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STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

3014 West Charleston Boulevard, Suite 150
Carson City, Nevada 89102

July 22, 2020

Via U.S. Mail

John Johnson
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaint – Workforce Connections
Programs Committee Meeting, OAG File No. 13897-329**

Dear Mr. Johnson:

The Office of the Attorney General (OAG) is in receipt of your complaint (Complaint) alleging violations of the Open Meeting Law (OML) by the Workforce Connections Programs Committee regarding the alleged failure to accommodate your disability by asking that you sit during the Programs Committee Meeting.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. Nevada Revised Statutes (NRS) 241.037; NRS 241.039; NRS 241.040.

FACTUAL BACKGROUND

The Workforce Connections Programs Committee is a “public body” as defined in NRS 241.015(4) and subject to the OML. The Complaint makes the following allegations:

1. While attending the March 13, 2019 Workforce Connections Programs Committee Meeting, you state that you did not want to sit down because the room was at full capacity, so you stood in the back of the room. You were approached by a Workforce Connections staff member and asked to sit down but you told the staff member you would like to stand. When the staff member insisted that you take a seat, you asked for a supervisor and were told that one was

not available. Shortly thereafter, security was sent to stand by you the rest of the meeting.

While attending the April 2, 2019 follow-up Workforce Connections Programs Committee Meeting, you again stood, preferring not to take a seat, and were again asked to sit down. Security again stood near you. At the closing public comment of the April 2, 2019 meeting, you disclosed that you had a disability which made it difficult to sit for long periods of time.

2. You state that you asked the front desk for a copy of the agenda and when you tried to show the person at the front desk that you could not download the agenda on your phone, you were told you could not have your phone out during the meeting even though you saw that other attendees were using their phones.
3. Since the meeting, you have reached out to Workforce Connections by phone to request information about the grant process but you have not yet received a response from them.

DISCUSSION AND LEGAL ANALYSIS

Regarding the first allegation: the Workforce Connections Programs Committee did not violate the OML when they requested that you sit during the Programs Committee Meeting.

The OML, as comprised by Chapter 241 of the NRS, applies to meetings of public bodies, and it requires that public officers and employees must make “reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend” meetings of a public body. NRS 241.020(1). In order to comply with this statute, it is required that public meetings be held, whenever possible, only in buildings that are reasonably accessible to the physically handicapped, i.e., those having a wheelchair ramp, elevators, etc., as may be appropriate. *See Fenton v. Randolph*, 400 N.Y.S. 2d 987 (N.Y. Sup. Ct. 1977).

It also is settled law that reasonable rules and regulations during public meetings ensure orderly conduct of a public meeting and ensure orderly behavior on the part of those persons attending the meeting.

There is no First Amendment right to remain in a public meeting. “Citizens are not entitled to exercise their First Amendment rights whenever and wherever they wish.” *Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266 (9th Cir. 1995) (upholding a rent control board’s action in ejecting a speaker several times because his conduct disrupted the orderly processes of meetings).

Finally, if a person willfully disrupts a meeting, to the extent that its orderly conduct is made impractical, the person may be removed from the meeting. NRS 241.030(4)(a). *See* AG File No 10-006 (April 13, 2000) (Complainant’s removal from the room by security was justified based on an intentional disturbance generated by the volume of comments which were audible to the Board and which prevented orderly conduct of the meeting.).

Regarding your complaint, the Workforce Connections Programs Committee Meeting is held in a building that provides reasonable access for the physically handicapped. As a result of your disability, it is difficult for you to sit for long periods of time, however, according to your Complaint, you were able to enter the building and attend the meeting. The Workforce Connections Programs Committee is justified in asking attendees to the Programs Committee Meeting to sit in order to minimize disruptions at the meeting and to keep the aisles clear for safety reasons. You stated that you did not request an accommodation or mention your disability until the end of the second meeting listed in your Complaint. Although you allege that sitting can be difficult for you, you were able to stand at the back of the room, albeit alongside security. The Programs Committee neither prevented you from attending the meeting, denied you an accommodation for your disability, nor prevented you from making comments during the public comment period on March 13th or April 2nd. As stated above, no OML violation occurred.

Second, you allege that the front desk asked that you not use your phone during the meeting. This request does not violate the OML. *See* OMLO 99-08 (July 8, 1999). Requiring prior approval of the use of electronic devices during public comment is reasonable and not in violation of the Open Meeting Law. *See* AG File No. 00-046 (December 11, 2000). That the person at the front desk asked you not to use your cell phone during the meeting does not violate the OML.

Third, you state that you have reached out to Workforce Connections regarding information on the grants process numerous times without a response from them. Though this does not violate the OML, Workforce

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Connections should make a reasonable effort to promptly respond to your requests.

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

/s/ Gordon R. Goolsby
GORDON R. GOOLSBY
Senior Deputy Attorney General

cc: Jaime Cruz, Executive Director,
Workforce Connections Las Vegas

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CERTIFICATE OF SERVICE

I certify that on the 17th day of August, 2020, I mailed the foregoing letter by depositing a copy of the same in the U.S. mail, properly addressed, postage prepaid, first class mail, to the following:

John Johnson
[REDACTED]
[REDACTED]

Jaime Cruz, Executive Director,
Workforce Connections Las Vegas
6330 W. Charleston Blvd., Suite 150
Las Vegas, NV 89146

/s/ Debra Turman
An employee of the State of Nevada
Office of the Attorney General