



The Common Sense Courier Newsletter **November 5, 2025**

Vital Topic: How to use Lawfare to Grift \$166,000 out of Douglas County Schools

“The Real Story behind the Red Shirts’ attempt to use lawfare to prevent needed changes in Douglas County Schools”

This is the real story behind the lawsuit that was filed against three new School Board members who were elected in November of 2022. It is a sorry tale of mean-spirited and undemocratic behavior by prominent members of the Carson Valley Community.

In November of 2022, voters of Douglas County elected three new school board members: David Burns, Susan Jansen, and Katherine Dickerson. They are all conservatives, and they decided to run because they were alarmed at the onslaught of far left propaganda like Critical Race Theory and Diversity Equity and Inclusion (DEI) that was infiltrating the school under Superintendent Keith Lewis. They ran as a team on the following platform: one, remove Critical Race Theory and DEI material from school curriculum; two, remove gender fluidity materials from the school library, and three, reverse the dramatic decline of test scores and proficiency in English and Math that had occurred over the past four years. The voters of Douglas County overwhelmingly elected all three of these candidates. Together with the lone conservative on the board, Doug Englekirk, they formed the first conservative majority on the School Board.

As background, the District was using a textbook that referenced Critical Race Theory in its professional development curriculum for incoming teachers (*Culturally Responsive Teaching and the Brain*, by Zaretta Hammond, 12/2014) as well as other material that emphasized DEI. Several incoming teachers objected to the material when asked about it in a survey. The School District also had relocated books that encouraged gender fluidity and transgenderism on its Library bookshelves. The new board members specifically identified these issues in their campaign.

As soon as the three new board members were sworn into office, a Nevada Open Meeting complaint was filed against the school district by disgruntled election loser Robbie Lehman (who was trounced in the election). The school district trustees are subject to the Nevada Open Meeting laws like every other public body in Nevada. Open Meeting laws assure citizens that all business is conducted out in the open in public meetings, so there are no backroom deals among politicians. When an Open Meeting complaint is filed, the school District must produce all written, text, and email communications. Lehman's complaint requested all written, text, and email communications between four board members: Burns, Jansen, Dickerson, and Englekirk. Lehman suspected, but had no proof, that the new Board members may have met as a group after being sworn in to discuss who would like to be the new Board President.

For the record, the new board members had not been given any training in Open Meeting Law (OML) by Superintendent Keith Lewis until April of 2023, five months after their election and only received 1.5 hours of training in April by their legal counsel (Maupin, Cox, and LeGoy ["Maupin"]). The four board members dutifully surrendered their personal phones and their emails to the School District's lawyer Rick Shu of that firm for the first OML.

While the Open Meeting Complaint was being addressed by the District and Nevada Attorney General, the new Board got to work. One of their first accomplishments was to reinstate the bylaws that the previous Board had changed. The previous Board had changed the bylaws to delegate certain powers that are reserved only for the Board to the Superintendent. The bylaw changes made by the previous Board were in violation of Nevada Revised Statutes. By reversing these changes, the new board members assumed all the powers that are given to the Board by the Nevada Revised Statutes. The fact that the District's attorney, Maupin, had allowed such a change to be made without objection was a red flag to the new Board members that a new attorney should represent the Board. In July, the board voted to replace attorney Rick Shu of Maupin and retained Joey Gilbert Law to represent the District. Burns, Dickerson, and Jansen drove to Reno twice to allow legal counsel to check their phones for any pertinent information as per the Plaintiff's request.

In rapid succession, the new Board discussed and took the following actions:

- It enacted a policy whereby the District would accept no grants that required Diversity, Equity and Inclusion (DEI), or Critical Race Theory (CRT) to be implemented and reported upon as a condition of the grant;
- It required the removal of any Critical Race Theory materials from the professional development curriculum and from any school curriculum;
- It replaced the attorneys for the School Board
- It proposed a school policy that would keep boys out of girls' sports, bathrooms, and locker rooms at the School Board meeting in May of 2023. However, that effort was thwarted by the Superintendent at the time, Keith Lewis, who on his own authority changed the Board president's wording on the agenda item from "Protection of girls' sports and safe spaces" to "Transgenderism" policy. Parents overwhelmingly opposed boys in girls' sports, and parents and students spoke in favor of keeping girls safe, but Lewis had made the agenda item so confusing that the public wasn't

sure what was going on. Supporters of Keith Lewis also called the Nevada ACLU to attend the meeting and threaten the Board with legal action. That meeting went until midnight.

- It held a Town Hall meeting in October of 2023 for parents to gain feedback and ask Board members questions.
- It accepted the resignation of Keith Lewis as Superintendent and replaced him with Jeannie Dwyer as a temporary Superintendent. The Board decided at that time to start taking applications for a new permanent Superintendent.

In June, a lawsuit was filed against four of the members of the Board: Burns, Jansen, Dickerson, and Englekirk. The plaintiffs were Robbie Lehman, former school board trustee, Marty Swisher, former principal of Douglas High School, Joe Girdner, former HR Director and Ricky Miller. (It should be noted that Joe Girdner had recently resigned as HR Director, and just prior to that it became known that he had hired a teacher who had a restraining order against him and a history of abusing students.) Their attorney was Richie McGuffin. The lawsuit purported, without actual facts to back up its accusations, a litany of violations concerning conduct by the Board, and for the most part was completely disconnected from reality. The core issue, however, as proposed by the lawsuit, was that the four members had not turned over all the material as requested in the Open Meeting Law Complaint. This was an exercise in lawfare; the same kind of lawfare that President Trump was subjected to for four years after Biden's election. Its goal was to harass and intimidate the new Board members.

The four Board members faithfully and fully believed that they had turned over all requested materials and their attorney stated as much in response to the lawsuit.

Months passed, with the lawsuit at an impasse. In July of 2023, the Plaintiffs offered to settle the lawsuit. They had prepared a formal offer to settle and presented it to the Districts' attorney. The proposal to settle the lawsuit was put on the agenda for discussion and possible approval at the July 2024 School Board meeting. The Plaintiffs were agreeing to settle the lawsuit for \$70,000 in attorney's fees with no claim of wrongdoing by either party.

But that didn't happen because Sharla Hales (yes, Commissioner Hales) and three Trustees, Wagstaff, Kangas, and Gilkerson, screwed up the opportunity to settle this lawsuit for peanuts compared to what it would eventually cost the School District. Here's what took place:

Right in the middle of the Board meeting and during the agenda item where the settlement was being discussed Yvonne Wagstaff, Carey Kangas, and Linda Gilkerson got up from their chairs and marched to a conference room for an unauthorized, unagendized conference with their pro-bono attorney, Sharla Hales. Why she had chosen to insert herself in a School Board matter is questionable. Nevertheless, Sharla Hales caused an Open Meeting Law violation to be filed by encouraging the three Board members, Wagstaff, Kangas and Gilkerson, to leave the meeting without a recess being called to engage in an unagendized discussion with an outside attorney. When the three Trustees returned to the meeting, they all voted not to accept the settlement and the motion failed. In public comment, Robbie Lehman, a Plaintiff in the lawsuit, blurted out angrily that they would continue the lawsuit.

The lawfare continued against the four trustees, Burns, Jansen, Dickerson and Englekirk. The plaintiffs were now determined to bring this lawsuit to trial. Each of the Trustees were subjected to a scorching deposition by attorney Richie McGuffin who made it his business to make each court appearance as uncomfortable and unpleasant as possible. Imagine yourself, being newly elected to a school board with the intention to remove harmful propaganda from the school curriculum and you are viciously attacked and hauled into court.

All four Board members admitted under deposition that to the best of their belief they had turned over all text and email information to the plaintiffs as required by the Open Meeting Complaint. Meanwhile, all that time, Richie McGuffin's attorney billing clock was running, racking up more attorney hours.

Finally, the plaintiff's received the news that they had prayed for. The School District had an email server that had emails on it that were not turned over to the plaintiffs. Both the four trustees and their attorney had no knowledge of this server and therefore could not turn over this material to the plaintiffs. The trustees thought that Keith Lewis who was the Superintendent at the time had turned over all pertinent texts and emails on the district server. This had been his past practice and no one else had access to this server. The emails, however, contained no evidence of any wrongdoing. But oh, the fact that they hadn't been turned over was simply unforgivable in the plaintiff's eyes. And Richie McGuffin's attorney billing clock just kept running.

Finally, the lawsuit ends up in Judge Gregory's Ninth Judicial District court and the real motive behind the plaintiffs' lawsuit is revealed. The plaintiffs petitioned Judge Gregory to make the four DCSD trustees, Burns, Jansen, Dickerson and Englekirk **personally liable for the new inflated Attorney's fees of \$166,000.00**. Not only does holding elected officials personally liable when they are not charged with a crime fly in the face of settled Nevada case law, but who in the world would want to run for public office knowing that they could be held personally liable in a lawsuit for attorney's fees even though they are not charged with a crime. It seems Richie McGuffin wanted to stand Nevada Law on its head and try to punish these elected school board trustees for emails that proved nothing and no one even knew existed except for Keith Lewis and his IT director.

Finally, in March of 2025, Judge Gregory issued his ruling. Following Nevada precedent which protects elected officials from being personally liable for damages *and stating that the four trustees acted in good faith and did not know that the e-mails on the server existed and were not turned over*, he ruled that the Douglas County School District was liable for the plaintiff's attorney's fees amounting to \$166,000.00. So, the School District is being robbed of \$166,000.00 to satisfy a lawfare lawsuit that could have been settled for \$70,000.00 had the three trustees done what they should have done and approved the first settlement, but they followed Sharla Hales advice instead. No criminal activity took place. This was a lawsuit brought by vindictive, undemocratic plaintiffs and their lawyer, all of whom were disgruntled over the election losses and did not respect the will of the voters.

And that is how you grift the school district out of \$166,000.00. Be sure to thank Sharla Hales, Richie McGuffin, Robbie Lehman, Marty Swisher, Joe Girdner, Ricky Miller, and Yvonne Wagstaff. One Hundred Sixty Six THOUSAND Dollars. That's a lot of school supplies, library books, teacher training, etc.

Board of County Commissioners Meeting – Oct. 2, 2025 - Highlights

- **The Board authorizes \$585,054 to update the Minden-Tahoe Master Plan** - The Board unanimously approved Work Order 001 with J-U-B Engineers, Inc., not to exceed \$585,054 (with a \$29,253 local match from airport funds), to update the Minden-Tahoe Airport Master Plan, last revised in 2016.
- **The Board authorizes \$306,412 to purchase a four-piece playground at James Lee Park** - The Board unanimously approved an Interlocal Agreement transferring \$306,412 in North County Residential Construction Tax to Indian Hills GID for purchase and installation of playground equipment
- **NDOT presents their project plan for 2026 for Douglas County** - NDOT's primary funding source is federal and state fuel taxes established in 1993 at \$0.1845 per gallon each, equating to approximately \$1 billion annually, with variations from grants. A backlog of \$1.2 to \$1.6 billion exists beyond the current budget. Construction costs have increased by approximately 58% since the pandemic, primarily in asphalt, concrete, steel, and glass, reducing purchasing power, with prices now at an elevated level.
- **Public Comment** - Johnson Lane residents provided video evidence of continued violations of trucks hauling from the Knox Painted Rock gravel pit.

[Read the full report.](#)

Board of County Commissioners Meeting – Oct. 16, 2025 - Highlights

- **The Board unanimously approved 9.69% cumulative South Tahoe Refuse rate increase for 2026**
- **The Board selected Blayne Osborn as Douglas County nominee for Assembly District 39 vacancy**
- **Indian Hills Playground Equipment Approved** - The Board unanimously approved an Interlocal Agreement transferring \$306,412 in North County Residential Construction Tax to Indian Hills GID for purchase and installation of playground equipment
- **The Board considered VHR Amendments** - Introduced Ordinance 2025-1655 (VHR amendments) with revisions: Code of Conduct consolidation, Glenbrook clarification, 8 prior-year rental nights, designated 25+ responsible renter with registry, emergency contact posting; second reading with public comment.
- **Lake Tahoe Visitors Authority Presentation to the Board - FY2024–25:** Carol Chaplin of the LTVA made their annual presentation to the Board. LTVA is funded by Douglas County's \$661,000 – (5/8) of 1% TOT from Tahoe Township, \$2.9 million from South Lake Tahoe Tourism Improvement District (flat lodging assessment), and \$2.88 million from Tahoe Douglas Visitors Authority; total budget used for year-round marketing to lodging, dining, gaming, retail, and recreation, driving visitation.
- **Stormwater Program Review** - The Board heard a presentation on Douglas County's stormwater program from Jennifer Davidson including: existing stormwater infrastructure and the stormwater program's current annual funding. Davidson noted that the Stormwater program requires \$4–5M annually yet is only funded at \$1M current; The Board is to consider a new tax, a Stormwater utility tax, to be levied on every property in Douglas County to fund the Stormwater program.
- **Public Comment** - Residents described catastrophic Smelter Creek flooding in Ruhenstroth three weeks prior, with 4–6 inches of mud, a foot of water covering property, demolished garages, broken fences, silt-filled creek beds, beaver dams, and a 100-foot reinforced stone fence destroyed by trees and debris. Residents criticized a Tahoe Regional Planning Authority approved glamour camping project on the road to Nevada Beach on Lake Tahoe for inadequate outreach and exploitation of stale Plan Area Statements, with requests for county representation at design-review meetings beyond Commissioner Rice.

[Read the full report.](#)

School Board Meeting – Sept. 18, 2025 – Highlights

- **Annual Health Report (Administrative Report)** - The report covered health services for the prior school year, noting over 38,000 health office visits despite a decline of 1,500 students and ongoing enrollment decreases. There was a sharp increase in Individualized Education Programs (IEPs), rising from 190 to 266, with potential explanations including improved screening by school psychologists or more students with health or other impairments requiring

services under the Individuals with Disabilities Education Act (IDEA), Americans with Disabilities Act (ADA), and Nevada state laws.

- **Career and Technical Education (Administrative Report)** - The presentation focused on the Career and Technical Education (CTE) program, delivered by CTE Administrator Cade Baligad. The CTE program offers numerous advantages, including higher attendance rates, improved graduation rates compared to non-CTE students, and the acquisition of skills for high-skill, high-wage, in-demand jobs

[Read the full report.](#)