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June 27, 2025

Via U.S Mail

Deanne M. Davis
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-505
Lyon County School District Board of Trustees**

Dear Mrs. Davis:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law, NRS Chapter 241, (“OML”) by the Lyon County School District Board of Trustees (“Board”) regarding its November 28, 2023, 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 of the Complaint included a review of the Complaint, the Response on behalf of the Board, and the agendas, minutes and recordings of the Board’s November 28, 2023, meeting. After investigating the Complaint, the OAG determines that the Board did not violate the OML as alleged.

FACTUAL BACKGROUND

The Board held a public meeting on November 28, 2023. During Agenda Item #6, Board Member Reports, Trustee Sherry Parsons read aloud a letter written by community member, Deanne Davis (hereinafter “Complainant”), at her request. The letter addressed the Board in relation to its ongoing search for a new superintendent. In her letter, Complainant expressed concerns regarding the school district and conveyed her hope that a new superintendent would lead the district in a positive direction. Complainant asserted her right to have her letter read by a Board Member, who is not subject to time limitations.

Agenda Item #23, Public Participation, invited members of the public to comment on matters not listed on the agenda. For each public participation item listed, the Board's Agenda included the following language relative to public comments:

Although this Board does not restrict comments based upon viewpoint, comments will be prohibited if the contents are willfully disruptive, slanderous, amount to personal attacks or interfere with the rights of other speakers. Comments made during this time will be monitored by the Board President.

During the public comment period, commenter Mary McDonald addressed Complainant's letter, specifically responding to what she perceived as an implication that teachers were responsible for students falling behind. Ms. McDonald offered suggestions for positive action. Three additional commenters also made public comments during this period. No public commenter was interrupted or prevented from making their comments.

Complainant filed the instant complaint alleging: (1) Board President Cowee did not stop public comment by Mary McDonald that was directed toward Complainant rather than to the Board; (2) Board President Cowee allowed Ms. McDonald to continue for two minutes "disparaging, slandering, and attacking Complainant's character", making false accusations about Complainant's personal activities; (3) Ms. McDonald criticized, maligned and made false accusations against the church Complainant attends; and (4) Board President Cowee was not being neutral in his treatment of public comment with respect to the viewpoints expressed.

LEGAL ANALYSIS

The Lyon County School District Board of Trustees is a "public body" as defined in NRS 241.015(4), and therefore, the Board is subject to OML.

The Board did not violate the OML by allowing Ms. McDonald to speak during public comment at the November 28 meeting.

The OML provides that any restrictions placed on public comment must be reasonable and must not be based on the speaker's viewpoint. NRS 241.020(3)(d)(7). A public body's restrictions must be neutral as to the viewpoint expressed, but the public body may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the

meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers. AG File No. 00-047 (April 27, 2001); *see* § 7.05 of the Open Meeting Law Manual (2019). Additionally, the public's freedom of speech during public meetings is vigorously protected by both the U.S. Constitution and the Nevada Constitution. *See* § 7.05 of the Open Meeting Law Manual (2019).

Here, both Complainant's letter and Ms. McDonald's public comment were made in their entirety, consistent with the Board's rules. While Complainant alleges that Ms. McDonald's comments were "disparaging, slanderous, and amounted to personal attacks," the evidence reflects that Ms. McDonald was responding to viewpoints expressed in Complainant's letter and was offering a contrasting opinion. Ms. McDonald's comments, though strongly worded, were oppositional in nature and were not willfully disruptive. Ms. McDonald spoke within her allowed time and did not interrupt the order or efficiency of the meeting.

Importantly, the OML prohibits restrictions on speech based solely on the viewpoint expressed. Ms. McDonald's comments represented her viewpoint, which differed from that of Complainant. Allowing Ms. McDonald to speak ensured that multiple viewpoints were heard, thereby promoting the principles of transparency and equal participation that the OML is intended to uphold.

In addition, rhetorical questions, emotional tone, or confrontational language do not, in and of themselves, meet the threshold of willful disruption or personal attack under the OML. Public discourse often involves disagreement and passionate expression, particularly on matters concerning the welfare of children and the educational system designed to support them. Here, both Complainant and Ms. McDonald ultimately voiced concerns toward the shared goal – the improvement of the school district. Their differing views on how to achieve that goal are protected speech.

Lastly, Board President Cowee did not selectively allow or restrict speakers based on their viewpoints. Although the speaker's comments were not favorable to the Complainant, the Board is statutorily prohibited from restricting comments based upon viewpoint. In fact, no speakers were interrupted or silenced during the meeting, and the public comment period was conducted in accordance with the procedural rules outlined on the agenda. Accordingly, the OAG does not find a violation of the OML on this point.

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,

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Attorney General

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