

Nebraska Commission for the Blind & Visually Impaired  
Emergency Meeting  
Saturday, January 9, 2021; 9:00 a.m.  
Conference Call

Minutes

Call to Order. Welcome and introductions. Announcement about open meeting act, proof of publication, recordings, other logistics.

Mark Bulger, Chairman of the Board of Commissioners, called the meeting to order at 9:07 a.m. The meeting began with introductions.

Commissioners present: Mark Bulger, Chairperson, Designee of the American Council of the Blind of Nebraska, Omaha; Kimberly Scherbarth, Vice Chairperson, Designee of the National Federation of the Blind of Nebraska, Kearney; Becky Rieken, Dakota City; Robert Newman, Omaha.

Commissioners absent: Brent Heyen, Executive Secretary, Lincoln.

Commission staff present: Carlos Serván, Executive Director; Kathy Stephens, Administrative Assistant.

Public present: Cheryl Livingston, consumer and NFBN member; Jim Jirak, past commissioner and ACBN member.

The Notice of the Meeting was published in the Lincoln Journal Star, the State Government Calendar, NCBVI Website, and NFB Newslines®. The Notice was also sent to the NCBVI List Serve, Radio Talking Book, ACBN and NFBN.

Pursuant to the Executive Order 20-36 signed by Governor Pete Ricketts on December 1, 2020 granting special waivers to the Open Meetings Act, due to the COVID-19 pandemic, the meeting was conducted via conference call.

Discuss / Approval of Impartial Hearing Examiners for NCBVI

Director Serván gave a brief overview of the nature of the Emergency Commission meeting. The nature of the emergency is the approval of Impartial Hearing Examiners for NCBVI due to unforeseen circumstances. NCBVI needs to have a list of Impartial Hearing Officers and they need to be approved by the Commission Board. Whenever NCBVI has an instance where a client appeals the decision on their case, the Director needs to appoint an Impartial Hearing Officer for the hearing process. NCBVI has not had a case in a very long time. We now have a client who is appealing the decision on their case and when we went to our list to appoint an Impartial Hearing Officer we discovered that the two attorneys on our list are not available. One of them recently passed away and the other is still interested in serving but is unavailable due to personal health issues. Therefore, NCBVI needs to add attorneys to our list of Impartial Hearing Officers as quickly as possible in order to proceed with scheduling this case for a Public Hearing. NCBVI contacted several attorneys inquiring about their interest in serving and two attorneys showed interest and sent in their resumes. The resumes

were shared with the Commission Board. The Commission Board needs to vote upon if they approve adding these two attorneys to NCBVI's list of Impartial Hearing Officers.

The commissioners acknowledged their receipt of the resumes of the two attorneys and they discussed the training that the two attorneys would receive.

Commissioner Newman moved to appoint both of the attorneys to serve as an Impartial Hearing Officer for NCBVI.

Commissioner Rieken seconded the motion.

The following Commissioners voted in favor of the motion.  
Newman, Bulger, Scherbarth and Rieken

Commissioner Heyen was absent.

#### Public Comment

Cheryl Livingston – Cheryl asked if the names of the two attorneys can be made available to the public. It was noted that the two attorneys are Bob Harkins and Robert Bartle.

Jim Jirak – Jim asked for the name of the Impartial Hearing Officer who is currently on NCBVI's list of Impartial Hearing Officers. It was noted that his name is Dennis Tegtmeier.

#### Adjourn

The meeting adjourned at 9:26 a.m.

Respectfully submitted,

Kathy Stephens, Administrative Assistant  
NCBVI

Mark Bulger, Chairperson  
NCBVI Board of Commissioners