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September 30, 2025

Via U.S. Mail

Patricia Eileen Robison
[REDACTED]
[REDACTED]

Re: Open Meeting Law Complaint, White Pine County Airport Advisory Board, White Pine County Board of County Commissioners, and White Pine County Regional Planning Commission; OAG File No. 13897-526

Dear Ms. Robison,

The Office of the Attorney General (“OAG”) has reviewed your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the White Pine County Airport Advisory Board (“AAB”) regarding the AAB’s August 6, 2024, meeting, the White Pine County Board of County Commissioners (“BOCC”) regarding their August 14, 2024, meeting, and White Pine County Regional Planning Commission (“RPC”, collectively “Commissions”) regarding their August 15, 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 Commissions, and the agenda, minutes and video recording for the AAB’s August 6, 2024, meeting, BOCC’s August 14, 2024, meeting, and RPC’s August 15, 2024, meeting. After investigating the Complaint, the OAG determines that the Commissions did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

A. AAB Meeting — August 6, 2024

The AAB held a public meeting on August 6, 2024, at 1:00 p.m. at the Ely Jet Center. The agenda was properly posted in compliance with the OML and included clear instructions for accessing the meeting and submitting public comment. As required under NRS 241.020, public comment was scheduled at both the beginning and end of the meeting.

During the AAB's public comment period, Ms. Robison identified herself as a future County Commissioner. She alleges that Commissioner Carson ("Carson") reacted by jumping from her seat and screaming, accusing Ms. Robison of violating the OML due to her self-identification. Ms. Robison claims this response was inconsistent with Carson's treatment of candidate Pauley, who stated he was "one step away" from becoming a commissioner without receiving any reprimand.

Ms. Robison further alleges that Carson monopolized the meeting by repeatedly interrupting AAB Member Mike Coster whenever she disagreed with his comments. In reviewing this allegation, it is important to note that Carson is the BOCC's official alternate liaison to the AAB, a position she has previously held. It is standard practice for a liaison to provide support and clarification during AAB meetings, especially as they relate to agenda items. Carson assisted White Pine County Tax Assessor Burton Hilton, AAB members, and the public by offering factual context and procedural input aligned with her responsibilities.

B. BOCC Meeting — August 14, 2024

The BOCC held a public meeting on August 14, 2024, at 9:00 a.m. in the White Pine County Library Conference Room in Ely, Nevada. The agenda was properly posted and provided for both in-person and remote attendance via Zoom, with public comment scheduled at the beginning and end of the meeting pursuant to NRS 241.021.

During the BOCC's public comment period, Ms. Robison identified herself as a third-generation White Pine County resident and a Commissioner-Elect, scheduled to be sworn in January 2025. She alleges that Carson and District Attorney Melissa Brown ("Brown") objected to this identification and directed her to reintroduce herself solely as a "private citizen." Due to her hearing aid limitations, she reports difficulty hearing their remarks clearly.

Carson and DA Brown confirmed they sought clarification of Ms. Robison's title based on longstanding BOCC protocol requiring individuals who are not yet sworn into office to speak in a personal capacity. Both deny raising their voices or obstructing her comment. The official meeting video substantiates that Ms. Robison's comment was completed and no incivility was evident. The BOCC was not aware of Ms. Robison's hearing challenges at the time and did not knowingly contribute to any communication difficulty.

Ms. Robison also notes that candidate Pauley introduced himself, and, unlike her, Pauley was not asked to identify himself as a private citizen, nor was any corrective instruction issued. However, the meeting recording confirms that Ms. Robison was permitted to speak and her identification was a procedural clarification and did not restrict her participation.

C. RPC Meeting — August 15, 2024

The RPC held a public meeting on August 15, 2024, at 5:30 p.m. in the County Library Conference Room in Ely, Nevada. The meeting was properly noticed, with the agenda providing instructions for public attendance both in person and via Zoom, and scheduling public comment at the beginning and end of the meeting in accordance with NRS 241.021.

During the RPC meeting, Ms. Robison observed Carson briefly approach Deputy District Attorney Ross Smillie ("DDA Smillie") during an agenda item discussion. She interpreted the interaction as potentially directive or influential with regard to the RPC's legal advisement or vote. However, both Carson, acting in her capacity as a BOCC liaison, and DDA Smillie confirm that the conversation was strictly procedural. It lasted approximately 90 seconds and focused on clarifying language relevant to the item under discussion.

Meeting recordings indicate that the exchange did not interrupt the proceedings, nor did it involve any form of deliberation or attempt to influence commission members. Under NRS 241.015(3), deliberation requires collective decision-making or discussion among members of the public body, which did not occur in this instance.

There is no evidence of disruption, directive behavior, or improper influence. Carson's actions were consistent with a liaison's role and did not constitute a violation of the OML.

LEGAL ANALYSIS

A. There was No OML Violation in the AAB Meeting as All Public Commenters Were Afforded Equal Treatment

There was no violation of the OML during the AAB meeting, as Carson acted within the scope of her authority as the designated alternate liaison from the BOCC.

During public comment, Ms. Robison identified herself as a Commissioner-Elect. She alleges that Carson responded by reprimanding her and asserted that her self-identification constituted a violation of the OML. Under NRS 241.030(4)(a), removal or disciplinary action at a public meeting is only warranted in cases of willful disruption. The official meeting recording confirms that the meeting remained orderly and that Ms. Robison completed her comments without interruption.

At the time of the meeting, Carson was serving in her liaison role—a position she had previously held on behalf of the BOCC. It is common practice for BOCC liaisons to support the AAB during meetings by offering factual input and procedural clarification, particularly during agenda item discussions. Throughout the meeting, Carson participated in a neutral and orderly manner, and there is no evidence of disruption, hostility, or suppression of speech.

Ms. Robison further alleges unequal treatment, asserting that candidate Pauley identified himself by name and campaign status—stating he was “one step away” from becoming a commissioner—without being asked to amend his statement or reidentify in a private capacity. However, upon review of the official video recording, Ms. Robison’s comment was delivered in full and followed immediately by the next speaker. There was no interruption, no remark from Carson regarding her title, and no indication that her speech was treated differently in real time. The absence of a corrective response suggests her comments were received in the same neutral manner as Pauley’s, and no adverse action was taken.

Given the orderly conduct of the meeting, Carson’s authorized role as liaison, and the equal treatment of public speakers, the record supports that no violation of the OML occurred.

B. Title Clarification and Public Comment at BOCC Meetings Were Conducted Lawfully and Did Not Constitute an OML Violation

At the BOCC meeting, Ms. Robison identified herself during public comment as both a local resident and Commissioner-Elect. Carson and DA Brown requested clarification that she was speaking in her personal capacity, consistent with BOCC protocol and NRS 241.035(1)(d), which governs accurate recordkeeping. This clarification aligned with Section 2.06 of the Nevada Attorney General’s Open Meeting Law Manual, which cautions against attributing official authority to individuals not yet sworn in. The reasoning in *Hough v. Stembridge*, 278 So. 2d 288 (Fla. Dist. Ct. App. 1973), supports that members-elect are subject to OML safeguards designed to prevent backroom deliberations and misrepresentation of official status. This interpretation has been upheld in opinions issued by the Nevada Attorney General’s Office, including OMLO 99-06 and AG File Nos. 01-003, 01-008.

Ms. Robison’s remarks were delivered without interruption or restriction, and there is no indication her participation was curtailed. The BOCC complied with NRS 241.020(1), and there is no evidence that her right to participate was suppressed. The meeting minutes reflect compliance with both statutory and constitutional guarantees of public comment.

C. There was no OML violation at the RPC Meeting as Carson’s Liaison Conduct Was Procedural

During the RPC meeting on August 15, 2024, Carson acted within her authorized capacity as liaison from the BOCC. At one point, she briefly approached DDA Smillie during discussion of an agenda item. Although Ms. Robison interpreted the exchange as potentially directive, the interaction was between a single member and staff counsel—DDA Smillie, who represents the RPC. Under NRS 241.015(3), this type of communication does not meet the definition of “deliberation,” which requires action or discussion among multiple members of a public body aimed at influencing decision-making. Since only one member participated, the content of the conversation is legally irrelevant.

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/ Stephanie Itkin
STEPHANIE ITKIN
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cc: Melissa A. Brown, Esq.,
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