

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.: 13897-483

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

8                                   **BACKGROUND**

9               The Office of the Attorney General (“OAG”) received A Complaint from Dixie Quandt  
10       alleging violations of the Nevada Open Meeting Law (“OML”) by the Lyon County School  
11       District Board of Trustees (“Board”). The Complaint alleges that the Board violated the  
12       OML by failing to accept public comment on Item 13 during its April 25, 2023, meeting.

13              The OAG has statutory enforcement powers under the OML and the authority to  
14       investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS  
15       241.040. The OAG’s investigation of the Complaint included a review of the Complaint;  
16       the response from the Board; and the agenda, minutes and recording of the Board’s April  
17       25, 2023, meeting.

18              After investigating the Complaint, the OAG determines that the Board violated the  
19       OML by failing to accept public comment on Item 13 prior to taking action on the item.

20                                   **FINDINGS OF FACT**

21              1.       The Board held a public meeting on April 25, 2023.

22              2.       Item 10 on the public notice agenda for the meeting read: “PUBLIC  
23       PARTICIPATION: The public is invited to address the Board on items **not listed** on the  
24       agenda. The purpose of public comment is to bring issues, concerns, or praiseworthy items  
25       to the attention of the Board. . . .” (emphasis supplied).

26              3.       Item 13 on the agenda read: “(For Possible Action) Discussion and possible  
27       action to interview and appoint a Board Trustee to the vacant District VII position on the  
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1 LCSD Board of School Trustees. This item is being presented by Board President Phil  
2 Cowee and Board Clerk Bridget Peterson.”

3 4. When Item 10 was called during the meeting, the Chair announced that the  
4 comment period was for items not listed on the agenda.

5 5. When Item 13 was called, the Board interviewed candidates for the position,  
6 deliberated on which candidate to choose, and then moved and voted to select a candidate.  
7 There was no call for public comment during Item 13.

8 6. The Board took public comment on other action items after discussion, but  
9 before voting on the items.

10 7. The Board called another general public comment period at the end of the  
11 meeting during which one person made public comment unrelated to Item 13.

## 12 **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

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

15 The OML requires the following to be included on the public notice agenda for a  
16 meeting:

17 Periods devoted to comments by the general public, if any, and discussion of  
18 those comments. Comments by the general public must be taken:

19 (I) At the beginning of the meeting before any items on which action may  
20 be taken are heard by the public body and again before adjournment  
21 of the meeting; or

(II) After each item on the agenda on which action may be taken is  
22 discussed by the public body, but before the public body takes action  
23 on the item.

24 The provisions of this subparagraph do not prohibit a public body from taking  
25 comments by the general public in addition to what is required pursuant to  
26 sub-paragraph (I) or (II). Regardless of whether a public body takes comments  
27 from the general public pursuant to sub-paragraph (I) or (II), the public body  
28 must allow the general public to comment on any matter that is not specifically  
included on the agenda as an action item some time before adjournment of the  
meeting.

27 NRS 241.020(3)(d)(3). In addition, the failure of a body to call for public comment as  
28 specified on the agenda for a meeting and in accordance with the minimum statutory

1 requirements is a violation of the OML. *In re Board of Directors of Douglas County Sewer*  
2 *Improvement District No. 1*, OMLO 13897-201 at 8 (Dec. 2016).

3 For the meeting at issue, it appears that the Board’s practice and intent was to use  
4 the public comment option outlined in NRS 241.020(3)(d)(3)(II) to accept comment on each  
5 action item after deliberation, but prior to the vote, along with a general public comment  
6 period prior to adjournment. However, the evidence is clear that there was no call for public  
7 comment specific to Item 13. Thus, the OAG finds a technical violation of the OML in this  
8 respect.

9 It is important to note that the OAG does not possess any evidence that there were  
10 members of the public that desired to comment on Item 13. When comment was called on  
11 Item 14, no public made any statements regarding Item 13 or an inability to comment. The  
12 same is true for the general public comment period at the end of the meeting. While this  
13 does not negate the violation, it indicates that there was little harm to the public in this  
14 instance. The OAG also does not possess evidence that the failure to call for public  
15 comment on Item 13 was anything other than an oversight by members of the Board when  
16 it occurred.

17 **SUMMARY**

18 Upon investigating the present Complaint, the OAG makes findings of fact and  
19 conclusions of law that the Board violated the OML. If the Attorney General investigates  
20 a potential OML violation and makes findings of fact and conclusions of law that a public  
21 body has taken action in violation of the OML, “the public body must include an item on  
22 the next agenda posted for a meeting of the public body which acknowledges the findings  
23 of fact and conclusions of law.” NRS 241.0395. The public body must treat the opinion of  
24 the Attorney General as supporting material for the agenda item(s) in question for the  
25 purpose of NRS 241.020. *Id.* Accordingly, the Board must place an item on its next meeting  
26 agenda in which it acknowledges the present Findings of Fact and Conclusions of Law

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1 (“Opinion”) resulting from the OAG’s investigation in this matter. The Board must also  
2 include the OAG Opinion in the supporting materials for its next meeting.

3 Dated: May 6, 2024.

4 AARON FORD  
5 Attorney General

6 By: /s Rosalie Bordelove  
7 ROSALIE BORDELOVE  
8 Chief Deputy Attorney General

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of May 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:

Dixie Quandt

[Redacted]

*Complainant*

**Certified Mail No.:** [Redacted]

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Reno, Nevada 89519  
*Counsel to the Lyon County School District Board of Trustees*

**Certified Mail No.: 7020 0640 0000 7651 8992**

/s/ Debra Turman  
An employee of the Office of the  
Nevada Attorney General