



Via Email

April 16, 2019

Elko County Clerk
571 Idaho St.
Elko, NV 89801
clerk@elkocountynv.net

Dear Sir or Madam:

Brady hereby requests production pursuant to the provisions of NRS §§ 239.001 *et seq* ("NPR"). This request pertains to Elko County's March 20, 2019 Resolution No. 2019-07 declaring Elko County a sanctuary for the Second Amendment, supporting the Elko County Sheriff's discretion not to enforce certain firearms laws, and refusing to authorize or appropriate any funds or resources for the purpose of enforcing such laws. For each of the below requests, we are requesting public source and non-public source documents in electronic format wherever possible, including, but not limited to, any email correspondence on government computers and devices or official communications sent from personal email accounts or personal devices:

1. All communications between Elko County Commissioners and other Nevada county commissioners related to Resolution No. 2019-07, Senate Bill 143, or any other gun-related legislation introduced in the current Nevada legislative session;
2. All communications between Elko County Commissioners and Elko County's Sheriff related to Resolution No. 2019-07, Senate Bill 143, or any other gun-related legislation introduced in the current Nevada legislative session;
3. All communications between Elko County Commissioners and any representatives from the gun industry or gun rights organizations including, but not limited to, any representatives from the following organizations and/or their affiliates: the National Rifle Association, the Gun Owners of America, the National Shooting Sports Foundation, the Nevada Firearms Coalition, and any firearms manufacturers, importers, distributors, or dealers;
4. All communications between Elko County Commissioners and any other non-government employees regarding Resolution No. 2019-07, Senate Bill 143, or any other gun-related legislation introduced in the current Nevada legislative session;

5. Any materials regarding 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;
6. 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 that Elko County's Sheriff has the authority to determine the constitutionality of Nevada laws and not enforce such laws; and
7. Any draft or enacted local policies or guidelines for Elko County implemented as a result of the enactment of Senate Bill 143 or any other gun-related legislation.

We request these responsive documents in their entirety, including all attachments, enclosures, and exhibits. If Elko County determines that some portion of a record that is otherwise responsive to this request is exempt, we request that Elko County provide a copy of all reasonably segregable, non-exempt portions of the record. If the requested records are not in the possession of Elko County Clerk or its agents, we request that Elko County Clerk identify all agencies and/or other individuals and entities believed to possess such documents. Should you deny our request, we request that you cite each specific statute or other legal authority that makes the record, or part thereof, confidential, as is required by NRS § 239.0107(d)(2), and notify us of the appeal procedures available to us under Nevada law.

We request that Elko County Clerk produce these documents within five (5) working days as required by NPRA. Additionally, if the request is deemed as "extraordinary," we request a notification letter detailing when access to the records will be available, or when Elko County Clerk will respond. We also request that Elko County Clerk provide an individualized tracking number associated with this request should the request take longer than 5 days to process.

If there are any fees for searching or copying these records, please inform us. However, we request a fee waiver of all fees in that the disclosure of the request information is in the public interest. Brady is a 501(c)(3) non-profit dedicated to creating a safer America by cutting gun deaths in half by 2025. The requested information will be used to educate the public and further this goal. In the past, government agencies have granted Brady (previously known as the Center to Prevent Handgun Violence) a fee waiver under like circumstances. *See Center to Prevent Handgun Violence v. United States Department of Treasury*, 49 F.Supp.2d 3, 5 (D.D.C. 1999) (acknowledging the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)'s past grant of a fee waiver to Brady for a similar request of government records).

We appreciate your prompt consideration of this request. If you have any questions, or if we can be of any assistance in expediting this request, please contact us at (202) 370-8146, or tfardon@bradyunited.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tess Fardon', with a long, sweeping horizontal stroke extending to the right.

Tess Fardon
Staff Attorney
Legal Action Project
Brady