

1 OFFICE OF THE ATTORNEY GENERAL

2 STATE OF NEVADA

3 In the matter of:

4 LYON COUNTY SCHOOL DISTRICT
5 BOARD OF TRUSTEES

OAG FILE NO.: 13897-467

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

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8 **BACKGROUND**

9 Greg Clausen filed a complaint with the Office of the Attorney General (“OAG”) alleging violations of the Nevada Open Meeting Law (“OML”) by the Lyon County School District Board of Trustees (“Board”). The Complaint alleges that the Board violated the OML by placing the wrong meeting location on the public notice, that there were no signs or other notices outside of the noticed location notifying the public of the specific location where the meeting was being held, and the doors to the building where the meeting was taking place were locked.

16 The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040. The OAG’s investigation of the Complaint included a review of the Complaint and supplemental information from Mr. Clausen, the response from the Board, the minutes of the November 15, 2022, meeting, and the Board’s website after the public meeting.

21 After investigating the Complaint, the OAG determines that the Board violated the OML by not notifying the public of the correct meeting location, failing to provide notice of the correct meeting location at the noticed location, and locking the doors to the meeting.

24 **FINDINGS OF FACT**

25 1. The Board, as the governing body of a public school district under NRS 26 386.110, is a public body as defined in NRS 241.015(4) and is subject to the OML.

27 2. The Board posted notices for an in-person public meeting to occur at 6:30 P.M. 28 on November 15, 2022.

1 3. The meeting was in-person only and did not feature a virtual option for
2 attendance.

3 4. The agenda stated that the meeting was held at “Yerington Intermediate
4 School, 215 Pearl St., Yerington, NV 89447;” however, the meeting was held at the
5 Yerington Schools Multipurpose Room (“Multipurpose Room”), which is located at 114
6 Pearl St., Yerington, NV 89447 and is physically located across the street from Yerington
7 Intermediate School. The Multipurpose Room is also located right next to the Yerington
8 High School and features “Yerington School Multipurpose Room” written in large block
9 lettering near the roof of the building.

10 5. While the Multipurpose Room is located next to the Yerington High School, it
11 is also a facility utilized by the Yerington Intermediate School.

12 6. Prior to the start of the meeting, the Board had staff outside directing the
13 public from the Yerington Intermediate School to the Multipurpose Room.

14 7. The Board “normally” has a moveable sign that directs people to the
15 Multipurpose Room; however, the OAG does not possess evidence that the sign was present
16 or visible to the public for the meeting at issue.

17 8. According to the meeting minutes, the public meeting was called to order at
18 6:30 P.M.

19 9. Mr. Clausen arrived at the Yerington Intermediate School at approximately
20 6:35 P.M.

21 10. Upon his arrival, Mr. Clausen discovered that the doors to the Yerington
22 Intermediate School were locked. Because the hallway lights were fully lit in the Yerington
23 Intermediate School, Mr. Clausen made several attempts to enter the school and tried to
24 “buzz” himself in via the school’s entry system.

25 11. There were no signs or notices on the Yerington Intermediate School doors or
26 walls that informed Mr. Clausen that the place or location of the public meeting was the
27 Multipurpose Room across the street. There were also no staff outside directing the public
28 toward the Multipurpose Room building when Mr. Clausen arrived.

1 12. After he was unsuccessfully able to enter the Yerington Intermediate School,
2 Mr. Clausen discovered that the meeting was being held across the street and originally
3 thought that the public meeting was held at the Yerington High School. Mr. Clausen also
4 believed that the Multipurpose Room was part of the Yerington High School.

5 13. Mr. Clausen attempted to enter the Yerington High School and discovered
6 that the doors were locked. The Board does not dispute that the doors were locked.

7 14. With the assistance of a custodian, Mr. Clausen was able to enter the
8 Multipurpose Room and attend the remainder of the public meeting.

9 15. The Complaint alleges that the Board violated the OML by not notifying the
10 public of the correct meeting location, failing to provide notice of the correct meeting
11 location at the noticed location, and locking the doors to the meeting.

12 16. Within The Board's response, the Board notes that Mr. Clausen attended the
13 public meeting and gave public comment.

14 **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

15 **A. The Board Violated the OML Because They Did Not Provide Adequate Notice of the** 16 **Correct Place or Location.**

17 Public bodies in Nevada must issue a public notice agenda for their meetings. NRS
18 241.020(3). The notice must include the time, place and location of the meeting. NRS
19 241.020(3)(a). In determining whether the notice requirements are met, the OAG applies
20 a reasonableness standard. See 79-8 Op. Att'y Gen. 31, 31 (1979); *Nw. Area Residents Ass'n*
21 *v. City of Las Vegas*, 432 P.3d 191 (Nev. 2018).

22 Here, the notice failed to give the correct place and location of the meeting. The
23 Board admits that the address on the notice was "215 Pearl St., Yerington, NV 89447" and
24 not at "114 Pearl St., Yerington, NV 89447." The fact that the notice lacks the correct
25 location indicates that the location of the meeting was not properly noticed and is,
26 therefore, in direct violation of the OML. Additionally, the notice failed to give the correct
27 place. The notice stated that the public meeting was held at the "Yerington Intermediate
28 School" when, in-fact, it was held at the "Yerington Schools Multipurpose Building." While

1 the Multipurpose Building is shared between the High School and the Intermediate School,
2 it is unreasonable to assume that the public would interpret the Multipurpose Room as
3 being part of the “Yerington Intermediate School,” especially considering its title on the
4 building and its proximity to the Yerington High School. It is also unreasonable to assume
5 that any person who attempts to attend the meeting at the Yerington Intermediate School
6 would know to go to the Multipurpose Room without any signage to that effect.

7 The Board stated that they had people outside of the school directing others to the
8 building. However, the OAG does not possess evidence to indicate how long people were
9 outside directing others into the building and if they were still outside when the meeting
10 started. Mr. Clausen did not see anyone outside of the building when he arrived.¹ While
11 there is no evidence to indicate misrepresentation by either party, the evidence clearly
12 shows that there were no notices on the doors of the Yerington Intermediate School. The
13 Board states they “normally” have a movable sign directing people to the building; however,
14 there is no evidence that it was utilized or visible to the public for the meeting at issue.
15 The notice for the meeting was inadequate. Because the notice did not feature the correct
16 location and there was no notice on the incorrect location directing the public to the correct
17 location, the Board violated the OML.

18 **B. The Board Violated the OML Because They Locked the Doors to a Public Meeting**

19 Under NRS 241.020(1), “[e]xcept as otherwise provided by specific statute, all
20 meetings of public bodies must be open and public, and all persons must be permitted to
21 attend any meeting of these public bodies at a physical location or by means of a remote
22 technology system. ... All other portions of the meeting must be open and public....” Here,
23 Mr. Clausen was unable to enter the public meeting without the assistance of a custodian
24 because the doors were locked. Because Mr. Clausen was unable to attend the public
25 meeting without the assistance of an intervening third party, the Board violated the OML.

26 ¹ While Mr. Clausen arrived late to the meeting, his tardiness does not excuse the Board’s actions. First, five
27 minutes is not an egregious amount of time for tardiness such that the Board could assume all public desiring
28 of right to attendance. The Board is still required to take the appropriate steps and measures to provide
adequate notice of a public meeting.

1 in this matter. The Board must also include the OAG Opinion in the supporting materials
2 for its next meeting.

3 Dated: March 8, 2024.

4 AARON FORD
5 Attorney General

6 By: /s/Jessica S. Guerra, Esq.
7 JESSICA GUERRA
8 Deputy Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of March 2024, I served the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, **CERTIFIED MAIL** addressed as follows:

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/s/ Debra Turman
An employee of the Office of the
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