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June 26, 2018

Via Electronic Mail

Blair Keller
[REDACTED]

**Re: Open Meeting Law Complaint
Reno II Lakegrove Homeowners Association Board of
Directors**

Dear Ms. Keller:

The Office of the Attorney General (OAG) is in receipt of your complaint (Complaint) alleging violations of the Open Meeting Law (OML) by the Reno II Lakegrove Homeowners Association (HOA) Board of Directors during a Board of Directors meeting held on March 19, 2018.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. Nevada Revised Statutes (NRS) 241.037; NRS 241.039; NRS 241.040.

DISCUSSION AND LEGAL ANALYSIS

The OML, as comprised by Chapter 241 of the NRS, applies to meetings of public bodies and it requires that the actions of public bodies "be taken openly and that their deliberations be conducted openly." NRS 241.010(1); *see McKay v. Bd. Of Supervisors*, 102 Nev. 644, 651 (1986). The OML defines a "public body" as "any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue..." NRS 241.015(4).

A private, non-profit corporation is a public body if it is formed by a public body; acts in an administrative, advisory, and executive capacity in performing local governmental functions; and is supported in part by tax revenue from the public body. *See OMLO 2001-17* (April 12, 2001); *but see AG File No. 10-051* (January 4, 2011) (non-profit corporation did not act in administrative, advisory, or executive capacity nor was it supported in part by tax revenue).

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The HOA is a private, non-profit corporation that (1) was not formed by a public body; (2) does not act in an administrative, advisory, or executive capacity to perform local governmental functions; and (3) is not supported in part by tax revenue from a public body. Accordingly, the HOA is not a public body, and therefore, is not subject to the OML.

CONCLUSION

Upon review of your Complaint, the OAG has determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By: 

TIFFANY E. BREINIG
Deputy Attorney General
Bureau of Gaming and Government Affairs
Government and Natural Resources Division