

# NEVADA FUNERAL AND CEMETERY SERVICES BOARD

## MINUTES

***Tuesday, March 21, 2017, at 9:00 a.m.***

Nevada Gaming Control Board  
1919 College Parkway, Suite 100  
Carson City, Nevada

- 1. Call to order, roll call, introduce new members, establish quorum.**  
The meeting was called to order at 9:05 am

**Board Members Present**

Tammy Dermody, Secretary  
Loretta Guazzini, Treasurer  
Bart Burton  
Dr. Randy Sharp  
Brian Rebman  
Christopher Naylor  
Adam Garcia

**Board Members Absent**

None

**Board Staff Present**

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

**Board Counsel Present**

Henna Rasul,  
Senior Deputy Attorney General

Andrea Nichols  
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)

There was no public comment.

- 3. Discussion, recommendation, and possible action regarding election of new Board Chair pursuant to NRS 642.020 (For possible action)**

***MOTION: Bart Burton moved to nominate Dr. Randy Sharp as the Board's new Chairman. Brian Rebman seconded the motion and the motion was carried unanimously.***

- 4. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)**

a. December 13, 2016

***MOTION: Bart Burton moved to approve the December 13, 2016 Minutes. Tammy Dermody seconded the motion and the motion was carried unanimously with Chris Naylor and Adam Garcia abstaining as they were not present at the last meeting.***

**5. Discussion, recommendation, and possible action regarding Complaint and Notice of Hearing In the Matter of La Paloma Funeral Services, 5301 Longley Lane, Reno, Funeral Establishment Permit No. EST88; La Paloma Funeral Services, 5301 Longley Lane, Reno, Crematory License No. CRE88; La Paloma Funeral Services, 437 Stoker Avenue, Reno, Funeral Establishment Permit No. EST107; Shaun Bowen, Funeral Director License No. FD201; Dustin Olson, Funeral Director License No. FD779 - Case Number FB17-01 (For possible action)**

La Paloma Funeral Services, Dustin Olson, and Shaun Bowen (Respondents) were represented by attorney David Squires via telephone and the Nevada Funeral and Cemetery Services Board was represented by Andrea Nichols, Senior Deputy Attorney General.

Andrea Nichols requested that this matter be continued for thirty days to allow the respondents to submit a formal response and because the hearing for this matter would probably take a full day.

David Squires stated that La Paloma Funeral Services would concur with the thirty-day hearing continuance.

Bart Burton asked if the thirty-day hearing continuance would be effective from today.

Jennifer Kandt stated that the continuance would be for approximately 30 days from today. Ms. Kandt stated that she would ask that the Board come up with an exact date where all of the Board members would be able to attend and asked that it not exceed the 30 day timeframe.

Henna Rasul stated that once an agreed upon date is reached, the Board would need to make a motion for the hearing continuance date.

The Board members proposed to continue the hearing for Wednesday, April 19, 2017 at 9:00 am. Mr. Squires agreed to the proposed hearing continuation date of Wednesday, April 19, 2017 at 9:00 am.

David Squires stated that La Paloma has requested mediation prior to the hearing and stated that they have offered to pay for the mediator. Mr. Squires stated that it would not be binding mediation they are requesting, just a mediation prior to the hearing with the Attorney General's office to discuss settlement if possible.

Adam Garcia asked if the mediation was scheduled and agreed upon, would the hearing then not be necessary.

Andrea Nichols stated that would be a possibility, but at this point it is fairly unlikely. She stated that of course, good faith efforts would be made to come up with a settlement for this matter. Ms. Nichols also stated that any proposed settlement would need to be approved by the Board.

Jennifer Kandt stated that if there was a settlement it would be brought before the Board on April 19, 2017, and the Board would decide whether to approve or deny the settlement. Ms. Kandt stated that either way, the Board would meet on April 19, 2017, either to approve the settlement or to have a hearing.

Jennifer Kandt asked if Mr. Squires had anything further to discuss.

David Squires stated that he had nothing further to discuss.

**MOTION: Chris Naylor moved to continue the La Paloma hearing until Wednesday, April 19, 2017 at 9:00 am. Lorretta Guazzini seconded the motion and the motion was carried unanimously.**

**6. Discussion, recommendation, and possible action regarding the following Funeral Arranger Licenses (For possible action):**

**a. Michael Howard Juckett**

Jennifer Kandt stated that the applicant previously submitted a funeral arranger application on which he failed to disclose criminal history. That application was subsequently withdrawn. The applicant has now reapplied with corrected information and it is up to the Board to decide on the good moral character provision considering prior failure to disclose criminal history.

Adam Garcia stated that he would like to request a copy of the police report and the clemency documentation for the Board review.

Brian Rebman stated that because of the time frame he would suggest approving Mr. Juckett's license.

Jennifer Kandt stated that the reviewable timeframe for the conviction was past seven years, but the failure to disclose created current moral character questions.

Adam Garcia stated that he felt that the time frame is long past, however, there are two issues in his mind, 1) it was a felony charge and 2) the question on the application was specific and the answer was no. Mr. Garcia stated that he would feel comfortable in seeing the police report. Mr. Garcia further stated that he would conditionally approve Mr. Juckett's license once the police reports are received from Florida. Mr. Garcia suggested to approve with conditions.

Henna Rasul stated that the Board has never had conditional licenses or had ever granted one, so at this point, the Board would either want to approve or deny the application.

Jennifer Kandt stated asked whether the license could be granted then immediately placed on probation pending receipt of the police reports.

Henna Rasul stated that could be done, however, she will need to prepare an order to that effect. Ms. Rasul stated that once the Board grants the license, then he becomes within your jurisdiction and he is required to abide by the practice act so then the Board could put him on probation and set conditions on the license.

**MOTION: Adam Garcia moved to approve the Funeral Arranger License for Michael Howard Juckett with a six (6) month probation and the Board investigator to obtain criminal history records including police reports for both offenses for the Board review. Lorretta Guazzini seconded the motion and the motion was carried unanimously with Bart Burton recusing as they work for the same employer and Tammy Dermody recusing as Mr. Juckett was a former employee.**

**b. Steven Reamus Schwerdtfeger**

Jennifer Kandt stated that this applicant did not disclose criminal history and the background check revealed prior convictions. Ms. Kandt stated that at this point, the criminal history forms have not been filled out by the applicant. Ms. Kandt stated that she would recommend that the applicant reapply with a true and complete application which includes criminal history reporting forms for review by the Board.

Adam Garcia stated that he would also request the applicant to submit to the Board a copy of the police report and any and all paperwork regarding applicant's criminal history for the Board to review.

***MOTION: Adam Garcia moved to deny Mr. Schwerdtfeger's current funeral arranger license application and allow Mr. Schwerdtfeger to reapply with a complete and accurate application including criminal history forms, police reports and supporting documentation. Tammy Dermody seconded the motion and the motion was carried unanimously.***

**7. Discussion, recommendation, and possible action regarding the following Apprentice Embalmer Certificate of Registration (For possible action):**

- a. Jeffrey Michael Baughn

Jennifer Kandt stated that the applicant had prior criminal history within seven years and the applicant did disclose that criminal history. He provided the criminal history forms indicating a misdemeanor and based on the Board regulations, the Board needs to determine if this misdemeanor has a reasonable relationship to the applicant's license.

***MOTION: Brian Rebman moved to approve the Apprentice Embalmer Certificate of Registration for Jeffrey Michael Baughn. Bart Burton seconded the motion and the motion was carried unanimously.***

**8. Discussion, recommendation, and possible action regarding the following Embalmer Licenses (For possible action):**

- a. Todd E. Boyer

Jennifer Kandt stated that Mr. Boyer does not have criminal history, but it is required that the embalmer applications are approved by the Board as opposed to staff approving those applications.

***MOTION: Tammy Dermody moved to approve the Embalmer License for Todd E. Boyer. Bart Burton seconded the motion and the motion was carried unanimously.***

- b. Philip Walton Smith

Jennifer Kandt stated that Mr. Smith does not have criminal history, but it is required that the embalmer applications are approved by the Board as opposed to staff approving those applications.

***MOTION: Tammy Dermody moved to approve the Embalmer License for Philip Walton Smith. Bart Burton seconded the motion and the motion was carried unanimously.***

**9. Discussion, recommendation, and possible action regarding request for approval of new Managing Funeral Director for the following locations (For possible action):**

- a. Walter Hartley FD626 – Clark County Funeral Services EST106

***MOTION: Tammy Dermody moved to approve the Managing Funeral Director request for Walter Hartley and Clark County Funeral Services. Lorretta Guazzini seconded the motion and the motion was carried unanimously.***

- b. Carlen Sue Blansett FD861 – Palm Mortuary Downtown EST17

**MOTION:** *Brian Rebman moved to approve the Managing Funeral Director request for Carlen Sue Blansett and Palm Mortuary Downtown. Chris Naylor seconded the motion and the motion was carried unanimously with Bart Burton recusing as they work for the same employer.*

- c. Kristen Anderson FD860 – Sunrise Cremation Society DC88L

**MOTION:** *Brian Rebman moved to approve the Managing Funeral Director request for Kristen Anderson and Sunrise Cremation Society. Bart Burton seconded the motion and the motion was carried unanimously.*

- d. Edward McCaffery FD16 – Cremation Society of Nevada, John Sparks EST35

**MOTION:** *Loretta Guazzini moved to approve the Managing Funeral Director request for Edward McCaffery. Bart Burton seconded the motion and the motion was carried unanimously with Tammy Dermody recusing as they work for the same employer.*

- e. Tammy Dermody FD9 – Cremation Society of Nevada, Affinity EST57

**MOTION:** *Adam Garcia moved to approve the Managing Funeral Director request for Tammy Dermody and Cremation Society of Nevada, Affinity. Loretta Guazzini seconded the motion and the motion was carried unanimously with Tammy Dermody recusing as she is the applicant.*

- f. Tammy Dermody FD9 – Cremation Society of Nevada, Northern Nevada EST45

**MOTION:** *Adam Garcia moved to approve the Managing Funeral Director request for Tammy Dermody and Cremation Society of Nevada, Northern Nevada. Loretta Guazzini seconded the motion and the motion was carried unanimously with Tammy Dermody recusing as she is the applicant.*

- g. Billy C. Vallie, Jr. FD918 – Davis Funeral Home – S. Rainbow EST28

**MOTION:** *Bart Burton moved to approve the Managing Funeral Director request for Davis Funeral Home, S. Rainbow. Chris Naylor seconded the motion and the motion was carried unanimously.*

**10. Discussion, recommendation, and possible action regarding granting the following Funeral Establishment Permits and/or Crematory Licenses (For possible action):**

- a. Las Vegas Islamic Cemetery (Funeral Establishment Permit)

Jennifer Kandt stated that Las Vegas Islamic Cemetery is outside of the Board's jurisdiction because they have established themselves as a religious entity that is a 501C3 and cemeteries under that ownership are exempt from licensing with the Funeral Board. They do however, have a building on the property that they are going to be using to prepare the bodies which then makes them fall under the category of a funeral establishment. An initial inspection was conducted and approval is recommended.

**MOTION:** *Tammy Dermody moved to approve Las Vegas Islamic Cemetery's Funeral Establishment Permit. Loretta Guazzini seconded the motion and the motion was carried unanimously.*

- b. McDermott's Funeral & Cremation Service (Funeral Establishment Permit and Crematory License)

Jennifer Kandt stated that Christopher McDermott is stated as the managing funeral director, but a request to change the managing funeral director has recently been received to change that to Christopher Grant who has now been granted a funeral director license. Ms. Kandt stated that staff was not able to place the request onto this agenda due to time constraints, however, the Board will see this request on the next agenda and Christopher Grant will be given a temporary approval until that next meeting.

Dr. Randy Sharp asked if the paperwork issues were minor.

Jennifer Kandt stated that there were some issues with their general price list and a few other issues but they subsequently made those changes and provided them to the Board.

***MOTION: Bart Burton moved to approve McDermott's Funeral & Cremation Service's Funeral Establishment Permit and Crematory License. Christopher Naylor seconded the motion and the motion was carried unanimously.***

- c. Hites Crematory (Crematory license)

Jennifer Kandt stated that this location is the former Valley Funeral Home Cremation and is within 1500 feet of a residential area, however, the City of Henderson has allowed that exemption to extend into the new owners since the equipment is already present and has basically allowed it to be grandfathered in.

***MOTION: Tammy Dermody moved to approve Hites Crematory's Crematory License. Lorretta Guazzini seconded the motion and the motion was carried unanimously.***

#### **11. Discussion, recommendation, and possible action regarding approval of crematory operator courses (For possible action):**

- a. Association of California Cremationists

Tammy Dermody asked if Jennifer Kandt went through this course to see if it would fit the Board's needs.

Jennifer Kandt stated that she had not attended this particular training. Ms. Kandt stated that she attended CANA and the NFDA crematory training courses. Ms. Kandt stated that the curriculum looks very similar to those trainings. Ms. Kandt stated that however, this course may focus on California law as opposed to if you attend a CANA course, their focus is more general. The laws portion sometimes gets tricky from state-to-state as it will not be Nevada specific. Although, they did indicate that if they were to be approved and there were Nevada attendees, they would add Nevada specific information to the training.

Tammy Dermody asked if adding specific Nevada laws could be part of the approval.

Jennifer Kandt stated that could be done, however, it would be difficult for the Board to track who has been to which kind of training. Probably a blanket approval of anyone who has attended this course is going to be the easiest thing for the Board to track.

Dr. Randy Sharp asked if there was an entity that oversees the different crematory licensing or the different crematory continuing education classes or if there was one entity and all the other entities come underneath.

Jennifer Kandt stated that there are some national entities like CANA, the Cremation Association of North America that would be a well-known entity offering training as well as ICCFA. These are all widely accepted by states throughout the nation to offer crematory training. It is a one day training where attendees go and get general knowledge. Ms. Kandt stated that operation of the equipment is not really a strong point at these classes, however, they do talk about chain of custody, paperwork involved, ensuring pacemakers are removed, etc. It is an overview of cremation in general.

Adam Garcia asked if this would be a one-time training or on-going.

Jennifer Kandt stated that this course will cover anyone who has attended this training to be able to use that certificate in Nevada. She also said that if an entity wanted to offer a training in our state, it would allow them to come in and offer that training. Ms. Kandt also stated that if they were to offer this training in the future in California, it would allow people from our state to attend in California.

John Lawrence stated that it was a pretty extensive program. This program actually goes into more detail than some of the national CANA and ICCFA as they actually show you how to use some of the equipment as well. John Lawrence stated that he felt that it was a great program and thought he would present it to the Board.

Dr. Randy Sharp asked whether these courses cover anything to do with alkaline hydrolysis considering that may be an option in the future.

Jennifer Kandt stated that she has not seen that content covered. It is just so rarely used.

Tammy Dermody stated that Dr. Randy Sharp brought up a good question, if that alkaline hydrolysis bill gets passed what does that do to the Board's approved classes?

Jennifer Kandt stated that if the bill passes, it would still mean anyone operating that equipment would have attended one of these trainings, however, it will not be very relevant to them. If the bill does pass, the Board could address that through regulation by stating that if you own an alkaline hydrolysis machine, you must also attend a training that is specific to alkaline hydrolysis. We will have to wait and see if the bill passes and then address that through regulation which would probably be the best thing to do.

***MOTION: Bart Burton moved to accept the crematory operator training program as written. Tammy Dermody seconded the motion and the motion was carried unanimously.***

b. CANA Crematory Operations Certification Program Online

Jennifer Kandt stated that the Board had previously approved the CANA program as something that could be allowed to be taken in our State. The Board was silent on the method of delivery. The Board did allow a Mathews program that is taken through a webinar basis. This would be a strictly online version and information was provided to the Board regarding states which have allowed taking the course online.

Bart Burton stated that it is his understanding that the online courses are not readily available. Mr. Burton stated that you have to wait until the course is actually provided.

Jennifer Kandt stated that she was not certain about the online course, however the Matthews webinar course that the Board approved is definitely that way. She said it is interactive and there are people on the other side. Ms. Kandt stated that she was not exactly sure how this online program is conducted.

Dr. Randy Sharp stated that he did not believe that the Board limited the number of hours that could be obtained online for continuing education units.

Jennifer Kandt stated that in terms of continuing education, no. In terms of crematory operator training, the Board has never addressed whether online methods would be acceptable.

***MOTION: Adam Garcia moved to accept the online crematory operator training program. Tammy Dermody seconded the motion and the motion was carried unanimously.***

**12. Discussion, recommendation, and possible action regarding approval of ethics related continuing education courses offered through the Division of Insurance (For possible action).**

Jennifer Kandt stated that there have been several individuals ask if they could apply credits that they have taken through the Division of Insurance for the continuing education required by the Funeral Board. Most of the courses did not look relevant, however, the ethics courses could perhaps apply and this would be a request to allow those ethics courses to be a part of the continuing education that the Board accepts.

Dr. Randy Sharp stated are the ethics courses offered through other places like CANA or any of the other larger organizations.

Jennifer Kandt stated that there were other ethics courses online through various funeral websites, funeralce.com or nfda.com.

Adam Garcia stated that the information that is provided under the approved courses inquiry for the State of Nevada lists a lot of ethics classes and information and asked if there was a specific ethics class that the Board is approving or is it just generally speaking everything that is on the list. Mr. Garcia stated that there are some courses that are not applicable, for instance "ethics for insurance professionals" and other classes.

Jennifer Kandt stated as a background, anyone who sells pre-need funeral arrangements are required to have another separate license through the Division of Insurance to be able to sell pre-need. They are required to get these courses to sell pre-need and then also have the continuing education requirements from our Board. Ms. Kandt stated that it would allow for people who hold both licenses to use the ethics portion to also count toward the Funeral Board requirements.

Adam Garcia asked for clarification on whether the approval would be for all of the courses listed.

Jennifer Kandt stated that the Board could approve what they feel is best, the Board could state certain ethics courses, all ethics courses, if it would count toward their pre-need license that they could apply that to their continuing education for their funeral director license, it is completely up to the Board to decide.

Brian Rebman stated that ethics is certainly an extremely relevant aspect of the funeral industry and Mr. Rebman believes that being educated about the ethics program as it relates to the Insurance Division certainly applies to funeral directors and everything that has to do with the funeral industry. Mr. Rebman stated that he believes that it certainly applies as the level of professionalism that we expect from the funeral industry.

Tammy Dermody stated that she has actually taken quite a few of the Division of Insurance ethics classes since she holds the insurance license as well. Ms. Dermody stated that she did take the anti-laundering class and it might have been the best class she had ever taken. Ms.



Dermody stated that it talked about your personal ethics and the type of person that does these types of things and how it applies in life. Ms. Dermody felt that the ethic classes do not necessarily apply just to the insurance industry, but rather more generalized.

***MOTION: Brian Rebman moved to approve the ethics related continuing education courses offered through the Division of Insurance. Adam Garcia seconded the motion and the motion was carried unanimously.***

**13. Discussion, recommendation, and possible action regarding body condition after autopsy and anatomical donation (For possible action).**

Brian Rebman stated that he had a conversation with Jennifer Kandt regarding this matter. Mr. Rebman stated that being an embalmer, they deal with Clark County Coroner's office and with Nevada Donor Network. Anyone who is an embalmer who receives that case back from the coroner's office at 7:00 pm and you have several hours in front of you and have to deal with the complications of embalming after an autopsy or tissue removal. Mr. Rebman stated that he spoke with Jennifer Kandt the next day after experiencing one of these cases and was very frustrated. Mr. Rebman stated that he was just wondering if there could be a dialog created with the donor organizations regarding things that they could do to make things a little easier for embalmers. Mr. Rebman stated that autopsies seem to be getting more invasive and that it really complicates the embalming process.

Mr. Rebman stated that he spoke with the Coroner's office about this situation. Mr. Rebman stated that he felt that he was just too small of a voice to deal with this situation by himself. He is not aware if there are other people in the industry having the same issues that he is having. Mr. Rebman stated that Bart Burton has a lot of experience and wondered if the Board would have enough pull to affect change.

Bart Burton stated that he believes that there could be avenues the Board could explore to open the dialogue. Mr. Burton stated that he could definitely help out and see if there might be something that could be done as he said the concerns are not just Brian's but they are everyone's issues.

Lorretta Guazzini stated that she doesn't usually have as many issues with the donor networks as much as the coroner's office. Ms. Guazzini stated that there have been times when the coroner's office stated that they had a new coroner and they may have slipped. Ms. Guazzini stated that she has had no issues with the donor networks and has no complaints with them.

Brian Rebman stated that his concerns are mainly with bone donation and facing the challenges that come from a bone donor. Something could be done to make a better system than what they are doing right now.

Lorretta Guazzini stated that it is her understanding is that they harvest or recover what the family has decided. Whether they are going to do cremation or whether they are going to do embalming affects the donation. Most have put back in PVC which then could be dressed. There have been occasions when the family was going to cremate so that they don't put anything back in.

Brian Rebman stated that in Las Vegas, they put something back in regardless of cremation or embalming.

Bart Burton stated that in Southern Nevada, they put a corn based substance so that once they put it in, you can cremate it, whereas with PVC, you have to worry about cremating.

Lorretta Guazzini stated that she has received bodies back where they had nothing replaced.

Bart Burton stated that in Southern Nevada, everyone that comes back has something for replacement.

Brian Rebman stated that he was not aware that they were asking families questions regarding whether they wanted a viewing or cremation.

Lorretta Guazzini stated that those questions determine how extensive they get.

Discussion only. No action necessary.

#### **14. Financial Reports**

- a. Regulatory Fee Collection
- b. Financial Reports

Jennifer Kandt stated that the regulatory fee collection is included through January. There are still some missing payments from January, and the Board will send out letters to those locations missing payments.

Jennifer Kandt stated the balance sheet is included and the budget vs. actual report is included. Ms. Kandt stated that the Board was currently on track with income and expenditures. She stated that she would monitor to see if a revised budget will be needed.

Jennifer Kandt stated that the Board is also gearing up for the Board audit which will cover the past two years. That will come to the Board possibly in the September meeting.

For Board review only, there was no action.

#### **15. Overview of current complaint status**

Jennifer Kandt stated that this was a brief overview of the complaints in progress and dates that the Board has sent letters. The report is very general since the complaint process is confidential. This just gives the Board an idea on the number of complaints open and the general topics.

For Board review only, there was no discussion.

#### **16. Report from Executive Director, Jennifer Kandt**

Jennifer Kandt stated that there are a couple of legislative updates, AB205 was the alkaline hydrolysis Bill. Ms. Kandt believes that it has made it out of committee and was at work session last Friday and voted out. It looks like that is moving along, however, there were quite a few amendments that will probably make it difficult for the individual who wants to utilize this process to move forward due to water restrictions in Southern Nevada.

Jennifer Kandt stated that there is also a bill concerning disinterring bodies and that she believed it was a result of the Hillside cemetery issue. She said she had not seen any votes for this bill yet.

Jennifer Kandt overviewed the number of testing authorizations stated that testing authorizations seemed to have slowed down lately.

Jennifer Kandt stated that she hired Dr. Wayne Fazzino as the Board Inspector/Investigator. Ms. Kandt stated that Mr. Fazzino has been working on the follow-up inspections from the last

set of consent decrees and will start regular inspections very soon as well as several investigations pending.

Jennifer Kandt stated that the inspection app and the inspection checklist have been updated to incorporate all of the regulation changes. She stated that the updated checklists are available on the Board's website. The facilities should be able to see every item the Board is going to be inspecting so that they can be in compliance.

Jennifer Kandt stated that she did attend the annual meeting of The Conference in March. Ms. Kandt stated that she also attended FARB.

Jennifer Kandt stated that the Division of Insurance requested an agency MOU with the Board regarding sharing of some information. The Funeral Board is able to share information with DOI that is not protected or confidential and if they need to share any information with the Board, she believes that they can do that through the complaint process so there was no need for an MOU.

Jennifer Kandt stated that there is a list of individuals who have been approved outside of the Board meeting. These are the individuals who have met all of the qualifications without any criminal history or moral character questions.

Jennifer Kandt stated that so far she has had to complete approximately twenty fiscal notes for the legislative session. Ms. Kandt stated that every time a Bill comes out that they think might affect your board in some way, the legislation must be reviewed and then determination made on whether there is a potential fiscal impact for your agency.

#### **17. Board member comments**

Tammy Dermody, Bart Burton, Brian Rebman, Dr. Randy Sharp and Lorretta Guazzini welcomed the new Board members.

#### **18. Discussion regarding future agenda items and future meeting dates**

Tuesday, June 13, 2017

Tuesday, September 19, 2017

Tuesday, December 12, 2017

#### **19. 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 with Autumn Funerals and Cremations stated that he agrees about the autopsy situation. As an embalmer, he believes that there is not a lot of care given when it comes to the coroner and he believes that sometimes it is borderline mutilation to the body. He stated that if anything can be done, he supports that.

John Lawrence also stated that he had just recently renewed his Division of Insurance licenses and in order to sell insurance, he is required to have four different licenses with the State of Nevada. Mr. Lawrence stated that it was overkill and he would like for the Board to get involved to see if that could be reduced because he has had to pay the Division of Insurance over a thousand dollars to renew his licenses and it is out of control and he does not believe that they even know what they are doing and that is not a good thing when it comes to a government agency. Mr. Lawrence stated that he was going to go to the Attorney General's office and talk about this issue because of the way that they are interpreting the laws. He agrees, there needs to be an agent's license when it comes to selling pre-need and perhaps the facility itself, just

noting the fact that it is selling pre-need. He said the funeral home also has to have a life license.

Dr. Randy Sharp asked about the specific licenses he is required to have.

John Lawrence stated that he is required to have an insurance agent's license in the State of Nevada, a life license, which he has and he agrees with that. Mr. Lawrence stated that essentially what takes place is that by him having a life license, he is appointed by the insurance company that is licensed with the State of Nevada and that is who gets the money and they are the ones who pay the commission. Mr. Lawrence stated that the funeral home has nothing to do with the monies received in a pre-need in that aspect. Mr. Lawrence stated that the other one, the funeral home is required to be licensed as a funeral seller and then the funeral home is also required to have a life license which authorizes the funeral home to allow a life insurance agent to sell life insurance. Then he has to have an individual producers license which allows him to sell insurance on behalf of the funeral home. He believes that it is ridiculous and each one of those licenses cost approximately \$200. He believes that two might be valid, however, when he has attempted to discuss this matter with the Division of Insurance, that he has a valid funeral director's license and the facility is licensed in order to sell funerals, the Division of Insurance does not recognize any of that. He feels that there needs to be some coordination between the DOI and Funeral Board and recognize that there is some accountability if as a licensed funeral home, he is selling pre-need and doesn't need to be licensed again. But that is up to the Board to decide. Mr. Lawrence said he has had some discussion with DOI and he knows that they have had some discussions with Ms. Kandt regarding this matter.

Jennifer Kandt stated that as a recap on that discussion, there were some issues that she did turn over to the Division of Insurance that were pretty serious allegations of people who sold pre-need and basically stole the funds. She said there are families that are out tens of thousands of dollars. When the Board turned over those matters to the Division of Insurance, it caused them to look closely the information that they had and who was licensed and who was not licensed. They have been asking the funeral homes for a lot of information. In terms of the licenses that they require, she does not have anything to do with their requirements. She said that this Board does not oversee pre-need and that many states operate the same way in separating the licensing of pre-need. They separate pre-need funeral sales from the regular funeral industry because it is a different product, it is trust and insurance verses regulation of the funeral industry. She said she thought that it would require a legislative change to address John Lawrence's concerns. Ms. Kandt stated that she assumes that would involve talking to the administrator of the Division of Insurance and probably getting lobbyists involved in your industry. We are like most states in that we are separate in those licenses that are issued.

Tammy Dermody stated that she did not believe that the Funeral Board would want to be regulating the pre-need.

Brian Rebman stated that there was a differentiation to the issues that they had with monies that had been taken which was from a trust fund, he would assume and the trusts are actually regulated completely separate from the insurance industry. It is his understanding that you do not have to be licensed through Division of Insurance to sell the trust, or asked if it was a different license.

John Lawrence stated that it was called a funeral producers license for the trusts. They require you to register with them so that they know who is selling the trusts.

Brian Rebman stated if a mortuary is not selling trusts at all, they are still requiring him to have a producer's license.

John Lawrence stated he didn't think they should and that is his point. He did not feel that someone should need to have a producer's license unless they are selling trusts. His firm has never had a trust, but when he first set it up to get the licensing, it required a bond and they required all these things in order to back up the trust which the insurance companies are actually the ones on the line. He understands that it is for consumer protection, if a funeral home is going to take in money, there needs to be some sort of accountability to that money. His funeral home never takes in money, it is only the insurance company. They wanted to hit the funeral homes with inspections and it was \$4,000 - \$6,000 for them to conduct the audit. He actually did an affidavit with the Division of Insurance stating that he does not take any money. They have since backed off from him, but there are a lot of people that just paid that fee and it is wrong. He understands that they are just following statute, but there needs to be some sort of differentiation. Mr. Lawrence stated that he was not sure if the Funeral Board would be able to help with or if that is something that they need to address in a different way, but it is in some ways connected and he understands that the Board does not want to get involved with pre-need and he does not believe that the Board necessarily needs to get involved, unless it is an ethical concept perhaps.

Jennifer Kandt stated that the Division of Insurance is overseen by the Insurance Commissioner and perhaps John could arrange a meeting with the Insurance Commissioner. Ms. Kandt also stated that if legislative change is sought, speaking to an assemblyman or representative about a possible legislative change could be possible, however, it may not be possible for this session.

## **20. Adjournment (For possible action)**

Meeting adjourned at 10:35 am.