

TYLER J. INGRAM
District Attorney

CHAD B. THOMPSON
Chief Criminal Deputy

**OFFICE OF THE DISTRICT ATTORNEY
OF ELKO COUNTY, NEVADA**

540 Court Street, Second Floor
Elko, Nevada 89801-3515
775-738-3101 • 775-738-0160 fax

MARK S. MILLS
JEFFREY C. SLADE
RAND J. GREENBURG
JUSTIN M. BARAINCA
DANIEL M. ROCHE
BREA M. MITCHELL
MEGAN A. SMITH
Deputy District Attorneys

April 16, 2019

RE: PUBLIC RECORDS REQUEST

Dear, BRADY

Request 1 through 4

Elko County received a request for public records on April 16, 2019. Elko County is currently compiling the records for which you requested. However, Please take Notice because of staff restrictions and the volume of the records, the county will not be able to produce the records within five (5) days. Under NRS 239.0107, if a governmental entity is unable to produce the records within the five days, it must give notice of the fact and indicate when the records will be available. Elko County will have the records available and copied within twenty (20) business days of receiving your request. If the records are available before the twenty (20) business days has expired, Elko County will promptly send the copies of the requested records.

Request 5

Elko County does not have any legal analysis of the Second Amendment or state analogues that led Elko County Commissioners to conclude that Senate Bill

143 or any other gun-related legislation introduced in the current Nevada legislative session are unconstitutional or otherwise unenforceable. Resolution No. 2019-07, also

does not purport to claim or otherwise declare that Senate Bill 143 is unconstitutional. The resolution simply declares that the County will not enforce any unconstitutional laws.

Also, all legal analysis, opinions, or communication of a legal issue between the county and the county attorney is confidential. Under NRS chapter 49 “all communication is confidential if it is not intended to be disclosed to third person other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client” Client is defined as, “a person, including a public officer . . . or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from the lawyer.” Thus, because the legal analysis was provided to the commission or the county in manner that is not intended to be disclosed to a third person, the communication is confidential and will not be disclosed.

Request 6

Elko County does not have any materials regarding the legal analysis that led Elko County Commissioners to conclude that they have the authority to determine the constitutionality of state laws, and/or the Elko County's Sheriff has the authority to determine the constitutionality of Nevada laws and not enforce such laws. Resolution No. 2019-07, does not purport to claim or otherwise declare that the County commission or sheriff has the authority to determine the constitutionality of state law. The resolution also does not indicate that the county will not enforce any state law.

Also, all legal analysis, opinions, or communication of a legal issue between the county and the county attorney is confidential. Under NRS chapter 49 "all communication is confidential if it is not intended to be disclosed to third person other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client" Client is defined as, "a person, including a public officer . . . or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from the lawyer." Thus, because the legal analysis was provided to the commission or the county in manner that is not intended to be disclosed to a third person, the communication is confidential and will not be disclosed.

Request 7

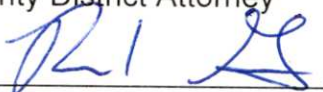
Elko County has not enacted any local policies or guidelines as a result of the enactment of Senate Bill 143 or any other gun-related legislation.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

TYLER J. INGRAM
Elko County District Attorney

By:



Rand J. Greenburg
Deputy District Attorney
State Bar No. 13881

DA# CV-14-04050