

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEVADA

In the Matter of:

WINNEMUCCA-HUMBOLDT
AIRPORT BOARD

A.G. FILE NO.:13897-540

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

Christina Kenison 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 Winnemucca-Humboldt Airport Board (“Board”) regarding its March 10, 2025, meeting. The Complaint alleges that the Board violated the OML by restricting the Complainant’s public comment based upon her viewpoint.

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; the Response on behalf of the Board; and the agenda, minutes and audio/video recording for the Board’s March 10, 2025, meeting. The OAG finds that the Board violated the OML by applying a viewpoint-based restriction on Complainant’s public comment.

FINDINGS OF FACT

1. The Board held a public meeting on March 10, 2025.
2. At the start of the meeting, the Chair called the first public comment period and stated there would be a 3-minute time limitation per speaker.
3. A member of the Board made public comments regarding communications between the Board and the City Council. His statements took approximately 7 minutes and he was not interrupted.

1 Amendment. *Jenkins v. Rock Hill Local Sch. Dist.*, 513 F.3d 580, 588 (6th Cir. 2008). Article
2 1, Section 9 of the Nevada Constitution also expressly protects a citizen’s freedom of speech.

3 Despite these constitutional safeguards, an individual’s right to speak at a public
4 meeting is not unfettered. Reasonable time, place and manner restrictions may be placed on
5 public comment periods, but public bodies may not restrict comments based upon viewpoint.
6 NRS 241.020(3)(d)(7). Restrictions on speech during public meetings are permitted to
7 maintain decorum and order in the proceeding. *Reza v. Pearce*, 806 F. 3d 497, 504 (9th Cir.
8 2015). However, a speaker may not be stopped from speaking simply because the moderator
9 disagrees with the viewpoint he or she is expressing. *Acosta v. City of Costa Mesa*, 718 F.3d
10 800, 816 (9th Cir. 2013); *Dowd v. City of Los Angeles*, 213 WL 4039043 at 19-20 (finding a
11 free speech violation where a public commenter was stopped from criticizing the performance
12 of the City Council president).

13 Here, the Board had a stated public comment policy that included a viewpoint neutral
14 time limitation but the Board’s application of that policy at the meeting was not viewpoint
15 neutral and thus violated the OML. *Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266,
16 272 (1995) (a public body may neither place unreasonable restrictions upon speakers nor
17 enforce restrictions in a manner that is not content neutral).

18 In its response, the Board argued that Complainant had made similar comments at
19 prior meetings and thus the Chair cut off her comments for being repetitive. The OAG does
20 not find this persuasive. A public body has a legitimate interest in conducting efficient,
21 orderly meetings, but restrictions on public comment must be reasonable and narrowly
22 tailored to serve that interest. *Meinecke v. City of Seattle*, 99 F.4th 514, 522 (2024); *In re*
23 *Storey County Board of Commissioners*, OMLO 2013-01 at 6 (Jun. 21, 2013). The Board
24 offered no reasoning for limiting repetitive comments, so we are left to presume the Board’s
25 interest in this limitation was so that it could lessen the total time for public comment and
26 conduct its business. There was very little public in attendance during the Board’s March
27 10 meeting. Complainant was the only person to speak on the topic she spoke on and was
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1 one of only two public commenters during the public comment period at issue. Thus, limiting
2 Complainant's comments did not meaningfully facilitate the conduct of the meeting.

3 The Board further argued that "at a minimum, the comments were offensive,
4 personally inflammatory, and disruptive to the order of the meeting" and thus terminating
5 her comments were necessary to maintain order. While the OML permits limits to public
6 comment or ejection for a person who disrupts a meeting such that its orderly conduct is
7 made impractical, this disruption cannot be the reaction of a public body member to criticism.
8 NRS 241.030(4)(a); *Norse v. City of Santa Cruz*, 629 F.3d 966, 979 (9th Cir. 2010); *In re*
9 *Pahrump Community Library District Board of Trustees*, OMLO 13897-455 at 4 (Jan. 8,
10 2024). Complainant's comments, while critical of the Board, were made during the
11 designated public comment period, had not exceeded the allotted time, and did not disrupt
12 the meeting. The Board's termination of her comments appears to be in response to their
13 content and viewpoint. Thus, the OAG finds a violation of the OML.

14 15 SUMMARY

16 Upon investigating the present Complaint, the OAG makes findings of fact and
17 conclusions of law that the Winnemucca-Humboldt Airport Board violated the OML as
18 described above. If the Attorney General investigates a potential OML violation and
19 makes findings of fact and conclusions of law that a public body has taken action in
20 violation of the OML, "the public body must include an item on the next agenda posted for
21 a meeting of the public body which acknowledges the findings of fact and conclusions of
22 law." NRS 241.0395. The public body must treat the opinion of the Attorney General as
23 supporting material for the agenda item in question for the purpose of NRS 241.020. *Id.*
24 Accordingly, the Board must place an item on its next meeting agenda in which is
25 acknowledges the present Findings of Fact and Conclusions of Law ("Opinion") resulting
26 from the OAG's investigation in this matter. The Board must also include the OAG
27 Opinion in the supporting materials for its next meeting.

1 Dated: March 31, 2026.

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4 AARON FORD
Attorney General

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6 By: /s/ Rosalie Bordelove
ROSALIE BORDELOVE
7 Chief Deputy Attorney General
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 31st day of March 2026, I served the foregoing
3 **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same
4 in the United States mail, properly addressed, postage prepaid, **CERTIFIED MAIL**
5 addressed as follows:

6
7 Christina F. Kenison

8 [REDACTED]
9 [REDACTED]
10 *Complainant*

11 Certified Mail No.: [REDACTED] 6586

12 O. Kent Maher, Esq.
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14 Post Office Box 130
15 Winnemucca, Nevada 89446
16 *Counsel for Respondent*

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18
19 /s/ Quintina Buck
20 An employee of the Office of
21 the Nevada Attorney General
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