

June 8, 2026

Intransigence & the NPRA

What's said versus what's done

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EDUCATION

School board trustee sues district after being denied access to public records

DECEMBER 6, 2023



COURTS & CRIME

Court orders school district to pay \$40,000 in fees after losing public records battle

MAY 5, 2025



School district denied a document labeled a public record was actually public, forcing its own trustee to sue

School district argued the trustee had no standing to sue over public records

Fees increased after school district hired a law firm to engage in "judge shopping" after losing the case

COURTS & CRIME

Gerlach GID to pay \$96,000 in attorney fees after losing public records battle

APRIL 22, 2025



Gerlach General Improvement District denied one of its customers access to ratepayer contact information so he could protest a fee hike

"GGID has no public records responsive to your request pursuant to NRS 239B.040. Thus, we consider this matter responded to and this request closed."

Law firm battling the losing case was paid up to \$450/hour. It got \$71k. Plaintiff got \$25k.

Residents to pay \$600 each.

"Client is responsible for paying any attorney's fees and expense owed to Attorney, even if there is a judgment outstanding for such fees."

Washoe County budget enhancement requests



RECORDS ORDER

Budget enhancement requests for all Washoe County agencies

RESPONSE

Records *denied*

REASON

"This record falls under deliberative process. This record was part of pre-decisional and deliberative process that led to a specific decision for budget. Departments provided this information for the County to make decisions regarding budget. This information was not discussed at an open meeting. Therefore, this record will not be provided as per the request."

ISSUE

No legal authority cited

NRS 239.0107 1(d)(2): If the governmental entity must deny the person's request because the public book or record, or a part thereof, is confidential, provide to the person, in writing: **A citation to the specific statute or other legal authority** that makes the public book or record, or a part thereof, confidential.

9th Circuit court victory



RECORDS ORDER

Oct. 20: Settlement agreement with a professor who sued NSHE and prevailed after several years

RESPONSE

NSHE: *"NSHE System Administration responds that it is not the legal custodian of records within the legal custody and control of the institutions, including TMCC."*

TMCC: *"Subject to any required withholding for confidentiality and personnel record issues before we can disclose, and as these things take time, we will respond as soon as we can. **It may take as many as 30 business days.**"*

RECORDS DENIED

The records order was denied **32 days after the request was received**

ISSUE

No legal authority cited for excessive delay. TMCC/NSHE repeatedly assert they can respond to records requests whenever they want to within a 30 day period.

NRS 239.0107: Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written or oral request...a governmental entity shall...:

(a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the public book or record or, if the request is for the person to receive a copy of the public book or record, provide such a copy to the person...

Endless delays and missed deadlines



RECORDS ORDER

March 12: PowerPoint copy and emails for 3 Nevada Department of Administration employees over 1 month

RESPONSES

March 24: Need more time, until April 3

April 3: **No records received.** More time needed. Extended response to April 10

April 10: **No records received**

April 28: Responded that more time is still needed, until May 15

May 15: **No records received**

May 22: Responded that more time is still needed, until June 12

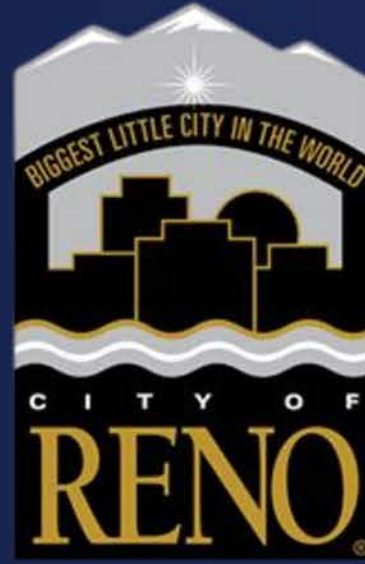
NO RECORDS

More than 80 days of repeated requests for updates, repeated deadlines set and repeated missed deadlines

ISSUE

No legal authority for excessive delays and missed deadlines, despite citing NPRA

Flock Safety data



RECORDS ORDER

Organizational and network audits of Flock Safety cameras (per Flock's documentation)

RESPONSE

WCSO: Provided thousands of pages of "worthless" data

City of Sparks: Provided records as requested

RENO RECORDS

DENIED

The City of Reno's response:

"The City utilizes this specialized equipment to respond to emergencies, for tactical operations, and to investigate ongoing criminal activity. As such, any information relating to the use of the specialized equipment is confidential and not subject to disclosure. See Governor's Executive Order 2020-01, dated February 4, 2020; Donrey of Nevada Inc. v. Bradshaw, 106 Nev. 630 (1990)."

ISSUE

Gratuitous legal authority cited by city of Reno with no clear nexus to NPRA

NPRA issues & solutions

ISSUE

Public records litigation occurs ***because records are frequently denied and mishandled***, not because of lack of NPRA clarity

Examples are omnipresent

SIMPLE SOLUTIONS

MOSTLY ALREADY EXIST IN LAW

- If there is ambiguity, favor should tilt in favor of requestor (as NPRA mandates)
- Records denials should be the exception, not the rule
- Agencies should abide by 5-day rule, no exceptions
- Delays should be the exception, not the rule, and they should be finite
- Voluminous requests can be addressed with NRS 239.0101 1(c)2: *"Make a reasonable effort to assist the requester to focus the request"*
- Fees charged only for materials, not time
- Legislative changes should sharpen NPRA