



State of Nevada
Board of Registered Environmental Health Specialists

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MINUTES OF PUBLIC MEETING
July 8, 2019

Members Present: Larry Law, Bob Stulac, James Barnes, Tony Macaluso, Drew Skeen
Members Absent: None
Staff Present: Loretta Ponton, Executive Director
Henna Rasul, Sr. Deputy Attorney General
Public Present: Brian Northam, Paula Berkley, Joelle Pulver, Carrie Gonzales

BOARD MEETING

Tony Macaluso called the meeting to order at 10:00 a.m. A voice roll call confirmed a quorum was present.

Public Comment: None

Approval of the Minutes: Tony Macaluso asked if there were any corrections or revisions to the meeting minutes of May 6, 2019. Hearing none, called for a motion.

Larry Law made the motion, seconded by Bob Stulac to approve the minutes May 6, 2019. The motion passed.

Registrations: Tony Macaluso asked if there were any comments or questions on the registrations issued by staff. Hearing none, Tony Macaluso called for a motion.

Bob Stulac made the motion, seconded by Larry Law to ratify the registration actions taken by staff as listed in agenda items 4a and 4b as presented. The motion passed.

Registrations Suspended: Tony Macaluso asked Loretta Ponton to present. Ms. Ponton stated one registration has been suspended pursuant to NAC 625.020 for failure to respond to the random audit of continuing education. Ms. Ponton explained the suspension is automatic for failure to comply with continuing education requirements.

Tony Macaluso asked if there were any questions. Bob Stulac asked about the employment status of the registrant. Larry Law responded that he was previously employed by the Southern Nevada Health District. Hearing no further comments, Tony Macaluso called for a motion.

Bob Stulac made the motion to ratify the suspension of REHS registration #245 of Arta Faraday for non-compliance with continuing education requirements. Larry Law seconded the motion. The motion passed.

Consideration of Proposals for Executive Director Services: Tony Macaluso welcomed guests Carrie Gonzales and Joelle Pulver with GPI Record Management, LLC.

Mr. Macaluso stated two proposals were received, asking the members to review each proposal and rate each proposal utilizing the Consensus Scoresheet included in the Board packet.

GPI Record Management LLC - Ms. Gonzales and Ms. Pulver provided a brief presentation of their company and expressed their interest in providing services to the Board, stating their skills are transferrable to meet the requirements of the position. Board members inquired whether they had any experience in working with state regulatory boards or with board administration, which they stated they do not but are willing to learn.

Lorylynn Ltd. - Loretta Ponton stated her proposal is for continued services to the Board. She has served as the Executive Director for four years. Ms. Ponton stated she is proposing to continue as the Executive Director for at least 2 years, and would intend to complete the regulatory process to implement AB175 if awarded a new contract. Ms. Ponton referred to her proposal and experience with the Board as referenced.

Tony Macaluso polled each member for their evaluation scores, tallied and averaged the scores resulting in a score of 21.6 for GPI Record Management LLC and a score of 29.2 for Lorylynn Ltd. Members expressed their appreciation to GPI Management LLC stating their ratings reflected the lack of regulatory experience and knowledge of state administrative requirements. Drew Skeen acknowledged their experience working in the Indian gaming industry stating that it is a highly regulated and complicated industry.

Tony Macaluso called for a motion.

Bob Stulac made the motion, seconded by Larry Law to award the contract for Executive Director Services to Lorylynn Ltd.

The motion passed.

National Environmental Health Association (NEHA) Examination Services Agreement - Loretta Ponton stated that she has been working with NEHA to update their examination services agreement as NEHA will be moving to 100% computer based testing and is proposing an increase of fees for state authorized applicants. The Board would retain all authority to establish eligibility criteria to take the exam, the passing score and any other regulatory or policy consideration related to registration in Nevada. NEHA will be increasing the exam fee \$55, to \$280.00, effective January 1, 2020.

Ms. Ponton stated she also obtain information on other states that utilize the NEHA exam in their registration process, which is provided.

Members discussed the effective date of the fee increase, and notification procedures for registrants.

Tony Macaluso called for a motion.

Larry Law made the motion, seconded by James Barnes to approve the NEHA Agreement as proposed and authorize the Executive Director to execute the Agreement. The motion passed.

Legislative Report - Tony Macaluso introduced Paula Berkley who provided a report on the many political challenges during the 2019 Legislative Session and her efforts to champion the Board's bill AB175 successfully through the legislative process. Ms. Berkley noted that the bill was held hostage for political reasons and it was not known until the final vote, whether the bill would be passed.

Ms. Berkley recommended the Board send a letter of appreciation to legislative leadership for their support in moving the bill to a final vote.

Bob Stulac and members expressed their appreciation to Paula for her assistance with the bill.

AB 175 Environmental Health Specialists Implementation - Loretta Ponton reported AB 175 became effective July 1, 2019. Transition to the new provisions will be gradual including development of new regulations. Three implementation activities are proposed for approval by the Board.

Loretta stated she has been conversing with marijuana inspectors employed by the Department of Taxation regarding the requirement to be registered with this Board. As a transition provision, a 30 day transition period for application has been established under authority of NRS 625A.115.

New fee caps were passed, new fees were established and military/veteran's discount is authorized. A new fee schedule is proposed which restructures and establishes new fees and was developed considering budgetary needs, revenue requirements and consideration of financial impact on new EHST applications. The fee structure differs for REHS and EHST with a reduced initial application and provisional registration fee for new EHST applicants. Application of the proposed fee schedule will retain the current annual revenue base.

The Application for Registration is revised to incorporate the changes in fingerprint requirements, revised fee schedule, temporary registration and registration by endorsement.

Loretta requested that the Board approve the implementation activities and fee schedule, effective July 1, 2019.

Tony Macaluso called on Brian Northam for comment. Mr. Northam stated he appreciated the efforts to address the concerns of EHST applicants through a reduction in fees for EHST registrations. Mr. Northam stated he understands the Board's need to retain revenue to operate.

After discussion of the impact of the implementation activities and new fee structure, Tony Macaluso called for a motion.

Bob Stulac made the motion, seconded by Larry Law to approve the implementation activities and new fee structure effective July 1, 2019. The motion passed.

Executive Director's Report: Ms. Ponton directed the members to the written report and provided a summary of registration statistics for the fiscal year.

Ms. Ponton reported on the Governor's Finance Office, Division of Internal Audits - Boards2 Audit Report that was presented to the Executive Audit Committee on June 25, 2019. The audit contains two (2) recommendations: to establish oversight of Boards under the Department of Business and Industry and establish standards for regulatory, financial and administrative operations through the Department of Business and Industry. If enacted, it would move all licensing Boards under an umbrella state agency, which will require substantial legislative action and may require general fund contributions. Ms. Ponton stated she would monitor and assess any action that may be undertaken to initiate legislation or create a new state oversight agency or division.

Financial Statements - Ms. Ponton provided a review of the Board's FY 19 financial statements ending June 30, 2019. Revenue is reported at 98.55% of budget and Expenses at 86.76% of budget. Net income/loss for the year is at (\$2,090.55) coming in less than the budgeted loss of (\$6,790). Cash balance as of June 30, 2019 is \$43,042.90.

Ms. Ponton reported the Board has cash-on-hand in excess of one year's actual expenses in accordance with the Board's Reserve Funds policy.

Fiscal Year 2020 Budget - Ms. Ponton stated the proposed budget is based upon historical and projected data and incorporates the new fee schedule in establishing Revenue. Ms. Ponton provided a summary of the line item expense budget.

Tony Macaluso called for a motion.

Larry Law made the motion, seconded by Bob Stulac to approve the Fiscal Year 2020 Budget as presented. The motion passed.

Report by Deputy Attorney General: Henna Rasul stated she had no report.

Report by Board Chair - Tony Macaluso confirmed the meeting dates of September 16, 2019 and December 16, 2019.

Ms. Ponton stated that the Governor's Office confirmed they have one application for appointment to the Board from Brian Northam, SNHD. Brian Northam stated that if he were appointed to the Board, he would not be available September 16th. Discussion of alternate dates resulted in agreement to retain the September 16th meeting date pending confirmation of Board appointments.

The Board members reviewed the proposed 2020 meeting schedule and were in agreement with the dates.

Public Comment: Tony Macaluso asked if there was any public comments. There were no further comments.

Adjournment: Tony Macaluso adjourned the meeting at 11:58 a.m.