

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES OF MEETING

Tuesday, January 20, 2015, at 9:00a.m.

Video-Conference Locations:

Division of Employment, Training and Rehabilitation
500 East 3rd Street, Main Auditorium
Carson City, Nevada
and
Division of Employment, Training and Rehabilitation
2800 E. St. Louis, Conf. Room C
Las Vegas, Nevada

Action by the Board on an item may be to approve, deny, amend, or table.

1. Call to order, roll call, establish quorum

Members Present

Wayne Fazzino, Chair
Todd Noecker
Wendy Simons
Bart Burton
Tammy Dermody

Board Staff Present

Jennifer Kandt, Executive Director
Henna Rasul, Senior Deputy Attorney General

Public

Warren Hardy
Lyle Meyer
Eric Lee

Members Absent

Loretta Guazzini

Jennifer Kandt stated that she had received confirmation that Lisa Franqui had officially resigned, but she had no further information on a replacement.

2. Public comment

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)

John Lawrence stated that he would like to see the Board create a mission statement.

3. Discussion, recommendation, and possible action regarding review and approval of November 24, 2014 meeting minutes (For possible action)

Bart Burton moved to approve the minutes. The motion was seconded by Tammy Dermody and carried unanimously.

4. Discussion, recommendation, and possible action regarding Consent Decrees for case number FB14-12 (For possible action)

a) King David Memorial Chapel, Establishment Permit No. 69

Tammy Dermody moved to accept the consent decree. The motion was seconded by Todd Noecker and carried unanimously. Bart abstained citing his employment with Palm Mortuary which is under the same ownership as King David Memorial Chapel.

b) Jay Poster, Funeral Director License No. 619

Todd Noecker moved to accept the consent decree. The motion was seconded by Tammy Dermody and carried unanimously. Bart Burton abstained citing his employment with Palm Mortuary which is under the same ownership as King David Memorial Chapel.

5. Discussion, recommendation, and possible action regarding granting Certificate of Registration as an Apprentice Embalmer to Christopher Folger (For possible action)

Bart Burton moved to grant the Certificate of Registration. The motion was seconded by Tammy Dermody and carried unanimously with Todd Noecker abstaining citing his employment with Davis Funeral Home.

6. Discussion, recommendation, and possible action regarding granting Reciprocal Embalmer License to Amberly Walter (For possible action)

Jennifer Kandt stated that there was a request to remove this item from consideration at this meeting and review at a future date.

7. Discussion, recommendation, and possible action regarding granting a Reciprocal Embalmer License to Lyle Meyer (For possible action)

There was extensive discussion regarding Mr. Meyer's application.

Todd Noecker moved to grant the Reciprocal Embalmer license. The motion was seconded by Bart Burton and carried unanimously.

8. Discussion, recommendation, and possible action regarding granting a Funeral Director License to Dale Deckard (For possible action)

Bart Burton moved to approve the Funeral Director license. The motion was seconded by Wendy Simons and carried unanimously.

9. Discussion, recommendation, and possible action regarding granting a Funeral Director License to Georgina Narro (For possible action)

Wendy Simons moved to approve the Funeral Director license. The motion was seconded by Todd Noecker and carried unanimously with Bart Burton abstaining citing that they are employed by the same company.

10. Discussion, recommendation, and possible action regarding granting a Funeral Director License to Dale Lewis Lomason II (For possible action)

Wendy Simons moved to approve the Funeral Director license. The motion was seconded by Tammy Dermody with Bart Burton abstaining citing that they are employed by the same company.

11. Discussion, recommendation, and possible action regarding requests for approval of new managing funeral directors (For possible action)

- a) Palm Mortuary Cheyenne – Dale Lewis Lomason II
- b) Palm Mortuary Downtown – Lawrence Neubauer
- c) Walton’s Funerals & Cremations – Chapel of the Valley – Rick Noel
- d) Walton’s Funerals & Cremations – Rick Noel
- e) Cremation Society of Nevada – Capitol City – Rick Noel
- f) Walton’s Funerals & Cremations – Ross, Burke & Knobel Sparks – Edward McCaffery
- g) Walton’s Funerals & Cremations – Sierra Chapel – Blake Howe
- h) Walton’s Funerals & Cremations – Sparks – Blake Howe
- i) Walton’s Funerals & Cremations – O’Brien-Rogers & Crosby – Blake Howe
- j) Cremation Society of Nevada – John Sparks – James Alan Frizzell
- k) Cremation Society of Nevada – Northern Nevada – James Alan Frizzell
- l) Cremation Society of Nevada – Affinity – James Alan Frizzell

Wendy Simons moved to approved items 11a through 11l and then withdrew the motion as different individuals needed to recuse themselves on different sections.

Wendy Simons moved to approve items 11a and 11b. Tammy Dermody seconded the motion which carried unanimously with Bart Burton abstaining citing his employment with Palm Mortuary.

Wendy Simons moved to approved items 11c through 11l. Bart Burton seconded the motion which carried unanimously with Tammy Dermody abstaining citing her ownership of the locations.

12. Discussion, recommendation, and possible action regarding recommendations for legislative changes to NRS 642 and NRS 451. This item may include updates and comments from members of the Legislative Subcommittee (For possible action)

Jennifer Kandt stated that she had not yet seen the language, but that it was her understanding that it was in the drafting process. She stated that she would send out to the Board members once it was ready and that a meeting could be called if there were any issues needing to be addressed.

13. Discussion, recommendation, and possible action regarding \$75 administrative fee charged for inspection of funeral establishments (For possible action)

Jennifer Kandt stated that there had been several requests for the Board to eliminate this fee as it had been authorized under an administrative service fee, and was not necessarily needed due to the regulation fee collection.

There was discussion that it had been decided that the Board did not want to discuss this as they were doing inspections now so the fee was justified. Bart Burton stated that he asked for this to be placed on the agenda for discussion.

Tammy Dermody stated that she would like to see this eliminated as the Board had sufficient revenue sources now.

Jennifer Kandt stated that this fee had already been collected from the majority of establishments for this renewal cycle, so if the Board was going to eliminate that they should consider eliminating for the next renewal cycle to avoid her having to issue refunds.

Todd Noecker moved to eliminate the \$75 inspection fee for the next renewal cycle. The motion was seconded by Tammy Dermody and carried unanimously.

14. Discussion, recommendation, and possible action regarding funeral establishment and crematory inspection checklists and process (For possible action)

Jennifer Kandt overviewed the inspection process stating the after inspection, letters are being sent advising establishments of the violations and giving a time period for compliance. She stated that in some instances a re-inspection will be completed to verify compliance. If they fail to comply or a serious violation is noted, the Board can initiate a complaint and discipline. She also stated that she would like to see the process formalized in regulation.

Wendy Simons moved to accept the checklists and process. The motion was seconded by Tammy Dermody and carried unanimously.

15. Discussion, recommendation, and possible action regarding operating policies and procedures manual (For possible action)

Jennifer Kandt stated that the Board had previously approved employment policies and procedures and that these were operating policies and procedures, but that she will also work on licensing policies and procedures that will be based on the statutes and regulations. She said that she would like to wait until after session to complete that manual.

Wendy Simons thanked Jennifer for creating the manual and stated that it was so nice to have these official procedures in place. Tammy Dermody stated that Jennifer was doing a great job.

Wendy Simons moved to approve the operating policies and procedures manual. The motion was seconded by Todd Noecker and carried unanimously.

16. Discussion, recommendation, and possible action regarding revised FY2015 budget (For possible action)

Jennifer stated that she had needed to make a few changes, and that this would probably need to be revised again since this was the first year the Board had a budget, there would likely need to be adjustments. She stated that one of the increases was in

the equipment and furnishings category as she would like to be able to purchase a scanner and a laptop for travel.

Wendy Simons moved to approve the revised budget and noted that the Board may approve revisions moving forward. The motion was seconded by Tammy Dermody and carried unanimously.

17. Discussion, recommendation, and possible action regarding audit contract for FY2015 audit (For possible action)

Jennifer Kandt stated that she was requesting permission to move forward with a one year contract for Kohn and Company to do another one year audit making sure they were addressing all issues. In the future, she stated that the Board could have an audit every two years, but would like to be certain they are on the right track with all of the changes prior to a two year audit cycle.

Wendy Simons moved to approve a contract with Kohn and Company in the amount of \$7,500 for an annual audit. The motion was seconded by Tammy Dermody and carried unanimously.

18. Discussion, recommendation, and possible action regarding request for part-time administrative support for the Executive Director (For possible action)

Jennifer Kandt stated that there were quite a few issues still needing to be addressed with the Board and that an assistant would allow her to focus on complaints, regulations, and the legislative session. She stated that there is still substantial work needing to be done getting all files in order for the Board and data entry for the new licensing software.

Tammy Dermody asked if this could be for a one year period and then re-evaluate.

Jennifer Kandt stated that the request was not for temporary employment, but that could be done if necessary.

Wendy Simons asked about the additional costs. Jennifer stated that she believed the costs would not exceed \$20,000 for the year which would include an hourly rate of \$16 per hour and several hundred more dollars per month for leasing additional space to house the employee. She stated that she would need also an additional computer. Jennifer Kandt said that the office building currently being occupied does have additional space and that if approved, she would contact leasing services about expanding to one of the offices with a reception bay.

Wendy moved to approve a part-time assistant for the Executive Director with approval for purchasing an additional computer and increased space. The motion was seconded by Tammy Dermody and carried unanimously.

19. Discussion, recommendation, and possible action regarding request for cell phone stipend for the Executive Director (For possible action)

Wendy Simons moved to approve. The motion was seconded by Bart Burton and carried unanimously.

20. Overview of current complaint status

Jennifer Kandt reviewed the complaint spreadsheet detailing status of each case number. She stated that legal counsel advised her not to put a topic for any cases that were still under investigation. Wendy Simons thanked Jennifer for providing the spreadsheet and stated that it was information the Board had not previously been given.

21. Financial Reports

a) Regulatory Fee Collection

Jennifer Kandt stated that an extensive amount of work had been done on creating this collection report. She explained that the report presents the figures for the reporting month and that an invoice is automatically generated at the end of the month so there will be a way to know who has not paid.

b) Revised Budget vs. Actuals

Jennifer Kandt presented the budget vs. actuals report.

22. Report from Executive Director, Jennifer Kandt

Jennifer Kandt overviewed her current work and information contained in her report dated January 20, 2015. She stated that there had been a tremendous amount accomplished, but that there were still many things needing to be addressed.

23. Report from Senior Deputy Attorney General

Henna stated that Jennifer was keeping her very busy, and that she was working on consent decrees that would probably be ready for the next meeting.

24. Board member comments

Wendy Simons thanked everyone for elevating the Board to a new level of professionalism.

There was discussion on whether anyone had any suggestions for a public Board member replacement. There was additional discussion that the Governor's Office is responsible for the appointment, but that they do welcome recommendations.

25. Discussion regarding future agenda items and future meeting dates

Meetings scheduled for the following dates:

April 14, 2015

July 14, 2015

October 13, 2015

26. Public comment

John commented that it was very nice to see the collection figures and the budget amounts and that he would like the Board to address what they will do with any surplus money and possibly create an indigent fund.

Jennifer commented that the Board had not previously had any reserves and that all licensing boards need a healthy reserve to account for any potential lawsuits.

Eric Lee stated he and his father James Lee had discussed the possible legislative changes and had comments to offer the Board regarding those changes. He stated that they agreed that the level of professionalism is elevated by having people who meet with families be licensed, but he felt that the requirements to be a funeral director should be increased and that they should be required to attend mortuary school. He also stated that he would like to see the Board look into a combined Mortician license. He stated that requiring continuing education for funeral directors who do not have formal education, does not build on any educational foundation, because there is nothing to build on. He also stated that that they would like to see the Board address mortuary transport as the individuals making removals often have no training whatsoever. Mr. Lee said that in Minnesota, a licensed Mortician is required to be on every removal since they have been to mortuary school, they have the training and education to protect themselves. Mr. Lee asked for guidance on the regulatory fee as they do ship out, but there is not an original contract. He stated that he felt it would be more appropriate to be based on the permits filed. He also said that they are seeking the Board's assistance on problems with death certificates taking 4 weeks for the State to process. He said this puts a huge hardship on families to close out financial arrangements.

Wendy Simons asked for Mr. Lee to draft a formal letter to the Board regarding the issue. Legal counsel advised that it would need to be a future agenda item to decide on any action.

<p>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)</p>
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27. Adjournment (For possible action)

Meeting adjourned at 11:50 am.