



STATE OF NEVADA  
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September 22, 2015

Anthony R. Cabral  
1251 Monarch Lane  
Gardnerville, Nevada 89460

Re: Open Meeting Law Complaint, A.G. File No. 13897-146  
Mason Valley Fire Protection District

Dear Mr. Cabral:

The Open Meeting Law (OML) complaint filed in this matter alleges that the Mason Valley Fire Protection District (District), a public body subject to the OML, violated the provision of NRS 241.020(3), requiring minimum public notice for the District's April 18<sup>th</sup> public meeting. The complaint also alleges the District did not post the meeting agenda at the place of the meeting, nor did the District post the agenda on its website or the State's website ([notice.nv.gov](http://notice.nv.gov)) as required by NRS 241.020(4).

The Complainant declares he reviewed the record book containing agendas and minutes of the district meetings but did not find any entries since January 17, 2015. The Complainant claims that on May 14, 2015 he asked for copies of the April 18, 2015 District's public meeting minutes but was unable to obtain copies.

The Attorney General's Office (AGO) has jurisdiction to investigate Open Meeting Law complaints, to issue Findings of Fact and Conclusions of Law, or to sue the public body to void an action. The AGO may also sue for injunctive relief, and for other civil remedies including monetary fines. NRS 241.037 and NRS 241.040.

We have reviewed the agenda, as well as statements from the District Fire Chief, the District's Administrative Secretary Theresa Spinuzzi, Assistant Chief Lacey Parrot and Fireman Wayne Kilgore.

## **FACTS**

The statements submitted by the named individuals mentioned above support the District's assertion that the April 18<sup>th</sup> public meeting was timely noticed and posted by the District's secretary. Draft minutes had been prepared and the district's record book contained public records of meetings subsequent to January 17, 2015, which had been stored in the Secretary's office—not in the cabinet in the conference room. Chief Parrot stated that she did not disturb the Secretary's office looking for these requested records in her absence. The Secretary returned to the office on the 17<sup>th</sup>; however, the Complainant's request for the records was made on the 15<sup>th</sup>, and Chief Parrot had decided the request could wait for two days.

The District admits that its agendas have not been posted on the state's website as required by the OML. The District has cured this error and has opened an account to have subsequent agendas now appear on the District's website. The District's website has not been maintained since June of 2014; consequently the District did not post the April 18<sup>th</sup> agenda on the District's website.

When Complainant asked for minutes of the District's April 18<sup>th</sup> public meeting, Secretary Spinuzzi was on vacation; however, in her statement she avers that the meeting draft minutes were in her office in the District's record book at the time Complainant requested them—they were just waiting for public body approval.<sup>1</sup> She stated that the draft minutes had not been approved when requested on May 15, 2015. She also stated that she was not contacted by Complainant nor was she asked to provide copies after her return.

## **CONCLUSION**

The District timely posted its April 18<sup>th</sup> agenda in four places as required by NRS 241.020. It was not posting agendas on the state's website, but the District has cured this error by opening an account within the state's website for publication of notices.

The OML requires that public bodies must make minutes available upon request whether approved, or in draft form. Draft minutes may be accompanied with notice to the public that draft minutes are subject to correction and/or revision.

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<sup>1</sup> The Nevada Legislature amended NRS 241.035 to require each public body to approve its prior meeting minutes within 45 days after the meeting or at the next meeting whichever occurs later.

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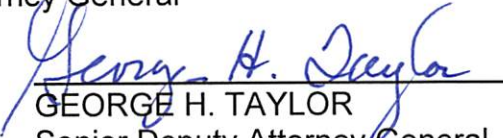
The District has cured the admission of a violation. Our investigation did not disclose any other violation as alleged in the complaint.

We are closing our investigation and closing our file in this matter.

Sincerely,

ADAM PAUL LAXALT  
Attorney General

By:

  
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