)(d)(3)(II). Therefore, there is
13 no violation of the OML.

14 The allegation that the TRPA did not include sufficient public comment periods is
15 accurate for the Working Group’s April 7, 2021, meeting. In that meeting, the TRPA failed
16 to include public comment periods as required by the OML and thus violated the OML.

17 Third, your allegations that TRPA’s agendas were missing contact information for
18 the person from whom the public can request meeting supporting material and failing to
19 denote action items with “for possible action” appear to be accurate. A review of the agendas
20 mentioned was completed and your allegations were correct that these requirements (See

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22 ¹¹ TRPA Advisory Commission’s June 9, 2021, meeting agenda, TRPA Governing Body’s April 28, 2021,
23 meeting agenda, TRPA Regional Plan Implementation Committee’s April 28, 2021, meeting agenda, TRPA
24 Environmental Improvement; Transportation & Public Outreach Committee’s April 28, 2021, meeting
25 agenda, TRPA Operations & Governance Committee’s April 28, 2021, meeting agenda, TRPA Governing
26 Body’s May 26, 2021, meeting agenda, TRPA Legal Committee’s May 26, 2021, meeting agenda, TRPA
27 Environmental Improvement; Transportation & Public Outreach Committee’s May 26, 2021, meeting agenda,
28 and TRPA Operations & Governance Committee’s May 26, 2021, meeting agenda.

¹² TRPA Advisory Commission’s June 9, 2021, meeting agenda, TRPA’s Local Government & Housing
Committee’s June 9, 2021, meeting agenda, TRPA Governing Body’s April 28, 2021, meeting agenda, TRPA
Regional Plan Implementation Committee’s April 28, 2021, meeting agenda, TRPA Environmental
Improvement; Transportation & Public Outreach Committee’s April 28, 2021, meeting agenda, TRPA
Operations & Governance Committee’s April 28, 2021, meeting agenda, Tahoe Transportation District’s June
18, 2021, July 23, 2021, August 4, 2021, meeting agendas, and TRPA Governing Body’s July 29, 2021, meeting
agenda

1 NRS 241.020(3)(c) and NRS 241.020(3)(d)(2)) were not being met by TRPA. TRPA, in their
2 response, seems to admit that they were not in compliance, but have since stated that they
3 are complying with these requirements. This missing information violates the OML.

4 **7. The TRPA Violated the OML by Failing to Prepare Minutes and Approve**
5 **Minutes Timely.**

6 You allege that the TRPA did not approve minutes with 45 days or at the next public
7 meeting.¹³ There is insufficient evidence to show that the TRPA did not approve the
8 meetings minutes timely for the TRPA Environmental Improvement; Transportation &
9 Public Outreach Committee's April 28, 2021, meeting, TRPA Operations & Governance
10 Committee's April 28, 2021, meeting, TRPA Legal Committee's May 26, 2021, meeting,
11 TRPA Environmental Improvement; Transportation & Public Outreach Committee's May
12 26, 2021, meeting, and TRPA Operations & Governance Committee's May 26, 2021,
13 meeting. Separately, there is evidence that the TRPA did not adopt the minutes timely for
14 the Working Group's April 7, 2021, meeting, and TRPA's Local Government & Housing
15 Committee's June 9, 2021, meeting. Based on a review of the meeting information and
16 TRPA's response, TRPA did not adopt meeting minutes for several of its meetings. This is
17 a violation of the OML.

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19 **SUMMARY**

20 Upon investigating the present Complaints, the OAG makes findings of fact and
21 conclusions of law that the TRPA is subject to the OML, that it violated the OML by failing
22 to include public comment periods, failing to include contact information for the person
23 from whom the public can request meeting supporting material, failing to denote action
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26 ¹³ Working Group's April 7, 2021, meeting agenda, TRPA's Local Government & Housing Committee's June
27 9, 2021, meeting agenda, TRPA Environmental Improvement; Transportation & Public Outreach
28 Committee's April 28, 2021, meeting agenda, TRPA Operations & Governance Committee's April 28, 2021,
meeting agenda, TRPA Legal Committee's May 26, 2021, meeting agenda, TRPA Environmental
Improvement; Transportation & Public Outreach Committee's May 26, 2021, meeting agenda, and TRPA
Operations & Governance Committee's May 26, 2021, meeting agenda.

1 items with “for possible action,” and failing to prepare and approve minutes for all of its
2 public bodies.

3 If the Attorney General investigates a potential OML violation and makes findings
4 of fact and conclusions of law that a public body has acted in violation of the OML, “the
5 public body must include an item on the next agenda posted for a meeting of the public
6 body which acknowledges the findings of fact and conclusions of law.” NRS 241.0395. The
7 public body must treat the opinion of the Attorney General as supporting material for the
8 agenda item(s) in question for the purpose of NRS 241.020. *Id.* Accordingly, the TRPA
9 must place an item on its next meeting agenda in which it acknowledges the present
10 Findings of Fact and Conclusions of Law (“Opinion”) resulting from the OAG’s investigation
11 in this matter. The TRPA must also include the OAG Opinion in the supporting materials
12 for its next meeting.

13 Dated: July 3, 2024.

14 AARON FORD
15 Attorney General

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17 By: /s/ David M. Gardner
18 DAVID M. GARDNER
19 Senior Deputy Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of July, 2024, I served the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, **CERTIFIED MAIL** addressed as follows:

Doug Flaherty



Complainant

Certified Mail No.: 7020 2450 00011950 [Redacted]

John L. Marshall
TRPA General Counsel
P.O. Box 5310
Stateline, NV 89449-5310
Counsel to the Tahoe Regional Planning Agency

Certified Mail No.: 7020 2450 0001 1950 7306

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