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December 21, 2017

Via U.S. Mail

Ron Tetirick



**Re: Nevada State Charter School Authority - Open Meeting
Law Complaint, O.A.G. File No. 13897-248**

Dear Mr. Tetirick:

The Office of the Attorney General (OAG) is in receipt of your complaint alleging a violation of the Open Meeting Law (OML) by the Nevada State Charter School Authority (Board). The Complaint alleges that the Board failed to provide supporting material for its October 10, 2017, meeting upon request.

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. In response to Complaint, the OAG reviewed the Complaint and attachments, the agenda and audio recording for the October 10 meeting, and the response to the Complaint from the Board's counsel, Ryan Herrick.

FACTUAL BACKGROUND

The Board is a "public body" as defined in NRS 241.015(4), subject to the OML.

After receiving the agenda for the October 10 meeting via email, Mr. Tetirick requested supporting material for the meeting and was directed to the Board's website. Mr. Tetirick further specifically requested additional supporting materials for agenda item #4 and was informed that no additional materials existed.

Agenda item #4 stated “The Authority will review, discuss, and possibly decide on the Authority’s nomination to Governor Sandoval of three candidates to be appointed as Executive Director of the SPCSA following the expiration of the current Executive Director’s term (pursuant to Section 16 of AB49).” The agenda item further listed five candidate names. The supporting material for agenda item #4 consisted of a one page briefing memorandum from the current executive director. No other supporting material was provided to or considered by the Board.

DISCUSSION AND LEGAL ANALYSIS

The Nevada Legislature intends 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). To facilitate open government, the OML requires that agendas and supporting material for public meetings be made available to the public at the same time as sent to members of the public body. NRS 241.020(6).

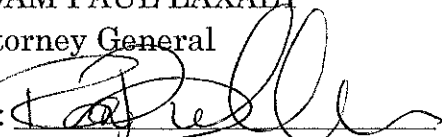
The OML does not require that supporting material be provided for an agenda item. Rather, it only requires that supporting material be made available to the public *if* it is provided to the members of the public body. Here, the Board did not receive any supporting material that was not also provided to the public. Thus, the Board did not violate 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,

ADAM PAUL LAXALT
Attorney General

By: 
ROSALIE BORDELOVE
Deputy Attorney General

cc: Ryan Herrick, General Counsel, Nevada State Charter School Authority