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March 20, 2014

Office of the Attorney General – ATTN: OML Coordinator
100 N. Carson St.
Carson City, NV 89701

Via: 775/684-1108

Re: Carolyn Tanner, General Counsel
NV Bar Number 5520
Public Entity: Public Utilities Commission
1150 E. William Street
Carson City, NV 89701-3109

Assertions: Violation of Open Meeting Law, Title II of the ADA and Section 504

Dear Deputy Attorney General:

Even though the state agency in question is the Public Utilities Commission (PUC), I am filing this primarily against Mrs. Carolyn Tanner, as the PUC tends to defer all legal decisions to their in-house General Counsel. She has made the determination to deny me accommodations under the Open Meeting and ADA regulations, Section 504 and statutes.

There are a few violations/deviations from both state and federal regulations that Mrs. Tanner was made aware of and mendaciously decided ignore and to violate my legal rights under NV's Open Meeting Law.

She apparently thinks that ADA accommodations are analogous to a Chinese Menu, one from column A, one from column B, predicated on what they want to address/accommodate.

Since the last quarter of 2011, I have been a mainstay at the PUC, when the first 'smart meter' docket had been opened. In addition, I have been in attendance at almost all of their agenda meetings, hearings and consumer sessions since this time.

Since 1998, I have been declared disabled, by both the state and federal governments, over environmental issues, numerous other physical medical conditions and unable to work since 2002. Since at least 2012, the PUC has basically acknowledged/admitted

that I am disabled, by their written accommodations request they disburse to everyone on their 'service list' regarding certain dockets. In addition, the PUC never questioned when I first appeared with my service animal.

With relative surety of 100%, during Mrs. Tanner's transitional/acclimation period into this new position as General Counsel, most likely she was 'appraised' that I was someone to 'keep an eye on', due to my activism on their dockets and vocalizing my opinion on their decisions.

On March 12, 2014, I called Breanne Potter, the Asst. Commission Secretary at (775) 684-6167, requesting to appear telephonically as I was in a major fibro flare and unable to physically attend the agenda meeting on March 14th. This agenda was a necessity for me to appear, as I had been a repetitive commenter on one of the dockets that was up for discussion and also wanted to make sure that my comments on this were heard during the first part of the agenda meeting, whereby in their public notification "Utility Agenda 05-14 clearly states that the public is invited to comment prior to the items being discussed by the Commission. EXHIBIT A.

> Pursuant to NRS 241.020 a period of public comment will be allowed at the beginning of ***the*** meeting before any items on which action may be taken are heard by the Commission and again before the adjournment of the meeting. In order to conduct this meeting in an orderly, efficient and dignified manner, public comment shall be limited to two (2) minutes per person and directed to the Commission as a whole through the Chairman. Comments made during this comment period will be restricted to topics that pertain to items on the agenda. Comments may be prohibited if they become disruptive to the meeting by becoming irrelevant, repetitious, offensive, inflammatory or amounting to personal attacks and interfering with the rights of other speakers. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

Breanne said that I couldn't appear telephonically, but was invited to submit a written comment that would be annexed to the agenda docket. I explained to her that I was asking for a reasonable accommodation, that the PUC has already created and has access to the accommodation that I requested. I informed her that the PUC has proven that they can accommodate predicated on their 'accommodating' selective persons/companies that I am alleging are not disabled, but this was more of a 'convenience ' accommodation for them.

She took down my telephone number and stated she would get back to me.

Three of the main criteria's regarding accommodations are: 1. Is it a financial burden; 2. Are there structural modifications needed; 3. Having a history of being disabled.

Since 2011 when I first appeared at the PUC and brought in my service animal, no one questioned the dog being there. When either personally appearing to verbally or filing written submissions, there are a myriad of records referencing my disability. As almost every public appearance has been memorialized on video tape that the PUC was fully aware of the recordation.

The PUC has established that I am disabled and entitled to accommodations by their granting of my and another disabled person's request for fragrance free accommodations. The PUC accepted this reasonable ADA accommodation by their distribution of emails to everyone on their 'service' list to refrain from wearing fragrances, along with posting a notice on both the Carson City and Las Vegas main entrance doors, making the same notifications. EXHIBITS B,C,D,E,F,G

Additionally, another disabled person notified the PUC that their failure to remediate the water damage from ceiling leaks and fragranced restrooms were a barrier to her attending their public meetings. EXHIBIT H.

The PUC has acknowledged that my request for telephonic appearance would not be a financial burden nor structural modifications needed, by their granting of telephonic appearances to non-disabled persons in their current docket referenced as 13-06021, whereby on January 6th and February 3, 2014, there were telephonic appearances by the PUC's 'chosen' persons to appear this way. These hearings were also memorialized by Silver State Court Reporters, confirming that there were comments made by Commissioner Burtenshaw verifying who was appearing telephonically, such as Century Link, Cox NV and AT&T as examples. EXHIBITS I,J

March 13, 2014, there were numerous email exchanges between myself and Mrs. Tanner, whereby, I challenged her 'medical determination as what was 'non-chronic' I cited that fibro is a disability, definition of what constitutes a disability and I received a 'cursory' thank you for that information response. EXHIBITS K,L,M,N.

Mrs. Tanner's misinterpretation of the expedited service 'allowances' does not grant her 'assurance' that she is 'accommodating'. The purpose of my referencing it was to prove that her 'medical determination' of my disability as being 'non-chronic' was negated by the issuance of this permit, as you have to be irreversibly disabled in order to obtain it. EXHIBIT O Mrs. Tanner predicated on her CV, shows that she has no training or medical/allied health education, to make the determination that my request was for a 'non-chronic' health condition.

It needs to be noted that in her CV she clearly listed 'open meeting' items as one of her 'extensive knowledge' regarding areas of law. The Attorney Generals Office put out a manual regarding Open Meeting Protocols, 11th Edition, June 2012, which Mrs. Tanner claimed to be versed in, along with the fact that she just left the AG's office to move to the PUC. EXHIBIT P [I intentionally abridged her resume, as her sample of legal writing was not relevant.] Mrs. Tanner intentionally violated the intended purpose of an open meeting, as my rights to comment were taken away, filing something after the fact and

never presented in the public forum that the public is granted was denied. Which if she was 'familiar' with as she alluded to in her CV she should have been cognizant of.

It is fairly apparently, that if my request was granted, there most assuredly would be a concern that others might try to invoke the same accommodation.

I am also asserting that she discriminated against me, in order to 'silence' me on getting my comments on a referenced docket, that I have been alluding to in writing, which should be contested for x,y,z reasons.

> **§ 7.04 Matters brought up during public comment; meeting continued to another date**
> The Open Meeting law now requires multiple periods of public comment on each public body agenda. No action may be taken upon a matter raised in public comment or anywhere else on the agenda, until the matter itself has been specifically included on a future agenda as an item upon which action may be taken.

This has been noted on all of their agenda meeting notifications. EXHIBIT A.

> **§ 8.03 Accommodations for physically handicapped persons**
> NRS 241.020(1) provides that public officers and employees must make "reasonable efforts to assist and accommodate physically handicapped persons desiring to attend" meetings of a public body. In order to comply with this statute, it is required that public meetings be held, whenever possible, only in buildings that are reasonably accessible to the physically handicapped, i.e., those having a wheelchair ramp, elevators, etc., as may be appropriate. *See Fenton v. Randolph*, 400 N.Y.S.2d 987 (N.Y. Sup. Ct. 1977).

As referenced above, my request for accommodations is readily available and does fulfill the 'reasonable efforts' as stated in this section of Nevada's Open Meeting Manual:

> **§ 8.04 Public comment: multiple periods of public comment**
> AB 257: (**Act of June 16, 2011, Ch. 459, §1, 2011 Nev. Stat. 2838.) 2011 The OML now requires multiple periods of public comment.**
> NRS 241.020(2)(c)(3) requires that public bodies adopt one of two alternative public comment agenda procedures.
> **First**, a public body may comply with the new requirement by agendizing one public comment period before any action items are heard by the public body and later it must hear another period of public comment before adjournment.
> The **second** alternative also involves multiple periods of public comment which must be heard after discussion of each agenda action item, but before the public body takes action on the item.
> **Finally**, regardless of which alternative is selected, the public body must allow

> the public, some time before adjournment, to comment on any matter within the public body's jurisdiction, control or advisory power.

The denial of accommodations impedes my allowance/ability to comment on any agenda item and also to address any concerns I have under their jurisdiction. As their 'offer' to submit something in writing and it will be put into the docket, is not addressed and most of the never read. It is purely a 'protocol' that they have to offer, not that they have to read or even possibly have a discussion on,

> Discussion of public comment is specifically allowed under NRS 241.020(2)(c)(3). This statute was amended in 1991. Now, it allows discussion of public comment with the public body.
>
> NRS 241.020(2)(c)(3) provides that the public body must allow periods devoted to comments by the general public, if any, and discussion of those comments, if the public body chooses to engage the public in discussion. The statute does not mandate discussion with the public, but it does allow discussion.
>
> 8.05
> *See* OMLO 99-11 (August 26, 1999) The Office of the Attorney General believes that any practice or policy that discourages or prevents public comment, even if technically in compliance with the law, may violate the spirit of the Open Meeting Law such as where a public body required members of the public to sign up three and one-half hours in advance to speak at a public meeting. This practice can have the effect of unnecessarily restricting public comment and therefore does not comport with the spirit and intent of the Open Meeting Law.
>
> When public comment is allowed during the consideration of a specific topic, the chairperson may require public comment to be relevant to the topic, provided the restriction is viewpoint neutral. When public comment is not allowed during the consideration of a specific topic on the agenda, the public body must allow at least one general period of public comment during that meeting where the public may speak on any subject within the jurisdiction, control or advisory authority of the public body. *See* AG File No. 01-022 (May 31, 2001) and AG File No. 00-047 (April 27, 2001).

These few references under the open meeting law, clearly delineate public in person participation, ie 'presenting at a public meeting', as rights afforded everyone in Nevada. Mrs. Tanner's suggestion to just write up something violated what is considered the 'spirit of an open meeting'. As comments submitted either thru their electronic filing system or dropped off at their office, are NOT read or presented at the public meetings. They are only filed within the relevant docket.

Mrs. Tanner's 'statement' of non-chronic, in my opinion, is her attempt to start the PUC's defense in the future litigation of injuries I sustained on January 15th, predicated on their actions in the smart meter dockets. The PUC and NV Energy were made aware

of the injuries sustained and they know that I will be going after them for said injuries, along with NV Energy as co-defendants.

Regarding the protections I have and those that Mrs. Tanner violated are fully delineated within the
The Americans with Disabilities Act
Title II Technical Assistance Manual
Covering State and Local Government Programs and Services

Introduction
This technical assistance manual addresses the requirements of title II of the Americans with Disabilities Act, which applies to the operations of State and local governments. It is one of a series of publications issued by Federal agencies under section 506 of the ADA to assist individuals and entities in understanding their rights and duties under the Act.

II-2.0000 QUALIFIED INDIVIDUALS WITH DISABILITIES
Regulatory references: 28 CFR 35.104.
II-2.1000 General. Title II of the ADA prohibits discrimination against any "qualified individual with a disability."

Title II protects three categories of individuals with disabilities:
1) Individuals who have a physical or mental impairment that substantially limits one or more major life activities;
2) Individuals who have a record of a physical or mental impairment that substantially limited one or more of the individual's major life activities; and
3) Individuals who are regarded as having such an impairment, whether they have the impairment or not.

II-2.4000 Substantial limitation of a major life activity. To constitute a "disability," a condition must substantially limit a major life activity. Major life activities include such activities as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Are "temporary" mental or physical impairments covered by title II? Yes, if the impairment substantially limits a major life activity. The issue of whether a temporary impairment is significant enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

Mrs. Tanner 'medical determination' of 'non-chronic', seems to also fit under this.

II-2.5000 Record of a physical or mental impairment that substantially limited a major life activity. The ADA protects not only those individuals with

disabilities who actually have a physical or mental impairment that substantially limits a major life activity, but also those with a record of such an impairment.

II-2.6000 "Regarded as." The ADA also protects certain persons who are regarded by a public entity as having a physical or mental impairment that substantially limits a major life activity, whether or not that person actually has an impairment.

The mere fact that the PUC has sent out 'notification emails' regarding accommodating my disability, they have acknowledged that I do in fact have a disability.

II-2.8000 Qualified individual with a disability. In order to be an individual protected by title II, the individual must be a "qualified" individual with a disability. To be qualified, the individual with a disability must meet the essential eligibility requirements for receipt of services or participation in a public entity's programs, activities, or services with or without --
1) Reasonable modifications to a public entity's rules, policies, or practices;
2) Removal of architectural, communication, or transportation barriers; or
3) Provision of auxiliary aids and services.
The "essential eligibility requirements" for participation in many activities of public entities may be minimal. For example, most public entities provide information about their programs, activities, and services upon request. In such situations, the only "eligibility requirement" for receipt of such information would be the request for it. However, under other circumstances, the "essential eligibility requirements" imposed by a public entity may be quite stringent.

II-3.3000 Equality in participation/benefits. The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services.

The accommodation of appearing telephonically provides 'equally effective opportunity to participate in or benefit from a public entity's aids, benefits and services."

II-3.4000 Separate benefit/integrated setting. *A primary goal of the ADA is the equal participation of individuals with disabilities in the "mainstream" of American society. The major principles of mainstreaming are --*
1) Individuals with disabilities must be integrated to the maximum extent appropriate.
2) Separate programs are permitted where necessary to ensure equal opportunity. A separate program must be appropriate to the particular individual.
3) Individuals with disabilities cannot be excluded from the regular program, or required to accept special services or benefits.

Appearing by telephone is appropriate for ‘mainstreaming’ and ‘integration’ and mitigating ‘exclusion’.

> **II-3.4200 Relationship to "program accessibility" requirement.** The integrated setting requirement may conflict with the obligation to provide program accessibility, which may not necessarily mandate physical access to all parts of all facilities (see II-5.0000). Provision of services to individuals with disabilities in a different location, for example, is one method of achieving program accessibility. Public entities should make every effort to ensure that alternative methods of providing program access do not result in unnecessary segregation.

Request removes the ‘segregation’ from participation.

> ***II-3.4300 Right to participate in the regular program.*** *Even if a separate or special program for individuals with disabilities is offered, a public entity cannot deny a qualified individual with a disability participation in its regular program. Qualified individuals with disabilities are entitled to participate in regular programs, even if the public entity could reasonably believe that they cannot benefit from the regular program.*
>
> ***II-3.4400 Modifications in the regular program.*** *When a public entity offers a special program for individuals with a particular disability, but an individual with that disability elects to participate in the regular program rather than in the separate program, the public entity may still have obligations to provide an opportunity for that individual to benefit from the regular program. The fact that a separate program is offered may be a factor in determining the extent of the obligations under the regular program, but only if the separate program is appropriate to the needs of the particular individual with a disability.*
>
> **II-3.5000 Eligibility criteria**
> ***II-3.5100 General.*** *A public entity may not impose eligibility criteria for participation in its programs, services, or activities that either screen out or tend to screen out persons with disabilities, unless it can show that such requirements are necessary for the provision of the service, program, or activity.*

There is no justification to ‘screen out’ by refusing to allow this accommodation.

> **II-3.5200 Safety.** A public entity may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the public entity must ensure that its safety requirements are based on real risks, not on speculation, stereotypes, or generalizations about individuals with disabilities.

There are no ‘safety issue/requirements’ that would be applicable to utilizing telephonic appearance. The only risk I can extrapolate, is the risk of aggravating a disabled person with their determination to rectify this discrimination.

II-3.6100 General. *A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination. If the public entity can demonstrate, however, that the modifications would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.*

The request is not a modification, as I have never seen any notations in their notices, that appearing by telephone is banned/not acceptable. You can't modify the nature of public interaction by making it on a 'we will do this and not do this' type of accessibility. As the entire purpose of these meetings is for 'public participation'.

II-5.0000 PROGRAM ACCESSIBILITY
Regulatory references: 28 CFR 35.149-35.150.

II-5.1000 General. *A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.*

ILLUSTRATION 1: When a city holds a public meeting in an existing building, it must provide ready access to, and use of, the meeting facilities to individuals with disabilities. The city is not required to make all areas in the building accessible, as long as the meeting room is accessible. Accessible telephones and bathrooms should also be provided where these services are available for use of meeting attendees.

Are there any limitations on the program accessibility requirement? Yes. A public entity does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. This determination can only be made by the head of the public entity or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burdens would result must be based on all resources available for use in the program. If an action would result in such an alteration or such burdens, the public entity must take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

My request is not a fundamental alteration of the 'activity', as the purpose of the open meeting, is for the public to 'comment'. This request is not a burden by any 'definition'.

II-5.2000 Methods for providing program accessibility. Public entities may achieve program accessibility by a number of methods. In many situations,

providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, may be the most efficient method of providing program accessibility. The public entity may, however, pursue alternatives to structural changes in order to achieve program accessibility. Nonstructural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate accessible sites.

How is "program accessibility" under title II different than "readily achievable barrier removal" under title III? Unlike private entities under title III, public entities are not required to remove barriers from each facility, even if removal is readily achievable. A public entity must make its "programs" accessible. Physical changes to a building are required only when there is no other feasible way to make the program accessible.

In contrast, barriers must be removed from places of public accommodation under title III where such removal is "readily achievable," without regard to whether the public accommodation's services can be made accessible through other methods.

My request for telephonic appearance fits ‘programs accessible’, as this is feasible, no barriers are being asked for and no physical changes are being requested or inferred.

II-8.1000 General. Title II requires that public entities take several steps designed to achieve compliance. These include the preparation of a self-evaluation. In addition, public entities with 50 or more employees are required to --

1) Develop a grievance procedure;
2) Designate an individual to oversee title II compliance;
3) Develop a transition plan if structural changes are necessary for achieving program accessibility; and
4) Retain the self-evaluation for three years.

Unless the Attorney General’s Office is the default grievance remedy, the PUC doesn’t have any procedure or person to be referred to. On March 18, 2014, EXHIBIT Q , I sent an email to Mrs. Tanner requesting said information, to which she has no ‘referral’ in her department and alluded that I should get an ‘attorney’ or contact the Attorney General’s Office. Is the Attorney General’s office the one who is ‘obligated’ under federal law to comply with this ‘requirement’?

How does a public entity determine whether it has "50 or more employees"? Determining the number of employees will be based on a government wide total of employees, rather than by counting the number of employees of a subunit, department, or division of the local government. Part-time employees are included in the determination.

Because all States have at least 50 employees, all State departments, agencies, and other divisional units are subject to title II's administrative requirements applicable to public entities with 50 or more employees.

If a public entity identifies policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, when should it make changes? Once a public entity has identified policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, it should take immediate remedial action to eliminate the impediments to full and equivalent participation. Structural modifications that are required for program accessibility should be made as expeditiously as possible but no later than January 26, 1995.

Mrs. Tanner on March 13th was made aware of the 'denial/limitations' that her 'determination' has made, she recommended the 'alternative' to fully impede the purpose of the Open Meeting Law, isolate and segregate me from my lawful right to participate in their meetings/activities that non-disabled persons are afforded. Everything I requested has been financially neutral, non-structural related and already established and utilized by 'favorite/preferred' persons.

II-9.0000 INVESTIGATION OF COMPLAINTS AND ENFORCEMENT
Regulatory references: 28 CFR 35.170-35.190.
II-9.1000 General. Individuals wishing to file title II complaints may either file --
1) An administrative complaint with an appropriate Federal agency; or
2) A lawsuit in Federal district court.
If an individual files an administrative complaint, an appropriate Federal agency will investigate the allegations of discrimination. Should the agency conclude that the public entity violated title II, it will attempt to negotiate a settlement with the public entity to remedy the violations. If settlement efforts fail, the matter will be referred to the Department of Justice for a decision whether to institute litigation.

How does title II relate to section 504? Many public entities are subject to section 504 of the Rehabilitation Act as well as title II. Section 504 covers those public entities operating programs or activities that receive Federal financial assistance. Title II does not displace any existing section 504 jurisdiction.

The substantive standards adopted for title II are generally the same as those required under section 504 for federally assisted programs. In those situations where title II provides greater protection of the rights of individuals with disabilities, however, the funding agencies will also apply the substantive requirements established under title II in processing complaints covered by both title II and section 504.

Individuals may continue to file discrimination complaints against recipients of Federal financial assistance with the agencies that provide that assistance, and the funding agencies will continue to process those complaints under their

> existing procedures for enforcing section 504. The funding agencies will be enforcing both title II and section 504, however, for recipients that are also public entities.

Not just the State of Nevada, but the PUC has directly benefited from Federal Financial Assistance, by their acceptance of a grant under the American Recovery Revitalization Act. The PUC is also required under Section 504 to accommodate. As of the 4th Quarter of 2013, they were the 'prime' recipient of grant number DE-OE0000132 for $816,274 and they received $816,217 of the grant. EXHIBIT R

The PUC has publicly acknowledged that they are under the Opening Meeting Law, EXHIBITS S,T :

> Commission is subject to the Nevada Administrative Procedure Act and the Nevada Open Meeting Law requirements as delineated in NRS Chapters 233B and 241, respectively, and performs its regulatory functions in accordance with these statutes."

Mrs. Tanner asserted that it was her 'decision' to deny me the accommodation. It should be noted, that because the PUC has 'determined' that the General Counsel is the one that assures compliance 'on legal issues', she is culpable for her 'actions/rulings'. This was memorialized in both the 2011 and 2013 Biennial Reports on the PUC.

The job description of the General Counsel is defined as, EXHIBIT S:

> General Counsel's office also reviews the Commission's administrative procedures to assure compliance with the Administrative Procedures Act and the Open Meeting Law as well as other statutes and regulations applicable to the Commission.

The job description of the Office of General Counsel is defined as, EXHIBIT T:

> The division is also responsible for case management and reviewing the Commission's administrative procedures to assure compliance with the Administrative Procedures Act as well as other statutes and regulations applicable to the Commission.

Randal R. Munn, Chief Deputy Attorney of the Attorney General's Office gave a presentation via Power Point on Open Meeting Law, EXHIBIT U, date unknown. The Attorney General's Office does have legal oversight regarding any/all violations as related to the Open Meeting Law:

> **The Agenda Also Includes**
> • The time, place and location of the meeting
> • A list of locations where the notice has been posted

• Must clearly indicate action items (“For Possible Action”)
• Should include a statement for additional assistance for physically handicapped
• Must have a public comment period

Public Comment
• Public comment is *not required on every individual item* on the agenda. A public body can limit public comment to the statutory minimum, provided such limitation is *noticed* and *applied* equally to all members of the public.

Violations
• Action taken in violation of the Open Meeting Law is void NRS 241.036.
• Attorney General’s Office has primary jurisdiction to enforce NRS chapter 241.
• Attorney General’s Office investigates complaints for allegations of violations of the Open Meeting Law.

Enforcement
• Attorney General’s Office may bring a legal proceeding to void an action allegedly taken in violation of the Open Meeting Law.
• Attorney General’s Office may also bring a legal action to obtain an injunction to prevent violations of the Open Meeting Law.
• A private citizen may also bring a legal proceeding. NRS 241.037(2).

NRS 241.040(2): Wrongful exclusion of any person or persons from a meeting is a misdemeanor

One has to seriously consider whether Mrs. Tanner’s ‘decision’ was in fact ‘wrongful exclusion’ predicated on all the statues, laws as referenced above.

What makes all of this ironic, is that on February 26th, while attending an agenda meeting, sans requesting accommodations, one of the PUC’s staff, tried to be surreptitious while removing a can of air freshener that was in the main meeting room. There must have been some ‘department wide’ discussion regarding making sure there was nothing to impact my disability during any meeting. So even without ‘asking’ they graciously accommodated my disability. Thus, I am perceived as having a disability in their opinion/determination.

Mrs. Tanner’s self-proclaimed/acknowledgement of working in the Attorney General’s Office from 7/2009 to 8/2014, as Senior Deputy Attorney and ‘extensive knowledge’ of the Open Meeting Law, this entire denial should have been a non sequitur.

I feel I have clearly presented, cited relevant state and federal statutes that warrant action upon the part of the OML-Coordinator.

DATED and DONE this 20th day of March, 2014.

/s/

Angel De Fazio, BSAT
Complainant