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Mr. George Taylor, Esq.
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Office of the Attorney General
Open Meeting Law Division
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Via email: gtaylor@ag.nv.gov
ctanner@puc.nv.gov

Re: OML File No.: 14-008

Dear Mr. Taylor,

I defer to your expertise as to whether to have this considered an addendum to my original complaint or if you want me to file this as a new complaint. I leave this to your discretion.

Today, the PUC sent out an email notifying people of the fragrance 'policy'. Exhibit A.

The use of the term 'affront' is a bullying and harassment term and I am not asking but DEMANDING that the signs and email that was sent out remove it immediately.

According to the dictionary:
af·front
noun
1. a personally offensive act or word; deliberate act or display of disrespect; intentional slight; insult: an affront to the king.
2. an offense to one's dignity or self-respect.
verb (used with object)
3. to offend by an open manifestation of disrespect or insolence: His speech affronted all of us.
4. to make ashamed or confused; embarrass.
5. Archaic. to front; face; look on.
6. Obsolete . to meet or encounter face to face; confront.

As it is implying an ‘offense’ that is NOT equable to an exacerbation by any stretch of the imagination. I find her ‘accommodation an ‘affront’ to my health status. Mrs. Tanner being an attorney should be highly cognizant of the fact that ‘words’ have legal implications and as such, this one is not going to be tolerated. I am not offended by the use of fragrances/chemicals, I am HARMED by said chemicals/frangrances, clearly a complete difference that she should be aware of.

I followed the request that Mrs. Tanner vocalized on April 30th, to submit my request in writing and it would be reviewed. I am attaching the original email and her subsequent emails addressing the issue. Exhibits B, C, D, E, F, G, H, I.

I find it extremely ironic, when I said it was the ‘law’, Mrs. Tanner ignored it. Then when I referenced it as her finding ‘religion’, now, she acknowledges that it’s the law. She should have accepted that initially. Just because Mrs. Tanner is an attorney, does not negate the fact that non-attorneys can have legal knowledge that do not fit under their ‘area’ of law, as this entire complaint/issue is obviously predicated on.

If Mrs. Tanner had any rudimentary knowledge of neuro-anatomy, is that the incorporation of only the term ‘synthetic’ does not know that essential oils, albeit misinterpreted as ‘natural’, predicated on their ‘distillation’ process; steam, chemical, mechanical, go DIRECTLY into the brain in order to ‘achieve’ their ‘alleged’ responses. Therefore, by only referencing the term ‘synthetic’ gives a ‘pass’ to the essential oils’. A quick and dirty anatomy: you inhale something, it goes thru the olfactory epithelium, olfactory neurons directly into the brain, there is no barrier. You inhale, it goes thru the nasal passage into the lungs also.

The ‘suggestion’ that Mrs. Tanner proposed to ‘stick’ me in an isolated room, at the Las Vegas Office, if the ‘scents’ in the main meeting room were an affrontage is not acceptable, as that overflow room is toxic to me. To wit, on Wednesday, April 30th, the PUC held their administrative agenda meeting in that room. Even with a mask on, I noticed an ‘off’ smell and it was embedded on my clothes even after I left the meeting. This is analogous to someone going into a smoke filled room, when they come out, their clothes will have absorbed the smell of smoke, no different when those with environmental issues are exposed to fragrances, chemicals, we just perceive them at lower threshold levels.

You can’t exacerbate a disability or any other health condition, because you don’t want to add a simple addendum to a public meeting notice. The PUC has made a good ‘first step’, but the fluidity of attendees is a complete unknown variable. As such, only with the incorporation of the ‘simple’ statement could all of this be ameliorated.

The federal guidelines for the ADA supersede the state's and as such, there needs to be uniformity not a provisional approach. As her latest 'suggestion' to be done on an 'annual' basis, is impacted by the fact that there is a requirement that semi-annually those on the 'current' list, are re-requested to sign up to remain on their notification lists. I believe the last one was sent out in March or due by March.

The ADA is not a pick and choose type law, it is comprehensive and covers every qualifying disability and accommodations need to be unilateral, not segmented as she has proposed. As she also has stated that she is going to request from the Attorney General's Office a ruling on this, as such, I concur that this needs to be addressed from said office. As any ruling is predicated on federal not state because of the 'employee number' and also being the 'recipient of federal funding', such as I fully elaborated on in my initial complaint to the Attorney General's Office. I 'believe' that it is under the purview of the Attorney General's Office that they adhere to both state and also federal laws/rulings. Therefore, the ruling should be based upon federal rulings, not a 'water-down' state version.

As Mrs. Tanner is under the misguided impression that since Nevada doesn't have a fragrance free policy, that does not impact the right of accessibility or notification accommodations that the ADA and US Access Board are promoting. As I have not asked for the state's offices to be fragrance free, only notifications for when the public is invited to attend. I have absolutely no problem in seeking whatever remedies I am afforded under the law.

Mrs. Tanner 'suggested' that I contact my legislative representative regarding the fragrance free issue. I spoke with Governor Sandoval's campaign manager and also left a message for his press secretary, as he is going to be named in the press notification of how the disabled are treated in this state and the 'unacceptable' ideas of how to assimilate this demographic into public participation of public entities meetings, events etc. As for the past three years the Governor has issued a proclamation in support of this issue.

In order to make it 'more convenient' for the PUC to comply with my request, I provided her with the dates in May that I had planned to attend and even those were summarily disregarded/dismissed by her, promulgating her 'rethinking' of her original denial of my request.

Now, since Mrs. Tanner has 'determined' that the overflow room is her concept of accommodations, does that include the liability of the PUC to be sued for the health impacts from a sick room? I say the room is sick, I say it has not been properly remediated and also another member of the public is denied participation over the mold issue. I am sure that Mrs. Wisecup would be more than willing to provide evidence of how sick and the duration of said exposure

she had to endure and why she can no longer attend meetings at the Las Vegas Office.

The most salient issue is that the PUC's Las Vegas Office is in a LEED Certified Building. As it seems to be a requirement that state buildings are in LEED certified structures. This is a three story building and the PUC's offices are on the second floor. This rating is the lowest that any LEED building can achieve, with the most bare minimum standards, aka poor quality building to get tax incentives. The PUC was notified over a year ago that there was a highly documented video made of water coming thru a fire spigot in the main meeting room, that has been posted on YouTube.Com. It is important to note that during this 'stream' of water flowing, the Chairwoman of the PUC, Commissioner Burtenshaw was captured stating 'it's happened' before. In order for the water to come from a potential leak in the roof, traverse thru the third floor to the second floor there is and was a path of water intrusion that has hidden mold and or mildew that is emanating into their offices. https://www.youtube.com/watch?v=zzqghZJ1G9g Along with a leak that was proven by the ceiling tile that presented with water demarcation stains in the overflow room that Mrs. Tanner has volunteered to encase me in.

After a couple of months, the ceiling tile in the 'overflow' meeting room was replaced, whether there was proper remediation done is unknown. Whether the leak in the main meeting room has been ameliorated is also unknown, as I have not been in attendance at any other meeting when it was raining. It is highly known that if an office has the 'need' to disburse an air freshener, air sanitizer etc., that there is a problem that they are trying to cover up. Covering up a 'unpleasant' odor is not healthy nor in compliance with LEED certifications, as the aerosol is just a 'masking' agent temporarily covering up an ongoing problem.

Therefore, it is common knowledge that the Las Vegas Office has a can of Lysol sitting on a table at their office, especially in the overflow room. In any notice calling for the public to participate under the open meeting parameters, the venue should be 'safe' for everyone. By having meetings in a public building with LEED certification, the majority of the public is under the misguided impression that the building is 'healthy'. I am not alluding I am full out asserting that this is a sick building and proper remediation has not been done.

Nor will I comply and accept an 'accommodation' that is both unhealthy for the public and an exacerbation of my health condition. I had a discussion with Chairwoman Burtenshaw and also Peter Kostos after the administrative hearing meeting on April 30th and discussed various issues, especially the impact of indoor air quality upon her staff.

Thank you for your prompt attention to this matter.

Respectfully submitted,

/s/
Angel De Fazio