

NEVADA FUNERAL & CEMETERY SERVICES

BOARD

PMB 186

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MINUTES

February 18, 2014

9:00 AM

401 South Carson Street
Carson City, Nevada 89701
Room 2134

PLEASE NOTE: The Board reserves the right to: (1) take agenda items out of order to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; (2) combine items for consideration of the public body; (3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence, or physical or mental health of a person. *See* NRS 241.030. Prior to commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider public comment. *See* NRS 233B.126.

Public Comment is welcomed by the Board, and at the discretion of the Chair may be limited to three minutes per person. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion.

1. Call meeting to order: Meeting was called to order by Chairperson Dr. Wayne Fazzino at 9:07 AM

2. Roll call to determine the presence of a quorum: Present- Wayne Fazzino, Wendy Simons, Bart Burton, Tammy Dermody, Lorretta Gauzzini, Lisa Franqui, Todd Noecker- Absent excused Sarah Bradley Deputy Attorney General for Sophia Long

At this time a moment of silence was observed for Tammy Dermody's Mother Agnes McCaffery

3. Public Comment (Discussion Only)

Note: no vote may be taken upon a matter raised under this item of the Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020) Comments based on viewpoint are welcome.

NONE HEARD

4. Discussion and possible action on the approval/additions/corrections of the minutes of January 7, 2014: Mr. Burton moved to approve the minutes as written, Ms. Dermody 2nd MOTION CARRIED

5. Discussion and possible action on the interviewing and hiring of the Executive Director position.

The following applicants will be interviewed: James Noel

Gerald Hitchcock

Diane Shaffer

Sarah Bradley suggested that Diane be interviewed first so she could conduct the rest of the meeting. The Board questioned whether the Director should be hired at this meeting. She said it would be preferable since there is only one round of interviews. Tammy Dermody questioned if she should recuse herself from the interview since two of her employees are related to the applicant James Noel. After consultation it was decided that she was not related to Mr. Noel nor would she receive any monetary gain therefore she would not have to recuse herself.

Diane Shaffer was interviewed first. She answered all questions regarding qualifications and past history with the Board and the Sunset Sub-committee. She stated the direction that she would like to see the Board take going forward. She talked about her accomplishments with services that the Board has offered to the public such as the website and licensing and how protecting the public with care and compassion would always be the number one priority. Diane stated that so much more could be accomplished now that there would be sufficient funds to operate. When asked if the job was in Carson City would she move and she stated that she would reside wherever the job would be.

There was a break at 9:55 after Diane Shaffer was interviewed
Meeting resumed at 10:04

James Noel was interviewed next. He was asked how he heard about the posting before it was officially posted. He stated that he heard about it from his family members at a family wedding. He is comfortable with families and crisis management because he is a licensed Funeral Director. He stated that he would move to Las Vegas if necessary but would prefer that the office be in Carson City. He said he would do whatever it takes to get the volume of work done but He feels like there is too much work for a forty hour week and staff would be necessary. He suggested that the website should have more information on it to protect the public and also suggested a newsletter that would go out to funeral homes. At this time office equipment was mentioned as the office has been contract based and now will be a permanent office space. Sarah Bradley DAG said there is a surplus room where old office equipment could come from. Computer equipment would come from the Purchasing Dept.

There was a break at 10:43. Meeting was resumed at 10:57

Mr. Gerald Hitchcock was interviewed last. He is currently the owner of Freitas-Ruprecht Funeral Home. Mr. Hitchcock was asked if he got the position of Executive Director would he no longer own his Funeral Home. He stated that he was already in the process of stepping away from his ownership of the Funeral Home. Gerald stated that he served on the Nevada State Funeral Board for eight years. He is licensed in three states. This makes him uniquely qualified for this position. He understands all aspects of the job. He stated that due to a lack of funds the Board could not move forward to make sweeping improvements. With the current funding the website could be improved as well as how we serve the licensees. Gerald stated that he could move to Las Vegas if that is where the position was located but would prefer to stay in the North. He feels the office should be in the Capitol. Gerald explained some of his ideas for further requirements for licensees such as continuing education requirements and licensing of other funeral home personnel. He also feels that we should develop new application and inspection forms. Mr. Hitchcock also stated that he doesn't see how this job can be accomplished with out staff but would do his best to get it done.

At this time item number 14 was taken out of order. Item number 5 will be continued after public comment is taken out of order and heard after item number 14. Item number 5 was resumed at 12:47 PM. At this point Sarah Bradley DAG according to AB494 Ms. Shaffer was not eligible to apply for the Executive Director position. Ms. Bradley stated that the Attorney General's position is that Ms. Shaffer should not have the position. Chairperson Fazzino asked if Ms. Shaffer had anything to say regarding this new information. Ms. Shaffer stated that she is taken aback by this information. She explained that the position of all parties including Sophia Long, the Deputy Attorney General assigned to the Board, was that she could and should reapply for the position. Ms. Shaffer explained that she had consulted with Board members and Legal Counsel because she thought she would be replaced by October 1, 2013 and again on December 31, 2013 and this information was never mentioned including at the start of this meeting. Legal Counsel advised the Chairperson at the start of this meeting that Ms. Shaffer should be interviewed first so that she could continue the rest of the meeting. There has never, at any time, been a statement that she could not be granted the Directorship after reapplying according to the new hiring criteria. Mrs. Gauzzini questioned this information and asked if the Board could do anything about this. Ms. Bradley explained that she is not a decision maker for the Board but said there could be ramifications if the Board hired Ms. Shaffer. She suggested that the Board did not have a location for the Board office. Ms. Shaffer explained that the Board had made the determination at a previous meeting that the office location would be where the candidate lived. Ms. Bradley suggested that the Board could have a meeting in five days to give time for a properly noticed meeting and the Board could make the decision at that meeting. At this time Mr. Burton asked Mr. Hitchcock if he hypothetically got the job today would he step down immediately if he is offered the position. Mr. Hitchcock said he would stop being the designated Funeral Director of his Funeral Home. Mr. Hitchcock stated that statistically there hasn't been a need for a walk-in office. If there will be a walk-in office he feels it should be in Carson City. Ms. Bradley quoted NRS 281.110 which states that Boards must have an office open to the public for forty hours a week. She said that may require a part-time staff person to cover lunches etc. The Board will re-post the job opening. Mr. Burton stated that at this time he feels that Mr. Hitchcock is not eligible for the position because he owns a funeral home. Ms. Bradley said the Board should add to the job description that the applicant cannot own a funeral home, cemetery and crematory. Mrs. Gauzzini moved to postpone the action of appointing a new Executive Director until we can

repost the job opening. The deadline for applying for this position will be two weeks from the public posting. Chairperson Fazzino asked Ms. Shaffer if she would stay on as Executive Director. Ms. Shaffer stated that she needed to think about this. Ms. Franqui asked to go on record speaking to Ms. Shaffer's integrity, honesty and graciousness. Ms. Simons 2nd Mrs. Gauzzini's motion MOTION CARRIED

Mr. Burton made a motion that the job posting be amended to say that the applicant can not own a funeral home, cemetery or crematory. Ms.

Dermody 2nd MOTION CARRIED

Ms. Dermody moved to have Chairman Fazzino hire a temporary person to run the office should Ms. Shaffer decide to vacate the position. Mr. Burton 2nd MOTION CARRIED

Ms. Bradley DAG stated at this time that no Board Members should talk to each other outside a Board meeting. No emails to each other or blind copies. Ms. Simons asked if Board members could communicate with the Chairperson. The answer is no. Everything should go through staff. . Mrs. Gauzzini stated that she feels let down by the Board's legal counsel Sophia Long and that she has not served the Board well. Ms. Bradley stated that under the circumstances the Board could request new legal counsel.

Chairperson Fazzino addressed the candidates to clarify what has happened at the meeting. He stated that there would be a new job posting. Mr. Noel asked if he would have to re-interview. It was determined that he did not have to re-interview but must reapply if he is still interested in the position. Mr. Hitchcock asked if he could hold the Executive Director position if his son owned his funeral home. Ms. Bradley suggested that the Board use the language used in the statute for General Public members. Ms. Franqui asked if the position could still be a contract person. Ms. Bradley stated that that is possible under certain rules. Chairperson Fazzino made a motion to pay for Mr. Noel's airfare because of this confusion but based upon his relationship with his family who are employees in a funeral home he can not re-apply.

Mrs. Gauzzini 2nd MOTION CARRIED Mr. Hitchcock could reapply if he is totally separated from his funeral home. Ms. Bradley said under the last motion Mr. Noel would qualify under the currently adopted job description. Ms. Dermody moved that in order to qualify for the position you can't be a holder of a license or certificate or be an owner in the State of Nevada. Ms. Franqui 2nd MOTION CARRIED Mr. Noel can re-apply as well as Mr. Hitchcock if he is not an owner and puts his licenses on hold.

6. Discussion and possible action on the inspector/investigator position including:

1. Job description including hours, salary and benefits
2. Review, description and posting of vacancy

This item is tabled until the Executive Director Position is filled so that the Executive Director can have input in the hiring process

8. Discussion and possible action to grant a Funeral Director license to Negie Marucci III- Mrs. Gauzzini moved to grant a Funeral Director license to Negie Marucci III Ms. Dermody 2nd Mr. Burton recused himself as Mr. Marucci is an employee of SCI MOTION CARRIED

9. Discussion and possible action on granting a Funeral Director license to Jamie McIntosh- Mr. Burton moved to grant a Funeral Director license to Jamie McIntosh Ms. Simons 2nd MOTION CARRIED

10. Discussion and possible action on granting a Funeral Director license to Perry James Heard Jr. - the Board had question regarding information stated on Mr. Heard's application. Ms. Bradley stated that the Board could review the application based on good moral character. It was decided that the Board would invite Mr. Heard to the next meeting to explain some of the issues in his application. Ms. Shaffer will notify him.

11. Discussion and possible action on granting a Funeral Director and Reciprocal Embalmer license to Joseph Michael Eckart- Ms. Franqui moved to grant Mr. Eckart a Funeral Director and Reciprocal Embalmer license pending receipt of official test score from the Conference. Mrs. Gauzzini 2nd MOTION CARRIED

12. Discussion and possible action on having the Regulatory Fee be a line item on a funeral home general price list- We will advise Funeral Homes on the website and via email that the regulatory fee goes on the contract as a cash advance entitled Nevada Funeral and Cemetery Services Board Regulatory Fee- \$10.00 Mr. Burton moved to accept the above wording. Ms. Simons 2nd MOTION CARRIED

13. Discussion and possible action on whether to update Nevada Revised Statute 642- Mr. Burton would like to spear-head efforts to put together bill drafts to change and clarify the laws. Requests need to be submitted to the Governor in May. After discussion Mr. Burton moved to have an agenda

item to form a law review sub-committee and discussion lists of statutory provisions Ms. Simon 2nd MOTION CARRIED

14. Discussion on the website of the Nevada Funeral and Cemetery Services Board this item was taken out of order and was presented after item number 5. Wendy Simons introduced Linda DeSantis from Enterprise Internet Technology. They are the current administrators of the Board website. Ms. DeSantis explained various features that are available for our website such as online smart forms, Google drives, Google calendar that can link to the agendas. She discussed list servers and online surveys. She said we can put on Board Member bios and pictures. We can not do online licensing. That could be done through an outside vendor. Linda explained that the billing scale is based on band width Ms. Shaffer will open up an EIT ticket to ask for an explanation of the fees

15. Board Member comments (Discussion Only) Ms. Franqui commended the Board on how they have handled themselves at this difficult meeting

16. Treasurer's report (Discussion Only)

1. Status of Board Funds- stated that the account currently has \$88,881.75

2. Status of ten dollar regulatory fee to date- \$40,345.00

We will put the budget on the next agenda

Mrs. Gauzzini said we can not use our last auditor because she is related to Tammy Dermody. Ms. Bradley suggested we contact other Boards for recommendations on auditors. She suggested contacting the Dispensing Optician Board

17. Executive Director's report (Discussion Only)

1. Status of the Board- possible translation services through AT&T Ms. Shaffer would like this on the next agenda as Ms. Franqui suggested

2. Report on complaints- reported one written formal complaint regarding time frame of receiving merchandise- three telephone complaints Announced that all personal information would be redacted from the packet and she would be collecting the packets after the meeting for shredding.

18. Attorney General's report (Discussion Only) no report

19. Public comment (Discussion Only)

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Agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020) Comments based on viewpoint are welcome This item was taken out of order at 12:36 Mr. Smolenski spoke at this time and wanted to know if the Board would ever publish the Statute Book again. Ms. Shaffer explained that the Board no longer uses that book as the laws were outdated and it was not possible with our old budget to produce the booklet. It was explained that the laws are available online at leg.state.nv.us. Mr. Smolenski inquired about the \$75.00 inspection fee that was instituted several years ago. He wanted to know if it is still in effect. It was explained that it is still in effect since the current Board has not eliminated it. It has been decided that this fee will be the fee that is paid to the inspector for each inspection performed. He also would like to see a frame worthy certificate given to each new licensee rather than the current licensing format. Ms. Shaffer explained that this type of certificate was too costly for the Board to produce and mail. Gerald Hitchcock spoke to this issue and said other states that he is licensed in will produce this type of certificate for an additional fee. Chairperson Fazzino asked Mr. Smolenski if he would be willing to pay for this type of certificate if it was available. Mr. Smolenski said he would. Ms. Simons suggested having the nice certificate with a renewal sticker that would be placed on that certificate each year. We will put this certificate on the next agenda if time allows. Mr. Hitchcock had a question about the Regulatory Fee when it comes to body donations. Mr. Burton stated that they charge the fee and pass it on to the body donation facility. Mr. Burton asked Ms. Shaffer if she was going to stay on. She stated that she will talk to her husband and answer tomorrow. Chairperson Fazzino said to take at least three days.

20. Next meeting information- To be determined

21. Adjournment- meeting adjourned at 3:27 PM