

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES OF MEETING

Tuesday, September 20, 2016, at 9:00a.m.
Video Conference Locations

Legislative Building
401 South Carson Street, Room 3138
Carson City, Nevada

and

Grant Sawyer Building
555 E. Washington Avenue, Room 4412
Las Vegas, Nevada

Please Note: The Board may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; and 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. (NRS 241.030)

Public comment is welcomed by the Board, but at the discretion of the chair, may be limited to three minutes per person. A public comment time will be available before any action items are heard by the public body and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions 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.

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

1. Call to order, roll call, establish quorum, establish quorum 9:03 am.

Board Members Present

Dr. Wayne Fazzino, Chairman
Loretta Guazzini, Treasurer
Bart Burton, Member
Brian Rebman, Member
Dr. Randy Sharp, Member
Kathleen Dussault, Member

Board Members Absent

Tammy Dermody, Secretary

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Admin/Executive Assistant

Board Counsel Present

Henna Rasul
Senior Deputy Attorney General

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)

No Public comment from Las Vegas or Carson City.

3. Public hearing on proposed regulations. The Board will receive and hear all public comment regarding LCB file number R067-15 for changes to Chapters 451 and 642 of Nevada Administrative Code. Public comment may be made in person or submitted in writing.

Dr. Wayne Fazzino advised the public of the hearing procedures.

Warren Hardy representing La Paloma Funeral Services thanked the Board for many hours they have spent on this regulation. In addition, he thanked the Board for the many hours spent improving this Board and its service to the public. He stated that they have participated in every step of the public hearing on this proposed regulation and feel that with one exception the Board has a very good set of regulations to go forward with. He stated that he provided a letter with regard to the concern which is specific to Section 19. He said that they certainly understand the reason and that the current statute certainly provides the ability of the Board to limit the number of facilities a funeral director can directly manage. He said he believed that there is a lot of wisdom in that regulation, however, as his letter indicated, they don't think that it takes into account the best practices of certain family owned businesses. La Paloma feels very strongly about having an owner in a management positions at each of the locations. He requested that there be some provision to allow that to continue. He stated that clearly the statute gives the Board discretion with this and that it was their understanding that the regulations seem to bring some transparency to that process, which they feel is appropriate. However, they are concerned with Section 19 (3) in particular that indicates that under no circumstances can the Board grant the approval for more than three places of business. They request that there be an exemption for owners. He said that they understand that there are geographic concerns that they do not have an issue with. They think that if you are an owner, and that is your business model and feel that is the model that best serves the public and protects your reputation as a company, then that model is appropriate. They think the Board should leave themselves the regulatory discretion to allow the funeral director to manage as many funeral facilities in the geographic area as he can demonstrate that he can do effectively. He said that they have supported the increased licensure of those individuals who interact with the public, with funeral arrangers and they think that is appropriate. But they think this a step that is limiting the Funeral Board's ability to make an exception in the case of La Paloma or any other family owned business that wants to come in and make their case that they have the ability as owners to manage more than three facilities.

Brian Rebman stated that he has been thinking about this situation and he does not like the idea of the government restricting business from practicing the way they desire. He asked if representatives of La Paloma could help him understand what is different from a corporation having several different businesses and requiring a manager at each location from a private owner such as himself. He stated that as an owner, he would not be able to manage five funeral homes. He stated that seemed prudent to have a manager on site at each one, even though the owner would be responsible for the different locations. He can't imagine that you would want one person in charge of several locations, even managing two locations is difficult for one person. He asked that La Paloma explain how this feels so restrictive and how it would be functional.

Warren Hardy stated that the responsibility of the Board and this regulation is to make sure that the public is protected. Obviously, the way that the statutory and regulatory structure is setup, ultimately the owner is responsible. They like that sort of accountability to the public. They know that the owner is accountable. The owner is who we want to be responsible. As a result of that, we are obviously going to take great care to make sure that we have responsible personnel. Someone that

is there to be responsible for the day-to-day operation of the facility. This calls out a specific managing director or a manager for the facility. Their model calls for that to be a member of the ownership of the facility. To them it is an issue of regulatory overreach in terms of unnecessarily managing their model for running their business in a way that they think protects the public and reputation. They want the owner to have the final say, the final person that a member of the public communicates with if there is a problem. Certainly, the day-to-day operation is left to another licensed person, but ultimately, they want the owner to be responsible.

Ryan Bowen from La Paloma stated he doesn't want the government telling him who needs to be the manager. The government has already told them that they have to have an arranger there or a funeral director there in order to meet with families. He thinks that Brian Rebman as an independent owner should recognize this.

Warren Hardy stated that they think this is a solution in search of a problem. They said they have effectively managed the business this way up until now. They have been very supportive of the efforts to further license personnel, and they think that it is appropriate. They think the steps that are outlined in the regulations are appropriate. They think that their model works effectively and for them it protects the public and their reputation in way they think that is appropriate.

Ryan Bowen stated that if one of their funeral directors is made the managing funeral director, but he is not actually the manager and there is someone above him, would that person also have to be a funeral director.

Dr. Wayne Fazzino asked Mr. Rebman if that answered his question.

Brian Rebman stated that he thinks that answered his questions, however, he thinks that it is just verbiage. He said he is not sure that the Board needs to have it so clearly stated in the regulations, but he certainly likes the idea that there is someone on site at each location so that if someone walked in from the public with a complaint or is upset that there is someone there who is responsible, who can speak for the ownership, who is in a managerial position and can respond to their question. He doesn't know if it is prudent to have one manager for five locations who is spread between those different locations. He feels that LaPaloma representatives are saying the same thing. He said that they have a funeral director that is responsible for day-today activities on site, and asked why that didn't qualify as a managing funeral director who is taking care of things.

Warren Hardy stated that the statute gives this Board complete authority to regulate whether a funeral director can manage more than one location. Their concern is that the regulation currently restricts the Boards ability to allow for more than three locations to be managed by a single person. They would like the Board to leave the discretion in place. When they come forward to request an exemption, then the Board can ask Mr. Bowen to demonstrate how he is going to effectively manage the locations as the owner. They are not asking the Board to mandate that the Board has to give him that authority, they are just asking that the Board not limit themselves.

Lorretta Guazzini asked the representatives of LaPaloma how many funeral homes Mr. Bowen managed and if he manages ones in the North and in the South.

Ryan Bowen from LaPaloma stated that currently one of the owners is over all of the facilities in the North. He said he hasn't put his name on the northern locations, but his name is on all southern locations. Ryan Bowen stated that it's not as if he doesn't have supervisors or managers in those places, but they aren't necessarily funeral directors.

Lorretta Guazzini asked how many locations he was managing.

Ryan Bowen from LaPaloma stated down South, he has the three Simple locations and one La Paloma location. He said that would be four down South. Then he said that up North he has the two Simple locations and now two La Paloma locations in Reno and Sparks and one in Carson City

which has a different person handling those locations. He said basically five down South and five up North more-or-less.

Lorretta Guazzini asked if he was asking then to only be managing the locations in the South and not the North.

Ryan Bowen from La Paloma stated that was correct and that they are not opposed to a geographic restriction. He said they just don't like the restriction on the number of locations when he says it doesn't make sense that he wouldn't be able to manage locations that are just down the street from him.

Lorretta Guazzini stated that she only has one and she has a difficult time managing it. She doesn't know how Mr. Bowen manages four.

Brian Rebman stated that he thinks the point is, does the Board want the regulation to say he can't.

Bart Burton stated that is the point.

Brian Rebman stated that if he can demonstrate that he can take care of the locations.

Bart Burton stated that this was the time for public comment and the Board can discuss this in the Board discussion. He stated that he doesn't really have a big problem with this request. He said that if the Board allows for an exception and Mr. Bowen wants to manage four or five, he would have to demonstrate how that it would be in the best interest of the public to the satisfaction of the Board. He stated that he would be firm on the geographical restriction as he doesn't think it takes that long to get around the South. He is not familiar with the North, but he can't image it being worse than the South. If the places are properly staffed, he stated he does not have an issue with this.

Dr. Wayne Fazzino asked if there were any further comments.

Dr. Randy Sharp asked Mr. Hardy to enlighten the Board on how allowing a funeral director to manage more than three places is in the public's best interest.

Warren Hardy stated that it is until it isn't. He said that it has been their business model since day one and they don't have issues. He said that obviously everyone has issues from time-to-time, but it hasn't been demonstrated to be a problem. For them he said the issue is regulatory overreach and whether in order to protect the public interest the government needs to restrict the private sector business owner and how he manages his business. He said that it was important to point out the Board has, according to the statute, 100% discretion on this. They are just asking that the Board not limit itself in regulation and allow the Board to look at these on a case by case basis. He stated that they think their business model does protect the public interest and their reputation by having an owner directly responsible to the public and until that business model fails, they think that it is unfair to be penalized for that business model.

Dr. Randy Sharp stated that he is just trying to get the overall picture because he is not in the funeral industry. He said that if he went to one location and the managing funeral director was across town he did not see how that would benefit him.

Warren Hardy stated that they have an individual that is responsible for the day-to-day operations there that is designated by the owner of the company. So the public will have an individual for every instance that is directly responsible for the day-to-day operations who reports to the owner, who in their model is the manager ultimately responsible to the public. So that member of the public will have recourse to the person on site that is responsible and ultimately directly to the owner. They think that public access to the ownership is critical to the public protection, critical to their reputation and they do not see a compelling reason why they should not be able to continue that model because it has been successful in protecting the public and protecting their reputation. So beyond

day-to-day, there will be someone there that the member of the public can access that is a decision maker and is responsible ultimately. But they will also be able to appeal directly to an owner. He is not sure that is available in cases where there is a managing funeral director there. He doesn't know how others operate their business. But their business model contemplates a member of the public being able to have direct access to an owner in every instance. He doesn't see how that damages the public.

Brian Rebman stated that his concern and his question is that they are describing exactly what is written in the regulations. He said that La Paloma representatives are stating that there is a manager on site that is taking care of things who then would ultimately appeal to an owner, so he doesn't understand how that is restrictive.

Ryan Bowen from La Paloma stated that they have a licensed individual at every location. He said he was concerned that if he made an employee the managing funeral director, the employee could become upset with some decision that Mr. Bowen makes and then he takes his license and leaves. Then, Mr. Bowen would not be able to run the facility and it is difficult to find funeral directors.

Warren Hardy requested that the Board leave itself some flexibility for them to be able to make their case. He said that the Board still has complete control arbitrarily and capriciously, according to statute, to do anything the Board wants. He asked that the Board to just not limit itself.

John Lawrence, owner and operator at Autumn Funerals and Cremations said he agrees with Board member Lorretta Guazzini. He operates one facility and said it is tough enough. He said that when a member of the public walks in the door, they expect to talk to someone that knows what they are talking about, and who is a licensed, professional individual. He said he is a business owner and is in support of limiting the three locations. He suggested that the Board consider giving the owner 45 to 60 days to replace a managing funeral director. He said he doesn't care how good someone is, this is not an easy business to run and he just wants to see that the industry is properly regulated in the aspect of having the proper professionals in place.

Dr. Wayne Fazzino asked if there were any other public comments. Dr. Fazzino closed public comment at 9:36 am.

4. Consideration of public comment and possible adoption of LCB file number R067-15. The Board will consider fully all public comment received regarding the proposed regulatory changes under agenda item 3. This agenda item may involve the Board proposing changes to the regulation after consideration of all public comments and determine whether to adopt the regulation. (For possible action)

Jennifer Kandt stated that the Board was required to hold at least one public workshop, and the Board actually has held two public workshops and in addition to that there were multiple meetings where these regulations were discussed. She said that the Board is required to hold the public hearing for final comments from the public. She further explained the process for adoption of the regulations and noted that the Legislative Commission either approves or denies them as a whole. They do not modify the regulations. Jennifer Kandt stated that she provided the Board members with a list of how other states regulate managing funeral directors and noted that it is very different from state to state.

Kathleen Dussault asked if there were there any particular issues or circumstances that drove the change to this guideline with regard to management of multiple facilities.

Jennifer Kandt stated that in the initial stages of drafting these regulations she believed that Bart Burton was the manager of almost all of the Palm locations and Tammy Dermody was the manager of all of the Walton's locations and there was discussion that it was probably difficult to know exactly what was going on at all of those places and that even though the Board had authority to limit the location, just as Senator Hardy has mentioned, funeral directors had been approved to manage

many locations throughout the state, and there was concern that they weren't truly managing them, they were simply hanging their license at the locations. She said that the Legislative subcommittee decided to create distance parameters and limit locations to three.

Kathleen Dussault stated that it seems to her very wise and judicious to set a reasonable standard to support the best interest of the public. She stated that she is not in the industry, but this comes from her background. She said that she was in the military for many years and they have a standard of having authorized individuals who are in charge and accountable at each site certified to have the responsibilities and capabilities pertinent to the technical fields. She stated that it makes sense to her to have an authorized individual who is authorized to make precise professional decisions and that their scope of responsibility is within a reasonable distance and reasonable set of responsibilities. Having looked at the range of standards across the nation, Ms. Kandt is correct, it's pretty wide range, although most of the states were within a boundary of about less than five per any certified funeral director. It makes sense to her that the Board would set a standard, but also allow an exception to be reviewed.

Dr. Randy Sharp stated that he had the same thought, as being a member of the public, he felt it prudent to have a limit, but then also to allow an exception if they can show reasonable cause that they are able to manage them effectively. He stated that there are veterinarians who sometimes manage multiple locations, and he has seen some difficulties. He said that he would like to see a balance between setting the standard but also allowing free enterprise.

Dr. Wayne Fazzino asked if there were any more comments.

There was discussion on the possibility of adopting with a change to allow for an exception.

Brian Rebman asked if it was important that the Board stay at three.

Bart Burton stated that he feels three is a standard and is a number that as a standard is a fair number. He thinks its fine at three as a standard in looking at other states.

Brian Rebman stated that he was going back to his initial concerns and if an owner wanted to structure their business to have as many locations as they wanted, maybe they should be able to do that.

Bart Burton stated that if someone from the public comes in, he believes that there is someone responsible there at the La Paloma locations. Someone has to be licensed there to meet with the families and make arrangements.

Brian Rebman stated that the funeral arranger licensing that the Board has put in place was an excellent thing.

Bart Burton stated that he absolutely agreed.

Brian Rebman stated that way someone just can't walk off the street and run the facility. You have a funeral director or arranger that is there who has some legitimacy.

Bart Burton stated that he thinks that a lot of this is coming from when the Board originally sat down to make these changes and now things have changed considerably. Bart Burton stated in his opinion, the Board has changed totally 180 degrees. He agreed with what Mr. Hardy stated, that there is no problem until there is a problem.

There was discussion on taking the section out entirely.

Lorretta Guazzini asked if that would result in another hearing.

Jennifer Kandt stated that should not be a consideration. She said that the Board wants to end up with the product that the Board thinks is appropriate. She recommended that any decision the Board comes up with should be unanimous. She said that she would not want to testify on the regulation with someone opposing if the Board was not unanimous in their decision.

There was discussion regarding the possibility of increasing the limit to five.

Kathleen Dussault stated that she thinks that setting a standard is wise. It shows that the Board is performing due diligence, and it also gives the industry something to plan on and be able to use in terms of how they develop their business plans. They will know that any more than three facilities will then need additional licensed individuals to run it and they will be able to put that into their business plan. She thinks it makes sense to set a standard and that three sounds reasonable to her. To increase it to five because there was an appeal from one or two businesses seems a little arbitrary for her. Whereas the standard of three is before us, it's reasonable across the national spectrum. She said she also thinks changing the language to allow exceptions makes a lot of sense.

Dr. Randy Sharp stated that he agreed with Ms. Dussault.

Dr. Wayne Fazzino asked if there were any further discussion.

Jennifer Kandt stated that based on the Board's discussion of wanting to keep three as a standard, but allow an exception, she stated that the language could be amended by stating that "The Board may grant an exception to the provisions of subsection (1), (2) or (3) (or these sections) if the Board determines that such an exception is in the best interest of the public." Then that would give the Board the standard but also the ability to make exceptions to any of that as the Board saw fit.

MOTION: Kathleen Dussault moved to adopt the regulations with the change. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.

5. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)
 - a. June 14, 2016

MOTION: Lorretta Guazzini moved to approve the June 14, 2016 minutes as written. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.

6. Discussion, recommendation, and possible action regarding granting the following Apprentice Embalmer Certificate of Registration and Funeral Arranger License to David Alan Penkala (For possible action)

Bart Burton stated that he will recuse himself as the applicant is employed with the same company.

Jennifer Kandt stated that the Board previously reviewed this applicant as he had not reported criminal history which was identified through a background check. She stated that the Board decided to require Mr. Penkala to apply with a new truthful application and come back before the Board.

Dr. Randy Sharp told Mr. Penkala that he appreciates his persistence in resubmitting his application.

Dr. Wayne Fazzino stated that there were individuals present who would like to speak on Mr. Penkala's behalf.

David Alan Penkala stated that he did have individuals at the meeting to speak on his behalf and thanked the Board for hearing them and considering his application for the second time.

Walter Smith from Sacramento stated that he has known Mr. Penkala for approximately ten years. He provided the Board with positive information concerning Mr. Penkala's character and stated that people change. Mr. Smith stated that Mr. Penkala has shown a monumental change. That change has been going on for over ten years. Mr. Smith was honored to come to Reno and speak in person on Mr. Penkala's behalf.

Dr. Wayne Fazzino asked Mr. Smith if for the record he recommended that the Board approve Mr. Penkala.

Walter Smith stated absolutely. He said that he would truly be someone to make this industry proud.

Christy Wilde with FitzHenry's stated that she has worked with him and known him for over five years. She has watched him with families and has no question about his morals. He volunteers with the community. She thinks that he would be an amazing asset to their community because she has watched him get involved. She absolutely would recommend Mr. Penkala, and she hopes that the Board would consider Mr. Penkala and she would like him to be a part of their team.

Dr. Wayne Fazzino asked if there were any further comments.

David Alan Penkala stated that he would like very much if the Board would approve his application.

MOTION: Lorretta Guazzini moved to approve Mr. Penkala's applications for Apprentice Embalmer and Funeral Arranger. Dr. Randy Sharp seconded the motion with Bart Burton recusing as the applicant is employed with the same company and the motion was carried unanimously.

7. **Discussion, recommendation, and possible action regarding granting the following Funeral Arranger Licenses (For possible action)**
 - a. Jason Thomas Pulsifer

Jennifer Kandt stated Mr. Pulsifer did report criminal history and it was less than ten years old. She stated that Mr. Pulsifer's criminal incident did not show on the background check and the courts did not have any records of the incident which was a misdemeanor.

There was discussion that in accordance with the current policies and procedures, the Board would consider a misdemeanor if it had a reasonable relationship to the job that the applicant would be performing. There was further discussion that this incident would not have a reasonable relationship to his job.

MOTION: Kathleen Dussault moved to approve Mr. Pulsifer's Funeral Arranger's license. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

8. **Discussion, recommendation, and possible action regarding request for approval of new Managing Funeral Director for the following (For possible action)**
 - a. Christie D. Wilde FD917 – FitzHenry's Funeral Home EST36
 - b. Christie D. Wilde FD917 – FitzHenry's Carson Valley Funeral Home EST58

Jennifer Kandt stated that with the Board considering three locations as a standard, this individual would only be managing a total of two.

Dr. Wayne Fazzino asked if Ms. Wilde was mainly at the funeral home in Gardnerville.

Christie Wilde stated she is mainly at the funeral home in Carson City. However, she is back and forth between both.

Bart Burton stated that he needed to recuse himself since the applicant is employed with the same company.

Brian Rebman asked the applicant what type of personnel were on staff to assist with day to day operations at the location.

Christie Wilde stated that currently at the Carson City office there is an office manager, funeral arranger, crematory operator and herself. She said they will also now have Mr. Penkala and they are hiring a clerk for the Carson Valley location. Ms. Wilde stated that currently she takes turns going to the Carson Valley location with the funeral arranger to serve the families down there.

Brian Rebman stated that it sounds like that is enough, the office isn't so busy that the location needs someone there full-time.

Christie Wilde stated that she did not as there are not very many cases handled through that location.

MOTION: Lorretta Guazzini moved to approve Christie Wilde for Managing Funeral Director for both the FitzHenry's Funeral Home and FitzHenry's Carson Valley Funeral Home. Kathleen Dussault seconded the motion with Bart Burton recusing as the applicant is employed with the same company and the motion was carried unanimously.

9. **Discussion, recommendation, and possible action regarding granting an establishment name change (For possible action)**
 - a. Kraft-Sussman Funeral Services – Proposed new name: Kraft-Sussman Funeral and Cremation Services

Laura Sussman with Kraft-Sussman Funeral Services stated that she would like to thank the Board for considering their application and they think that the name change more clearly reflects their service in the community.

Dr. Wayne Fazzino asked if there were any comments.

MOTION: Brian Rebman moved to approve the location name change. Bart Burton seconded the motion and the motion was carried unanimously.

10. **Discussion, recommendation, and possible action regarding granting a Funeral Establishment Permit to BBBO, LLC, dba La Paloma Funeral Services, 437 Stoker Avenue, Reno, Nevada (For possible action)**

Jennifer Kandt stated that an inspection was conducted at the location and that there were a couple minor paperwork issues. Ms. Kandt recommended that this application be approved. This location was the former Final Wishes funeral home which was previously operating out of that location.

Lorretta Guazzini asked if this location was up where the Masonic, Mountain View Cemetery was located.

Jennifer Kandt replied correct.

Lorretta Guazzini asked if the location had a prep room.

Jennifer Kandt stated that there is a prep room there and that the applicant does not intend to utilize that prep room, so it only needs to have proper ventilation and sanitary flooring, but does not need to contain the equipment and supplies since they have access to a centralized embalming facility. Lorretta Guazzini asked if the location was still part of or belonged to the Masonics.

Jennifer Kandt stated in terms of the ownership of the building, she was unaware.

Lorretta Guazzini asked Mr. Bowen if the location building was owned by the Masonics.

Ryan Bowen confirmed that was that building.

Brian Rebman asked Mr. Bowen how many facilities he has in the Reno/Northern Nevada area?

Ryan Bowen stated that this would be the fourth location.

Brian Rebman asked who the managing funeral directors are for the four facilities.

Ryan Bowen stated that up North Dustin Olson is the managing funeral director and is also an owner.

Brian Rebman asked how many locations Dustin Olson would now be managing.

Ryan Bowen stated that this would be number four.

Brian Rebman asked if right now the Board was giving an establishment license to the owner and then later be discussing who the managing funeral director could be.

Jennifer Kandt stated that the Board needs to decide if they are going to approve the entire application now as presented. If not, then the Board would have the applicant come back with a different managing funeral director. The Board cannot approve the application without the managing funeral director in place.

Jennifer Kandt stated that the Board needs to decide whether to allow Dustin Olson to manage four locations even though they are stating that the standard is three. She said she was attempting to log in to the office computer files though as she did not believe Mr. Bowen was correct, and she stated that she did not believe that Dustin Olson was the managing funeral director on record for the locations and she thought that Mr. Bowen was over some of the northern locations.

Ryan Bowen stated that he is not totally certain who the managing funeral directors are. He said it might be just be his second. He asked Jennifer Kandt to take a look at the records. He said that there are two Simple Cremation offices. He said that there is only one person at each of those locations and that person is a licensed funeral arranger. He said that the other La Paloma location is about twenty minutes from this location and that he believes Dustin is the managing funeral director of that location and will be for this one as well. He said he is going to put a funeral arranger in there once they open.

Brian Rebman stated that its really not that different than the Board just approving FitzHenry's having locations thirty minutes apart.

Ryan Bowen stated that it is different. He said that the person at each of his locations is a licensed funeral arranger, not just a clerk.

Lorretta Guazzini asked if they were licensed arrangers or licensed funeral directors.

Ryan Bowen stated licensed arrangers.

Lorretta Guazzini asked if Mr. Bowen had a licensed funeral director in the North.

Ryan Bowen stated Dustin Olson.

Bart Burton asked about whether they should be looking at the new regulations with this application since they are not final.

Jennifer Kandt stated the statute currently says now that the Board *may* grant approval for a funeral director to manage more than one location. The Board will still be allowed to approve a managing funeral director to manage more than one location with the new regulation and with the current statute. She said that based on the language that the Board has discussed for the regulations, the Board will be allowed to approve more than three locations if you feel that is in the best interest of the public. Currently it is within the Board's jurisdiction to allow or not allow the person to manage more than one location.

Ryan Bowen stated that he thought this would be the second location that Dustin Olson would be managing.

Brian Rebman asked what will happen if Ryan is responsible for six different locations, and two of those locations are beyond the 120-mile scope.

Jennifer Kandt stated once the legislation passes it would mandate that a person cannot manage a location if they are a certain distance apart. The Board would have to go to Mr. Bowen and ask him to make changes to his staff based upon the Board changing that law because he would no longer be in compliance with the law.

Brian Rebman stated that there would be no grandfathering in what they have done in the past because they are renewing their license every year. Between now and when this legislation passes and the next year that its renewed, Mr. Bowen would need to get someone else in place because they would be beyond that scope of what is legislated.

Jennifer Kandt stated she would definitely recommend that as the Board has not written in any specific grandfathering clause into this regulation.

Brian Rebman asked if the Board will need to discuss at a future Board meeting whether to grant an exception to the rule for Dustin Olson and Ryan Bowen. Brian Rebman again asked Ryan how many locations he had in the south.

Ryan Bowen stated that it was four, but there are others in the future.

Jennifer Kandt stated that these regulations haven't gone before the Legislative Commission yet. They are not formally in place, but the Board still does have authority to make the limitations under the current statute as the Board sees fit.

Warren Hardy stated they fully intend to cooperate with the Board in the implementation of the new regulations. He said they simply just cannot be in limbo until those are adopted as they need to move forward with their business. It is their intent, and he has had no problem stating for the public record that they have every intention of working with the Funeral Board to make sure all of their facilities are ultimately in compliance with whatever regulations are adopted. He said he thinks that is going to be required of every funeral home and they would be no exception.

Brian Rebman asked again for clarification that if this application was approved that Dustin Olson would be managing two locations.

Ryan Bowen stated that was correct, but he thinks that Jennifer Kandt was going to verify that. He said again, that they are fully aware that they will need to come into compliance with the new regulations and request an exemption in the future if needed. So until then, he thinks they will just resubmit their application and hope that they can get it approved under Dustin Olson. But he thinks for right now this is probably his second.

Ryan Bowen stated that in the past all of the Simple offices have been under his purview and that Dustin Olson is only over the La Paloma location up North. This will be his second.

Kathleen Dussault asked then if the Board have an issue with 120-mile distance, if indeed Ryan Bowen is the managing funeral director in Las Vegas and in charge of the Simple locations in Reno.

Ryan Bowen stated that, again, they will adjust based on the new regulations, and he would most likely not ask for any exemption for him to manage any locations in the North and would keep the North under Dustin Olson. He said he wouldn't really seek an exception for that kind of distance, it just doesn't make sense.

Dr. Wayne Fazzino asked for a motion.

Kathleen Dussault stated that it does seem that the Board is now running into a decision based upon the spirit and intent of the previous discussion that the Board had. She just wants to make sure that she doesn't abrogate the decision and discussion that the Board had earlier by agreeing and approving to this measure. She thinks that what the Board talked about was that in order to make an exception for more than three facilities, the Board would have a discussion with the proposed owner as to why that makes sense, why the public good is still provided for, what special unique circumstances are in place or what additional due diligence will be provided. She doesn't see any of that as a part of this package as presented. She sees the application as provided as what would have been provided with or without this new regulation language. She is a little hesitant to move forward with approval with that now being a prospective issue.

Bart Burton stated that the application on face value that is submitted to the Board today is in his opinion is acceptable to the current laws. Kathleen Dussault's comment about the 120-miles is dovetailing into a proposed regulation and that is not part of the current law. He thinks that it has clearly been stated that if the regulations are approved that the owner is fully aware of what actions that they are going to have to take to get Dustin Olson on all the locations up North. He thinks that the Board needs to look at the application in the way it is presented today and Dustin Olson being on two locations is not above the three location limit that has been discussed.

Jennifer Kandt stated that was able to remotely access Board records, and they show that Ryan Bowen the managing funeral director for all locations both North and South with the exception of La Paloma up North, which has Shaun Bowen as the managing funeral director.

Ryan Bowen asked Jennifer Kandt if Dustin Olson was even listed as a managing funeral director on any locations or if this would be his first.

Jennifer Kandt stated that she is not seeing Dustin Olson as the managing funeral director of any locations.

Lorretta Guazzini asked Ryan Bowen if there was a reason why he wouldn't know whether Dustin Olson was the managing funeral director or not. She said she finds that kind of concerning that Mr. Bowen is trying to manage all these funeral homes and he is not even sure who is managing them.

Ryan Bowen stated that he just couldn't remember. Mr. Bowen stated that he does know who is managing them from an operation standpoint and it is Dustin Olson. He said he doesn't remember how the applications were filled out from years past. He said that as far as the Simple locations, they all report to him. He believes he is on every one of the Simple locations. This may be the first for Dustin Olson as far as the managing funeral director in title on there, but he is the funeral director there and he is the manager and he is also an owner.

Jennifer Kandt stated that she is currently showing Shaun Bowen managing the location on 5301 Longley Lane in Reno, and all the rest appear to be under Ryan Bowen. She doesn't show Dustin Olson as the managing funeral director of another location.

Brian Rebman stated that this discussion goes back to his whole point in all of this discussion about the changes to the legislation. Ryan Bowen knows that the ultimate responsibility comes back to him and the other owners. Brian Rebman said he doesn't understand why Ryan Bowen and Warren Hardy have so much angst about having someone there as a managing funeral director, with their license at the location in charge of that facility. It's just like Ryan said, the ultimate responsibility comes back to the owner in practical purposes. Mr. Rebman stated that he is still confused as to why it is so concerning to Ryan Bowen that you are limited to three because you are ultimately responsible anyway.

Warren Hardy stated that just to be clear for the record, Mr. Bowen knows exactly who is managing his facility and who is responsible for the day-to-day operation. He said that they are talking about a regulation that hasn't been adopted. He said they submitted the application with good faith with the practices that currently exist, and now they are being held to a standard that is not in existence yet. He said that just to be very clear, this insinuation or indication that Mr. Bowen doesn't know who is managing his facilities is absurd. He said Mr. Bowen knows exactly who is managing them. It hasn't been an issue and won't be an issue until the regulation changes. His application seven years ago was in complete compliance with the law and his practice in terms of how he operates his business is currently in complete compliance with the law. He is troubled that they are now being held to a standard arbitrarily that doesn't exist yet. He said that they have indicated a willingness to work with the Board to bring every facility into compliance with the regulation if and when it is adopted. But it hasn't been adopted yet so they can't be held to that standard yet. He doesn't know what they can do beyond agreeing to becoming compliant with the regulation once it's actually a regulation. But for now, they would respectfully request that the Board continue with its current practice and allow them to continue with their business.

Dr. Wayne Fazzino stated that he wanted to disclose that he works with Shawn Bowen, Ryan Bowen's brother but he doesn't think that would cause a problem with his vote in this matter.

MOTION: Brian Rebman moved to approve the funeral establishment application for La Paloma at this new location. Bart Burton seconded the motion. In favor were Bart Burton, Brian Rebman, and Dr. Wayne Fazzino. Opposed were Kathleen Dussault, Dr. Randy Sharp, and Lorretta Guazzini. Motion did not pass.

Warren Hardy requested clarification on what they needed to do to be compliant and how they needed to resubmit the application.

Henna Rasul, Senior Deputy Attorney General stated at this point because the motion failed there should just be further discussion regarding the application that is before the Board.

Warren Hardy again asked for clarification. He said he doesn't know what the issue is and he needs to know how to correct the application to be reconsidered.

Kathleen Dussault stated that the rationale for her voting decision was that the Board always has had the opportunity to vote on multiple facilities. Any more than one, the Board has always been able to make a decision as to whether that is a proper application and management and oversight and since the Board has now stipulated that the standard going forward would be a particular number. She believes that the discussion by the prospective management didn't rise to the level of comforting her that there would be proper management oversight. It troubled her too that there was a great deal of confusion as to which facilities Mr. Dustin Olson would oversee.

Warren Hardy stated that with respect, again, this is his first facility. He is not over multiple facilities currently. They are not asking that Mr. Olson be over two facilities. He is currently over one facility.

Ryan Bowen stated that Dustin Olson is currently not over any.

Warren Hardy stated currently he is not over any. If this application were approved, he would be over a single facility. He is confused with that with all due respect Mr. Chairman. The problem is that if he were to continue in the future and if the regulations before the Board are adopted, he is sure that they are not going to be the only funeral home that is out of compliance with the new regulation. Mr. Olson, he is not over more than one location if this application is approved.

Jennifer Kandt stated he is not currently listed as an approved managing funeral director for any of the locations that are on file. Again, one location lists Shaun Bowen and the remaining locations list Ryan Bowen as the managing funeral director. If these regulations do end up getting passed, the Board would have to discuss those remaining locations that are under Ryan Bowen and how the Board proceeds with the current locations. The North clearly would be out of compliance with the distance for those and then obviously the number of locations. If the regulation passes, the Board would have to have discussions on how the Board will get the remaining locations in compliance.

Henna Rasul asked Jennifer Kandt if prior applications similar to this have been approved under the current laws.

Jennifer Kandt stated that just to be clear, Dustin Olson is not an approved managing funeral director for any other locations officially according to Board records. This is the first application of which he will be the managing funeral director. She stated that the Board does have authority to limit approval of a second location, but since Mr. Olson is not currently on any of the other locations, this would be the first on record. She stated that she thinks the Board is concerned about Mr. Bowen not realizing who the managing funeral directors are for the locations under his ownership.

Brian Rebman stated the Board just allowed an individual to manage both of the Fitzhenry's locations. As Ryan Bowen pointed out, he will have a funeral arranger on site. He thinks that they are well within compliance of what the Board has always had as a standard.

Ryan Bowen stated that when he submitted the application for the La Paloma location eight years ago, he put Shaun Bowen as the managing funeral director from a paperwork standpoint because Dustin didn't exist at that point. He said that since that time Dustin has been hired, and he has been the funeral director for that facility for many years. He said that the only confusion was a paperwork confusion, not about who manages the locations. Mr. Bowen apologized for that.

Kathleen Dussault stated she just wanted to ask a question to distinguish between operation authority and the licensing as a funeral director. She said that Mr. Bowen is making a distinction between a paperwork administrative title and then who manages operations in the facility.

Ryan Bowen stated just to be clear, the locations that are Simple Cremation, Inc. are all under him as the managing funeral director and that is all of those locations. Those locations there are one or maybe two man operations. He said he has staff that are licensed individuals who deal with the public directly on a day-to-day basis and if there are any concerns then he is in contact all the time in order to help with those people. He said that when he opened La Paloma Reno years ago, he opened it with his brother, Shaun Bowen as the managing funeral director and over the years the licenses were renewed, but the day-to-day person is the funeral director who is managing the operations there is Dustin Olson who has become an owner of this new location and he wants him as the managing funeral director on the Longley location as well because he is managing both of those.

Kathleen Dussault stated she now understands that actually he would be overseeing daily operations at two but the real point is that he is officially over one facility and the Board's decision needs to be consistent with existing law and regulation. As Ms. Kandt said, the Board has and always had the ability to make a judgment as to whether multiple facilities were appropriate for one

funeral director. She is just getting all the information and there was a little confusion in terms of what applied at what point in time.

Ryan Bowen stated that he apologized for his confusion as well with the paperwork. He thanked the Board for that clarification.

Lorretta Guazzini asked Ryan Bowen how many Simple Cremations are up in the North.

Ryan Bowen stated that they have two, one in Reno and one in Sparks and then there is a location in Carson City called Nevada Funeral Services which is a full service funeral home under the Simple Cremation entity.

Lorretta Guazzini asked if this application was a full service funeral home.

Ryan Bowen stated that it was a La Paloma location, BBBO is the LLC, the dba is there in the paperwork. He said this is the second La Paloma location but it is just the first one for Dustin to be the managing funeral director over.

Lorretta Guazzini stated that she has been there before and she asked if Mr. Bowen if it had a display room there at the location.

Ryan Bowen stated that they went through the inspection, he believes that Jennifer Kandt pointed out that the inspection was complete and they passed inspection.

Jennifer Kandt stated that the requirement for a display room in the Board's regulations which were modified years ago, that internet photographs or catalogues would fulfill the requirement of a display room, so a typical display room is not a requirement. The requirement for them to be a full service funeral establishment is having a prep room with ventilation and sanitary flooring and if they intend to do preparations of bodies at a centralized location, they don't need to stock the prep room. She said that again, with the casket display room, it is really not a requirement because at some point, The Board changed the regulations to allow for internet pictures to satisfy that requirement.

Lorretta Guazzini stated that she just has a problem with allowing these locations, and not necessarily this one, to open up a funeral establishment in a house just so they get on board with the Coroners rotation. She said she doesn't think that it is right.

Ryan Bowen stated that it is a beautiful chapel and a lot of investment has been put into it from the previous owner who did not take care of it. He said that he believes that the inspection speaks for itself. It is, as all his facilities are, up to standard and beyond.

Jennifer Kandt commented to Lorretta Guazzini, in terms of the rotation, it is her understanding that up in Washoe County they allow a week of rotation for each physical location. In Clark County she said that the rotation is based on ownership and one month per owner is allowed. She said that would be an issue to take up with the Medical Examiner's Office.

Ryan Bowen stated that he appreciates the Board asking the questions but he feels like he is being attacked by competitors, especially with this last comment regarding rotation. He understands her concerns about these other funeral homes, but he would hope that over the ten years that he has shown to operate a good business. He said he tries to do a good job and tries to make sure that the families are happy and taken care of. He appreciates the Board considering this application and considering putting one of the employees of his who has become an owner over this new facility. He said he doesn't know that rotation has anything to do with this application and whether or not Masonic owns the chapel or not or whether he bought it from them.

Lorretta Guazzini said she was sorry that if it sounded like that as it didn't concern her since she is not a competitor and she doesn't have anything to do with rotation in Washoe County. She apologized for presenting it that way.

Dr. Randy Sharp stated under the current proposal, he doesn't have an issue. He stated that he from a public standpoint, he was concerned that the owner of all of these establishments seemed confused over paperwork and who was managing the locations which is why he had been opposed for the vote.

Ryan Bowen stated that he appreciated Dr. Sharp. He apologized again and said he reiterated what they have said before that they plan on making sure that they are in full compliance with the new regulations that have been proposed.

Dr. Randy Sharp stated that he understood and he is not worried about that now because he knows that will come about at a future meeting.

Dr. Fazzino asked for a motion to approve or deny.

MOTION: Bart Burton moved to approve the application as submitted. Brian Rebman seconded the motion and the motion was carried unanimously.

Dr. Wayne Fazzino at 11:07 am, called from a ten-minute break.

11. Discussion, recommendation, and possible action regarding granting a Funeral Establishment Permit to Clark County Funeral Services, 2041 W. Bonanza Road, Las Vegas, Nevada (For possible action)

Jennifer Kandt stated the Board does have everything that is needed and at the last meeting she recommended that the Board not approve the application at that time because there were too many pending issues. The applicant did correct all of the issues that were identified and the Board went back for a second inspection. A temporary permit had been granted and the final approval was pending.

Dr. Wayne Fazzino asked if there were any other discussion and if there was a motion.

Brian Rebman stated that he was looking at the funeral establishment inspection checklist and still seeing issues. He asked if those had been mediated.

Jennifer Kandt stated that there were two different inspection reports in the Board meeting packet. The initial one and then the subsequent one.

MOTION: Lorretta Guazzini moved to approve Clark County Funeral Services for an establishment permit. Kathleen Dussault seconded the motion and the motion was carried unanimously.

12. Discussion, recommendation, and possible action regarding request from Gerald Hitchcock to approve a continuing education credit (For possible action)

- a. NFDA Policy Board Meeting, Las Vegas, Nevada – July 8, 2016-July 9, 2016

Dr. Wayne Fazzino stated that he understands that Mr. Hitchcock is asking for permission to receive credits on a conference that he attended.

Jennifer Kandt stated correct, and said there are a variety of things that would be automatically approved, but this does not fall within those categories and would require approval from the Board.

Dr. Wayne Fazzino stated that Mr. Hitchcock was submitting this not only for himself, but for another individual.

Jennifer Kandt stated that if the Board approves this anyone who attended it would be able to utilize those credits.

Jennifer Kandt stated that licensees need to maintain copies of certificates of attendance from anything they have attended or some kind of proof that they attended a particular training. When the Board goes through the renewal process, the Board will audit a percentage of licensees and those lucky individuals will provide the Board with their certificates. The Board is not going to ask everyone to turn in their certificates, it is too much paperwork to manage. The Board will audit a percentage of licensees.

Dr. Wayne Fazzino asked if Bart Burton had any comments in particular to this training or this conference.

Bart Burton stated that they usually do a really good job and he doesn't have any problem giving them the continuing education credits.

MOTION: Bart Burton moved to approve the four hours of continuing education to Gerald Hitchcock and Jim Lee. Brian seconded the motion and the motion was carried unanimously.

13. Discussion, recommendation, and possible action regarding decline of unaccompanied Veteran burial services and discussion of NRS 642.0197 regarding duties of a funeral director to report unclaimed human remains to the Department of Veterans Services (For possible action)

Jennifer Kandt stated that this letter came to the Board and in addition, she has had individuals reach out to her regarding their concerns about veterans whose cremated remains may be sitting on shelves in funeral homes. She said that inquiring about veterans' remains had not been part of inspections, but that they will add that to the inspection list due to NRS 642.0197. She said she thinks that is definitely an area the Board can improve on. In addition, she stated that the inspector will be asking about their policies and their timelines for submitting things to Veterans Services. She stated that a letter from the Governor's office reminding funeral directors of this requirement was sent out in 2014. She said she thinks that it might be a good idea for the Board to do a subsequent letter reminding funeral directors of the requirement. Additionally, she said that the legislative history was reviewed when this law was enacted and it was clear cremated remains already in storage were intended to be included. She said that there was perhaps some confusion in terms of whether this only included Veterans that were newly coming into their possession or if it could include the cremated remains of Veterans who might be in storage somewhere. The Board will probably have to start asking funeral homes which might have large storage units full of cremated remains what efforts they are making to ensure that if any of those individuals are Veterans that they are reporting those to Veterans Services. She said she is asking if there is anything else the Board thinks that staff could do or if there are ideas how we can make a better effort to ensure that we are doing the right thing for these Veterans.

Kathleen Dussault stated that every Thursday in Las Vegas at the Boulder City Veterans Memorial Cemetery and then once a month up at the Fernley Veterans Cemetery there is a very somber and very moving ceremony escorting our unaccompanied Veterans to their final home with the ethic of never leaving a soldier, marine, sailor, airman, or coastguardman behind. She said that it is a beautiful ceremony, but they rely on the County Social Services throughout the State and the funeral homes to identify the Veteran and then they certify that they are eligible to be buried in the Veterans Cemeteries. They don't seem to have an issue in Northern Nevada and they have a steady number of Veterans once a month, but the appeal here refers to the situation in Southern Nevada. She said that unless they physically check and reach out to the funeral homes then the Nevada Department of Veterans Services cemetery personnel face very sporadic situations each Thursday. She said that

some weeks they will have zero, and some weeks they will have a very large number. What they are trying to do is to identify what the right process is so that they get timely notification and turnover of remains and they do periodically reach out to the funeral homes and ask them if they have any remains in storage. One of the obstacles or complications is apparently that the funeral homes are waiting at times for payment from Social Services to pay the cost for an indigent soldier and because of that lag in the payment process it delays turnover of the remains to their care. She said that they are looking for some assistance in terms of improving the process and ways in which they can work better with funeral homes.

Lorretta Guazzini stated that they cannot hold a body for payment and if a funeral home is doing that, they are not in compliance. She said her problem is that with the indigent, sometimes you have no paperwork and you don't even know their full names. She said that her hesitation is not knowing if they are veterans and then not knowing if the family still wants to claim the cremated remains.

Jennifer Kandt stated that in her discussions with Clark County Social Services, it was her understanding that if there is no known next of kin, they are providing information to Department of Veteran Services to have them conduct a search. She questioned whether the funeral homes could work directly with Department of Veteran Services to provide them a list of individuals in their storage to try to assist with determining if any of those are veterans.

Kathleen Dussault stated that they do work very closely with Department of Social Services in the South and again they appear not to have an issue in the North generally. She said that the Assembly Bill that the Governor signed two years ago leaves a little grey area because it says if a funeral director knows or has reason to know or reasonably believes the individual is a Veteran. She said that if a funeral home is ever in doubt, they can call the cemetery, give the name and any identifying information and then they have a direct link to the Veterans Administration database that identifies the Veteran and their eligibility.

Jennifer Kandt asked Kathleen if the database that she is referring to is open to the public or if it is only open to employees.

Kathleen Dussault stated that it was not open to the public. The Veterans Administration certifies people from different agencies to have access. Individuals have to have a personal identification card and a thumb print and all kinds of things to be able to enter the system. She is not sure whether they would be able to extend that to Board purposes, but she can check on that.

Jennifer Kandt asked Kathleen if there was a contact of someone who is able to make those searches then she could send out a letter to the funeral homes reminding them of the requirements under this statute and offer contact information for someone who can assist with determinations.

Kathleen Dussault stated absolutely and what she will do is provide Jennifer Kandt with points of contact who have that database access and funeral directors depending on where they are in the State can reach out. There is about six or seven individuals that work within the States cemeteries who could provide that information.

Jennifer Kandt requested that the Board consider a motion for staff to draft a letter to send to all funeral homes reminding them of this statute and providing them the information that Kathleen Dussault has given so that some efforts can be made to try to solve some of these issues.

Brian Rebman said that Jennifer mentioned including questions regarding this issue in the annual inspection and he felt that was appropriate.

Jennifer Kandt stated that she thinks it is definitely something that is within the Board's purview. In terms of the Board being able to go to storage facilities that might be housing hundreds or thousands of cremated remains and determining whether those individuals are Veterans or not, that would probably be a difficult task for Board staff. It is something that the Board is going to have to ask the

funeral home, in terms of what efforts they are making to ensure that none of the cremated remains they are storing are veterans.

Chris Grant with Desert Memorial stated that he just dealt with this issue last month. He said he received an email from the Veterans Administration giving him a list of about fifteen names and wanting to know why they hadn't brought them forward to the Veterans cemetery dating back to 2009. He said that after going through their files and storage, they determined that every one of them had been released to the family per the family's request and yet the Veterans Administration had down that these were unaccompanied Veterans. He said that they are talking about hundreds of sets of remains that they would have to go back over years to find out whether they are veterans. He said that also the family sometimes comes back ten years later wanting to claim the remains. He said they would have to go through years and years and they might not even know their name let alone if they were a Veteran or not. He said he wanted to make it clear that he just had this happen and he doesn't know if it may be more of a problem with the records that the Veterans Administration just looking at the death certificate and saying it's a Veteran and why don't they have those remains here as it doesn't tell the whole story.

Kathleen Dussault thanked Mr. Grant for that instance which shows the complexity of this overall issue. She asked if the inquiry was from the Veterans Administration or from the Nevada Department of Veterans Services.

Chris Grant stated that he was unsure.

Kathleen Dussault stated that they periodically do a scrub of records that they get from the Veterans Administration and it may have been as a result of that.

Jennifer Kandt stated that she did want to stress the legislative history on this issue because the whole reason for this Bill evidentially came about because they were finding cremated remains collecting dust on shelves and storage units and that is what the legislators wanted to alleviate. She does think that it is something the funeral homes need to be aware of and if the family hasn't claimed them, they are entitled to receive a proper burial.

Dr. Randy Sharp asked if this put an undue burden on the funeral homes.

Jennifer Kandt stated that she thinks this could be quite a burden for some of them. She said she thinks that is why they put this one year time frame into the legislation when looking at the legislative history and the testimony.

Lorretta Guazzini stated that she really doesn't think that it is that much of a burden. She thinks that the majority of the work is going to be on the Veterans Association not the funeral homes.

Dr. Wayne Fazzino asked for a motion to authorize Jennifer Kandt to write a letter regarding the issue.

MOTION: Kathleen Dussault moved to have Jennifer Kandt write a letter regarding the Veterans issues. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

14. Discussion, recommendation, and possible actions regarding options for printed licenses and certificates through online renewal system (For possible action)

Jennifer Kandt stated that with the new online software that the Board is developing, there could be an option for licensees to print their license after renewal. There was discussion regarding having the Board print a very nice initial license and then allowing individuals to print their own after renewal, or Jennifer Kandt stated they can mail out the licenses as has been done in the past.

Dr. Randy Sharp stated that he thinks that the online printing is a nice option.

Brian Rebman state that for him it is a pain to be switching out licenses every year. He asked about displaying the initial license and then filing away the renewal.

Jennifer Kandt stated that because some agencies have so many licensees working at a location, they have been keeping all licenses in a notebook format that is displayed for the public to view and flip through.

Dr. Wayne Fazzino asks if there was any further discussion.

Bart Burton stated that he like the idea of just doing the renewal online and having the nice one through the initial and then just do a smaller one and have the ability to print it once the renewal is paid online.

Lorretta Guazzini stated that she did not care which way it is done, as long as you don't change the size again so they don't have to get new frames.

MOTION: Brian Rebman moved to print them online. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

15. Financial Reports

- a. Regulatory Fee Collection
- b. FY2016 Financial Reports
- c. FY2017 Financial Reports

Jennifer Kandt stated that she printed the entire fiscal year for the Regulatory Fee collection. There are still some pending payments. In terms of the Budget vs. Actuals for FY2016, she pointed out the difference on the budget vs. actuals for the initial licensing. She said that originally for initial licenses, the Board was recognizing that revenue in the year in which it was received, and not taking into account the timeframe the license was valid. She said that ultimately it seemed to make more sense to defer the revenue based on the dates the license if valid.

16. Overview of current complaint status

Jennifer Kandt stated that there are five cases that the investigation is finishing up and that she said she will be consulting with a reviewing Board member on these cases. She said she hopes they are able to finish up many of these cases now that Jim has been hired, and she can get caught up.

17. Report from Executive Director, Jennifer Kandt

Jennifer Kandt thanked Marie Paakkari for flying out to Las Vegas as she does not like to fly. Jennifer Kandt said that she has always felt bad having Bart Burton and Brian Rebman in Las Vegas without staff to assist with sign-ins and providing lunch. Jennifer Kandt thanked Marie for bringing cookies and water. She said that Marie does a fabulous job and she couldn't do this job without her. She said that the Board should keep that in mind and never let her leave this position.

Jennifer Kandt overviewed the material provided in the written report.

18. Report from Senior Deputy Attorney General

Henna Rasul stated that she did not have a report.

19. Board member comments

20. Discussion regarding future agenda items and future meeting dates

Tuesday, December 13, 2016
Tuesday, March 21, 2017
Tuesday, June 6, 2017
Tuesday, September 19, 2017 and
Tuesday, December 12, 2017

No comments

21. 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)

Warren Hardy requested a verbatim recording of today's proceeding. He asked if he needed to send a formal request in or if it was even possible.

Jennifer Kandt stated that the Board could provide him with an audio recording.

Chris Grant stated that when they receive letters from the Board regarding complaints, he only receives the decedents initials and date of death when notified, and he requested that they receive the name as he says that would help with trying to figure out who the decedent is for the purpose of responding to the complaint.

Jennifer Kandt stated that they are simply trying to keep a decedents name out of a document that could potentially become a public record, and it is done at the direction of the Attorney General's office. She said if there were questions on who the decedent is, just give her a call and she will provide the name.

22. Adjournment (For possible action)

Meeting adjourned 12:20 pm