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Via U.S. Mail

Sidney Stewart



**Re: Open Meeting Law Complaint, OAG File No. 13897-549
Elko County Board of Commissioners**

Dear Ms. Stewart,

The Office of the Attorney General (“OAG”) has reviewed your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Elko County Board of Commissioners (“Board”) regarding their February 5, 2025, meeting.

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 Board and the agenda, minutes and video recording for the Board’s February 5, 2025, meeting. After investigating the Complaint, the OAG determines that the Board did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

The Board held a public meeting on February 5, 2025, at 1:30 p.m., at the Nannini Administrative Building, Suite 102, 540 Court Street, Elko, Nevada, with simultaneous access provided via livestream on the Board’s website and through Zoom. The agenda was properly posted in compliance with OML and included clear

instructions for accessing the meeting and submitting public comment. As required under NRS 241.020, public comment was scheduled for each item on the agenda.

The Complainant alleged that the Board Chair, Commissioner Jon Karr, violated the OML when he instructed attendees not to repeat concerns already expressed by prior speakers. The Complainant argued this directive restricted her ability to participate fully under NRS 241.020. Commissioner Jon Karr stated, “I would limit the talk to 7 minutes each and then I would just request, it's not demanding, request that you bring new opinion or information forward ... I don't think we need to hear continually over and over again the exact same points, but I do want you to come up and give your perspective. I'll open the floor up now.”

The record shows Commissioner Karr made a general statement at the outset of the hearing requesting that members of the public avoid repeating points already raised. Meeting minutes confirm this was intended to manage the flow of public comment. The Board indicated the instruction was based on a guideline applied uniformly to all speakers.

LEGAL ANALYSIS

A. No OML Violation Occurred Because the Public's Right to Comment Was Preserved Within Reasonable Procedural Limits

NRS 241.021(2) guarantees the public's right to speak on matters within the jurisdiction of a public body. While this right includes presenting information even if similar points have been made, the statute does not prohibit a public body from adopting reasonable procedures to prevent unnecessary repetition. The Nevada Attorney General has emphasized that the purpose of OML is to ensure meaningful participation, not to mandate unlimited or duplicative comment (*See* AG File No. 00-047 (April 27, 2001)).

Here, attendees were permitted to speak on matters of concern, and their rights were preserved. Reasonable rules, such as limits on repetitive statements, are permissible if applied neutrally and consistently. Such rules maintain order and efficiency without infringing on the statutory right to participate (*Sandoval v. Board of Regents*, 119 Nev. 148 (2003)). The Board's directive was designed to balance public participation with practical meeting management, ensuring that all speakers could be heard while avoiding unnecessary redundancy.

B. No OML Violation Occurred Because Neutral Rules Were Applied Uniformly and Did Not Suppress Participation

When procedural rules, such as directives against repetition, are applied equally to all speakers, they serve an administrative purpose rather than suppressing viewpoints. Courts have consistently held that OML violations arise when rules are applied selectively (*Sandoval v. Board of Regents*, 119 Nev. 148 (2003)). Here, the Board applied the directive uniformly, demonstrating neutrality and compliance.

Importantly, a request to limit repetitive statements did not prevent members of the public from being heard. Attendees could still present new concerns, express agreement, and have their viewpoints recorded. Because the rule was neutral, consistently applied, and did not bar public input, no violation of NRS 241.020 or 241.021 occurred.

CONCLUSION

Upon review of your Complaint and available evidence, the OAG has determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,
AARON D. FORD
Attorney General

By: /s/ Stephanie Itkin-Goodman
STEPHANIE ITKIN-GOODMAN
Deputy Attorney General

cc: Tyler J. Ingram, Esq., Elko County District Attorney