OFFICE OF THE ATTORNEY GENERAL

STATE OF NEVADA

In the Matter of:

DOUGLAS COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES.

A.G. FILE NO.:13897-492 & 13897-525

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Adrienne Sawyer filed a complaint with the Office of the Attorney General ("OAG") alleging violations of the Nevada Open Meeting Law ("OML") by the Douglas County School District Board of Trustees ("Board") regarding events occurring between its July 19, 2023, and August 8, 2023, meetings. Jennifer Wilson filed a complaint with the OAG alleging violations of the OML by the Board regarding communications between Board members outside of meetings also occurring in 2023.

The OAG has the authority to investigate and prosecute violations of the OML. NRS 241.039. As discussed below, the Board is not contesting that violations of the OML occurred related to the allegations in the two Complaints. In addition, the Board has taken steps to seek experienced legal counsel regarding OML matters and will be receiving training on the OML. As such, the OAG issues this Findings of Fact and Conclusions of Law pursuant to NRS 241.039(8)(b).

ALLEGATIONS

The Sawyer complaint alleges that the Board approved a contract with Joey Gilbert Law at its July 19, 2023, meeting, but that the contract signed by Board officers in early August was materially different.

The Wilson complaint alleges that serial communications occurred between at least four (4) members of the Board, a quorum, regarding whether to terminate the Superintendent's contract outside of public meetings. The Superintendent ultimately resigned and no action was taken regarding his contract.

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FINDINGS OF FACT

- 1. The Board received eighteen (18) OML complaints, not including the two at issue in this opinion, in 2023 and 2024 resulting in four (4) Findings of Fact and Conclusions of Law issued by the OAG.¹
- 2. The Board voted to terminate its contract with Maupin, Cox, and LeGoy at its July 19, 2023, public meeting and to hire Joey Gilbert Law as its counsel.
- 3. On or about August 3, 2023, the Board President and Clerk signed a contract with Joey Gilbert Law that contained materially different terms than the contract that had been approved by the Board.
- 4. Three (3) Board members communicated as a quorum outside of a public meeting when they attempted to convince a fourth Board member to vote to terminate the Superintendent's contract.
- 5. The Board voted to replace Joey Gilbert Law with Ryan Russell of Allison MacKenzie Ltd. on January 14, 2025.

LEGAL STANDARDS AND CONCLUSION OF LAW

The Douglas County School District Board of Trustees, as the governing body of a public school district in Nevada, is a "public body" as defined in NRS 241.015(5) and is subject to the OML.

A. Sawyer Complaint

For elected public bodies, such as the Board, "action" means an affirmative vote by a majority of members of the Board. NRS 241.015(1)(d). Individual members do not have power beyond that delegated to them. *Id.* The approval and execution process for the Board's contract with Joey Gilbert Law did not follow proper OML procedures as agreeing to changes to the contract required further action by the Board, which did not occur. Thus, the OAG finds a violation of the OML.

¹ Lehman v. Douglas County School District, OMLO 13897-473 (Jun. 7, 2024); Hokenson v. Douglas County School District, OMLO 13897-510 (Apr. 16, 2025); Hiatt v. Douglas County School District, OMLO 13897-508 (Jun. 23, 2025); McGuffin v. Douglas County School District, OMLO 13897-472 (Jul. 23, 2025).

B. Wilson Complaint

The legislative intent of the OML is that actions of public bodies "be taken openly, and that their deliberations be conducted openly." NRS 241.010(1); see also *McKay v. Board of Supervisors*, 102 Nev. 644, 651, 730 P.2d 438, 443 (1986) ("the spirit and policy behind NRS chapter 241 favors open meetings"). The OML is not intended to prohibit every private discussion of a public issue. *Dewey v. Redevelopment Agency of City of Reno*, 119 Nev. 87, 94 (2003). Instead, the OML only prohibits collective deliberations or actions where a quorum is present. *Id.* at 94-95. For purposes of the communications at issue, a quorum of the Board was four members. NRS 241.015(7). As the Board does not contest the communications, the OAG finds a violation of the OML.

SUMMARY

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

Dated: September 22, 2025.

AARON FORD Attorney General

By: /s/ Rosalie Bordelove
ROSALIE BORDELOVE
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of September 2025, I served the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, CERTIFIED MAIL addressed as follows:

Thomas Tanner

Certified Mail No.: 6784

Adrienne Sawyer

Certified Mail No.: 6791

Jennifer Wilson

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<u>/s/ Debra Turman</u>

An employee of the Office of the Nevada Attorney General