

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

PMB 186

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AGENDA AND NOTICE OF MEETING

November 5, 2013

8:00 AM

555 East Washington

Room 4401

Las Vegas, Nevada 89101

Purpose of the Nevada State Funeral Board:

1. To keep a record of all meetings
2. To keep a record of all licensees
3. The Board shall meet at least once every calendar quarter
4. Have the power to adopt regulations
5. Inspection of premises at least once every two years
6. Investigate alleged violations
7. Charge annual fees for licensure
8. Charge a regulatory fee \$10.00 per written and signed agreement for funeral services

1. Call meeting to order and introduction of Board Members- The meeting was called to order by General Public Member Dr. Wayne Fazzino. He introduced the Board to the audience.

2. Roll call to determine the presence of a quorum- Executive Director called the roll. Members present- Dr. Wayne Fazzino, Wendy Simons, Lorretta Guazzini, Todd Noecker, Tammy Dermody and Bart Burton One Vacancy- a General Public Member, Sophia Long Deputy Attorney General was also present

3. Public Comment- none

4. Approval/ additions/corrections of the minutes of August 19, 2013

5. Discussion and possible action to elect the Chairperson of the Board from the members of the general public per NRS 642.020 and a Treasurer and Secretary from the remaining members- Wendy Simons indicated that she did not want to be Chairperson. Dr. Wayne Fazzino agreed to serve. Bart Burton moved to accept Dr. Wayne Fazzino as Chairperson of the Board. Wendy Simons 2<sup>nd</sup> MOTION CARRIED

Lorretta Guazzini accepted the nomination by Wendy Simons to be Treasurer Bart Burton 2<sup>nd</sup> MOTION CARRIED

Chairperson Fazzino moved that Todd Noecker be the Board Secretary Bart Burton 2<sup>nd</sup> MOTION CARRIED

6. Discussion and possible action to grant an Establishment and Crematory license to Funeral Smith located at 6484 Boulder Ranch Avenue Henderson, Nevada 89011 and to tie Tyson Smith's Funeral Director license number 707 to the Establishment- Tyson Smith was present and came forward to speak. Todd Noecker moved to approve Funeral Smith and to tie Tyson Smith's license number 707 to the Establishment and Crematory Wendy Simons 2<sup>nd</sup> MOTION CARRIED

7. Discussion and possible action to grant an Apprentice Embalmer license to Cassandra Lynn Cushman who will be working under the direct supervision of Jason Muth Embalmer license number 298- Bart Burton moved to grant the Apprentice license to Cassandra Lynn Cushman. Tammy Dermody 2<sup>nd</sup> MOTION CARRIED

8. Discussion and possible action to grant an Embalmer license to Melissa Jo Ravenelle- Melissa Jo Ravenelle was present and came forward to speak. Todd Noecker moved to grant an Embalmer license to Melissa Jo Ravenelle. Wendy Simons 2<sup>nd</sup> Bart Burton recused himself. MOTION CARRIED

9. Discussion and possible action on granting an Establishment license to Las Vegas Funeral Homes, Cemeteries, and Crematories LLC dba Funeraria Casa De Paz located at 21 Marion Drive Las Vegas, Nevada 89110 and to tie Eric Lee's Funeral Director license number 611 to the establishment- Mr. Jim Lee and Kenneth Ceballos were present and came forward to speak. It was determined through questioning that the owners did not yet have their business license. Mr. Lee thought that he had to receive licensing from the Board before that could happen according to the city application. It was explained that NRS supercedes local government and our application requires the business license first. Executive Director Shaffer explained the process and told Mr. Lee to give that information to the city business licensing individual. She offered to speak with that office and answer any questions that they might have regarding this matter. Executive Director also stated that the facility had not been inspected and that this is a requirement for licensing. She explained that we do not have an inspector and that according to the new law Board Members could not inspect. She volunteered to inspect with the Board's permission. Bart Burton had a question about one of the partner's employment with SCI and stated that since he too worked for SCI he would have to recuse himself. Todd Noecker moved to grant an Establishment license pending a completed inspection by the Executive Director and receipt of the Business License. Wendy Simons 2<sup>nd</sup> Bart Burton recused himself MOTION CARRIED

10. Discussion and possible action on copying the Board Members on communication. On September 18, 2012 the Executive Director wrote to Sophia Long DAG re: clarification of serial communication and how it relates to communication with Board Members. This was done at the Chairperson's request. The answer was as follows: "Regarding being cc'ed on all correspondence outside a board meeting, this most likely would not be in accordance with the Open Meeting Law (NRS 241). If a member of the public or a licensee has a question, the Board may address it as an agenda item. If the Board would like to be appraised of complaints, it can designate a board member to assist in investigating complaints under NAC 642.180(6) and proceed accordingly. But please be aware that if the complaint comes before the Board, the investigating Board member would have to recuse himself/herself from any vote the Board would make"- Sophia Long said the Board could know the nature of the complaints going forward but not the actual complaints. This will give the Board Members an idea about what is going on in the industry. The Executive Director could have a Board member to share the complaints with. This item did not require action.

11. Discussion and possible action on the new laws created by AB494 including but not limited to: 1. obtaining office space- It was determined that the Board will have a walk-in office easily accessible to the General Public. Sharing office space with another agency was explored as a possibility. Wendy Simons emailed the Executive Secretary of the Board of Examiners for Long Term Care Administrators and said there was space available and that the office was located in Las Vegas. No fees available for the space at this time. The Board also talked about the ability to accept credit cards. The Executive Director feels that this would be an important step for the Board to take.

2. Employ an Executive Director and inspectors in addition to the personnel that the Board is required by existing law to employ- Todd Noecker read AB494 section 1. Executive Director Shaffer was asked to leave the room during this portion of the meeting. Executive Director asked Secretary Todd Noecker to take the minutes in her absence. The following are Secretary Noecker's minutes: Discussion regarding the position of the Executive Director: All Board members entered into a discussion regarding the current position of the Executive Director. Based on the Sunset committee's recommendation it was agreed that the Board needed to research other applicants for the position of Executive Director of the Nevada Funeral and Cemetery services Board. It was also the opinion of Wendy Simons that we research other state boards to gain insight into the job descriptions of other in the same capacity. The Board also agreed that it was wise to allow the current Executive director to also re-apply for the position and to keep Mrs. Diane Shaffer in the position as Executive Director until a decision is reached after researching other candidates. The Board agreed that we need to post an opening for two investigators/inspectors preferably from inside the industry, possibly a retiree. One from the North of Nevada and one from the South of Nevada. It was also noticed that Bart Burton will research the NFDA and California's State Board for their input. Todd Noecker will research Arizona for their input. Wendy Simons will look into other boards and will make a matrix to show commonalities between boards.

Wendy Simons will also ask the current Executive Director to provide a list of all the day to day duties to which she is responsible.

The job posting will be placed on the government website and all applications will go to our Deputy Attorney General.

At this time the Executive Director returned to continue with the minutes.

3. Establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors and other employees of the Board- This was addressed in item #2 above

4. Maintain an internet website and post on the website minutes, notices and other public information documents- Executive Director explained how the current website works and why it has become out-dated. She discussed the outstanding bill. It was determined that the Executive Director will check to see if we have to use the state DOIT department or if we could explore other avenues. Wendy Simons will check with

5. Collection of the \$10.00 regulatory fee- Director Shaffer read an email from Ryan Bowen outlining his suggestion for collecting the fee. Mr. Noecker reported that some funeral homes have said they do not want to pay the fee. After discussion Mr. Noecker suggested that we send a letter to the industry stating that effective October 1, 2013, as stipulated in the bill for all signed agreements, the fees for the month of October are due and payable on or before November 30, 2013. There will be disciplinary action for funeral homes that do not pay the fees by the due date because they will be in violation of NRS 642.0696. This will be sent via certified mail. The Board made the determination that Social Service cases be exempt.

6. Reports to the Sunset Sub-Committee-The Board will report to the Sunset-Sub Committee on March 1, 2013. The report should contain how the Board is progressing toward the laws set forth in AB494. The report will contain the minutes and a report on the Board's progress. Mr. Noecker will write the report to submit to the Committee after sending it to Sophia Long for approval. Todd Noecker moved to approve Wendy Simons 2<sup>nd</sup> MOTION CARRIED

12. Discussion and possible action to approve the audit submitted by The CFO GROUP INC.- Director Shaffer reported that the Board could no longer use the CFO GROUP INC. due to conflict of interest because The owner of the CFO GROUP INC. is related to Tammy Dermody. Tammy conquered. Tammy Dermody recused herself. Bart Burton Moved to accept the audit report dated June 30, 2013 Lorretta Gauzzini 2<sup>nd</sup> MOTION CARRIED

13. Board Member Comments-Todd Noecker expressed concern that the Law test through the Conference does not reflect the new laws. Bart Burton explained it is very expensive. Director Shaffer explained the process of designing the test. Bart Burton will look into this with The Conference. Mr. Burton is a Board Member for The Conference. The Board currently provides a study guide that only reflects the laws that were current at the time that the test was developed. There were three versions of the test developed at the time. The Board will have our DAG, Sophia Long, present at each meeting going forward. Tammy Dermody would like to know the number of Social Services cases in the state. Tammy Dermody will check with Washoe County and Bart Burton will check with Clark County to get those numbers. Wendy Simons discussed travel expenses and the per diem of \$150 per day per Board meeting. She requested that a future agenda item address travel expenses. Wendy talked about using the technology available to us such as video conferencing. Meeting adjourned at 11:43 AM so that Director Shaffer could check with LCB regarding the cost for teleconference within the building. Meeting resumed at 11:51 AM Director Shaffer said if we have a fixed camera that would either be focusing on the dais or the public speakers it would be free. If we wanted a moveable camera it would be \$25.00 an hour. The Board will utilize the fixed camera tele-conference for meetings. At this time Todd Noecker asked to re-visit item 11 #2. He reported that the Board had agreed to open the position for the Executive Director to the public and that the position would be posted on the Nevada government website. The Board is working on a list of qualifications. Wendy Simons reported that they will be compiling a list of duties and will be getting input from other states. Director Shaffer will supply a list of day to day duties for Wendy no later than November 11, 2013. Bart Burton will check with the Executive Director from Kansas for his information.

14. Treasurer Report- Lorretta Gauzini will send a Treasurer report to the Board when she has reviewed the information presented to her by the outgoing Treasurer James Mullikin. Sophia Long DAG said Lorretta can send the report to the Board but no comment can be made. Director Shaffer reported that she had been informed today that Mr. Mullikin no longer is associated with Bunkers Mortuary and has moved out of the state. Director Shaffer will get Lorretta on the bank account. She reported that there is approximately \$9000.00 in the account.

15. Report from Executive Director- Director Shaffer reported that the bill is due for the mail suite at Post Express. She reported that the Board has

always had some kind of mail suite as it has never had a walk-in office. She reported that they were waiting without charging late fees because we are a long standing client. It was agreed to pay for three months at this time. Our Treasurer will pay the bill. Director Shaffer read an invitation from Palm Mortuary for a re-opening celebration. Director Shaffer just had an individual drop off two applications at the meeting. At a Board Member's request Director Shaffer turned over current written complaints to Sophia Long DAG. At this time Director Shaffer questioned whether the complaint process was addressed while she was out of the room. Sophia Long DAG said she would speak to Director Shaffer about this later. Wendy Simons requested a summary report from the Executive Director going forward that outlines the applications received and what they are for, total number of complaints and nature of those complaints and total activity being managed by the office for the time period. Director Shaffer reported briefly on the number of complaints and the nature of them. There was a question about how complaints are tracked and resolved. It was reported that each complaint has a file.

It was reported that WASHOE MEMORIAL had closed its doors and that their funeral director Kenneth Cox was working at another funeral home. Director Shaffer reported that statutorily she thought she did not have a job. She had already made plans in September to be away from November 12, 2013 and not returning. Since there appears to be a job at the moment she will return on December 4, 2013. She assured the Board that the work would continue in her absence. Wendy Simons questioned the deadlines for information that the Board had requested and again Director Shaffer assured her that the work would be completed.

16. Public Comment- Sophia Long cautioned the Board at this time that this is not an action item so there would be no discussion. Assemblywoman Irene Bustamante-Adams came forward to thank the Board members for their service. She is the Chairwoman of the Sunset- Subcommittee and was part of the legislative process that brought about the changes for the Board. She offered to help the Board in any way to clarify the intent of the law or anything else they need to succeed. After she left Chairperson Fazzino stated that that was impressive and a "class act"

17. Next meeting information- Todd Noecker requested that the Board set dates for at least the four quarters so that people would have more notice for the meetings. The schedule is as follows:

January 7, 2014 9:00AM place to be announced

April 8, 2014 9:00AM Carson City

July 8, 2014 9:00AM video conference

October 14, 2014 9:00AM place to be announced

Chairperson Fazzino reminded everyone about the financial filing due in January to the Secretary of the State. He cautioned that there are strict penalties for non-compliance. Lorretta Gauzini read her paper work supplied with her Commission clarifying the issue. In case you need to file it is under the Secretary of State website under candidate appointments chapter 281.A

18. Adjournment- Meeting adjourned at 12:32 PM