



State of Nevada
Board of Environmental Health Specialists

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MINUTES OF PUBLIC MEETING
February 22, 2021

Members Present: Brian Northam, Amber English, James Barnes, Drew Skeen,
Teresa Hayes
Members Absent: None
Staff Present: Loretta Ponton, Executive Director
Henna Rasul, Sr. Deputy Attorney General
Public Present: Joseph Roller, Jason Banales

Chair Northam called the meeting to order at 10:04 a.m. A voice roll call confirmed a quorum was present.

Public Comment: There were no comments.

Approval of the Minutes: Chair Northam asked if there were any corrections or revisions to the meeting minutes of October 19, 2020. Hearing none, called for a motion.

Amber English made the motion, seconded by Teresa Hayes to approve the minutes of October 19, 2020. The motion passed.

Request for Approval of Work Experience, Josh Philpott – Chair Northam asked if there were any questions regarding the request for credit for prior work experience.

Amber English disclosed that Mr. Philpott is employed by Washoe County and that she does not directly supervise Mr. Philpott. Ms. English stated she can make an objective determination as to the merits of the request.

Mr. Northam stated after review of Mr. Philpott's employment history, he feels the extensive prior experience in the field of environmental health warrants consideration of full credit toward the 2-year training/experience requirement.

Hearing no other comments, Chair Northam called for a motion.

Teresa Hayes made the motion to approve credit for prior experience and training as requested by Mr. Josh Philpott. The motion was seconded by Jim Barnes. The motion passed.

Practice Without Valid Registration, Joseph Roller – Chair Northam asked Loretta Ponton for an update on the status.

Ms. Ponton stated Mr. Roller is present on the telephone to address any questions of the Board.

Ms. Ponton summarized the employment and registration history with the Board, explaining Mr. Roller has held two (2) EHS trainee registrations. Registration EHST #449 was held from November 2014 to December 2018 while employed by the Nevada Department of Behavioral Health for a total of 3 years and 7 months. The second registration EHST #592 was held from July 2019 to July 2020 which was not renewed. Mr. Roller was employed by the Nevada Department of Taxation, Marijuana Enforcement but left employment in March 2020, having been employed for a total of nine (9) months.

On February 4, 2021, Mr. Roller attempted to renew registration #592, indicating he was currently employed by the Cannabis Compliance Board; by telephone he was informed he was not eligible to renew but could apply for reinstatement of his registration and that an explanation in the gaps in employment/registration would be required. A narrative explanation was submitted on February 12, 2021; however, a Reinstatement Application and balance due of the reinstatement fee was not received; a Cease-and-Desist letter was issued February 16, 2021 pending Board action.

Ms. Ponton explained a provisional EHST registration has a limit of 3 years with 1 additional year extension upon request. Mr. Roller has held EHST registrations for a cumulative period of four (4) years and five (5) months.

Teresa Hayes asked if the law or regulations state the training period must be consecutive without break in service. Ms. Ponto responded it does not address whether the time must be consecutive. The regulations do have provisions for credit for prior experience which would seem to imply that the training/employment would not be limited to consecutive periods.

Mr. Roller addressed the Board to explain the gaps in registration stating he left the Department of Behavioral Health to take a position in Marijuana Enforcement which at the time was not required to have registration with the Board; thus, the reason for letting the first registration lapse. In July 2019, registration was required for Marijuana Enforcement positions and a new EHST registration #592 was issued. Mr. Roller explained he then transferred to the Nevada Office of the Military as an Environmental Scientist through January 2021 and then transferred back to the Cannabis Compliance Board.

Mr. Roller stated he wishes to reinstate the second registration #592 and requested credit for the 9 months of previous training/experience in the marijuana enforcement position.

Chair Northam stated that although both training positions were in environmental health positions, the industries are completely different and would require additional training. Mr. Northam asked what options the Board has in this matter.

Ms. Ponton explained the options available and stated it would be the Board's decision as to the appropriate action to take. Options included retaining the Cease and Desist and assess an administrative fine; require a new application as an REHS after passing the NEHA exam; consider a reinstatement of registration with terms which may include timelines for taking the NEHA exam or other terms such as probation; consider reinstatement without terms and/or

reinstatement with credit for prior training, or any combination of actions the Board deems appropriate.

Henna Rasul, Sr. DAG concurred with the options for consideration by the Board.

Chair Northam called for a motion.

Teresa Hayes made the motion to reinstate registration #592 with credit for nine (9) months prior training upon receipt of a completed reinstatement application and payment of the fee balance. Amber English seconded the motion. The motion passed.

List of Jurisdictions Qualifying for Registration by Endorsement – Chair Northam stated he has reviewed the listing and documentation provided of qualifying jurisdictions and agrees that the listing is consistent with requirements contained in the law and regulations.

Ms. Ponton noted that California and New Jersey both have State Exams, and their experience requirements are less than the two (2) years required by Nevada. The Board may wish to consider approving these states with a 2-year experience requirement.

With no further comments or objections to the listing of qualifying jurisdictions; Chair Northam called for a motion.

Teresa Hayes made the motion, seconded by Drew Skeen to approve the listing of Jurisdictions Qualifying for Registration by Endorsement and to add a 2-year experience requirement for the States of California and New Jersey. The motion passed.

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

Amber English made the motion, seconded by Teresa Hayes to ratify the registrations issued by staff as listed. The motion passed.

Policy 01 Registration: Chair Northam asked Loretta Ponton to present. Loretta Ponton summarized the revisions to Policy 01 to include a revision to Section 01:04 to specify what fees would be refunded if an application is withdrawn prior to issuance; and to add sections on Registration by Endorsement, Jurisdictions with Substantially Equivalent Qualification and Fingerprinting Requirements. Ms. Ponton clarified that either Live Scan or hard copy fingerprint cards would be accepted.

Teresa Hayes made the motion, seconded by Amber English to approve the updates to Policy 01 Registration as presented. The motion passed.

Executive Director's Report: Chair Northam called upon Ms. Ponton. Ms. Ponton directed the members to the written report and provided a summary of registration statistics, stating 8 new applications are pending background check results.

Financial Statements - Ms. Ponton provided a review of the Board's FY 21 2nd quarter financial statements as of December 31, 2020 and January 31, 2021 financial statements. Ms. Ponton reported revenue and expenses are within budget and are on track for the fiscal year.

Loretta Ponton reported on the NEHA REHS/RS Exam update to be effective September 1, 2021, debt collection reporting requirements being implemented as passed in 2013 Legislative Session; listing of potential bill drafts for the 2021 Legislative Session, and activities of the Administrative Collaborative.

Contract Amendment – Executive Director Services: Ms. Ponton reported the current contract expires August 31, 2021 and was written for 2 years with option for renewal for up to another 2 years. A contract amended is presented to extend the contract through August 31, 2023 under the same terms and compensation levels.

Chair Northam called for a motion on approval of the Executive Director’s Report.

Teresa Hayes made the motion, seconded by Jim Barnes to approve the Executive Director’s Report. The motion passed.

Chair Northam called for a motion on approval of the Contract Amendment for Executive Director Services.

Amber English made the motion, seconded by Teresa Hayes to approve the contract amendment for Executive Director Services through August 31, 2023 as presented. The motion passed.

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

Report by Board Chair – Chair Northam stated he had nothing more to report and asked members if they had any comments or future agenda items.

Future agenda items will include updates on the NEHA REHS/RS Exam status and FY 22 Budget.

Public Comment: Chair Northam asked for public comments.

Jason Banales, REHS #540 stated that he is the direct supervisor of Joseph Roller and wanted the Board to know that Mr. Roller has not been practicing environmental health and has been assigned to desk activities until his registration is reinstated.

Adjournment: Chair Northam adjourned the meeting at 10:49 a.m.