

REGULATION 2

CANNABIS COMPLIANCE BOARD: ORGANIZATION AND ADMINISTRATION

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2.010 Definitions.

1. **“Chair”** means the Chair of the Cannabis Compliance Board or the Chair’s designee.
2. **“Executive Assistant”** means the Executive Assistant to the Executive Director.
3. **“Meeting”** means the gathering of members of the Board at which a quorum is present, for the purpose of deliberating toward a decision or making a decision. The term includes, but is not limited to, the consideration of license applications, transfers of interest, and disciplinary proceedings.

2.020 Delegation to Chair.

1. The Board hereby delegates to the Chair the authority to issue preliminary rulings on scheduling, procedural, and evidentiary matters, and other matters provided by these regulations, that may be presented to the Board during the course of conducting a meeting, or that may arise when the Board is not meeting.
2. The Board may, upon a majority vote in a specific case, temporarily abrogate the general delegation granted pursuant to subsection 1 of this section.
3. Any specific ruling or decision of the Chair pursuant to subsection 1 of this section is subject to consideration by the entire Board upon the request of any Board Member, or upon timely motion of a person affected by the ruling or decision.

4. The Board shall be deemed to have ratified an action of the Chair taken pursuant to subsection 1, under the following circumstances:
 - (a) If the Chair's action occurred during a Board meeting, the Chair's action is ratified if the Board does not overturn or address the action at that meeting.
 - (b) If the Chair's action occurred at a time other than during a meeting, if the Board does not overturn or address the Chair's action at the next meeting concerning that particular matter.
5. The Chair may sign all orders on behalf of the Board.
6. Where the Board is a party to civil litigation, the Chair may give guidance regarding the course of the litigation to the attorney for the Board.

2.025 Board meetings.

1. Except as otherwise specifically provided by these regulations, any member of the Board may place an item on a Board agenda for consideration by the entire Board.
2. The Chair, or in the Chair's absence, the remaining Board members, may alter the order in which matters on the Board agenda are heard.
3. Requests for special meetings will be granted only upon a showing of exceptional circumstances. The Board may require that a person requesting a special meeting pay the costs associated with such meeting, in addition to those costs usually assessed against an applicant, licensee, or registrant.
4. In the absence or incapacity of the Chair, the remaining Board members may call a special meeting.
5. Unless otherwise ordered by the Chair, requests for continuances of any matter on the Board agenda must be in writing, must set forth in detail the reasons a continuance is necessary, and must be received by the executive assistant no later than eight calendar days before the meeting.
6. Unless otherwise ordered by the Chair, the original of any documentation supplementing an application or disciplinary action as required by the Board must be received by the executive assistant no later than eight calendar days before the meeting. Documentation not timely received will not be considered by the Board unless the Board, in its discretion, otherwise consents. The Chair may defer to another meeting any matter with respect to which documentation has not been timely submitted. The applicant and its enrolled attorney or agent, if any, must appear at the meeting to which the matter is deferred, unless the Board Chair waives their appearances.

2.040 Appearances.

1. Except as provided in subsection 2 or unless an appearance is waived by the Chair, all persons, and their attorneys and agents, if any, must appear at the Board meeting at which their matter is to be heard. Requests for waivers of appearances must be in writing, must be received by the executive assistant no later than eight business days before the meeting, and must explain in detail the reasons for requesting the waiver. If at the time of its meeting the Board has any questions of an applicant, licensee, or registrant who has been granted a waiver and is not present, the matter may be deferred to another meeting of the Board.
2. Where the Board is to consider a stipulation between the Board and a licensee, or registrant settling a disciplinary action and revoking, suspending or conditioning a license, the licensee or registrant shall be prepared to respond on the record to questions regarding the terms of the stipulation and the licensee's or registrant's voluntariness in entering into the stipulation.

2.045 Recessed meetings. Any meeting of the Board may be recessed to consider matters which were duly noticed as items on the agenda of that meeting, to such time and place as the Board may designate. Notice of a recessed meeting to consider matters which were duly noticed as items on the agenda may be given by announcement at the meeting, but where any other matters are to be considered at a recessed meeting, such matters must be duly noticed as required by NCCR 2.050 of these regulations or as otherwise required by statute or by these regulations.

2.050 Service of notices in general.

1. Each licensee and applicant shall provide a point of contact to the Board for the purpose of sending notices and other communications from the Board. The point of contact should be the same person designated in NCCR 5.010. Each licensee and applicant is required to update this point of contact, including the contact's electronic mail address, immediately as often as is otherwise necessary. The original provision and subsequent updates of the point of contact shall be made to the Board's custodian of records by means designated by the Chair. Immediately means no later than 24 hours.

2. Except as otherwise provided by law or in these regulations, notices and other communications will be sent to an applicant or licensee through the point of contact by electronic mail as provided to the Board for the purpose of sending notices and other communications. Except as otherwise provided by law or in these regulations, notices and other communications sent to the point of contact by electronic mail shall satisfy any requirement to mail a notice or other communication.

3. Notices shall be deemed to have been served on the date the Board sent such notices to the point of contact's electronic mail address as provided to the Board by a licensee or applicant, and the time specified in any such notice shall commence to run from the date of such mailing.

4. Any applicant or licensee who desires to have notices or other communications mailed to a physical address shall file with the Board a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address.

5. An applicant or licensee will be addressed under the name or style designated in the application or license, and separate notices or communications will not be sent to individuals named in such application or license unless a specific request for that purpose is filed with the Board.

(a) In the absence of such specific request, a notice addressed under the name or style designated in the application or license shall be deemed to be notice to all individuals named in such application or license.

2.055 Subpoenas. The Board hereby delegates to the executive assistant the authority to issue subpoenas and subpoenas duces tecum as provided by these regulations. In the absence of the executive assistant, the Chair may designate another person to issue such subpoenas.

2.060 Employee records.

1. All records concerning Board employees maintained by the Board are confidential as set out in NAC 284.718.

2. Access to employee records declared confidential by this section shall be allowed only as set out in NAC 284.726.

2.065 Procedure for control of evidence.

1. When a Board Agent seizes any article of property, the custodian of evidence for the Board shall place the evidence in a secure facility and enter in a suitable system sufficient information to establish a chain of custody. A failure to comply with this subsection shall not render evidence inadmissible in any proceeding before the Board.

2.070 Other employees of Board: Employment and discharge; conditions and limitations regarding hearing officers.

1. The Board may employ hearing officers, experts, administrators, attorneys, investigators, consultants and clerical personnel necessary to the discharge of its duties.
2. A hearing officer employed by the Board shall not act in any other capacity for the Board or occupy any other position of employment with the Board, and the Board shall not assign the hearing officer any duties which are unrelated to the duties of a hearing officer.
3. Each employee of the Board hired under this regulation is an at-will employee who serves at the pleasure of the Board. The Board may discharge an employee of the Board for any reason that does not violate public policy, including, without limitation, making a false representation to the Board.
4. If a person resigns his or her position as a hearing officer or the Board terminates the person from his or her position as a hearing officer, the Board may not rehire the person in any position of employment with the Board for a period of 2 years following the date of the resignation or termination. The provisions of this subsection do not give a person any right to be rehired by the Board and do not permit the Board to rehire a person who is prohibited from being employed by the Board pursuant to any other provision of law.