

NCBV Meeting Minutes  
05-13-2021  
3:00pm

**I. Roll Call and Confirmation of a Quorum: Dick Saperstein, Chair**

A quorum was present at this meeting.

Dick Saperstein, Chairperson  
Harold Petrofsky, Vice Chair  
Beth Perring, Secretary  
Ivan Delgado, Southern Representative  
Nels Brown, Northern Representative

**II. Verification of Posting: Melissa Castro**

Melissa Castro confirmed that the Agenda was posted in a timely and correct manner.

**III. First Public Comment Section**

No public comment.

**IV. For Possible Action – Vote to Accept the Agenda**

Beth Perring made a motion to accept this agenda and Nels Brown seconded it. This motion passed unanimously.

**V. Welcome and Introduction of Guests**

Northern NV Office: Janette Parish, Kris Beddoes, Richard Taylor.

Southern NV Office: Chris Mazza

On the phone: Burnetta Schlecter, Jessica Peters, Melissa Castro, and Marcos Hurtado.

**VI. For Possible Action- For Possible Action – Approval of the minutes for the Nevada Committee of Blind Vendors meeting, August 20, 2020**

Nels Brown made a motion to accept the minutes and Harold Petrofsky seconded it. This motion passed unanimously.

**VII. Old Business**

**Discussion – BEN project and status update:**

- BEN site updates
- SB 61

Chris Mazza stated that the program lost several operators through the pandemic due to passing away or retirement. There are currently ten operators, two interim operators and two trainees. The last 15 months have been a struggle for all sites, but the numbers are turning around. Last March everything completely closed for several weeks. From March 2020 to March 2021 there is an increase in overall sales of just over 50%. A lot of visitors have come back to the Hoover Dam. The DMV's are hit and miss, but he is hopeful that sales will continue to increase at all BEN sites.

There are 5 or 6 potential sites. One of the sites being considered pre-pandemic was Sunset Park. A lot of equipment was moved there, which is still being considered. The site is between four softball fields; they have also opened 24 public courts, which is good news. While it's not close to the facility, it is within walking distance. There may be softball leagues coming back and if they do, Sunset Park can prepare to open.

There are two sites in the libraries that are being looked at, the East Las Vegas Library which was open and the Sahara West library which we had anticipated opening before the pandemic hit. Both sites don't have the traffic and sales volume to warrant opening.

Another site that is being considered is the Elements Gift Shop at Red Rock. They received a letter from Deputy Attorney General Robert Whitney indicating that he needs to meet with them in the next 60 days or we're going to continue to move forward on our own in obtaining that site. There is currently a nonprofit organization that runs that gift store.

At Symphony Park there is a 1,500 square foot parcel that we are looking to work with. The parcel is out for construction bid and that contract should go to the Board of Examiners in July and construction can begin. Overall, it will be a good site but will take some time to develop.

The reserve is just over \$2 million dollars right now, it was about \$2.7 million about a year ago. \$2 million is pretty good especially since more set aside payments are coming in and an increase in sales overall from this March to last March and it will just continue to grow moving forward.

Senate Bill 61 has moved through the Nevada legislature and went through the Senate. It was voted on and passed in the Senate. It was then moved to the Assembly Floor. It was voted on and passed on the Assembly Floor.

With the proposed changes within SB 61, it will provide clarity to the law's intent, define terms and use them consistently throughout the statute, align state laws more closely with the Randolph Sheppard Act and Federal regulations. And, add a new section on training which is in section 2.

Section Number 3 is a rewrite of the dispute resolution process. The prior process placed the DETR director as the decision-maker in disputes and even potentially involve the Governor. This new section provides for a more formal uniform and objective means to settle disputes between the Bureau and any public entity partner through the State's hearing divisions.

Section 6 is the definition section. It's important to clarify these terms and thus clarify the intent of the program. Subsection 4 is the definition for public building or property. To do so, a public entity is defined in Subsection 5. The definitions of public entity are modeled after NRS 286.070, which defines public employer. So, the public entity, instead of just saying public generally, public entity is a better definition.

Subsection 4 also includes exceptions for those meeting the definition but who would not be exempt from participating in the BEN program. Two new exceptions were added with the amendments. The first is for an airport authority operating in the state and the Department of Aviation, which is operated by a political subdivision of the state. The second exception is because new public private partnership is common, especially in and around Las Vegas. Based upon some concerns that were raised by public entities, this exception was added for any public building or property used for live entertainment purposes as defined in NRS 368.090.

Subsection 6 defines vending facility. This new definition is taken directly from the federal regulations, 34 CFR 395.1X and was done so to add clarity.

Section 7 includes new language to further explain the meaning of licensees priority, including the right of first refusal in Subsection 1A. Due to concerns raised by some public entities, the amendment in Section 7, Subsection 2, added further clarifying language related to waivers stating waivers shall set forth the condition under which the waiver may be revoked or modified.

SB 61, as amended, proposes to change the notification period in Section 8 from 30 days to 60 days. This was a compromise with other public entities from our originally proposed 90 days. A 60-day notification period is the same notification period required in 34 CFR 395.31, the Randolph Sheppard Act.

Section 11, 426.670, is a heavy section of law that contains details on surveys, establishing vending facilities, the Bureau's ability to create regulations and costs that shall or shall not be paid by the blind licensees.

Subsection 1A details the survey process. The Bureau will conduct a survey of the potential site to determine if it might be a viable site for a blind licensee. If so, Subsection 2 details the necessity for cooperation from the public entity to establish the vending facility.

SB 61 adds more detail to the ability to create regulations in Subsection 4 of Section 11. The added language is taken directly from the requirements within the federal regulations. Subsection 5 distinguishes costs, which shall be paid by licensees and those that shall not be.

In Subsection 6, the ability to pay incentives in a rare instance that it might be appropriate was added. Section 12 adds a description of management service in Subsection 3, which are allowable to be paid out of the set aside or enterprise account. This is the federal description. The change in Subsection 5 regarding the portion each licensee would receive if the program was liquidated was determined and agreed by the Nevada committee for vendors who are blind.

Section 13 is added language that ensures the continuity of services in a vending facility should the blind licensee have a period of disability or permanent disability. It outlines what would

occur, including that the Bureau would run the site until the licensee was able to return for up to six months. And lastly, Section 19 is the penalty section of the law.

## **VIII. New Business**

### **Discussion/Possible Action-**

**Chris Mazza  
Richard Saperstein**

- Randolph Sheppard Financial Relief and Restoration Payments (FRRP)

Dick Saperstein stated that part of the CARES Act has given Randolph Sheppard vendors and state licensing agencies in every state an amount of money to be used to compensate those vendors who have lost business and income due to the pandemic dealing with the year 2020.

Chris Mazza stated that the amount of money the State of Nevada has received is \$262, 623. RSA will look for four things to be included in a plan that is submitted for their approval. The first thing would be recognized losses which would be the operator P&L's from 2019 and compare them to 2020. RSA will count subsidy payments and any forgivable/PPP loan as compensation. Thirdly, every operator would need to agree to what was lost between 2019 and 2020 and the compensation received for that. Lastly, would be how the funds will be distributed. Between all of this, if an operator between 2019 and 2020, minus compensation has lost less than \$88,225 they will be compensated at 100% of their losses.

Chris Mazza suggested that every operator reach out to him to go over what their recognized losses are, what compensation is and the money that is due based on those calculations, verses giving that information over a public meeting.

Beth Perring made the motion to reconvene another meeting to finalize the plan and Harold Petrofsky seconded it. This motion passed unanimously.

### **X. Discussion - Date for Next NCBV Meeting: Dick Saperstein**

The chair took the agenda out of order and addressed item number ten. He suggested June 15, 2021 at 3:00pm for the next NCBV meeting.

### **IX. Second Public Comment: Dick Saperstein**

Beth Perring expressed that the meeting was excellent.

### **X. Discussion – Date for Next NCBV Meeting: Dick Saperstein**

Dick Saperstein suggested to wait to schedule the next NCBV meeting until any concerns or issues arise. Ivan Delgado made a motion to adjourn; Nels Brown seconded it and the motion passed unanimously.

### **XI. Adjournment: Dick Saperstein**

This meeting adjourned at 3:42 pm.