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STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

555 E. Washington Ave. Suite 3900
Las Vegas, Nevada 89101

May 7, 2019

Via U.S. Mail

Jim Smith

**Re: Open Meeting Law Complaint, O.A.G. File No. 13897-313
Incline Village General Improvement District**

Dear Mr. Smith:

You filed a complaint on October 28, 2018, (Complaint) with the Office of the Attorney General (OAG) alleging violations of the Nevada Open Meeting Law (OML) by the Incline Village General Improvement District (IVGID) Board of Trustees (Board). The Complaint alleges that the Board violated the OML by conducting a meeting without public notice or participation.

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 investigation of the Complaint included OAG review of the Complaint and supporting materials, and the response to the Complaint from the Board's counsel, Jason Guinasso, and attachments thereto. The OAG attempted to contact a witness listed in the Complaint, but failed to elicit a response.

FACTUAL BACKGROUND

The Board is a "public body" as defined in NRS 241.015(4) and is subject to the OML. The Board is comprised of five trustees, who are elected voting members. On the evening of October 15, 2018, three trustees attended a gathering at Crosby's Tavern & Gaming in Incline Village, Nevada. IVGID staff members and other individuals were also present at the gathering.

The Complaint alleges that the trustees discussed the Board's upcoming meeting agenda, and strategies regarding the upcoming election of Board trustees. The three trustees who attended the gathering, as well as one IVGID staff member who was present at the gathering, provided sworn affidavits with the Board's response affirmatively stating that the trustees did not deliberate toward a decision or take action on any matter over which the Board has supervision, control, jurisdiction, or advisory power during the gathering.

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DISCUSSION AND LEGAL ANALYSIS

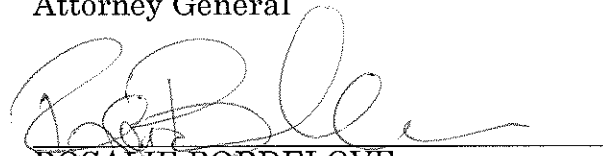
The OML requires that “all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies” unless otherwise provided by specific statute. NRS 241.020(1). A “meeting” generally requires a “gathering of members of a public body at which quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.” NRS 241.015(3). The OML provides an exception for a gathering which occurs at a social function if the members do not deliberate or take action. *Id.* A quorum of members of the Board attended the gathering in question. However, the OAG does not possess sufficient evidence that deliberation or action occurred at the gathering, and thus does not find that a meeting occurred in violation of the OML.

CONCLUSION

The OAG has reviewed the available evidence and determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General



ROSALIE BORDELOVE
Chief Deputy Attorney General

cc: Jason D. Guinasso, Counsel for the Board