

# NCBV Meeting Minutes

## **Nevada Committee of Blind Vendors**

### **Meeting Minutes**

3016 West Charleson Blvd. Suite 215

Thursday, September 25<sup>th</sup>, 2025

#### **I. Roll Call and Confirmation of Quorum: Ivan Delgado, NCBV Chair**

Ivan Delgado, Chair

Joe Urbanek, Vice Chair

Burnetta Schlechter, Secretary

Harold Petrofsky, Southern Representative

Nels Brown, Northern Representative

#### **II. Verification of Posting: Kaye – Lani Tiafau, AA IV**

Kaye-Lani Tiafau confirmed that the agenda was posted in accordance with the Open Meeting Law.

#### **III. First Public Comment Section: Ivan Delgado, NCBV Chair**

Lauren McLarney introduced herself as an attorney specializing in Randolph-Sheppard Act matters who represents blind vendors nationwide. She said she was speaking as a member of the public regarding the new business on the agenda about BEN Policy 4.2 (bidding process).

McLarney stated she was concerned that the committee might be asked to retroactively approve a decision to selectively enforce Policy 4.2 after the fact. She explained that last month's vacancy notice for the Hoover Dam Café did not follow Policy 4.2. The written policy bars an operator who already has two or more sites from bidding on additional locations, but the notice said that the selected vendor must vacate their current site regardless of how many they hold. She said this change appeared to have been made without committee approval.

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She urged the committee not to ratify a post-hoc decision, calling it “a ceremonial act of participation” rather than true policy making. McLarney warned that cherry-picking enforcement undermines the uniform administration required by the Randolph-Sheppard Act. She said selective enforcement is not allowed, ripe for abuse, effectively a policy change, and would require RSA review and approval which could invite scrutiny of other rules the committee may prefer to leave unchanged (such as selection processes or the set aside schedule).

She concluded by urging the committee to be judicious and thoughtful in considering their new business.

Jeff Whitehead thanked the Chair and said he wanted to reiterate and emphasize the points raised by Lauren McLarney as a Randolph-Sheppard expert. He reminded the committee that he represented Bert Hanson and Kay Poi when Nevada first worked to secure vending sites at Hoover Dam, at a time when the Bureau of Land Management (BLM) attempted to deny the state access.

Whitehead explained that it took significant legal effort and arbitration to win the right for blind vendors to operate at the Dam, and that the sites could easily have gone to McDonald's, Burger King, or other private companies if the Randolph-Sheppard Act had not been strictly enforced. He argued that this history underscores the importance of strict adherence to both the Act and the state's policies and procedures.

He cautioned the committee against retroactively correcting or approving an improperly solicited bid for the Hoover Dam Café.

Beth Perring addressed the Chair after hearing the earlier remarks from Lauren McLarney and Jeff Whitehead. She said that having read the policy herself and considering their input, the committee should not vote or move forward until they have thoroughly and fully understood the potential repercussions of any changes. She recommended delaying action until members could analyze the policy in detail and make an informed decision.

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### **IV. Vote to Accept Agenda: Ivan Delgado, NCBV Chair**

Harrold Petrovsky stated that approval of prior minutes should be tabled due to distribution delay, second public comment should not be listed as an action item, and adjournment should be listed as an action item.

Harold Petrofsky made the motion to accept the amended agenda. Vice-Chair Urbanek seconded the motion.

All in favor, none opposed, none abstained, motion passes.

### **V. Welcome and Introduction of Guests: Ivan Delgado, NCBV Chair**

Chair Delgado opened the floor for the introduction of guests

South: Ryan Barnard, Louis DeMaioribus, Jason Birmingham, Shehan Peries, Ivan Delgado, Buffy Stark, Sweet Daughtery, Dion Williams, Joe Urbanek, Jeff Whitehead, Lynn Urbanek, Kaye-Lani Taifau, Kendra Daughtery, Marcos Hurtado, Jason Bustillo, Drazen Elez.

Telephone South: Regina Mitchell, Bridget Mitchell, Lauren McLarney, Bernetta Schlechter, Elizabeth Perring, Gus Garcia, Harold Petrovski

North: Nels Brown, Richard Eberly

Telephone North: Greg Ott, Eugenio Chavez

### **VI. Approval of the August 6, 2025, Meeting Minutes: Ivan Delgado, NCBV Chair**

Approval of the minutes from the prior meeting was tabled until the next meeting because the committee had not received the draft minutes.

No action was taken at this time.

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### VII. New Business

#### **Discussion Item: Hoover Dam site bid requiring an operator to vacate any other site upon award.**

Shehan Peries (BEN Chief) asked if prior to beginning, any committee members had a disclosure they would like to make on this item.

Joe Urbanek disclosed a conflict and stated he would abstain from any vote on this matter.

Chair Ivan Delgado emphasized the importance of the upcoming topic. He stated that there is no favoritism or bias in the program and that this has been true throughout his ten years on the committee. Delgado expressed strong confidence in the committee members and operators, stressing that everyone should act with the best interests of the program in mind.

Shehan Peries (BEN Chief) summarized the Administrative Review decision that was distributed to members pursuant to NRS 426.430. He noted that BEN Policy 4.26 allows an operator to manage up to two sites for most locations. He explained the long-standing program requirement that an operator awarded a Hoover Dam site must vacate any other sites and focus solely on Hoover Dam, citing the program's goal of enlarging economic opportunities for blind individuals under the Randolph Sheppard Act and the operational demands of the Dam sites.

Mr. Peries reported calendar year 2024 average annual revenues of \$2,645,295 for Hoover Dam sites versus \$88,437 for all other sites, a 2,891.00 percent difference, or roughly 30 times higher. He stated that making Hoover Dam sites available to the maximum number of operators promotes equity across the program and that the revenue and workload at Hoover Dam require the full attention of a single operator. He asked the committee to provide its position on this matter and if the requirement should be formally codified in policy.

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Chair Ivan Delgado stated that the program is growing and attracting strong interest from new and current operators. He emphasized that the program should not allow monopolization of high-revenue locations and that bidding must remain open, competitive, and free of favoritism. He noted that a committee designee handles bid processes and expressed concern that the Hoover Dam “one site only” question was surfacing only now.

Chair Delgado added that if an operator with two sites were awarded Hoover Dam, vacating those sites would create two opportunities for other blind entrepreneurs, which aligns with the committee’s mission to expand participation and elevate the program. He concluded that he does not support any approach that concentrates a location whose revenues exceed the combined totals of many sites, calling such concentration inconsistent with the program’s goals of growth and equity.

Beth Perring stated that, based on her 30 years in the program, the Hoover Dam Café, Hoover Dam Gift Shop, and Arizona Lookout are critical to BEN and should be operated under a one site only arrangement. She explained that the operator awarded any of these locations should not hold additional sites so they can devote full attention to the Dam operations, which she described as essential to the program’s overall success. Perring added that the sites effectively carry the program and therefore warrant singular focus from the assigned operator. She urged the board to pass the policy.

Harold Petrofsky referenced program history, noting that when Bert Hanson, one of the program’s most respected early vendors, was awarded the Hoover Dam Gift Shop after operating the cafeteria, he voluntarily relinquished the cafeteria without issue. Petrofsky stated that Hanson’s example supports the one site only approach for Hoover Dam locations and that, following that precedent, he does not object to the policy.

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Shehan Peries added historical context, noting that when the Arizona Lookout location was bid in 2022, the operator who was awarded the site relinquished their existing site before taking over.

Marcos Hurtado stated that his remarks reflected his opinion. He asserted that the Randolph Shepard Act does not impose limits on the number of locations or income for an operator, and that “this policy” as he puts it, is an internal Nevada policy that the committee could amend or repeal by vote. He further alleged that more than a year ago the program deviated from posting requirements when a Hoover Dam related vacancy arose, stating that leadership selected an external candidate instead of posting the opportunity to all licensed operators. He added that a new site was created and assigned without a general posting, which, in his view, contributed to the current policy dispute.

Hurtado emphasized that, as written, policy allows an operator to hold two locations, and he cautioned against “manipulating” policy by introducing income-based limits that are not in the text. He argued that “common sense” and program equity should prevail, noting that some operators earn only a few thousand dollars monthly and that it would be unfair for a single operator to control the program’s largest site and “capitalize all the money.”

He stated that if selected for Hoover Dam, he would relinquish his two current sites, but he urged the committee not to overlook existing licensed operators who have program experience, evaluations, and have demonstrated capability. He concluded that recent challenges stem from past administrative decisions to bring in outsiders rather than posting to all eligible operators, and he asked the committee to uphold transparent, written procedures going forward.

Burnetta Schlechter stated she had no comments.

Nels Brown stated his opinion it should be one vendor per location at Hoover Dam.

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Vice-Chair Joe Urbanek stated he would not vote on the item due to a conflict of interest. He cautioned that if the committee moves forward as proposed, members may not be satisfied with the outcome, though the decision rests with the committee. He added that any applicant for the site should abstain from voting to avoid conflicts.

Burnetta Schlechter asked Chair Ivan Delgado whether she needed to cast a “yes” or “no” vote on the item under discussion.

Shehan Peries clarified for the record that at this stage the committee was only having a discussion and that no vote was being taken yet.

Joe Urbanek added for the record that members are not required to speak or vote if they choose not to. He stated that anyone may abstain from voting and that, if a vote does occur, it should be conducted as a roll call vote rather than an all-in-one vote.

Beth Perring responded to Vice-Chair Joe Urbanek, stating that a roll call vote cannot be conducted when members are attending remotely. She explained that, under the program’s procedures, members must be physically present in the room to vote. As an example, she referenced the February board election, noting that all members are required to be in person to cast their votes.

Joe Urbanek stated for the record that, to his understanding, the rule requiring in-person voting applies only to elections of representatives (such as board membership elections). He said that for other policy or operational matters, members may attend virtually and still vote.

Mr. Urbanek then asked Chair Ivan Delgado and Shehan Peries to confirm. Mr. Peries responded that they would need to review the bylaws for certainty but agreed that, as far as current understanding goes, remote participation is allowed for votes on policy matters.

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Beth Perring asked Chair Ivan Delgado for clarification on the decision process. She wanted to know whether the entire committee would vote together on the proposed Hoover Dam policy or if another process would be used.

Drazen Elez, Administrator, Rehabilitation Division, Department of Employment, Training and Rehabilitation, explained that the Business Enterprise Program operates within the Rehabilitation Division and is administered consistent with the Randolph Sheppard Act and Nevada's implementing framework. He stated the program's role is to apply policy equitably and to maximize benefits and opportunities for licensed operators.

Mr. Elez emphasized that staff are not seeking to apply any policy retroactively. He distinguished between written policy and long-standing program practice. He noted that Nevada's operators have historically participated in shaping policy and procedures, including the set aside schedule, to support equitable distribution of benefits across a portfolio that includes a few high-volume locations and many medium or small locations.

He provided historical context for the Hoover Dam locations. He described how the physical configuration and buildout were driven by the Bureau of Reclamation. He referenced prior operators. He noted that when long time operator Bert Hanson transitioned assignments, he relinquished the cafeteria when he moved to another Hoover Dam location. When Arizona Lookout later became vacant, the same approach was followed. Although not explicitly written at the time, Mr. Elez said the program has long applied a practice that a Hoover Dam awardee operates only on that site to promote equitable opportunity.

Mr. Elez stated that if the program looked purely at finances and set aside revenue, consolidating multiple Dam sites under one operator could increase program income. He added that Nevada has prioritized opportunity expansion for more individuals, even though many public entities are reducing their physical footprints which makes new site development harder.

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He recommended that the committee continue a public discussion and determine whether it agrees with the practice in principle. If so, staff would draft policy language for consideration at a future meeting. He underscored that policy is written by the program with active board involvement and that any change must also receive approval from RSA before taking effect.

Chair Ivan Delgado noted there were no further comments from committee members and summarized his position and context for the record. He reiterated support for equal opportunity and non-monopolization of high-revenue locations, emphasizing that bids must remain open, competitive, and free from favoritism. He clarified that the use of interim operators is a long-standing practice in the program and not unique to the current Hoover Dam situation, citing past examples (e.g., Health Department, multiple DMV locations, and his own interim assignment at the Courthouse in 2015). He contrasted the scale of Hoover Dam food locations with typical DMV sites, arguing that the Dam's volume and complexity are categorically different and that spreading opportunities aligns with the program's mission. He highlighted personal experience and growth within the program (Courthouse revenues increasing significantly through effort and focus) as evidence that the program should create pathways for more operators to advance to larger sites over time. He acknowledged Marcos Hurtado's statement that Marcos would willingly relinquish two current sites if selected for Hoover Dam, and he underscored this as the type of opportunity-expanding behavior the program should encourage. He proposed no vote at this time and asked that staff place the item on the next agenda for continued discussion. He invited members to consult with stakeholders (operators, committee members, program staff, and counsel) prior to the next meeting. He affirmed that favoritism has not driven decisions during his tenure and urged transparency when evaluating program practices over the past decade rather than focusing on the most recent year alone. He closed by reaffirming his commitment to advocate for operators and decisions that elevate the program.

The item was discussed, and no action was taken at this time.

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### **VIII. Second Public Comment: Ivan Delgado, NCBV Chair**

Lauren McLarney thanked the committee and addressed several points: She questioned references to a long-standing “one site only” practice at Hoover Dam, noting her understanding that Bert Hanson operated the café and gift shop concurrently at one point. She added that those spaces are under one permit and are adjoining, and that multiple Hoover sites have been combined historically, for example the kiosk being part of the café. She expressed concern that any Hoover specific practice that conflicts with the written policy would be problematic, emphasizing the requirement that the State Licensing Agency administer the program uniformly under federal regulations. She said she had difficulty locating the policy text online, finding only a table of contents in the General Administrative Manual, and asked who has actual knowledge about the asserted practice. If everyone has been aware and it is permissible, she questioned why the committee needs this meeting now. Responding to comments about monopolization and maximizing the number of operators at Hoover Dam, she reminded the committee that the purpose of the Randolph Sheppard Act is to help blind vendors reach their maximum vocational potential. She urged the committee to avoid a scarcity mindset focused on spreading the wealth and to encourage the SLA to pursue new opportunities vigorously so operators can grow as entrepreneurs. She noted there is an active grievance regarding the one site requirement mentioned in the café vacancy notice. She questioned the timing, observing that the vacancy was posted well before the committee’s opinion was sought and asked whether this meeting would be occurring but for the grievance.

She concluded by thanking the Chair and members for their attention.

Jeff Whitehead stated he has been involved with the program since 1990 and worked with Bert Hanson as Hanson’s legal counsel. He provided historical context, noting that the “snackateria” began in 1972 and that Bert Hanson borrowed funds to build out the facility which were later repaid through commissions from set aside. Whitehead emphasized that any change to policy must be reviewed by RSA under policy 22.01, including review of the set aside rate. He cautioned that Nevada’s set aside is already higher than elsewhere and that RSA would not support a unilateral arrangement like the

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one previously agreed to by Bert and Kay Whitmer, adding that the highest set aside nationally is about 20 percent.

Whitehead asserted there was no written policy that required Hoover Dam operators to hold only one site. According to him, Hanson's decision to relinquish operating two sites was voluntary, not mandated. He stated it is inaccurate to describe it as a formal historical policy and characterized the change at the time as a gentleman's decision by Hanson rather than a program requirement.

Gus Garcia, Communications Manager at the Blind Center of Nevada, addressed the committee, noting over 10 years of experience working with blind individuals. He began by warning against relying solely on laws to guide fairness, stating that legality does not always equal justice and citing historical examples where lawful practices were later recognized as discriminatory.

Mr. Garcia said that since the beginning of the program, operators have shown common sense in understanding that no one should hold two sites, each generating \$2,645,000 annually. He encouraged members to remember their own struggles when starting out with low-revenue locations, citing examples like the Health District site, the Family Courthouse, and other small or vacant sites that were difficult to sustain. He contrasted those early hardships with the massive revenue potential of the Hoover Dam locations.

Garcia urged the committee to institutionalize equitable practices if needed to preserve fairness. He cautioned against "playing a game of attorneys" or searching for legal loopholes, saying such an approach could weaken the program and lead to the same kind of decline seen in other states. He said Nevada's program is one of the best in the nation and praised Drazen Elez and Shehan Peries for maintaining a fair and opportunity-driven structure.

He framed the issue as one of greed versus fairness, stating that while some talk about an abundance mindset, the reality is that allowing a single operator to control multiple multimillion-dollar sites would be inequitable to new and struggling vendors. He appealed

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to long-time members to recall their own early challenges and to protect opportunities for the next generation of blind entrepreneurs.

Beth Perring addressed Shehan Peries and Drazen Elez, asking whether a specific policy could be written just for the Hoover Dam locations to require that any operator awarded the café, gift shop, or Arizona Lookout be limited to one site because of the high income those locations generate. She questioned, “Am I making \$2 million a year? I mean, come on,” underscoring the revenue disparity and urging the committee to consider that level of income when drafting policy.

Perring stated she agreed with Gus Garcia’s concerns, adding that greed is harming fairness and cautioning the committee to protect equitable opportunities within the program.

Gus Garcia directed a caution to the other vendors. He referenced an earlier comment from Joe Urbanek, who had warned that members might regret passing the proposed policy. Garcia urged the committee to remember that those with greater resources and access to legal counsel often use that advantage to exploit or overpower those without legal support.

He warned that adopting the policy without carefully considering its implications could leave less-resourced operators vulnerable and strengthen the influence of those with the means to pursue legal action or challenges.

Shehan Peries interjected to remind participants that public comments are limited to three minutes. He asked everyone to respect the time limit so the meeting could proceed according to the agenda.

Chair Ivan Delgado thanked everyone who shared input and reiterated the importance of the Hoover Dam policy discussion to both the program’s future and operators’ opportunities. He stated that, historically, whenever the Hoover Dam Café, Gift Shop, or Arizona Lookout went up for bid, the bid notices explicitly stated that the selected operator would be required to give up any other site. While acknowledging that this requirement

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has not been codified in formal written policy, Delgado emphasized it has been consistently communicated in every previous Hoover Dam bidding cycle.

He questioned why objections are only now being raised regarding the one site expectation for the café, noting that there were no challenges to the practice two, three, or five years ago during earlier Hoover Dam postings. Delgado closed by encouraging members to reflect on this long-standing procedure as they prepare for future policy discussion.

Deputy Attorney General (DAG) Greg Ott addressed the committee to clarify legal support available. He noted that there had been comments suggesting some members may feel they lack access to legal resources. DAG Ott emphasized that the Office of the Attorney General represents both the committee and the Department of Employment, Training and Rehabilitation (DETR).

He reassured members that the Attorney General's office is available to provide legal advice and answer policy or regulatory questions. While acknowledging that Lauren McLarney is an attorney and may represent other clients, DAG Ott stated that committee members should not feel without legal support because the Attorney General's office is accessible for guidance whenever needed.

Chair Ivan Delgado invited those present to share any final comments before closing the meeting, and thanked participants for a productive discussion.

Marcos Hurtado asked to clarify something from an earlier public comment. He explained that because Spanish is his first language, he may not have fully understood a previous speaker. Marcos said he believed Gus Garcia, "the guy before, from the Blind Center," had referred to him as unsuccessful in relation to the Southern Nevada Health District Café which sparked the start of a response from Gus.

At this point, Chair Delgado interrupted to keep the meeting orderly, and Shehan Peries reminded everyone that the session was still in public comment, which is not a dialogue

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and does not allow back-and-forth debate. Peries instructed that Marcos could make his comment but not engage in a conversation.

Marcos then proceeded with his comment, stating for the record that what he is saying is a comment. He noted that when he left the Southern Nevada Health District Café, he left the site in excellent condition, trained the incoming operator for one month, and then spent one year without income while waiting for another location. He contrasted this with other operators who, he said, were given temporary financial assistance during similar gaps, while he received none. Hurtado criticized the program's lack of effort in securing profitable new locations, stating that many current sites are not financially viable and that program staff have failed to aggressively pursue federal or private opportunities that could benefit vendors. He argued that this lack of proactive site development forces operators to struggle to earn a living. He said the program has produced mostly low revenue sites such as the libraries and called the current system "a failure" that needs stronger commitment from leadership to create and secure profitable locations for blind entrepreneurs. He appealed for more inclusive decision making, encouraging the committee and administrators to involve operators in finding and developing new business sites rather than depending on outdated or low-performing opportunities.

### **IX. Date for Next NCBV Meeting (discussion): Ivan Delgado, NCBV Chair**

The committee confirmed the next meeting date as Wednesday, November 19, 2025, at 10:00 AM.

Vice-Chair Joe Urbanek requested that funding for legal fees be included on the next agenda, referencing a letter sent to Shehan Peries and Chair Ivan Delgado asking the group to consider a \$10,000–\$20,000 contribution to participate in a legal matter affecting future site availability. Chair Delgado acknowledged the request and confirmed the next meeting date with the committee.

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Gus Garcia asked the Chair, as a member of the public, when the Hoover Dam policy issue would be resolved and when the committee would reach a final decision on the matter.

Chair Ivan Delgado responded to Gus Garcia's question, stating that the Hoover Dam policy review and update will be placed on the agenda for the next NCBV meeting.

Shehan Peries added for the record that the discussion at this meeting was informational only to review the current practice at the Hoover Dam. If the committee decides to proceed, a formal vote on updating or changing the policy would need to take place at the next scheduled meeting.

Gus Garcia followed up to clarify his earlier remarks to Marcos Hurtado. He stated for the record that he did not call Marcos an unsuccessful vendor. Instead, he was making the point that some sites are extremely difficult to profit from and that if a location were truly strong financially, the prior operator might have chosen to remain there.

Shehan Peries stated that the meeting had moved beyond the public comment section.

### **X. Adjournment: Ivan Delgado, NCBV Chair**

Chair Ivan Delgado moved to the final agenda item, adjournment, asking if any member would like to make a motion to adjourn the meeting.

Harold Petrofsky made the motion.

Vice-Chair Joe Urbanek seconded the motion.

All in favor, none opposed, none abstained, motion passes.

Meeting adjourned at approximately 2:36 PM Pacific.