

**STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL**

100 N. Carson St.
Carson City, NV 89701
Phone: 775-684-1100
Fax: 775-684-1108

www.ag.nv.gov

For official use only.

Received by: _____

Date Received: _____

Complaint Type: _____

Referred to: BCP GI
 IFU OML MFU
 MFCU PIU WCFU
(Stamp here)

OPEN MEETING LAW COMPLAINT FORM

The information you report on this form may be used to help us investigate alleged violations of Nevada's Open Meeting Law – NRS chapter 241. When completed, mail or fax your form and supporting documents (if any) to the office location listed above. Upon receipt, your complaint will be reviewed by a member of our staff. The length of this process can vary depending on the circumstances and information you provide with your complaint. The Attorney General's Office may contact you if additional information is needed. If you have a claim against the State of Nevada, complete the Tort Claim Form found on our website.

INSTRUCTIONS: Please TYPE/PRINT your complaint in dark ink. You must write LEGIBLY. All fields MUST be completed.

SECTION 1.

COMPLAINANT INFORMATION

Salutation: Mr. Mrs. Ms. Miss

Your Name: Park David W

Your Address: 1300 Buckeye Rd. Minden NV 89423

Your Phone Number: 775-690-2161

Email: david@parklivestock.com

Call me between 8am-5pm at: Home Cell Work

Age: Under 18 18-29 30-39 40-49 50-59 60 or older

ALLEGED OPEN MEETING LAW VIOLATION IS AGAINST

Name of Public Body: Douglas County BOCC, County Manager Jenifer Davidson, County Engineer Jeremy Hutchings
 (i.e., specific board, commission, agency, or person(s) etc.)

Date of meeting where alleged violation occurred (mm/dd/yyyy): 12/01/2025

RECEIVED
 DEC 31 2025
 ATTORNEY GENERAL
 MALP DOM

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SECTION 2.

Please detail the specific violations against the board, commission, or agency or person listed in Section 1. Include the who, what, where, when, and why of your complaint. You may use additional sheets if necessary. Remember the Open Meeting Law applies only to public bodies (see NRS 241.015 for definition) and only to members of public bodies.

My complaint is:

See attached summary

SECTION 3.

Sign and date this form. The Attorney General's Office cannot process any unsigned, incomplete, or illegible complaints.

I understand that the Attorney General is **not my private attorney**, but rather represents the public. I am filing this complaint to notify the Attorney General's Office of alleged violations of the Open Meeting law by public bodies or individual members of a public body. I understand that the information contained in this complaint may be used by the Attorney General to investigate the public body named in my complaint. I understand that the Attorney General has statutory authority to require public bodies to comply with the Open Meeting Law. In order to resolve your complaint, we may send a copy of this form to the public body about whom you are complaining. I authorize the Attorney General's Office to send my complaint and supporting documents to the public body identified in this complaint.

Signature

David Park

David Park

Print Name

Date (mm/dd/yyyy)

12-31-25

Ordinance 2019-1556-A, which adopted the Development Agreement between Douglas County and Park Ranch Holdings dated December 5, 2019 ("Development Agreement"), requires Douglas County to construct two lanes of Muller Parkway through Park Ranch property by December 2025. See Exhibit E and sections 6.1 and 11.2 of the Development Agreement available in the link below. In 2024, bids were solicited from contractors to construct two lanes of Muller Parkway, which the County divided into segments identified as Phase 1A, Phase 1B, and Phase 2. See link below to Douglas County website regarding the Muller Parkway Project with maps and a copy of the Development Agreement.

In May of 2024, Douglas County's Regional Transportation Commission ("RTC") awarded a construction contract to Qualcon Contractors Inc to construct Phase 1 of Muller Parkway for \$6,605,973. On August 2, 2024, the RTC approved an amendment to the construction contract with Qualcon to add the "alternate bid" that awards construction of the Phase 2 segment to Qualcon. The price of the Phase 2 segment was \$4,979,472, for a total contract price of \$11,585,445 awarded to Qualcon to construct Phases 1 and 2 of Muller Parkway. Below are links to the RTC agenda materials and minutes from the 8/2/24 RTC meeting where the Phase 2 Muller Parkway construction contract was awarded to Qualcon (see Item 4). Construction of Phase 1A and Phase 1B is substantially complete. As of December 2025, construction has not commenced on Phase 2 of the road.

On the evening of December 1, 2025, I received a missed call from Commissioner Danny Tarkanian and a text message asking me to call him. On the morning of December 2, 2025, I returned Commissioner Tarkanian's call. Commissioner Tarkanian informed me that County Manager Jenifer Davidson and the Chair of the Board of County Commissioners Sharla Hales had summoned him and other County Commissioners for a "non-meeting" to discuss whether the County should proceed with construction of Phase 2 of Muller Parkway through Park Ranch. As explained above, the County is contractually obligated to construct Phase 2 by the Development Agreement and the amended construction contract with Qualcon. Commissioner Tarkanian stated that the County had recently decided at a "non-meeting" not to proceed with construction on Phase 2 of Muller Parkway. Douglas County's agenda portal does not contain any public meeting notices or agendas for the Board of County Commissioners or RTC meetings noticed in 2025 to consider the termination or amendment of Ordinance 2019-1556-A, the Development Agreement, nor the Qualcon construction contract. Commissioner Tarkanian expressed concern that Commissioner Sharla Hales, Commissioner Mark Gardner, and County staff – including County Manager Jenifer Davidson and County Engineer Jeremy Hutchings – had reached an internal consensus to intentionally breach the Development Agreement by electing not to proceed with construction of Muller Parkway Phase 2. Commissioner Tarkanian called me again on December 5, 2025, and he sounded distressed and apologetic about the collusion between Commissioner Sharla Hales, Commissioner Mark Gardner and County Manager Jenifer Davidson to breach the Development Agreement by deciding not to proceed with construction of Phase 2 of Muller Parkway.

On Sunday, December 7, 2025, I spoke with Professional Engineer Robert Anderson of Wilson Engineering by telephone. Mr. Anderson indicated he had recently spoken with his employee

Keith Rueben of Wilson Engineering. Mr. Rueben informed Mr. Anderson that during a call with Douglas County Engineer Jeremy Hutchings the week prior, Mr. Hutchings informed Mr. Rueben that Douglas County Manager Jenifer Davidson authorized Mr. Hutchings to inform Wilson Engineering that Douglas County is not proceeding with construction of Phase 2 of Muller Parkway.

Douglas County has been engaged in litigation with Park Ranch in the Ninth Judicial District regarding the Development Agreement and construction of Muller Parkway (identified as Case Numbers 2023-CV-00085 and 2025-CV-00085). On the afternoon of December 1, 2025, Douglas County filed an amended verified complaint in eminent domain against Park Ranch Holdings and related entities seeking to take property outside the Muller Parkway right-of-way that the County asserts is necessary to construct the road ("Amended Eminent Domain Complaint"). The County also filed a motion to immediately occupy certain portions of Park Ranch properties identified in its Amended Eminent Domain Complaint. Notably, the motion to occupy omitted the portions of Park Ranch property(s) previously identified by Douglas County as takings that are necessary to construct Phase 2 of the road. In other words, the County's recent litigation shift appears to confirm the information provided by Commissioner Tarkanian and Wilson Engineering staff that Douglas County recently decided not to construct Phase 2 of the road.

It is deeply troubling that important decisions regarding a critical public works project of this magnitude were made by Douglas County behind closed doors without notice and an opportunity for public comment. Douglas County, at the behest of County Manager Jenifer Davidson and Commissioners Sharla Hales and Mark Gardner, violated Nevada's Open Meeting Law by: failing to properly notice a closed session meeting; making contractual decisions through a walking quorum; engaging in serial communications with a majority of Commissioners; and/or discussing public business with a quorum of Commissioners in secret. Even more troubling is the likelihood that the Douglas County District Attorney's Office, including Deputy DAs AJ Hames and Doug Ritchie who are attorneys of record in the above-referenced litigation, had knowledge of the County's blatant OML violation(s) and facilitated same. Deputy DA AJ Hames and County Manager Jenifer Davidson's signatures appear on the Amended Eminent Domain Complaint and the County's most recent motion to occupy, which demonstrates their knowledge that Douglas County made an internal decision in secret not to construct Phase 2 of Muller Parkway.

Please note that Commissioner Tarkanian did not appear to be a willing participant in the County's scheme to violate the Open Meeting Law. Commissioner Tarkanian indicated that he was caught off guard by the County's plan to breach the Development Agreement and halt construction of Phase 2 of Muller Parkway. The bad actors who colluded to avoid notice and public comment were Commissioners Hales and Gardner – who intentionally took action and communicated with other Commissioners through County Manager Jenifer Davidson.

Link to Douglas County's website re Muller Parkway Project (includes copy of Development Agreement and maps showing construction segments identified as Phases 1A, 1B and 2):

<https://douglas-county-nv.civilspace.io/en/projects/muller-parkway>

Link to 8/2/24 RTC agenda with supporting materials for Muller Parkway construction contract to approve Phase 2 bid submitted by Qualcon (see Item 4):

<https://d3n9y02raazwpg.cloudfront.net/douglascountynv/a3e120e7-2c66-4a9e-a233-366e4de81439-afe1baf1-46b8-40d7-a074-343419bcdac-1722030771.pdf>

Link to minutes of 8/2/24 RTC meeting showing RTC approved construction contract for Qualcon to construct Phase 2 of Muller at a cost of approximately \$5M (see Item 4):

<https://d3n9y02raazwpg.cloudfront.net/douglascountynv/154f6348-41ee-4155-842c-f24323932cbf-afe1baf1-46b8-40d7-a074-343419bcdac-1746544578.pdf>

Witnesses with testimony relevant to the OML investigation:

David Park (complaining party)

Keith Rueben
c/o Wilson Engineering

Robert Anderson
c/o Wilson Engineering

Commissioner Danny Tarkanian

County Manager Jenifer Davidson

County Engineer Jeremy Hutchings

Commissioner Sharla Hales

Commissioner Mark Gardner

Commissioner Nathan Tolbert

SECTION 4. (Optional)

The following section is optional and is intended to help our office better serve Nevada consumers. Please check the categories that apply to you.

Gender: Male Female

Have you previously filed a complaint with our office?: Yes No

If yes, enter in the approximate filing date (mm/dd/yyyy) of your original complaint: _____

I am (mark all that apply):

- Income below federal poverty guideline
- Disaster victim
- Person with disability
- Medicaid recipient
- Military service member
- Veteran
- Immediate family of service member/veteran

Ethnic Identification:

- White/Caucasian
- Black/African American
- Hispanic/Latino
- Native American/Alaskan Native
- Asian/Pacific Islander
- Other: _____

Primary Language:

- English
- Spanish
- Other: _____

May we provide your name and telephone number to the media in the event of an inquiry about this matter?

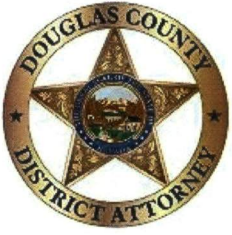
Yes No

How did you hear about our complaint form (please choose only one):

- Called/visited Las Vegas AG Office Called/visited Carson City Office Called/visited Reno Office
- Attended AG Presentation/Event Another Nevada State Agency/Elected Official Search Engine AG Website
- AG Social Media Sites Media: Newspaper/Radio/TV Other Douglas County resident

Return original form to:

Office of the Attorney General – ATTN: OML Coordinator
100 N. Carson St.
Carson City, NV 89701
Fax: 775-684-1108
(Faxed copies will be accepted followed by original)



OFFICE OF THE DISTRICT ATTORNEY
DOUGLAS COUNTY

Mark B. Jackson
District Attorney

January 26, 2026

Via U.S. Mail and Email

qbuck@ag.nv.gov

Aaron D. Ford, Esq.
Attorney General
Rosalie Bordelove, Esq.
Chief Deputy Attorney General
Office of the Attorney General
1 State of Nevada Way, Suite 100
Las Vegas, Nevada 89119

RE: Douglas County Board of Commissioners

Dear Chief Bordelove:

The Douglas County Board of Commissioners (the "Board") has received your letter dated January 7, 2026, regarding an Open Meeting Law Complaint filed by David Park. Thank you for allowing the Board to respond to Mr. Park's complaint.

Mr. Park has alleged the Douglas County Board of Commissioners have violated Nevada's Open Meeting Law ("OML"). However, in Mr. Park's complaint, his essential claim is that a quorum of the Board of County Commissioners allegedly met on December 1, 2025, in an attorney-client privileged meeting (i.e., a "non-meeting" as allowed by NRS 241.015(4)(c)), to discuss ongoing litigation involving a development agreement between Douglas County and his company, Park Ranch Holdings, related to the construction of Muller Parkway.¹ Mr. Park specifically references the Park Ranch Holdings Development Agreement (Ordinance 2019-1556-A) and the "Qualcon construction contract" and alleges a quorum of County Commissioners "decided at a 'non-meeting' not to proceed with construction on Phase 2 of Muller Parkway." *See*, David Park Complaint.

¹ Mr. Park references this ongoing litigation in his complaint. Case Nos. 2023-CV-0085 and 2025-CV-0085 in the Ninth Judicial District Court. Mr. Park and his attorneys have filed numerous motions attempting to interfere with Douglas County's construction of Muller Parkway without success. This is Mr. Park's latest attempt to interfere with the County's construction project via extrajudicial means.

Rosalie Bordelove, Esq.
January 26, 2026
Page 2

As an initial matter, Mr. Park alleges the County Commissioners met on December 1, 2025. This is untrue. Without either verifying or denying that an attorney-client privileged meeting occurred between a quorum of the County Commissioners and their legal counsel regarding the ongoing Park Ranch Holdings litigation, there is no evidence that an attorney-client privileged meeting was held on Monday, December 1, 2025. At best, Mr. Park alleges that he was left a telephone message by Douglas County Commissioner Daniel Tarkanian, “on the evening of December 1, 2025,” and that the next day he was able to talk to Commissioner Tarkanian who allegedly informed him that he had been summoned for a “non-meeting” on December 2, 2025, where “the County” had decided not to proceed with construction on Phase 2 of Muller Parkway.

Although Mr. Park is intentionally vague about what he means by “the County,” he later clarifies that “Commissioner Sharla Hales, Commissioner Mark Gardner, and County staff . . . had reached an internal consensus to intentionally breach the Development Agreement by electing not to proceed with construction of Muller Parkway Phase 2.” According to Mr. Park, Commissioner Tarkanian called him again “on December 5, 2025, and he sounded distressed and apologetic about the collusion between Commissioner Sharla Hales, Commissioner Mark Gardner and County Manager Jenifer Davidson to breach the Development Agreement by deciding not to proceed with construction of Phase 2 of Muller Parkway.” See, David Park Complaint.

It is axiomatic that the alleged “collusion” between only two Commissioners and County staff, even if true, does not implicate NRS Chapter 241 as the presence of two County Commissioners does not create a quorum or substantiate a claim that a quorum of the County Commissioners has voted or made a decision regarding the continued construction of Muller Parkway.

Moreover, the alleged source of Mr. Park’s information, Commissioner Tarkanian, has explicitly rejected Mr. Park’s claims. Commissioner Tarkanian has declared, under penalty of perjury, that David Park completely fabricated or misconstrued their conversation in his complaint to the Attorney General’s Office. In his declaration he states:

Mr. Park’s claim that the Douglas County Commissioner have made a final decision to not build Muller Parkway in private **is not true**. In fact, a final decision has not been made by the County Commissioners. To say I was “despondent” because the decision was made to stop construction of Muller Parkway **is not true**. . . . Any claim that I shared attorney-client privileged information with [David Park] including, specifically, any final decision by the Board of County Commissioners regarding the ongoing construction of Muller Parkway by Douglas County **is not true**.

Declaration of Commissioner Tarkanian, ¶¶ 8, 9 and 12 (emphasis added).

Mr. Park's complaint is not only based on false facts, it is also based on a misapplication or misunderstanding of the law. In his complaint, Mr. Park repeatedly refers to a "non-meeting" of the County Commissioners when he discusses an alleged attorney-client privileged meeting between the County Commissioners and their attorneys. Attorney-client privileged meetings are specifically excluded from the definition of a "meeting" under NRS Chapter 241 and are therefore often referred to as "non-meetings." It therefore appears Mr. Park is aware that the County Commissioners are allowed to meet with their attorneys to discuss pending litigation, to receive information, "and to deliberate toward a decision" involving the litigation. NRS 241.015(4)(c). Notwithstanding this apparent knowledge, he has filed his OML Complaint.

Because attorney-client privileged meetings are excluded from the definition of a "meeting" for purposes of Nevada's Open Meeting Law (NRS 241.015(4)(c)), the County Commissioners are not required to create an agenda, keep minutes or otherwise publish to Mr. Park and the general public "notice [of] a closed session meeting" as Mr. Park claims.² The permissible deliberations that occur among the County Commissioners with their attorneys include "not only collective discussion, but the collective acquisition or the exchange of facts preliminary to the ultimate decision." *Chanos v. Nevada Tax Com'n*, 124 Nev. 232, 238-39, 181 P.3d 675, 679-80 (2008); *see also* NRS 241.015(3).

Mr. Park is aware that he and the County will be participating in confidential settlement negotiations on December 28, 2026, to try and resolve the pending Park Ranch Holdings litigation. As a part of that process, the County Commissioners are entitled to be briefed on the legal strategies that Douglas County and Mr. Park may employ, the various options that are available to the County, the positive and negative possible consequences of each option, and to otherwise be informed of the current status of the litigation and to prepare for any future settlement efforts. Mr. Park is not entitled to know what was said during those confidential discussions or what options the County believes are available to it. Attempting to use the Attorney General's Office to obtain that information is improper and will not be successful.

What is clear from declarations of Commissioners Tarkanian, Hales and Gardner is the County Commissioners have not taken any action regarding the construction of Muller Parkway, including the termination of any construction contract. On the contrary, Douglas County has issued a change order with its contractor, Qualcon Contractors Inc., to *extend* the construction schedule to accommodate delays caused by third parties.³ This change order was issued December 19, 2025, *after* the alleged decision of the County Commissioners to stop construction and cancel the Qualcon contract. A copy of the December 15, 2025, change order is attached as

² In fact, the County Commissioners can legally discuss a pending lawsuit involving a particular person without providing the notice otherwise required under NRS 241.033 (discussion of the character, misconduct, competence or health of a person). *See*, OMLO 2003-14 (March 21, 2003).

³ Ironically, Mr. Park's obstreperous behavior has been one of the reasons a change order has been requested. In the pending litigation, Douglas County has alleged that Park Ranch Holdings and Mr. Park have been one of the sources of the delay in constructing Muller Parkway.

Rosalie Bordelove, Esq.
January 26, 2026
Page 4

Exhibit 1. This document is a public record and therefore can be disclosed to the Attorney General's Office. It also clearly repudiates Mr. Park's claims.

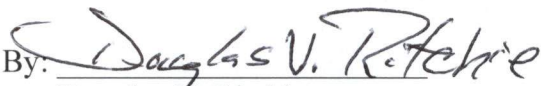
There are other documents that contradict what Mr. Park alleges but Mr. Park's OML Complaint is not a discovery request and Douglas County will not treat it as a legitimate method of discovery.⁴ If Mr. Park would like to explore the documents and discussions that may, or may not, have occurred during confidential attorney-client meetings, he is free to seek relief from the court.

Mr. Park's current OML Complaint is a transparent and cynical attempt to gain insight into Douglas County's litigation strategies and to gain an unfair advantage in both the pending litigation and the upcoming settlement conference. The Attorney General's Office should not reward his misconduct.

If you should have any questions regarding Mr. Park's complaint, or Douglas County's response, then please do not hesitate to contact me at (775) 783-6055. Thank you again for allowing Douglas County an opportunity to respond to Mr. Park's Complaint.

Sincerely,

MARK B. JACKSON
Douglas County District Attorney

By: 
Douglas V. Ritchie
Chief Civil Deputy District Attorney

cc: Enclosures
Jenifer Davidson, County Manager

⁴ Any notes, minutes, recordings or participant lists that may have been kept during confidential meetings between the County Commissioners and their legal team are attorney-client privileged, not required to be kept or produced under NRS Chapter 241, and will not be disclosed absent a court order.

1 **DECLARATION OF SHARLA HALES**

2 I, Sharla Hales, hereby make the following declaration.

3 1. I have personal knowledge of the facts set forth in this Declaration.

4 2. I have read the Open Meeting Law Complaint submitted by David Park dated
5 January 7, 2025.

6 3. I am currently an elected member of the Douglas County Board of
7 Commissioners.

8 4. During calendar year 2025, I was elected Chairwoman of the Board of County
9 Commissioners and I am familiar with the meetings the County Commissioners have had
10 during 2025.

11 5. A confidential attorney-client privileged meeting, also referred to as a “non-
12 meeting,” did not occur on December 1, 2025.

13 6. Contrary to what Mr. Park claims, the Douglas County Board of Commissioners
14 has not voted or decided to cancel the contract with “Qualcon Contractors” for the construction
15 of Muller Parkway.

16 7. Contrary to what Mr. Park claims, the Douglas County Board of Commissioners
17 has not voted or decided to not “proceed with construction of Muller Parkway Phase 2.” It is
18 my understanding and belief that Douglas County’s outside engineering consultants, hydrology
19 experts, and other consultants continue to perform work related to the design and construction
20 of Muller Parkway.

21 8. The Douglas County Board of Commissioners have not voted or decided to
22 waive the attorney-client privilege or to otherwise authorize anyone to disclose confidential
23 information the County Commissioners have received from their attorneys.

24 I declare under penalty of perjury under the law of the State of Nevada, that the
25 foregoing is true and correct.

26 DATED this 22 day of January, 2026.

27
28 By:



Sharla Hales

EXHIBIT 1

EXHIBIT 1

Change Order No. 01(2)

Date of Issuance: December 5, 2025	Effective Date: December 15, 2025
Owner: Douglas County	Owner's Contract No.: PWP # DO 2024-227
Contractor: Qualcon Contractors Inc.	Contractor's Project No.:
Engineer: CA-Group	Engineer's Project No.: 20R06
Project: Muller Parkway Bid (Phase 2)	Contract Name: Douglas County/ Qualcon Contractors, Inc

The Contract is modified as follows upon execution of this Change Order:

Description:

Change in Contract Times of Phase 2 due to 3rd Party delays (In accordance with Section 4.05(C) of the General Conditions).

Attachments: *[Schedule of construction]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: <u>\$ 4,965,472.00</u>	Original Contract Times: Substantial Completion: <u>August 31, 2025</u> Ready for Final Payment: <u>September 30, 2025</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> :	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: _____	Contract Times prior to this Change Order: Substantial Completion: <u>August 31, 2025</u> Ready for Final Payment: <u>September 30, 2025</u> days or dates
[Increase] [Decrease] of this Change Order: _____	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>August 30, 2026</u> Ready for Final Payment: <u>September 31, 2026</u> days or dates
Contract Price incorporating this Change Order: <u>\$4,965,472</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>August 30, 2026</u> Ready for Final Payment: <u>September 31, 2026</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u>	By: <u>[Signature]</u>	By: <u>[Signature]</u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: <u>County Manager</u>	Title: <u>PRESIDENT</u>
Date: <u>12/19/2025</u>	Date: <u>1/26/26</u>	Date: <u>12-19-25</u>

Approved by Funding Agency (if
applicable)

By: _____ Date:

Title: _____

