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until that page could be sent by facsimile to Reno and Elko

so that the Board members would have the information

a candidate for Regent Berkley's district.

C. Mrs. Gallagher asked that an item be placed on a future agenda for the Regents to consider a policy concerning paym

nity to listen to the tape, there will be another hear

Klasic, and the claim that everything that Dr. Hammargren doesn't like being General Counsel Klasic's fault. He stated he does not feel this has anything

left undone at this point.

Dr. Hammargren stated that the first thing he would like to

know is the Board's position in relation to the particular h

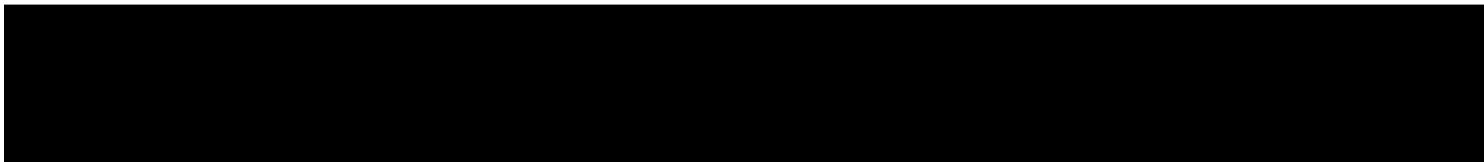
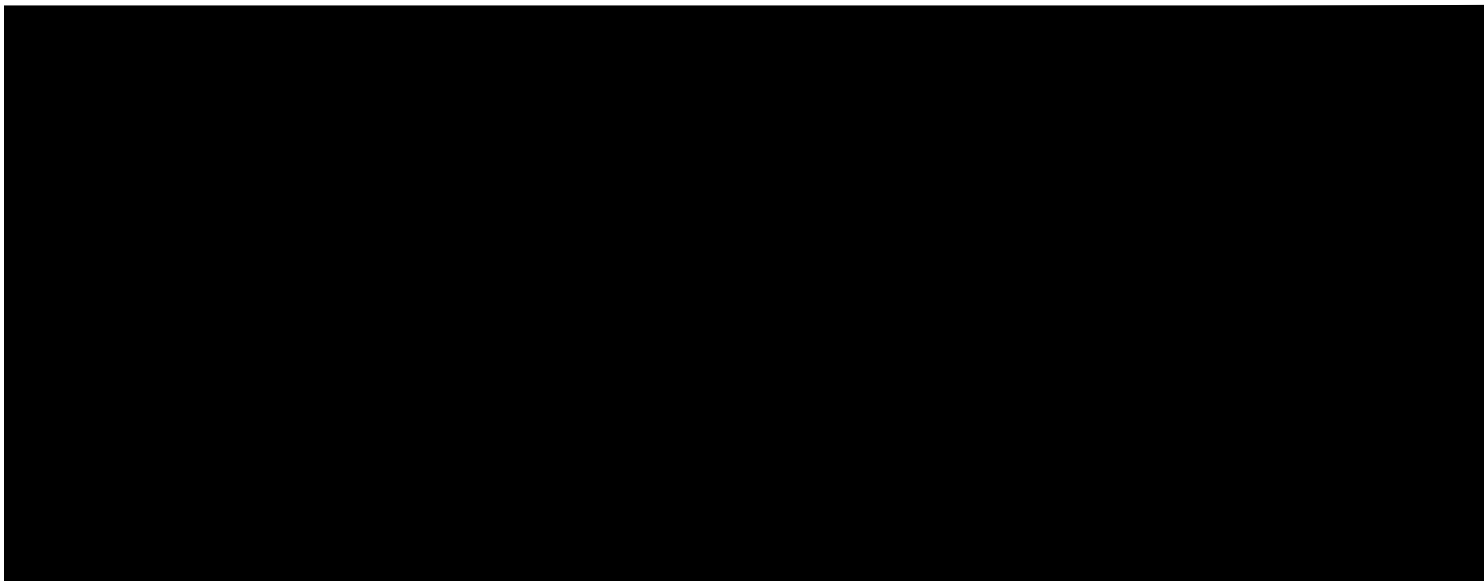
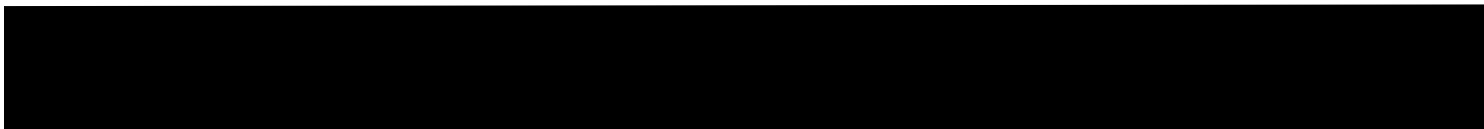
issues involved. He stated the purpose was not to embar-

rass but was to "bring out in the open" the type of things

he felt the Board should be talking about. Chairman Sparks B I I

asked him to be specificd

Dr. Hammargren stated that he would like to know whether the



introduced at the last Regents' meeting to protect against

a "flash article in the newspaper" when there are consistent

law suits that have not been brou

like to be notified when the vote would be taken.

Chairman Sparks stated she felt the Board has "bent over backwards" to be fair to Dr. Hammargren they had listened they had read "reams of paper" there has not been anything new or different presented in the last two months.

Dr. Hammargren continued that the intent was not to embarrass, unless the Board is embarrassed by the non-public way it does business. Chairman Sparks objected to Dr. Hammargren's accusation that the Board does business in a non-public way. Dr. Hammargren stated that the waste of time in this meeting was, in his mind, to try to discuss these issues as a Board of Regents, and to come up with a decision, and instead, the first thing that was said was that the Board could not talk about this, because it hadn't been noticed specifically. He stated that the first four questions were the "heart" issues of the Nevada State Press Association law suit, which was noticed. He stated that he found it strange that the Board could not discuss them, and suggested that those items could be noticed again in detail. He stated that he felt the Board was making a travesty of the Open Meeting Law by demanding every little detail and discussion be noticed.

his thoughts, because he was the one who has been embarrassed, not the Board of Regents, in relation to thi

ly was sent to the Regents, that the Chairman and the Chancellor had both told him about the information, but that he was not privileged to the information, and that other Regents were prevented from giving him that information in relation to what the law suit at the present time was about.

He declared that communication was still withheld from him, and so therefore there was misinformation that has purposely been withheld.

Chairman Sparks, speaking to Dr. Hammargren, stated that he has chosen to separate himself from the individual memá

to separate himself from the other members of this Board,

and that is not anything that the Board members

interruption Mr. Foley had made, because Mr. Foley had not been present for the January personnel session, and when served with the law suit, Mr. Foley had declared he was going to sue because he was not a party to the session.

Dr. Hammargren asked why Mr. Foley was so upset with a law suit in which he was not involved. Mr. Foley replied that it wasn't the law suit that was upsetting him.

Mrs. Gallagher a



to be, in writing, M " ° . †

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his opinion, would depend on the circumstances of actions
of a particular case at a particular time, but if the
questions were asked in ad

to come to an understanding as to what the Board's position will be before it enlists the services of its attorney. She stated she understood it was somewhat different when the Board has an in-house attorney than when a client goes to an attorney, but she felt the Board was lax, and that so long as the Board was the client that it would make a deter-

mination as to what it wishes the attorney to do, present its position as a law suit and then the attorney carries out its wishes. Mrs. Berkley stated that in this particular case, and it is indicative that all of the cases that

" the Board is involved

as a Regent, and that General Counsel Klasic would discuss what some of the other Regents' positions were on the particular case. She stated that when it comes to hiring an attorney outside the realm of General Counsel Klasic's office, she did not agree with that. She continued, that if, however, in a particular case, and this one might fall into the realm of her statement, that there is a personnel problem that General Counsel Klasic may not have the expertise for, or any other kind of problem, that she did not see why this Board could not allow him to go outside the office and hire a lawyer who does have that expertise. But, she added, that it should be for the whole Board to decide, not for an individual.

General Counsel Klasic stated that he felt Mrs. Berkley had confused "apples and oranges" in this instance. He explained that in most of the cases, the "slip and fall" cases, the Board just does not get involved. He stated that in other cases where something comes up and he does not know what the Board plans to do for the future, he does go to the Board every single time, because he does not know what the Board position will be. He gave the example of the NCAA vs. Miller case, in which he brought it forth to the Board, the Board made a decision, and he acted accordingly.

Chairman Sparks stated that the general procedure in the 8 years she has been receiving law suits, that when she is served with anything, she immediately calls General Counsel Klasic and gets the details. She added that it is ve

a second was made, there was discussion in open meeting as to what the purpose of that meeting was going to be about, and there was a vote taken. Those who objected could have voted "no". The vote was unanimous in favor of going into that meeting.

Chairman Sparks stated that it just happened that one Regent happened to be the focus point, the intent of that meeting was not to discuss any Regent, it was to have a meeting.

One Regent happened to have been the one involved in all of this. Mrs. Whitley asked whether when the vote was taken the question had been asked who the person was, or whether there had been just a broad statement as is the usual manner? General Counsel Klasic stated the individual was discussed in open session that Dr. Hammargren was mentioned in open session during the discussion of the motion.

Dr. Derby asked why Dr. Hammargren feels that it would be appropriate for the Regents to pay for his special counsel.

Mrs. Gallagher stated /

the question insofar as paying for the attorneys. She stated this would be setting a very poor precedent if the Board volunteered to pay for any Regent's outside counsel when it retains an offic

Dr. Derby asked that General Counsel Klasic comment on Dr. Hammargren's comments. General Counsel Klasic stated he did not think there was a conflict. Dr. Hammargren was sued as a defendant. All members of the Board were sued as defendants. The position he t

whether that pertained to the Legislative Commission inquiry and the Grand Jury inquiry, or just the Nevada State Press Association law suit? Mr. Foley stated that the motion was to not pay for Dr. Hammargren's private counsel. Dr.

Hammargren stated he had not asked anyone to pay for his private counsel, that he was asking the Board of Regents to pay for the suit in which he had been sued as a Regent, not as a private person. He continued that the motion has nothing to do with what he asked for. Mr. Foley countered that Dr. Hammargren is using private counsel, he is not using the counsel the rest of the Board is using, which is the counsel of the Board.

Mr. Zaich questioned Dr. Hammargren, stated that in a letter of July 13, 1992 from Alan Jones to CA



is on the agenda (Ref. B, filed with the permanent minutes)
in the nature of paying for Dr. Hammargren's counsel is a
motion to deny it. It was explained that a "yes" vote would
deny payment for Dr. Hammargren's outside counsel.

On a roll call vote, the motion carried to deny payment for
Dr. Hammargren's outside counsel.

No : Regents Berkley, Hammargren

Aye: Regents Derby, Eardley, Foley, Gallagher, Klaich,
Whitley, Sparks

The meeting adjourned at 11:10 A.M.

Mary Lou Moser

Secretary of the Board

08-10-1992