



**DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE DIRECTOR**

May 11 2026, Public Hearing Minutes LCB File No. R074 25

Minutes of Public Hearing

LCB File No. R074-25

Office of Nevada Boards, Commissions and Councils Standards

Department of Business and Industry

Date: May 11, 2026

Locations: Carson City, Nevada and Las Vegas, Nevada

1. Call to Order

Deputy Director Nikki Haag called the public hearing to order and confirmed that the meeting was being recorded. Connectivity with the Las Vegas hearing location was confirmed.

Deputy Director Haag welcomed attendees and provided opening remarks regarding the purpose of the hearing, the public comment process, and the rulemaking history associated with LCB File No. R074-25. The Office outlined the stakeholder engagement process conducted throughout development of the proposed regulations, including working groups, public workshops, written comment opportunities, and multiple revised drafts.

The Office explained that comments received during the hearing would become part of the administrative record and would be reviewed and addressed through a formal written response to public comment as part of the regulatory process. Public comment was limited to three minutes per speaker.

2. General Public Comment

Public comment was received from the following individuals and organizations:

- Elliot Malin on behalf of the Nevada Osteopathic Medical Association, expressing opposition to the regulations as drafted and raising concerns regarding the rulemaking process and operational impacts on boards.
- Loretta Ponton, Nevada Board of Environmental Health Specialists, requesting additional consideration of written submissions and proposing language establishing waiver and variance authority for small boards experiencing hardship.
- Mark Fakler, Executive Director, Nevada Board of Professional Engineers and Land Surveyors, expressing concerns regarding the definition of “purview,” legislative tracking requirements, reporting obligations, and associated administrative costs.

- Frank DiMaggio, Executive Director, Nevada State Board of Osteopathic Medicine, expressing concerns regarding statutory authority, duplication of existing statutes and regulations, financial impacts, and the small business impact statement.
- Russell Rowe on behalf of the Nevada chapter of the American Council of Engineering Companies, supporting transparency and accountability efforts generally while expressing concern regarding operational impacts on boards already functioning effectively.

3. Presentation of Proposed Regulations and Section-by-Section Public Comment

Deputy Director Haag presented the proposed regulations section-by-section and invited public comment following each section.

Sections 1-10

The Office presented Sections 1 through 10, including definitions.

Public comment included:

- Loretta Ponton requested revisions to the definition of “purview” to clarify the scope of administrative oversight.

Section 11

The Office presented structural standards relating to board records, officer appointments, and attendance requirements.

No public comment was received.

Section 12

The Office presented training notification and reporting requirements for board members.

No public comment was received.

Section 13

The Office presented standards relating to internal controls, audits, reporting, and corrective action plans.

No public comment was received.

Section 14

The Office presented Internet website requirements for boards.

Public comment included:

- Loretta Ponton requesting revisions to disciplinary action website requirements and removal of quarterly updates from website posting requirements.
- Viki Windfeldt, Nevada State Board of Accountancy, expressing concerns regarding searchable disciplinary databases, implementation timelines, website burdens, duplicative posting requirements, ambiguity relating to “other reports,” and the burden of maintaining searchable disciplinary records and reports for a five-year period.
- Sandra Lowry, Board of Examiners for Social Workers, raising concerns regarding duplicative disciplinary posting systems.
- Jim Wadhams on behalf of the State Board of Architecture, supporting the regulation generally while recommending clarification regarding ADA compliance and correction of duplicative language.

- Homa Sayyar, providing comment regarding federal accessibility requirements and prior state accessibility obligations.

Section 15

The Office presented legislative tracking and reporting requirements.

Public comment included:

- Loretta Ponton requesting revisions to narrow legislative tracking requirements and referencing Attorney General Opinion 2026-03.
- Viki Windfeldt requesting removal or revision of provisions relating to board bank accounts.
- Sandra Lowry requesting removal of language relating to board bank accounts.
- Homa Sayyar providing clarification regarding Attorney General opinion request authority.
- Jim Wadhams recommending narrowing the scope of bills required to be tracked and noting drafting concerns.

Section 16

The Office presented outreach and educational publication provisions.

No public comment was received.

Section 17

The Office presented standards relating to complaints and investigations.

Public comment included:

- David Behar, Nevada State Contractors Board, identifying duplication between complaint filing provisions.
- Viki Windfeldt, Nevada State Board of Accountancy, expressing concerns regarding confidentiality and disclosure of investigative files to the Office, including concerns regarding statutory confidentiality protections and disclosure of privileged investigative materials.
- Louis Ling recommending replacement of the phrase “reasonable doubt” with “cause.”

Section 18

The Office presented quarterly reporting requirements.

Public comment included:

- Loretta Ponton requesting removal and relocation of language regarding additional information requests.
- Viki Windfeldt expressing concerns regarding duplicative reporting formats.
- David Behar, Nevada State Contractors Board, expressing concerns regarding undefined terminology relating to “resolved,” “pending,” and complaint stages, inconsistent interpretation among boards, unintended reporting burdens, and broad language relating to additional information requests by the Office.

Section 19

The Office presented annual and quarterly financial reporting requirements.

Public comment included:

- Loretta Ponton requesting clarification regarding quarterly versus fiscal year financial reporting.
- Sandra Lowry expressing concerns regarding duplicative reporting and prescribed formatting requirements.

Section 20

The Office presented performance evaluation provisions.

Public comment included:

- Loretta Ponton, Nevada Board of Environmental Health Specialists, requesting revised language concerning Office consideration of board responses and recommending modification of language stating the Office is not required to modify findings or conclusions based on board responses.
- Sandra Lowry, Board of Examiners for Social Workers, expressing concerns regarding undefined evaluation benchmarks, issue identification standards, lack of transparency regarding evaluation criteria, absence of an appeals process, and lack of clarity regarding final performance evaluation procedures.
- Viki Windfeldt, Nevada State Board of Accountancy, expressing concerns regarding the Office's authority to conduct performance evaluations or audits, and requesting clarification regarding benchmarks, guidelines, and standards that would be used to evaluate board performance and operational effectiveness.
- David Behar recommending inclusion of an appeals process and citing prior collaboration regarding reporting corrections.
- Jim Wadhams recommending relocation of the "performance data" definition to the general definitions section.

Section 21

The Office presented provisions regarding written recommendations and referrals.

Public comment included:

- Louis Ling requesting extension of the 60-day response period to accommodate quarterly board meetings and Open Meeting Law requirements.

4. Additional Public Comment

Additional public comment was received from:

- Loretta Ponton, Nevada Board of Environmental Health Specialists, thanking the Office for the opportunity to provide comments and recommendations throughout the process, reiterating opposition to the regulations as drafted, and requesting consideration of proposed waiver and variance language for boards experiencing hardship. Ms. Ponton proposed language authorizing the Office to waive or extend compliance requirements in cases involving financial hardship, limited staffing resources, small licensee populations, or limited complaint and disciplinary activity.

Following public comment, Deputy Director Haag stated she needed to return to Agenda Item C before moving forward with Agenda Item D and stated that the Office of Nevada Boards, Commissions and Councils Standards and the Department of Business and Industry would adopt LCB File No. R074-25 as presented.

Additional public comment was opened back up and then received from:

- Sandra Lowry, Board of Examiners for Social Workers, expressing concerns regarding the collaborative nature of the rulemaking process and stating that, unlike other occupational board workshop processes, there had been no opportunity for dialogue or questions during the workshops and hearing process. Ms. Lowry stated that multiple recommendations had been repeatedly submitted throughout the workshops without changes appearing in later drafts and expressed disappointment regarding the lack of explanation or rationale provided concerning why certain recommendations and revisions were not incorporated. Ms. Lowry further stated that the process had functioned as one-way communication rather than a collaborative process.
- Loretta Ponton, Nevada Board of Environmental Health Specialists, requesting a written statement of the principal reasons for and against adoption of R074-25 pursuant to NRS 233B.064(2), including the reasons for overruling considerations urged against adoption submitted by interested parties. Ms. Ponton expressed disappointment that the regulations were adopted without consideration of comments, revisions, or amendments submitted by boards during the hearing process and stated that adoption without consideration of those comments was not how the process should operate.
- Viki Windfeldt, Nevada State Board of Accountancy, expressing concerns regarding the cumulative administrative and reporting burdens placed on boards, including extensive reporting obligations already required by multiple state agencies. Ms. Windfeldt stated that increasing reporting, website retention, and documentation requirements diverted board resources away from core responsibilities relating to public protection, enforcement, and licensing functions. Ms. Windfeldt further stated that boards had attempted to work collaboratively with the Office throughout the workshops and submitted written comments and recommendations, but expressed frustration that many comments and concerns were not reflected in later drafts of the regulations. Ms. Windfeldt stated that the lack of implementation timelines and retroactive website requirements would result in boards being unable to immediately comply with certain provisions upon adoption and stated that this had contributed to frustration and hostility among some boards toward the Office. Ms. Windfeldt stated that boards wanted to remain compliant and work cooperatively with the Office but believed the process had not reflected a collaborative working relationship.
- Paula Lopez Hlade, Board of Examiners for Alcohol, Drug and Gambling Counselors, reiterating concerns previously raised by other boards regarding the regulatory process and cumulative administrative burdens placed on smaller boards with limited staffing and resources. Ms. Hlade expressed concerns regarding duplication of existing reporting requirements, vague language, operational feasibility, and the impact of the regulations

on smaller agencies. Ms. Hlade stated that while the Office had described the process as transparent, there had been limited meaningful dialogue regarding why proposed revisions and concerns raised by boards were omitted from later drafts. Additional concerns included repetitive reporting obligations, broad language authorizing future reporting requirements in formats prescribed by the Office, and performance evaluation standards lacking clearly defined benchmarks. Ms. Hlade also expressed concerns regarding provisions relating to inefficiency and nonfeasance, stating that such provisions did not adequately distinguish misconduct from operational limitations experienced by smaller boards with limited staff, vacancies, and budget constraints. Ms. Hlade further stated that smaller fee-funded boards would likely experience operational and financial impacts associated with increased reporting, tracking, website, and documentation requirements.

- Liz Barnard, Nevada State Board of Massage Therapy, stating that previously submitted written comments from the second workshop remained applicable because no substantive changes had been made in later drafts of the regulations. Ms. Barnard expressed concerns that portions of the regulations duplicated existing statutory requirements while creating additional administrative requirements and unfunded mandates for boards. Ms. Barnard stated that compliance with additional reporting, tracking, and website obligations would likely require additional resources and could result in increased licensing fees for licensees and small business owners regulated by boards. Ms. Barnard further expressed concerns regarding the absence of a small business impact statement addressing the indirect impacts the regulations may have on small businesses.
- Frank DiMaggio, Executive Director, Nevada State Board of Osteopathic Medicine, correcting prior testimony relating to the small business impact statement and clarifying that a statement had been submitted. Mr. DiMaggio expressed concerns regarding whether the small business impact analysis complied with the Nevada Attorney General's Administrative Rulemaking Manual and stated there was no indication that affected small businesses had been surveyed or consulted during preparation of the statement. Mr. DiMaggio further stated that boards may need to increase licensing fees to address additional staffing and administrative burdens associated with the regulations, which could impact licensees operating small businesses. Mr. DiMaggio stated that he believed the process did not fully comply with requirements relating to consultation with small businesses under the Nevada Administrative Procedure Act..

5. Adjournment

Deputy Director Haag thanked attendees for their participation and stated that the Office would provide a written response to public comment consistent with the administrative process for public hearings.

The public hearing was adjourned.