

OFFICE OF THE ATTORNEY GENERAL

STATE OF NEVADA

In the Matter of:

CITY OF LAS VEGAS PLANNING
COMMISSION

A.G. FILE NO.:13897-527

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

Christian Salman filed a complaint with the Office of the Attorney General (“OAG”) pursuant to Nevada Revised Statutes (“NRS”) 241.039 alleging violations of the Nevada Open Meeting Law (“OML”) by the City of Las Vegas Planning Commission (“LVPC”) regarding its May 14, 2024, meeting. The Complaint alleges that the LVPC violated the OML by restricting the Complainant’s public comment based upon his viewpoint and by placing unreasonable time restrictions upon public comment.

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 included a review of the Complaint, the Response on behalf of the LVPC, and the agenda, minutes, transcript, and video recording for the LVPC’s May 14, 2024, meeting. After investigating the Complaint, the OAG determines that the LVPC violated the OML by structuring and implementing public comment in a manner that was not viewpoint neutral and by imposing an unreasonable time limitation on public comment in the form of a one-minute speaking limitation that included the time required for commenters to provide identifying information for the record. The OAG further cautions the LVPC that, when unusually large attendance is anticipated, it should consider whether a larger venue, overflow procedures, or other reasonable public comment alternatives are available to better ensure meaningful public access and participation consistent with the purposes of the OML.

1 **FINDINGS OF FACT**

2 1. The LVPC held a public meeting on May 14, 2024, at 6:00 p.m. at the Las
3 Vegas City Hall Council Chambers, 495 South Main Street Las Vegas, NV 89101.

4 2. The agenda was properly posted in compliance with OML and included clear
5 instructions for attending the meeting. As required under NRS 241.020, public comment
6 was scheduled for each item on the agenda.

7 3. The agenda further stated that the amount of time any individual speaker
8 would be allowed to speak “may be limited,” but it did not identify any specific time
9 limitation for public comment.

10 4. The agenda did not provide for alternative methods of submitting public
11 comment, such as telephonic participation or online comment submission, although it
12 included contact information for requesting accommodations for persons with disabilities.

13 5. The agenda and associated meeting materials also included “Rules of
14 Conduct” indicating that speakers could designate a representative to present on behalf of
15 a group, that time could be aggregated to allow a more complete presentation and to avoid
16 repetition, and that objectors would be heard following the applicant and supporting
17 speakers.

18 6. The meeting was unusually well attended, with a large number of individuals
19 present to comment on Agenda Items 38 and 39, which concerned zoning and land use
20 approvals associated with a proposed Church of Jesus Christ of Latter-day Saints temple
21 (“LDS Temple”) project.

22 7. The meeting lasted approximately 5 hours and 46 minutes, with discussion
23 on Agenda Items 38 and 39 beginning after 2 hours and 43 minutes of earlier proceedings.
24 The total discussion time for the items was approximately 3 hours and 3 minutes.

25 8. At the outset of the hearing on Agenda items 38 and 39, the Chair
26 acknowledged on the record that attendance exceeded the capacity of the chambers, with
27 additional members of the public located outside the meeting room, including in adjacent
28 areas such as the plaza and café, due to fire code limitations.

1 9. The Chair acknowledged the significant number of attendees and outlined a
2 structured format for the proceedings. The Chair stated that extended presentations
3 would be heard first, followed by shorter individual comments, and indicated an intent to
4 balance time between speakers in opposition and those in support.

5 10. Prior to opening the public hearing, the LVPC heard a presentation from
6 counsel for the applicant, Jennifer Lazovich, who spoke on behalf of the applicant for
7 approximately thirty-two minutes.

8 11. The applicant's presentation was not subject to a one-minute limitation, and
9 the Chair ultimately requested that the presentation conclude due to repetition of certain
10 design-related points.

11 12. After the applicant's presentation concluded, the Chair opened the public
12 hearing and invited a designated representative in opposition, identified as Valerie, to
13 present.

14 13. The Chair directed that twenty-seven minutes be placed on the clock for
15 Valerie's presentation and stated that a comparable twenty-seven-minute period would be
16 provided to individuals speaking in support of the application.

17 14. Valerie then presented comments opposing the application for approximately
18 twenty-eight minutes, after which the Chair indicated that the allotted time had expired
19 but allowed Valerie to briefly complete additional slides.

20 15. After the initial opposition presentation, the LVPC proceeded to hear from
21 supporters of the application within the allotted 27-minute period. Supporters collectively
22 spoke for approximately 20 minutes of that allotted time.

23 16. At the beginning of the supporters' comments, individual speakers were not
24 subject to an enforced one-minute time limit.

25 17. The first six supporters spoke without the one-minute limitation being
26 enforced and spoke for a combined total of approximately nine minutes.

27 18. After several supporters had spoken, the Chair announced that a one-minute
28 limitation would be imposed for individual speakers. In announcing the one-minute limit,

1 the Chair stated: “I was hoping that there was, within these 27 minutes, some speakers
2 that were [going to] take up large sections of time. I see that’s not the case with the lineup.
3 So, again, I’m [going to] go back to now a max of a minute per person.” Thereafter, the one-
4 minute limitation was applied to the remaining supporters.

5 19. After the one-minute limitation was imposed, the remaining supporters were
6 limited to one minute each.

7 20. After the supporters concluded their comments, the LVPC heard comments
8 from additional speakers opposing the application, who were subject to the one-minute
9 limitation. These speakers in opposition collectively spoke for approximately 29 minutes
10 during this portion of the hearing.

11 21. During the public comment period, speakers were required to state their
12 name and address for the record, and the record reflects that the one-minute limitation,
13 once imposed, included the time required for speakers to state their name and address for
14 the record.

15 22. The sequencing of speakers during the public comment period reflected that
16 supporters were called first following the opposition presentation and that additional
17 opposition speakers were heard afterward.

18 23. Several complainants assert that they were unable to enter the meeting room
19 due to capacity limitations and remained outside the chambers.

20 24. These complainants assert that they were informed they would have an
21 opportunity to provide public comment but were not provided a mechanism to do so from
22 outside the meeting room.

23 25. The record does not reflect that telephonic participation, online comment
24 submission, or other alternative participation methods were available during the meeting.

25 26. On July 2, 2024, a formal complaint was submitted by Christian Salmon on
26 behalf of eleven individuals who attended or attempted to attend the May 14, 2024, LVPC
27 meeting, six of whom ultimately participated in public comment.
28

1 27. Mr. Salmon provided signed narratives from each individual alleging: 1) that
2 each had attended or attempted to attend the meeting held May 14, 2024; 2) that the
3 agenda did not include a specific time limitation for public comment; and 3) that during
4 the meeting the LVPC imposed a one- minute time limit per speaker. The narratives
5 further state that each declaration is based on personal knowledge and that each
6 complainant believes their rights under the Open Meeting Law have been violated due to
7 the unreasonable time limit imposed during the meeting.

8 28. Several narratives state that stating one's name and address for the record
9 requires approximately ten seconds, thereby reducing the amount of time available for
10 substantive comment.

11 29. Counsel for the LVPC submitted a written response to the complaint on
12 behalf of the LVPC.

13 30. The response asserts that each complainant was present at the meeting and
14 that none were prohibited from offering public comment.

15 31. The response further asserts that the complainants' objections relate
16 primarily to the reasonableness of the time limitation imposed and that the agenda
17 language indicating that speaking time "may be limited" provided adequate notice under
18 the OML.

19 32. The LVPC response does not identify any formal mechanism by which
20 individuals outside the meeting room could participate in the public comment process.

21 33. A subsequent meeting of the Las Vegas City Council addressing the same
22 underlying land use matter was also the subject of a formal OML complaint, which was
23 filed by several of the same complainants in the present complaint. *In re Las Vegas City*
24 *Council*, OMLO 13897-520 (Aug. 19, 2026).

25 34. Although the allegations raised are similar in nature, the record reflects that
26 the City Council meeting included procedural mechanisms not present at the LVPC
27 meeting, including the availability of online public comment submission and different
28 implementation of time limitations.

LEGAL STANDARDS AND CONCLUSION OF LAW

The City of Las Vegas Planning Commission is a “public body” as defined in NRS 241.015(5); therefore, the LVPC is subject to the OML.

Public bodies in Nevada must include periods devoted to comments by the general public during their meetings. NRS 241.020(3)(d)(3); NRS 241.021. Once the right to speak has been granted by the Legislature, the protections of free speech in the U.S. Constitution and the Nevada Constitution attach. *In re Las Vegas City Council*, OMLO 13897-381 at 5-6 (Apr. 14, 2021). Despite these constitutional safeguards, an individual’s right to speak at a public meeting is not unfettered. Reasonable time, place and manner restrictions may be placed on public comment periods, but public bodies may not restrict comments based upon viewpoint. NRS 241.020(3)(d)(7). Restrictions on speech during public meetings are permitted to maintain decorum and order in the proceeding. *Reza v. Pearce*, 806 F. 3d 497, 504 (9th Cir. 2015).

A. The LVPC Did Not Violate the OML With Respect to Agenda Notice of Potential Time Limitations

The OML requires that an agenda include any restrictions on comments by the general public. NRS 241.020(3)(d)(7). Those restrictions must be reasonable and may regulate only the time, place, and manner of comment.

Here, the agenda for the May 14, 2024 LVPC meeting stated that public comment would be taken on each agenda item and that the amount of time any individual speaker would be allowed “may be limited.” The agenda therefore satisfied the minimum notice requirements of the OML with respect to the existence of time limitations. However, the agenda did not provide for alternative means of participation, such as online submission or telephonic comment, nor did it provide any indication of how public comment would be structured in light of anticipated attendance.

Accordingly, while the LVPC complied with the baseline notice requirements of NRS 241.020, the failure to disclose a specific one-minute limit may undermine the spirit of transparency intended by NRS 241.020(3)(d).

1 **B. The LVPC Violated the OML by Structuring Public Comment Based**
2 **on Viewpoint**

3 The OML permits public bodies to impose reasonable time, place, and manner
4 restrictions on public comment. However, such restrictions must be content-neutral and may
5 not be based on viewpoint. NRS 241.020(3)(d)(7).

6 The same principle is reflected in First Amendment authority addressing comment at
7 public meetings. Public-comment periods are treated as limited public forums in which
8 restrictions must be reasonable and not imposed to burden one side of a debate over another.
9 *Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266, 271 (9th Cir. 1995). Attorney General
10 guidance has also recognized that reasonable time, place, and manner restrictions must be
11 viewpoint neutral. *Id.*; *In re Las Vegas City Council*, OMLO 13897-381 at 6 (Apr. 14, 2021).

12 Here, the record reflects that the LVPC structured public comment by grouping
13 speakers according to their position on the application. The LVPC heard from the applicant,
14 then from a designated representative in opposition, followed by speakers in support of the
15 application, and then additional speakers in opposition. The Rules of Conduct further
16 indicated that objectors would be heard following the applicant and supporting speakers.
17 Although public bodies may adopt procedures intended to organize comment and reduce
18 duplication, those procedures must be administered in a manner that does not result in
19 differential treatment based on viewpoint. *See Chaffee v. San Francisco Public Library*
20 *Com.*, 134 Cal. App. 4th 109, 115, 36 Cal. Rptr. 3d 1, 5 (Cal. Ct. App. 2005) (“We do not mean
21 to imply that restrictions on public comment time may be applied unreasonably or
22 arbitrarily.”).

23 The transcript further reflects that the one-minute limitation was not applied uniformly
24 at the outset. The first several supporters were permitted to speak without enforcement of
25 the one-minute limitation. Only after several supportive speakers had already presented did
26 the Chair announce that subsequent speakers would be limited to one minute. From that
27 point forward, the one-minute limitation applied to remaining speakers, including those
28 speaking in opposition. Thus, the grouping of speakers by viewpoint was not merely

1 organizational; it had practical consequences for how much unrestricted time speakers on
2 each side were permitted to use.

3 The LVPC, through counsel, asserts that no complainant alleged viewpoint
4 discrimination and that each individual was permitted to speak. However, the absence of an
5 express denial of speaking time does not resolve whether the structure of the meeting
6 imposed differential burdens based on viewpoint. The record demonstrates that speakers
7 were organized and treated differently depending on whether they were speaking in support
8 of or in opposition to the application. The OML prohibits restrictions that are not viewpoint
9 neutral, and the record here reflects both viewpoint-based structuring and uneven
10 implementation of the restrictions imposed. Although the record does not indicate that the
11 LVPC intended to disadvantage commenters based upon viewpoint, the OML prohibits
12 restrictions that are not viewpoint neutral in operation. Here, the practical effect of the
13 structure employed treated speakers differently depending on whether they spoke in support
14 of or in opposition to the application.

15 Accordingly, the Office of the Attorney General concludes that the LVPC violated the
16 OML by structuring public comment and implementing time limitations in a manner that
17 was not viewpoint neutral. NRS 241.020(3)(d)(7).

18 **C. The LVPC did not Violate the OML by Failing to Provide a Meaningful**
19 **Opportunity for Public Comment**

20 The OML requires that reasonable efforts be made to “ensure the facilities for meetings
21 are large enough to accommodate the anticipated number of attendees.” NRS 241.020(2). No
22 violation will occur if a member of the public is not permitted to attend a public meeting
23 because the facilities for the meeting have reached maximum capacity if reasonable efforts
24 were taken to accommodate the anticipated number of attendees. *Id.* The OML further
25 requires that a public body provide an opportunity for members of the public to comment
26 on matters within its jurisdiction before taking action. NRS 241.021. While the statute does
27 not require a public body to accommodate unlimited attendance or guarantee that every
28

individual will be able to speak, it does require that the opportunity for public comment be meaningful and reasonably accessible.

The record reflects that the LVPC meeting drew a large crowd that exceeded the capacity of the meeting room. Members of the public were located outside the chambers due to fire code limitations. Several complainants assert that they were informed that they would still have an opportunity to provide public comment but were not provided any mechanism to do so from outside the meeting room. The record does not reflect that any alternative means of participation—such as telephonic comment, online submission, or an overflow system—was provided.

A public body is not required in every circumstance to provide unlimited physical access or remote participation options. However, where a public body is aware that attendance will exceed capacity and individuals will be unable to physically access the meeting, the absence of any alternative means of participation may result in a failure to provide a meaningful opportunity for public comment.

The LVPC's response focuses on the fact that several complainants were able to speak. However, the OML protects the opportunity for public comment more broadly and is not limited to those who successfully gained access to the meeting room. *See In re Washoe County School Dist. Board of Trustees*, OMLO 13897-426 at 5-6 (Apr. 18, 2022).

Accordingly, while the Office of the Attorney General does not make a formal finding of violation on this basis, the LVPC is cautioned that, when it knows a matter is likely to attract unusually large attendance, it should consider whether a larger venue, overflow participation procedures, or other reasonable alternatives are available to better ensure meaningful public access and participation consistent with the purposes of the OML.

D. The LVPC Violated the OML by Applying an Unreasonable Time Limitation to Public Comment

The OML does not prescribe a specific minimum speaking time for each commenter. However, any time limitation must be reasonable and must allow for meaningful

1 participation. NRS 241.020(3)(d)(7). The OAG finds any limitation less than one-minute per
2 speaker to be unreasonable.

3 Here, the LVPC imposed a one-minute limitation that included the time required for
4 each speaker to state his or her name and address for the record. The record and complainant
5 narratives reflect that this identifying information consumed a portion of the allotted time,
6 thereby reducing the time available for substantive comment to less than one minute.

7 A one-minute limit may be reasonable under some circumstances. But by requiring that
8 mandatory identifying information be given within that same minute, the LVPC further
9 reduced the effective time available for comment. That approach is particularly significant
10 where the LVPC was already addressing a large and overflow crowd and where the one-
11 minute limitation was being used to control access to public participation. The later City
12 Council meeting on the same matter illustrates that another approach was feasible: there,
13 commenters were permitted to provide identifying information separately from their one-
14 minute allotment.

15 **E. Comparison of the LVPC meeting to the subsequent Las Vegas City**
16 **Council Meeting**

17 A subsequent meeting of the Las Vegas City Council addressing the same underlying
18 matter was also the subject of an OML complaint. *In re Las Vegas City Council*, OMLO
19 13897-520 (Aug. 19, 2026). While the LVPC was not required to adopt the same procedures
20 as the City Council, the differences between the two meetings are relevant in evaluating
21 the reasonableness of the procedures employed.

22 The City Council meeting included alternative methods for submitting public comment,
23 such as online participation, and implemented time limitations in a manner that did not
24 include identifying information within the allotted speaking time. These procedures provided
25 additional avenues for public participation and mitigated the impact of time limitations.

26 In contrast, the LVPC meeting did not provide alternative methods of public
27 participation and implemented time limitations in a manner that further restricted the
28 effective time available for comment. These distinctions support the conclusion that the issues

1 identified in this matter were not inherent to the subject matter of the meeting but rather
2 resulted from the specific procedures employed by the LVPC.

3 **SUMMARY**

4 Upon investigating the present Complaint, the OAG makes findings of fact and
5 conclusions of law that the City of Las Vegas Planning Commission ("LVPC") violated the
6 OML as described above. If the Attorney General investigates a potential OML violation
7 and makes findings of fact and conclusions of law that a public body has taken action in
8 violation of the OML, "the public body must include an item on the next agenda posted for
9 a meeting of the public body which acknowledges the findings of fact and conclusions of
10 law." NRS 241.0395. The public body must treat the opinion of the Attorney General as
11 supporting material for the agenda item in question for the purpose of NRS 241.020. *Id.*
12 Accordingly, the LVPC must place an item on its next meeting agenda in which is
13 acknowledges the present Findings of Fact and Conclusions of Law ("Opinion") resulting
14 from the OAG's investigation in this matter. The LVPC must also include the OAG Opinion
15 in the supporting materials for its next meeting.

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17 Dated: August 19, 2026.

18 AARON FORD
19 Attorney General

20 By: /s/ Edgar Pando
21 EDGAR PANDO
22 Deputy Attorney General
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CERTIFICATE OF SERVICE.

I hereby certify that on the 19th day of August 2026, 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:

Christian Salmon

Complainant

Certified Mail No.: 9618 42

Timothy J. Geswein, Esq.
495 South Main Street, Sixth Floor
Las Vegas, Nevada 89101
Counsel for Respondent

Certified Mail No.: 9618 59

/s/ Quintina Buck
An employee of the Office of the
Nevada Attorney General