

TRANSMISSION VERIFICATION REPORT

TIME : 08/13/2009 14:58
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DATE, TIME	08/13 14:57
FAX NO./NAME	4863768
DURATION	00:00:39
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

08/13/09

Catherine Cortez Masto
Nevada Attorney General
Attention Attorney Generals Public Integrity Unit
555 E. Washington Avenue, Suite #3900
Las Vegas, NV 89101
VIA Fax: (702) 486-3768 3 pages total

Dear Sirs,

This letter is for the purpose of filing a formal complaint against the Chairperson Trustee and the Clark County School Board for multiple violations of the Nevada open meetings regulations. This complaint includes but is not limited to wrongful exclusions.

On July 23, 2009 I was signed up to speak before the Board. A video of this meeting was posted to the CCSD web site. Upon viewing the videos posted thereon you will discover that the Chairperson conducting the meetings has chosen to pick and choose who may be given more or less time to speak dependent upon the personal prerogative of the Board or Chairperson. During the 02/12/2009 speaker policy meeting of this Board it was announced that members of the public would be allowed to speak for 3 minutes. This is also indicated in the agenda for July 23. During this meeting the Chairperson cut my right to speak off after 2 minutes. This violated my right to speak and the rights of others who want to hear or to have heard what I had to say. I also believe that this violates equal protection under the law.

During the same meeting other violations of the Sunshine Law occurred when the Chairperson of the Trustees Board directed a staff member not to publicly answer a public records request by Ms. Gray (Karen Gray v. CCSD – See ACLU Spring 2009 newsletter). I believe that my rights and the rights of the audience were violated because this information was suppressed by the Chairperson. The Chairperson

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During the same meeting other violations of the Sunshine Law occurred when the Chairperson of the Trustees Board directed a staff member not to publicly answer a public records request by Ms. Gray (Karen Gray v. CCSD – See ACLU Spring 2009 newsletter). I believe that my rights and the rights of the audience were violated because this information was suppressed by the Chairperson. The Chairperson asserted that this was under her prerogative. During the following Board session on 8/5/2009 (1:48) the Chairperson again made comments significant to this issue during a public hearing. That meeting was recorded on video but you will have to contact CCSD to obtain a copy as they will not post the work session.

As I have been speaking during public hearings at CCSD, since 2006 it is apparent that this meeting is a good example of how the board has ongoingly attempted to suppress public comment on certain subjects (particularly where evidence is presented) while allowing others to go on. According to my understanding of AG opinions, this is illegal. I believe that nothing short of action on your part will correct the Board's activities and attitude regarding this process.

You may wish to have an example list of topics that I have spoken on to the CCSD Board and Bond Oversight Committee during public hearings. The following is a sample list:

1. I presented a broadcast email indicating that a valuable gift went from certain architects to a CCSD management staff who has decision making authority on architects fees and contracts. The last words in this email were "Don't tell anyone because this is illegal".
2. I asked why the chief investigator was not reporting the results of the above investigation. (Item 1)
3. CCSD staff bid rigging the 2007 architect selection process.
4. I reported to the Board that public knowledge of the FBI complaint now under investigation about engineering contract bid rigging.
5. I reported "Sole Sourcing" elementary school clock intercom systems which is against federal procurement regulations.
6. I provided proof that work shown on the construction documents was not built but was paid for by the public.
7. Demonstrating how CCSD project managers deliberately plan to pay contractors money for unnecessary extras.
8. Demonstrating the systematic plan of CCSD facilities to violate the Americans With Disabilities Act.
9. Retribution against architects asking for fair dealings from the facilities department.

Due to the nature of the topics above and the deliberate suppression by the Board I also hereby request a RICO investigation into the activities of the School Board and the Facilities Department of CCSD.

Just to remind you the CCSD Board has recently expended 4.9 billion dollars of tax payer construction bond moneys and the organization is of sufficient size wherein proper reporting to the bond buying public would be considered "Significant".

Sincerely,

Ken Small AIA CST CDT LEED AP REFP
5174 Supai Drive
Las Vegas, NV 89103
Day Phone 702.873.1718
Telefax 702.873.1726

Agenda Attached
CC: CCSD Trustees Board

8. PUBLIC HEARINGS ON NON-AGENDA ITEMS

- 8.01 PUBLIC HEARINGS ON NON-AGENDA ITEMS. At this time, any person who wishes to speak on a non-agenda item and signed up either in person or telephoned 799-1072 during the hours of 7:00 a.m. until 4:00 p.m. the day prior to, and 7:00 a.m. until 2:00 p.m. the day of this Board meeting, shall be allocated time to speak. Each speaker's comments will be limited to not more than three minutes. Speakers are encouraged to submit extended remarks in writing. Individuals who have not called in before the meeting, may sign up to speak when they arrive and will be allocated time to speak during the non-agenda portion of the meeting. Every effort will be made to allow those who have signed up the opportunity to address the Board. If public comments do not consume the presentation time allowed, Board members may resume their business.
(According to Governance Policy: GP-11: Public Hearings)

9. RESPONSE TO COMMENTS STATED BY PUBLIC

- 9.01 RESPONSE TO PUBLIC COMMENT. At this time, discussion may be held on issues raised by the public under Public Hearings of Agenda/Non-Agenda Items.
(According to Governance Policy: GP-11: Public Hearings)

10. GENERAL DISCUSSION BY BOARD MEMBERS AND SUPERINTENDENT

- 10.01 AGENDA PLANNING: ITEMS FOR FUTURE AGENDAS. Board member and Superintendent requests to place specific agenda items on future agendas. [Contact Person: Terri Janison]
(Backup material may be provided.)
(According to Governance Policy: GP-10: Construction of the Agenda)
- 10.02 BOARD REPORTS. Discussion regarding Board committees and conferences to include, but not limited to, reports on committee meetings and conferences which may include the Superintendent Education Network, Empowerment Design Team, American Education Week Committee, Attendance Zone Advisory Commission (AZAC), Debt Management Commission, Student Dropout Prevention Community Link, Interlocal Grant Relations, Oversight Panel for School Facilities, Parks and Recreation, Public Broadcast System (PBS), Association of Public Television Stations (APTS), Public Education Foundation, School Name Committee, Sex Education Advisory, Southern Nevada Regional Planning Coalition (SNRPC), Student Council Advisory, Clark County Comprehensive Plan Steering Committee, Nevada Association of School Boards (NASB), National School Boards Association (NSBA), Council of Urban Boards of Education (CUBE), Council of Greater City Schools, Nevada Interscholastic Activities Association (NIAA), Department of Education, Policy Governance, staff relations, educational events, travel, legislative updates, community relations, and other committee and conference reports as necessary.
(According to Governance Policies: GP-14: Board Committee Principles and GP-15: Board Affiliated Committees)
- 10.03 BOARD AND SUPERINTENDENT COMMUNICATION. Discussion including, but not limited to, the Superintendent's and Board's participation and knowledge of current events, meetings attended, presentations made, legislative updates, district relations, and community relations.
(According to Governance Policy: EL-10: Communication and Support to the Board)