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September 26, 2022

Jack L. O'Connor III  
Deputy County Attorney  
225 West Madison Street  
Phoenix, Arizona 85003

Dear Mr. O'Connor,

Thank you for forwarding a copy of—and allowing me to respond to—Jeff Burgess's Open Meeting Law ("OML") Complaint regarding the Arizona Livestock Loss Board ("ALLB"). Mr. Burgess's complaint identifies two areas of concern. First, Mr. Burgess alleges that the ALLB is violating A.R.S. § 38-431.01(D) by not posting meeting minutes on its website within three days of the meeting. Second, Mr. Burgess alleges that the ALLB has violated the OML by not keeping minutes of meetings of five subcommittees created by the ALLB at its December 17, 2015 meeting.

**Alleged Failure to Post Timely Minutes**

As the Complaint points out, the ALLB historically posted meeting minutes on its website. Draft minutes were always available upon request within three days of a meeting and posted to the website after the ALLB approved the minutes. However, starting in 2022, the ALLB no longer prepares minutes for its meetings. Instead, the ALLB maintains recordings of its meetings as authorized by the OML.

For information technology reasons, however, the ALLB has not posted recordings of its meetings on its website, and the OML does not require it to do so. Instead, recordings of all 2022 and future ALLB meetings are available for public inspection within three days of the meeting upon request. For state agencies like the ALLB, this fully satisfies OML requirements. To date, Mr. Burgess has not requested any ALLB recordings, but he may request them for any 2022 ALLB meeting by contacting Nancy Cline at [ncline@azgfd.gov](mailto:ncline@azgfd.gov) or (623) 236-7279.

**Alleged Failure to Maintain Minutes of Subcommittee Meetings**

Mr. Burgess is correct that the ALLB created five subcommittees in 2015, with a sixth subcommittee being created on an ad hoc basis in 2016. He is also correct that the ALLB does not have minutes from any of those subcommittees. The explanation is that the subcommittees never met.

Under the direction of Ty Gray, who serves as the Director of the Arizona Game and Fish Department, and who is statutorily a member of the ALLB, Nancy Cline spoke with every member, past and present, of the ALLB to inquire whether he or she ever participated in subcommittee meetings. All members gave her the same response: they never met as subcommittees.

Due to lack of use, on September 20, 2022, the ALLB voted to disband the subcommittees it created in 2015 and 2016.

In conclusion, the ALLB has fully complied with the requirements of the OML and remains committed to doing so in the future. Please do not hesitate to contact me if you have any questions.

Sincerely,

/s/ John LeSueur

L. John LeSueur