

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES

Thursday, February 14, 2019, at 10:00 a.m.

Video Conference Locations

Department of Employment, Training and Rehabilitation
1325 Corporate Blvd.
Reno, Nevada
and
Department of Employment, Training and Rehabilitation
3405 S. Maryland Pkwy
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.

The meeting began at 10:00 am and a quorum established.

Board Members Present

Dr. Randy Sharp, Chairman
Bart Burton
Brian Rebman
Adam Garcia
Christopher Naylor

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Administrative Assistant

Board Counsel Present

Henna Rasul, Senior Deputy Attorney General

Board Member Absent

Tammy Dermody, Secretary
Loretta Guazzini, Treasurer

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)

Jennifer Kandt stated that Scott Klapman submitted written comments. Mr. Klapman states that he is evaluating outdoor cremations to be held at the annual Burning Man event in Nevada. The event is held on Federal land administered by the Bureau of Land Management. The BLM is requiring Nevada State approval as a precondition for a Federal permit issuance for his proposal. The cremation equipment design is based on the Mokshda system with fifty installations throughout India. The system provides an environmentally sustainable option to honor the memory of loved ones while respecting religious rites and beliefs. The Burning Man cremation equipment would be modeled on the Mokshda system, be operated by Nevada certified cremation operators, and follow applicable industry guidelines. His request is for the Board to give serious consideration to permit temporary exemptions to Nevada State regulations such that a licensed funeral home can collaborate in writing a detailed proposal. Mr. Klapman thanked the Board for the time to consider his proposal and would further welcome suggestions to advance this project. Mr. Klapman requested that this email be presented to the Board as public comment and recorded into the official minutes.

Jennifer Kandt stated that she responded to Mr. Klapman informing him that the Funeral Board currently does not have any authority to permit any exemptions, temporary or otherwise. Based on how the statutes are currently written, his proposal would require statutory changes and he was advised accordingly. Mr. Klapman still asked that Ms. Kandt submit these comments during the meeting.

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

- a. December 11, 2018

MOTION: *Brian Rebman moved to approve the December 11, 2018 Board meeting minutes with one exception, within the Motion for item 10. c., change Henna Autumn Daunt to Jenna Autumn Daunt and add approved. Adam Garcia seconded the motion and the motion was carried unanimously.*

4. Discussion, recommendation, and possible action regarding College of Southern Nevada Mortuary Science Degree Program overview (For possible action)

Jennifer Kandt stated that Cassie Gentry, M.Ed, RHIA, CHP, Professor/Program Director, Department Chair, Health Related Professions, Engelstad School of Health Sciences and James Godin, Department Chair, Department of Dental Sciences, Diagnostic Evaluation and Rehabilitation Services at the College of Southern Nevada were present to give an overview of the program. At the last meeting, Mr. Garcia requested that a representative from the school come to a future meeting to present an overview. Ms. Kandt additionally stated that suggested statutory changes were presented to the College of Southern Nevada. She stated that she is not certain any changes will happen this session and the program can continue without the changes, but there are some suggestions that would make sense for the program and our State.

James Godin stated that they decided to look into opening this program a little over a year ago. Currently the program is set for a two-year Associate of Applied Science degree in Mortuary Science following the national accreditation standards. He stated that it has been approved by the Board of Regents and now they are sending the proposal to the Northwest Commission which is the accrediting body for the college. Mr. Godin stated that they are looking at a start date of approximately the Fall 2020. He said that even if they are unable to get the legislative changes in by that time, they can still start the program, by requiring the students entering to maintain a sixty-credit hour associate degree prior to entering the program.

Jennifer Kandt stated that the proposed curriculum for the mortuary science program was included in the packet. She also stated that she sent questions through the Conference to other licensing boards regarding apprenticeship requirements as she was looking at how colleges allow students into the prep-room. She stated that the responses were included and that in Nevada, they would have to register as apprentices.

Dr. Randy Sharp asked whether a model internship program was approved at the National level and where CSN is with National accreditation.

James Godin stated that they designed the curriculum on the National accreditation standards, and they will apply for accreditation of the program once the curriculum has been accepted by the Department of Education.

Jennifer Kandt stated that the model internship project, which is a project that she has been chairing through the Conference will be voted on at the February 2019 meeting of the Conference. She said that if the model is approved, the Board can start looking at how to implement some of the standards and forms within the model.

5. Discussion, recommendation, and possible action regarding applications for funeral director and reciprocal embalmer licensure for Trent Richard Stimpson (For possible action)

Jennifer Kandt stated that the Board office was waiting for results of the NVLRR exam and as of this morning, the office has not received score results. She said it is uncertain whether Mr. Stimpson was able to take the exam, which is a requirement for licensure as well as the moral character questions.

Trent Richard Stimpson stated that he has not taken the NVLRR exam. Mr. Stimpson stated that he was waiting until today's Board meeting to find out if the Board was going to allow licensure due to the moral character. He wanted to wait until the Board meeting.

Adam Garcia asked if the Board investigator had been able to obtain information from law enforcement in Idaho on the allegations.

Jennifer Kandt stated that the Board did not have any further information as it was unclear whether a police report had been filed. She stated that if there is further information the Board would like to obtain, the Board investigator could reach out to law enforcement for additional details.

Trent Richard Stimpson stated that nothing has changed from the explanation that was provided to the Board from his attorney. Nothing has happened. Mr. Stimpson stated that his attorney calls every week to try to find out what is going on and there is no further information.

Jennifer Kandt stated that there have not been any charges or convictions. If the Board did issue a license, and it then resulted in a conviction, the Board could then take action against the license which could include revoking if Mr. Stimpson was charged and convicted with a felony. Or, the Board could continue the decision pending additional information. Obviously, the Board would need to continue pending the NVLRR exam as well.

Trent Richard Stimpson stated that he is willing to keep the Board in the loop on what he receives from his attorney.

Adam Garcia stated that part of the qualification for licensure is good moral character and he believes that until the Board has a clear picture as to what the allegations are, either criminally or not, they still may affect moral character. Mr. Garcia stated that he would be comfortable with tabling this matter until the Board has the Board investigator reach out to law enforcement and the investigators in Idaho to determine where they are in their investigation.

Dr. Randy Sharp stated that he believes that is reasonable. Dr. Sharp asked Mr. Stimpson if he was going to take the NVLRR exam in the next few days.

Trent Richard Stimpson stated it depended upon what happens at the Board meeting.

Dr. Randy Sharp stated that he agrees with Mr. Garcia's comments about not knowing at this point, with no fault of Mr. Stimpson, but until the Board gets further information and pending the NVLRR exam. Dr. Sharp stated that he does not know if the Board could move forward regarding this matter or not.

Brian Rebman stated that it looks like he was terminated in November 2018 and asked if Mr. Stimpson was working and receiving a salary from Burns Funeral Home and is he able to do things for them.

Trent Richard Stimpson stated that he is working for Burns Funeral Home in hopes of being licensed and he could then be a licensed funeral director and embalmer for them.

Brian Rebman stated that it has been four months since he was terminated, if SCI was going to press charges and work through the legal system, wouldn't they have done that already. Hasn't there been enough time, if they are not going to move forward with criminal charges. He expressed concern about holding up the individual's employment if there were not going to be charges.

Adam Garcia stated that it is not enough time, the wheels of justice move fairly slowly at times. Mr. Garcia believes that asking for more documentation is justifiable. He stated that the only documentation the Board has is documentation from Mr. Stimpson, the applicant. Mr. Garcia stated that he thought that it would be appropriate to reach out to law enforcement in Idaho to determine where they are in their investigation. Mr. Garcia stated that a conviction would keep Mr. Stimpson from getting a license. Also, there is a difference between conduct and an actual criminal complaint. You can have moral character issues and still not have a conviction. Not knowing enough about the situation, it could be something very simple, a misunderstanding or it could be criminal, it is unknown.

Brian Rebman asked if the Board had authority to reach out to law enforcement in Idaho.

Jennifer Kandt stated that the Board did have authority, the applicant agrees to allow the Board to conduct background investigation into their activities and the Board would be able to request a police report. Ms. Kandt asked Mr. Stimpson if there was a police report.

Trent Richard Stimpson stated that he or his attorney have never seen a police report. The only thing that he has is from the SCI investigator on November 7, 2018.

Jennifer Kandt stated that might be a document that the Board does not have authority to obtain unless Mr. Stimpson is willing to share that with the Board.

Trent Richard Stimpson stated that they gave him a copy and he gave it to his attorney. He does not have it with him.

Henna Rasul stated that she thought that there were policies that were created by the Board where they defined of moral character.

Jennifer Kandt stated that the Board regulations discuss convictions within 7 years of a felony or a misdemeanor which would have a reasonable relationship to someone's job. Obviously, theft could potentially have a relationship to this position. At this point, the Board does not know if he will be convicted or charged, but they are allowed to make an initial assessment as to moral character.

Henna Rasul stated that because there are no charges and he self-reported, he is being honest on his application. There are some Boards that will specifically state a listing of arrest, conviction or charge. Ms. Rasul stated that she believes that the Funeral Board regulations address convictions.

If he has met all the other requirements of licensure, the Board could issue the license and if there is a conviction, he could be brought back before the Board in the form of a disciplinary matter to potentially revoke the license.

Jennifer Kandt stated that he did not meet the qualifications as he had not completed the testing which she had though Mr. Stimpson was going to do prior to the meeting date.

Brian Rebman stated that the Board could approve the application pending Mr. Stimpson passing the exam.

Bart Burton asked if the NVLRR exam was only for the funeral directors' license, or if it also applied to his embalmer license.

Jennifer Kandt stated that the NVLRR is required for both licenses.

Bart Burton questioned how the Board could approve someone before they take an exam.

Jennifer Kandt stated she is not aware of the Board approving an applicant pending their test scores other than being provided with an update at the Board meeting since the scores were not in the Board packet. Ms. Kandt stated that the Board office did everything possible to get Mr. Stimpson on the Board meeting agenda quickly because he is trying to work, but Ms. Kandt stated that she assumed that the Board would have test scores prior to the meeting.

Dr. Randy Sharp stated that his hesitation in approving someone that hasn't taken an exam is that the Board is then setting a precedent. There may be others potentially coming in and stating that they are going to take that exam at some point and that would be his hesitation of approving at this time. Also, with the legal and criminal issues, that is certainly noted that additional information is warranted.

Adam Garcia stated that typically law enforcement will not release reports if there is an active investigation. Mr. Garcia stated that the Board investigator has the option of getting that report without giving rise to the public. Or, at least being made aware of what their intention is or the direction that they are going. This may well be a matter between Mr. Stimpson's employer and himself, a simple misunderstanding or they could be conducting an active investigation. Mr. Garcia stated that he felt it should wait until the next Board meeting to obtain more information.

Dr. Randy Sharp stated that would give him time to complete the exam as well.

Christopher Naylor stated that he agrees, he does not believe that the Board should make any exceptions and await the decisions of the exam and possibly the legal side as well.

Bart Burton stated that he will need to recuse himself because he works for SCI.

MOTION: *Adam Garcia moved that Trent Richard Stimpson's applications for funeral director and reciprocal embalmer be tabled until the next Board meeting. Christopher Naylor seconded the motion with Bart Burton recusing and the motion was carried.*

6. Discussion, recommendation, and possible action regarding applications for embalmer licensures (For possible action)

- a. Tracy Lynn Short-Bullerdick, Embalmer

Bart Burton stated that he will need to recuse as they work for the same company.

MOTION: *Christopher Naylor moved to approve Tracy Lynn Short-Bullerdick's embalmer licensure application. Dr. Randy Sharp seconded the motion with Bart Burton recusing and the motion was carried.*

- b. Brevin Arthur Clifford, Reciprocal Embalmer

MOTION: *Bart Burton moved to approve Brevin Arthur Clifford's reciprocal embalmer licensure application. Christopher Naylor seconded the motion and the motion was carried unanimously.*

7. **Discussion, recommendation, and possible action regarding request for approval of new funeral establishment permits (For possible action)**
 - a. Mountain Vista Chapel dba Kharon, Inc. – Funeral Establishment with Nicole Romero FD101 as Managing Funeral Director
 - b. Sonoma Funeral Home – Funeral Establishment with Marlene Shier FD871 as Managing Funeral Director

Jennifer Kandt clarified that both Mountain Vista Chapel and Sonoma Funeral Home have been operating for years. It is a change of the corporation ownership, and even though the principals of the corporation are the same, it is a new corporation and therefore requires a new permit. A temporary permit for the new corporation ownership was issued for both locations and it is now waiting for the formal approval.

MOTION: *Brian Rebman moved to approve the new permits for Mountain Vista Chapel and Sonoma Funeral Home. Adam Garcia 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 locations (For possible action):**
 - a. Brevin Arthur Clifford FD947 – Bunker's Eden Vale Mortuary EST10
 - b. Brevin Arthur Clifford FD947 – Bunker's Memory Gardens Mortuary EST30

Jennifer Kandt stated that a temporary approval was given to Mr. Clifford for both Bunker's locations on January 8, 2019.

MOTION: *Bart Burton moved to approve Brevin Arthur Clifford's requests for managing funeral director for Bunker's Eden Vale Mortuary EST10 and Bunker's Memory Gardens Mortuary EST30. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

9. **Discussion, recommendation, and possible action regarding embalmer approval process (For possible action)**

Jennifer Kandt stated that the Board's policies regarding application approval processes was included in the Board packet. She stated that when the Board previously decided on those policies, they had decided all embalmer applications go before the Board because she had thought there was something in statute that would require that process, but upon rereviewing the statutes, there was no such requirement. Accordingly, she said the request is a change to the Board policy manual to allow staff to approve embalmer applications, except for any that do not clearly meet the standards such as those with legal issues or criminal history. The Board would be notified of the embalmers that have been approved by staff.

MOTION: *Bart Burton moved to approve the changes in section seven of the Board policy manual to allow staff to approve embalmer licensure applications except ones with legal issues and criminal history. Christopher Naylor seconded the motion and the motion was carried unanimously.*

10. **Discussion, recommendation, and possible action regarding extension of apprentice embalmer certificates of registration (For possible action)**

Jennifer Kandt stated that the current statutes and regulations state that the Board cannot allow an apprentice to be certified more than two years unless the applicant has passed the National Board exam. There usually are no issues with that scenario. However, it has recently come about that an

applicant has spent two years as an apprentice, has gone to mortuary school and has passed the National Board Exam, but they are working in a rural funeral home and have been unable to obtain the fifty cases within those two years. Ms. Kandt stated that the Board is not prohibited under the current statutes and regulations to extend the apprenticeship for another year, but Ms. Kandt stated that she wanted to confirm, before the Board sets precedent in allowing this extension, that the Board agrees it is acceptable to extend the apprenticeship beyond the second year for cases where the applicant is unable to obtain the fifty cases.

MOTION: *Bart Burton moved to allow staff authority to extend the embalmer apprenticeship renewals beyond two years if they have passed the National Board Exams but have not been able to obtain the required number of cases. Christopher Naylor seconded the motion and the motion was carried unanimously.*

11. Financial Reports

- a. Regulatory Fee Collection
- b. Financial Reports

Jennifer Kandt stated that the Board now has a report that includes the number of social service cases reported as it was requested by the auditors.

12. Overview of current complaint status

Jennifer Kandt stated that there had been quite a few open investigations, but that now the Board is down to three.

Dr. Randy Sharp asked if the Board inspector is working out.

Jennifer Kandt stated that he was working out very well. She said that Dr. Fazzino is doing a great job and is well liked.

13. Report from Executive Director, Jennifer Kandt

Jennifer Kandt stated that she went before the Legislative Commission on December 19, 2018 for review of the regulations. There were no questions from any of the legislators and they were approved. Wayne Fazzino is on track with annual inspections and working on the three remaining open investigations. She said that all of the State's regulatory boards are continuing to work with the Governor's Finance Office regarding the audit they are doing with the Boards. The first report was presented to the Board at the last Board meeting for review. As soon as second report is received, she will present it to the Board as well.

Jennifer Kandt stated that the work was completed on the Model Internship Committee which she chaired for the Conference. The final version will hopefully be approved at the annual meeting at the end of this month.

Jennifer Kandt stated that she will also be presenting at the Conference annual meeting. Ms. Kandt stated that she continues to attend the Veterans Cemetery Committee meetings and that she speaks at the Missing in Nevada ceremonies in Fernley. Jennifer Kandt stated that she presented at FARB in January.

14. Board member comments

There were no Board member comments.

15. Discussion regarding future agenda items and future meeting dates

Thursday, June 6, 2019

Wednesday, September 18, 2019

Thursday, November 14, 2019

Discussions regarding changes to the next Board meeting which was changed to May 29, 2019 at 10:00 am and all Board members attending in Reno.

16. 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.

17. Adjournment

The meeting was adjourned at 11:00 am.

Anyone desiring additional information including meeting materials may contact Jennifer Kandt at 775-825-5535. Meeting materials are also available for download from the Board website at <http://funeral.nv.gov> or can be picked up at the following location: 3740 Lakeside Drive, Suite 201, Reno, NV 89509.