

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEVADA

In the Matter of:

DOUGLAS COUNTY SCHOOL
DISTRICT BOARD OF TRUSTEES.

A.G. FILE NO.:13897-510

**FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

Leslie Hokenson 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 Douglas County School District Board of Trustees (“Board”) regarding its December 12, 2023, meeting. The Complaint alleges that the Board treated public commenters differently depending on the speaker’s viewpoint because Ms. Hokenson’s ability to provide public comment was abruptly terminated by the Board upon quoting the Chairperson in a negative light.

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 Complaints included a review of the Complaints; the Response on behalf of the Board; and the agenda, minutes and audio/video recording for the Board’s December 12, 2023, meeting. The OAG finds that the Board violated the OML by applying public comment restrictions based upon viewpoint.

FINDINGS OF FACT

1. The Board held a public meeting on December 12, 2023. The agenda for the meeting listed the following public comment statement listed as Agenda Item 2:

The public will be invited to make comments at this time on agenda action items, where such comments shall be limited to one and a half minutes per person. Anyone with comments on action items that will take more than one and a half minutes is encouraged to put their testimony in writing and provide a copy to the Board prior to or at the meeting. These copies will not be read aloud but will be added to the minutes of the meeting upon request.

1 2. During the first general public comment period of the meeting, Ms. Hokenson began
2 her comments by stating that she was sad that Mr. Magnotta resigned for the reasons he
3 stated in a letter addressed to the Board. She expressed concern that many on the Board
4 have political agendas and want to eliminate anyone who does not agree with their agenda.
5 She agreed with the former Board member Magnotta's statement that time had been wasted
6 and referenced a name calling incident by Chairperson Jansen as an example. Ms. Hokenson
7 appeared to be reading her comments from a piece of paper she brought with her and
8 maintained a calm demeanor throughout her testimony. She did not appear to be threatening
9 towards the members of the Board, nor did she incite other members of the public to disturb
10 the meeting.

11 3. Ms. Hokenson began her public comment approximately 17 minutes and 50 seconds
12 into the meeting. Immediately after referencing the name-calling incident, Ms. Hokenson
13 was interrupted by Chairperson Jansen at approximately 18 minutes and 25 seconds into the
14 meeting, who then tapped her meeting gavel and asserted, "You're done." Ms. Hokenson had
15 spoken for approximately 35 seconds.

16 4. The following exchange of words occurred after Chairperson Jansen dismissed Ms.
17 Hokenson:

18 Jansen: "That's closed item. Officers if she continues, take her out."

19 Hokenson: "So we can't quote anything that any of you on the board, or not on the
20 board, have said, is that correct?"

21 Jansen: "Disruptive, Repetitious, Inciting Others, an example of speech that may be
22 reasonably limited."

23 The discourse was civil. Nobody raised their voices. There was no actual disruption of the
24 agendized proceedings other than Chairperson Jansen's interruption of Ms. Hokenson's
25 public testimony. After the exchange, Ms. Hokenson left the public comment podium and
26 Chairperson Jansen moved on to the next item on the agenda. Decorum and order were not
27 disturbed as a result of Ms. Hokenson's testimony.
28

1 5. A review of Mr. Magnotta’s resignation letter did reference harassment, veiled
2 threats to “get on our side,” and wasting time as grounds for resignation.

3 **LEGAL STANDARDS AND CONCLUSION OF LAW**

4 The Douglas County School District Board of Trustees is a “public body” as defined in
5 NRS 241.015(4); therefore, the Board is subject to the OML.

6 Public bodies in Nevada must include periods devoted to comments by the general
7 public during their meetings. NRS 241.020(3)(d)(3). Once the right to speak has been granted
8 by the Legislature, the protections of free speech in the U.S. Constitution and the Nevada
9 Constitution attach. *In re Las Vegas City Council*, OMLO 13897-381 at 5-6 (Apr. 14, 2021).
10 Generally, “the right to criticize public officials” is protected by the First Amendment. *Jenkins*
11 *v. Rock Hill Local Sch. Dist.*, 513 F.3d 580, 588 (6th Cir. 2008). Article 1, Section 9 of the
12 Nevada Constitution also expressly protects a citizen’s freedom of speech.¹

13 Despite these constitutional safeguards, an individual’s right to speak at a public
14 meeting is not unfettered. Reasonable time, place and manner restrictions may be placed on
15 public comment periods, but public bodies may not restrict comments based upon viewpoint.
16 NRS 241.020(3)(d)(7). Restrictions on speech during public meetings are permitted to
17 maintain decorum and order in the proceeding. *Reza v. Pearce*, 806 F.3d 497, 504 (9th Cir.
18 2015).

19 Here, the issues are whether the interruptions to public commenters rose to the level
20 of a public comment restriction and if so, whether that restriction was applied based upon
21 viewpoint. The OAG finds that the Board’s interruption of Ms. Hokenson both rose to the
22 level of a public comment restriction and was applied based upon the speakers’ viewpoint.
23 *Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266, 272 (1995) (a public body may neither
24

25 ¹ **Sec. 9: Liberty of speech and the press.** Every citizen may freely speak, write and
26 publish his sentiments on all subjects being responsible for the abuse of that right; and no
27 law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal
28 prosecutions and civil actions for libels, the truth may be given in evidence to the Jury; and
if it shall appear to the Jury that the matter charged as libelous is true and was published
with good motives and for justifiable ends, the party shall be acquitted or exonerated.

1 place unreasonable restrictions upon speakers nor enforce restrictions in a manner that is not
2 content neutral).

3 Where there is an intent to suppress speech based on viewpoint or identity, the
4 suppression is not viewpoint neutral. *Galena v. Leone*, 638 F.3d 186, 205 (3rd Cir. 2011)
5 (finding no First Amendment violation where there was no evidence of an improper motive or
6 intent in the chair's ejection of a member of the public from a meeting). A speaker may not
7 be stopped from speaking because the moderator disagrees with the viewpoint he or she is
8 expressing. *Acosta v. City of Costa Mesa*, 718 F.3d 800, 816 (9th Cir. 2013); *Dowd v. City of*
9 *Los Angeles*, 2013 WL 4039043 at 19-20 (finding a free speech violation where a public
10 commenter was stopped from criticizing the performance of the Council president).

11 Chairperson Jansen interrupted Complainant Hokenson during her public comments
12 and threatened to "take her out." In her Complaint, Ms. Hokenson asserted that she feared
13 physical injury for being thrown out due to a disability. While the OML permits, and the
14 Board's public comment statement echoes, the Board's ability to halt comment or remove a
15 person who disrupts the meeting such that its orderly conduct is made impractical, this
16 disruption cannot be the reaction of a public body member to criticism. NRS 241.030(4)(a);
17 *Norse v. City of Santa Cruz*, 629 F.3d 966, 979 (9th Cir. 2010). Here, no such disruption is
18 made by Ms. Hokenson, nor was orderly conduct made impractical by her public comment.

19 Ms. Hokenson was directly criticizing the Board's actions related to an agenda item
20 the Board was to take action on – the resignation of a Board member. Her testimony was
21 directly related to Mr. Magnotta's reasons for resignation, which was a properly agendized
22 action item. There does not appear to be an improper motive in Ms. Hokenson's testimony.
23 The Chairperson's interruption of Ms. Hokenson appears to be a knee-jerk reaction to what
24 she perceived as a personal criticism – that time had been wasted during Board meetings due
25 to name-calling by members of the board. In this particular instance, the example Ms.
26 Hokenson volunteered, was an incident of name-calling made by Chairperson Jansen. Ms.
27 Hokenson was not hostile toward Chairperson Jansen during her public comment. Where a
28 public commenter is stopped solely from criticizing the performance of a member of the Board,

1 a violation of that person's First Amendment rights occurs. *Jenkins v. Rock Hill Local Sch.*
2 *Dist.*, 513 F.3d 580, 588 (6th Cir. 2008) Without any evidence of a disruption of decorum,
3 disruption of the meeting, or inciting of the public to disrupt the proceedings, the OAG cannot
4 find justification in Chairperson Jansen's action to limit Ms. Hokenson's public comment.²
5 Left unchecked, such an action sends a chilling effect to members of the public who wish to
6 voice legitimate leadership concerns and criticisms – that such opinions may be met with
7 similar instructions to “take her out.” Such an action is impermissible and a violation of OML.
8 The OAG finds that the interruption during public comment at the Board's December 12,
9 2023, meeting rose to the level of a public comment restriction that was applied based upon
10 viewpoint in violation of NRS 241.020(3)(d)(7).

11 SUMMARY

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

25 ² Chairperson Jansen also asserts repetition as grounds to limit Ms. Hokenson's public
26 comment. There is no evidence to support that Ms. Hokenson was repetitious in her
27 statements and there was no notice of this restriction in the public comment instructions
28 of the agenda. Because no evidence supports that Ms. Hokenson was being repetitious, the
OAG does not opine on the legal aspects of Chairperson Jansen's restriction any further
than is done here to dismiss it.

1 in the supporting materials for its next meeting.

2 Dated: April 16, 2025

3 AARON FORD
4 Attorney General

5
6 By: /s/ Richard P. Yien
7 RICHARD P. YIEN
8 Deputy Attorney General

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on the 28th day of April 2025, I served the foregoing
11 **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the
12 same in the United States mail, properly addressed, postage prepaid, CERTIFIED MAIL
13 addressed as follows:

14 Leslie Hokenson

15 [REDACTED]
16 [REDACTED]

17 Certified Mail No.: [REDACTED]

18 Ryan Russell, Esq.
19 Allison MacKenzie
20 P.O. Box 646
21 Carson City, NV 89702
22 *Legal Counsel for*
Douglas County School District
Board of Trustees

23 Certified Mail No.: 7016 2070 0000 9713 6968

24 /s/ Debra Turman
25 An employee of the Office of the
26 Nevada Attorney General
27
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