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**May 29, 2026**

*Via electronic mail*

Salado Public Library District Board of Trustees

Attn: President Nancy Mills Mackey

1151 N. Main St., Salado, Texas 76571

**Re: Violations of the Texas Open Meetings Act, First Amendment, and District Policy**

Dear President Mills Mackey and Members of the Board:

Remnant Law is a 501(c)(3) public-interest law firm dedicated to advancing and protecting constitutional rights, government transparency, and the rule of law. We represent concerned citizens of the Salado Public Library District regarding multiple violations of the Texas Open Meetings Act (TOMA), the First Amendment, the Texas Constitution, and the District's own policies.

These violations include repeated failures to provide legally required meeting notice, the issuance of an unlawful directive restricting a citizen's ability to communicate with elected trustees, viewpoint discrimination on the District's official Facebook page, and the improper removal of a citizen during a reconsideration appeal.

This letter constitutes a formal demand that the District immediately cure these violations. Failure to do so will result in litigation to protect the rights of Salado residents and ensure compliance with state and federal law.

**FACTUAL BACKGROUND**

Beginning in September 2025, the Salado Public Library District repeatedly failed to comply with the amended notice requirements of the Texas Open Meetings Act. HB

1522, which took effect on September 1, 2025, amended Tex. Gov't Code § 551.043 to require three business days' notice before a governmental body may hold a meeting. Despite this statutory change, the District continued using the obsolete 72-hour rule. As a result, the agendas for the September 22, October 20, October 27, and December 22, 2025 meetings, as well as the February 9, February 23 and April 20, 2026 meetings, were all posted too late under the amended statute. These improperly noticed meetings form the backdrop for several subsequent actions taken by the Board that now lack legal validity.

Shortly after these improperly noticed meetings, on December 23, 2025, the Library Director sent Stephen Sequeira an email stating that "the Board of Trustees of Salado Public Library has directed that all future communications between you and the library should be conducted through your legal counsel and the library's legal counsel." This was a direct result of Mr. Sequeira questioning several of the board's violations. The directive was unconditional and indefinite. It was not tied to any policy, disciplinary process, or legal proceeding. It purported to govern "all future communications," effectively prohibiting a private citizen from communicating with his elected officials. Following its issuance, trustees ceased responding to Mr. Sequeira entirely. The directive was not limited to matters involving legal representation, nor was it tied to any specific subject matter. It functioned as a blanket prohibition on communication with elected officials, issued without any public vote, policy basis, or lawful authority.

During this same period, the District's official Facebook page blocked the Protect Salado Kids (PSK) page, which is operated by Mr. Stephen Sequeira, a resident of Salado. PSK had not interacted with the Library's page, and there is no evidence of any violation of platform rules. Mr. Sequeira was being blacklisted from engaging with the library. The only possible basis for the block is disagreement with Sequeira's advocacy. Because the District uses its Facebook page as a public-facing communication platform, the page functions as a public forum for First Amendment purposes. Blocking PSK prevented the group from viewing, responding to, or participating in public

discourse on the District's official page.

Finally, at the February 23, 2026, meeting, a citizen, Allison Dolin, appealing a reconsideration decision, was prevented from speaking and removed from the meeting. The District's Reconsideration of Materials policy states that, during the Board meeting, "the Board will listen to your request and respond to your comment or complaint." The appeal was listed as a separate agenda item, distinct from public comment. Removing the appellant violated the District's policy and deprived the appellant of the opportunity to be heard. This action occurred at a meeting that was itself improperly noticed under TOMA, compounding the procedural and constitutional deficiencies.

## **VIOLATIONS OF LAW**

### **1. Violations of the Texas Open Meetings Act**

The District's failure to provide three business days' notice for multiple meetings after September 1, 2025, violates Tex. Gov't Code § 551.043. Texas courts have consistently held that TOMA's notice provisions must be strictly followed because they are the foundation of governmental transparency. In *City of San Antonio v. Fourth Court of Appeals*, 820 S.W.2d 762 (Tex. 1991), the Texas Supreme Court emphasized that TOMA must be liberally construed in favor of open government and that notice must be sufficiently specific to alert the public to the topics to be addressed. The Court has repeatedly rejected attempts by governmental bodies to minimize or excuse noncompliance with TOMA's procedural requirements.

The Legislature reinforced this principle by amending § 551.043 to require three business days' notice. When a governmental body fails to comply with this requirement, the meeting is improperly called. Under Tex. Gov't Code § 551.141, "*An action taken by a governmental body in violation of this chapter is voidable.*" Courts have applied this provision to invalidate actions taken at meetings that were not properly noticed. The District's repeated reliance on the outdated 72-hour rule months after the statutory amendment took effect demonstrates a systemic disregard for TOMA's

requirements. Every action taken at these improperly noticed meetings—including votes, directives, and policy decisions—is subject to being declared void.

## 2. Unconstitutional Prior Restraint on Citizen Speech

The December 23 directive constitutes an unlawful prior restraint. The United States Supreme Court has consistently held that prior restraints are “the most serious and least tolerable infringement on First Amendment rights.” *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976). In *Near v. Minnesota*, 283 U.S. 697 (1931), the Court held that prior restraints are presumptively unconstitutional because they suppress speech before it occurs. The Court explained that the First Amendment’s core purpose is to prevent the government from silencing criticism or restricting communication with public officials.

In *Bantam Books v. Sullivan*, 372 U.S. 58 (1963), the Court condemned informal governmental directives that suppress speech through intimidation or implied sanction. The Court held that even nonbinding “advisories” can constitute unconstitutional prior restraints when they effectively chill speech. The December 23 directive is precisely such an informal, standardless restriction. It was issued without a vote, without procedural safeguards, and without any limiting principle. It prohibits a citizen from communicating with elected officials indefinitely and without cause.

In *Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546 (1975), the Court held that the government may not impose a system requiring prior permission to speak, especially when the restriction lacks objective standards or procedural safeguards. The December 23 directive functions as a prior-permission requirement: the citizen may not communicate with trustees unless he first retains counsel and channels all communication through attorneys. This is constitutionally impermissible.

The directive also violates Tex. Const. art. I, § 27, which guarantees the right to “apply to those invested with the powers of government for redress of grievances.” Texas courts have interpreted this provision broadly to protect the right of citizens to

communicate directly with their elected officials. Nothing in Tex. Loc. Gov't Code Chapter 326 authorizes the District to bar a citizen from communicating with trustees. The directive exceeds the District's authority and violates both state and federal constitutional law.

### **3. Viewpoint Discrimination on the District's Facebook Page**

Blocking the PSK Facebook page constitutes impermissible viewpoint discrimination. Government-run social-media pages are public forums when they are used for official communication. In *Davison v. Randall*, 912 F.3d 666 (4th Cir. 2019), the court held that a public official violated the First Amendment by blocking a constituent from an official Facebook page because of critical comments. The court explained that once the government opens a social-media page for public interaction, it may not exclude users based on viewpoint.

The District's Facebook page is used to communicate with the public about library operations, programs, and governance. Blocking PSK—despite the absence of any misconduct—appears to have been based solely on disagreement with PSK's advocacy. This is classic viewpoint discrimination. Courts have repeatedly held that such actions violate the First Amendment and expose governmental bodies to liability under 42 U.S.C. § 1983. The District's conduct mirrors a recent case in which a school district settled a federal civil-rights lawsuit after blocking a parent on X for criticism.

### **4. Violation of District Policy and Constitutional Rights During Reconsideration Appeal**

Removing an appellant from a reconsideration appeal violates the District's own Reconsideration of Materials policy, which guarantees the right to present comments directly to the Board. The appeal was listed as a separate agenda item, distinct from public comment. Courts have long held that when a governmental body creates a quasi-judicial process, it must provide basic due process protections, including the right to be heard. Removing the appellant deprived the individual of this right.

The First Amendment also protects the right to present grievances to the government. In *City of Madison Joint School District v. Wisconsin Employment Relations Commission*, 429 U.S. 167 (1976), the Supreme Court held that citizens have a First Amendment right to address governmental bodies on matters of public concern. Removing the appellant from the meeting violated this right. The Board's actions were inconsistent with both constitutional requirements and the District's governing documents.

## DEMANDS

Within 14 days of receipt of this letter:

1. Cease enforcement of any actions, directives, or decisions taken at meetings that failed to comply with the three-business-day notice requirement.
2. Rescind the December 23, 2025, directive restricting citizen communication with elected trustees.
3. Unblock the Protect Salado Kids Facebook page and certify that no citizen or group will be blocked based on viewpoint.
4. Affirm compliance with the District's reconsideration-appeal policy and constitutional requirements for due process and public participation.
5. Confirm adoption of a compliant TOMA posting protocol, ensuring a three-business-day notice for all future meetings.

Failure to comply will result in litigation seeking declaratory and injunctive relief, mandamus relief to compel TOMA compliance, remedies under 42 U.S.C. § 1983, and attorneys' fees under both Tex. Gov't Code § 551.142 and 42 U.S.C. § 1988, which authorizes an award of reasonable attorneys' fees to prevailing plaintiffs in civil-rights actions.

We encourage the Board to govern itself accordingly so that these matters may

be resolved amicably and in the interest of transparent, lawful governance. Please contact us promptly to confirm compliance.

Very Respectfully,



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Cc: Stephen Sequeira  
Allison Dolin