### IN THE STATE OF NEVADA OFFICE OF THE ATTORNEY GENERAL

22.

In the Matter of:

WASHOE COUNTY SCHOOL DISTRICT and its BOARD OF TRUSTEES.

AG File No. 13897-141

OMLO No. 2015-01

#### SETTLEMENT AGREEMENT

This Settlement Agreement is hereby entered into between ADAM P. LAXALT, Attorney General of the State of Nevada (Attorney General), and the WASHOE COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES (Trustees), a political subdivision of the State of Nevada, and Trustees Veronica Frenkel, John Mayer, Barbara McLaury, Howard Rosenberg, Lisa Ruggerio, Nick Smith, and Angela Taylor. The Attorney General agrees to forgo prosecution of the Trustees' action that occurred on March 24, 2015, and violated the Nevada Open Meeting Law, Chapter 241 of the Nevada Revised Statutes (the "OML"), in consideration of the promises herein.

## The Attorney General and the Washoe County School District Board of Trustees, here by stipulate and agree as follows:

- A. The Attorney General has statutory enforcement powers under the OML to seek to void actions taken in violation of the OML; to seek and obtain injunctive relief; and to require compliance with or prevent violations of the OML.
- B. The Attorney General has authority to investigate and prosecute a violation of the OML.
- C. The Attorney General may forego prosecution of a violation of the OML, when in his judgment the public interest will be served.
- D. This Settlement Agreement, by and between the Attorney General and the Washoe County School District Board of Trustees, arose out of the Trustees' action that occurred during a public meeting of the Board of Trustees on March 24, 2015.

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- Ε. Each Trustee acknowledges that his/her individual vote on the matter of whether to appoint Ms. Traci Davis as the permanent Superintendent of the School District, without a public agenda notice that the Board of Trustees would discuss and possibly take action to appoint her, was a violation of NRS 241.020 and NRS 241.040.
- F. Each Trustee acknowledges the Attorney General's "Findings of Fact and Conclusions of Law" dated January \_\_\_, 2016, attached hereto.
- G. In the judgment of the Attorney General, the appropriate corrective action that was taken by the Board of Trustees pursuant to NRS 241.0365(4) prior to adjournment of the same meeting on March 24 is a significant mitigating factor in this violation. However, previous violations of the OML by the Board of Trustees are also relevant.
- Н. In light of the violation of the OML that occurred during the meeting prior to the appropriate corrective action that was taken prior to adjournment, and as a compromise only, the Board of Trustees consents to pay a civil fine of FIVE HUNDRED DOLLARS (\$500.00) for the violation specified in Paragraph E above, pursuant to NRS 241.040. The individual Trustees shall be joint and severally liable for the fine. Payment of the fine is suspended on the condition that neither the Board of Trustees nor any of individual Trustees commit any further violations of the OML for a period of one year from the effective date of this Agreement.

Based on the foregoing, the Attorney General finds that forgoing prosecution under NRS 241.040 is in the public's interest, and that this Settlement Agreement is an appropriate compromise.

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This Settlement Agreement shall become effective upon execution by the parties.  STATE OF NEVADA, OFFICE OF THE ATTORNEY GENERAL,				
Ву:	ADAM PAUL LAXALT Attorney General	DATE		
WASHOE COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES,				
BY:	PRESIDENT	DATE		
	Print			

# Attorney General's Office 100 N. Carson Street Carson City, Nevada 89701-4717

#### **CERTIFICATE OF SERVICE**

<u> </u>				
I certify that I am an employee	of the Office of	the Attorney Ge	neral, State	of Nevada
and that on this day of January,	2016, I served	via United States	s Postal Ser	vice, a tru
and correct copy of the foregoing	SETTLEMENT	AGREEMENT,	as address	sed to the
following parties:				
Michael E. Malloy, Esq. Maupin, Cox, & LeGoy PO Box 30000 Reno, Nevada 89520-3000  Neil Rombardo, Esq. 425 E. 9 <sup>th</sup> Street Reno, Nevada 89520				
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