

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES OF MEETING

Wednesday, May 29, 2019, at 10:00 a.m.

Location

Hyatt Place
1790 E. Plumb Lane
Reno, Nevada 89502

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. 10:00 am

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

Board Members Present

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

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Administrative Assistant
Wayne Fazzino, Inspector/Investigator

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)

There were no public comments.

3. **Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)**
 - a. February 14, 2019

MOTION: *Chris Naylor moved to approve the February 14, 2019 Board meeting minutes. Tammy Dermody seconded the motion and the motion was carried unanimously.*

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

Jennifer Kandt stated that Mr. Stimpson's applications were on the agenda at the last meeting, but Mr. Stimpson had not completed the testing, so the applications were continued. Mr. Stimpson has since completed the testing. She also stated that Dr. Wayne Fazzino had obtained additional information regarding the current investigation in Idaho.

Dr. Wayne Fazzino stated that he was asked to verify information related to a self-reported investigation and current status of the case. Dr. Fazzino reported that he spoke with the detective assigned to the case and was told that the case is inactive right now as the detective has not received needed information. Mr. Fazzino stated that the detective informed him that the case will not be moving forward until he receives bank and financial records.

Henna Rasul, Senior Deputy Attorney General stated because the case is in inactive status and pending, it is still not a resolution and there has been no conviction. She stated that if licensing requirements are met, then she would recommend that the Board grant Mr. Stimpson his license. She stated that if Mr. Stimpson is convicted at a later date he would be under the Board's jurisdiction and the Board could address the conviction at that point. Ms. Rasul stated that Mr. Stimpson should update the Board as to what the status is regarding his pending criminal litigation.

Jennifer Kandt stated that if Mr. Stimpson were to later be convicted of a felony or misdemeanor, the Board would then file a complaint and then there could be discipline against the license at that time.

Tammy Dermody asked how the Board would become aware if Mr. Stimpson is prosecuted.

Jennifer Kandt stated that Mr. Stimpson would have to inform the Board.

Henna Rasul stated that Mr. Stimpson could inform the Board through the license renewal process.

Dr. Randy Sharp asked if the Board would be in a difficult situation if it were to grant Mr. Stimpson a license and then at some point have to revoke due to a conviction.

Henna Rasul stated that because the outcome is pending and there has been no conviction, she didn't believe the license could be denied.

Jennifer Kandt stated that the Board discipline statutes do address if you are convicted of a crime while you hold the license and does allow for the Board to then revoke a license if a person is convicted of a crime during a period that they hold the license.

Adam Garcia asked for clarification on when the renewal time would be for Mr. Stimpson to report a possible conviction.

Jennifer Kandt stated the renewal period is every two years and it is upcoming the end of December 2019.

Adam Garcia asked if Mr. Stimpson had an obligation to report a conviction if that occurs prior to the two-year renewal.

Jennifer Kandt stated that she is not aware if the statute states there is a requirement to report the conviction, but it does state that if they are convicted, then they are under the Board's jurisdiction for discipline which is why the questions are asked in the renewal.

Henna Rasul stated that once the Board grants Mr. Stimpson his license in the motion, then he is now under the Board's jurisdiction and the Board could require him to report as soon as he is aware of the conclusion of the matter.

Brian Rebman asked if Mr. Stimpson was currently employed by Burns Funeral Home and if they are fully aware of the situation.

Mr. Stimpson stated yes.

Brian Rebman stated that his employer would be taking the biggest risk. If the employer knows, does that make it easier for the Board to grant him a license.

Jennifer Kandt stated that once Mr. Stimpson is granted a license, he would then be able to work anywhere.

Dr. Randy Sharp stated that the Board would not want to hold Mr. Stimpson up for two or three years not being able to be gainfully employed and do what he is trained to do.

Robert Wines, Esq. stated that he noticed that Mr. Stimpson's file was a little weak as far as recommendations toward his moral character. Mr. Wines stated that he had Mr. Stimpson obtain letters of recommendation from the Elko County Coroner and the Deputy Elko County Coroner. They have both signed recommendations stating that they would be happy and glad to work with him in Elko County. (Mr. Wines presented copies of both letters to the Board and requested that they be submitted into the record.) Mr. Wines stated that Burns Funeral Home is absolutely aware of the status and as the Board may know, Burns Funeral Home is located in the Northeastern part of Nevada and they cover a tremendous amount of territory, Wendover, Jackpot, Battle Mountain, Ruby Valley, north to Mountain City. Mr. Wines stated that Burns Funeral Home is in dire need of another funeral director as the only other funeral director that is there right now is Jason Muth and until he gets another funeral director, he is locked into Elko County and cannot leave. It is also very difficult to arrange two funerals on the same day, especially if there is one in Battle Mountain and one in Wells since they are two hours apart. Mr. Wines stated that Mr. Muth is willing to take the risk on Mr. Stimpson and he urges this Board to grant Mr. Stimpson both his embalmer and funeral director's licenses so that he could start working and relieve some of the stress up there.

Lorretta Guazzini asked Mr. Stimpson if he is working at Burns Funeral Home now, in what capacity are his duties.

Mr. Stimpson stated that he is licensed as a pre-need insurance, he is doing insurance and mostly office work.

MOTION: Tammy Dermody moved to approve Mr. Stimpson's embalmer and funeral director licenses with further reporting requiring Mr. Stimpson to check in with the State Board quarterly. Adam Garcia seconded the motion and the motion was carried unanimously.

5. **Discussion, recommendation, and possible action regarding funeral arranger applications for the following individuals (For possible action):**
 - a. Kimberly Kay

Jennifer Kandt stated that Ms. Kay was not present. She stated that the applicant has a misdemeanor within the last seven years. The Board will have to determine whether that misdemeanor has a reasonable relationship to the license that the Board is issuing to the person. This individual is seeking licensure as a funeral arranger. She was charged with filing a false police report. During a conversation with the application, she indicated it had occurred during a custody

dispute with her children and that is the only information that the Board was given. Because it is a misdemeanor, the Board could still approve her if it is believed that the charges do not have a reasonable relationship to the license that is being issued.

Adam Garcia asked if there has been any further investigation, or whether the Board had obtained police reports or background checks related to the incident.

Jennifer Kandt stated that no police reports have been obtained. Ms. Kandt stated that the Board staff in the future will attempt to obtain the police reports prior to the meetings as Mr. Garcia is usually requesting them.

Adam Garcia stated that the police report would be very helpful with this conviction as the bar is very high for this type of crime. Before he made a decision, he would want to know what context to put this in. Mr. Garcia stated that in his mind it does speak to the turpitude of the individual depending on what happened.

Dr. Randy Sharp asked for clarification regarding "the bar is high," and what does that mean to Mr. Garcia in this case.

Adam Garcia stated in order to get a conviction for filing a false police report, the government has to show that you lied in giving the information to law enforcement. It means actually proving that someone lied and obviously that bar is very high.

MOTION: Adam Garcia moved to table/continue Kimberly Kay's application until the Board has an opportunity to hear from the investigator or read the report to make a decision for Ms. Kay. Tammy Dermody seconded the motion and the motion was carried unanimously.

b. Bo Jack Peppers

Jennifer Kandt stated that this is self-reported criminal history. The applicant was convicted of a misdemeanor within the past seven years and the Board must consider whether the conviction has a reasonable relationship to the persons license. There were two charges, one was disturbing the peace in 2014 and one was a DUI in 2015 and the applicant is present, represented by counsel. Letters of recommendation have been included within Mr. Peppers' application.

Tammy Dermody asked how many employees were up at Burns Funeral Home.

Bo Jack Peppers stated that there are four.

Tammy Dermody asked what Mr. Peppers has been doing at Burns Funeral Home since he started in November 2018.

Bo Jack Peppers stated that he was a crematory operator.

Tammy Dermody asked if Mr. Peppers was a licensed crematory operator.

Bo Jack Peppers stated that he was a licensed crematory operator.

Jennifer Kandt clarified that the crematory operators are not required to be licensed. Their training is verified through certification of completion of a crematory operator program but are not issued a license by the Board and the Board does not have jurisdiction over them.

Robert Wines, Esq. presented to the Board a copy of Mr. Peppers crematory operator program completion certification for review.

Brian Rebman asked if disturbing the peace was in connection with the DUI.

Bo Jack Peppers stated that it was not in connection with the DUI. Mr. Peppers stated that disturbing the peace was at the local hospital in Elko. Mr. Peppers stated that he had a poor reaction to some medicine that he was given. Mr. Peppers stated that he was given four doses of a medication within an hour and he “showed his tail” pretty good in the emergency room and they took him to jail for disturbing the peace. He stated that two hours later they took him back to the hospital. Mr. Peppers stated that he now knows that he is allergic to Ativan. Mr. Peppers stated that the DUI on New Year’s Eve was totally his doing 33 in a 25 and should not have been driving and was speeding a little bit. First time it has ever happened, and he has not had a drink since December 31, 2018.

Adam Garcia commended Mr. Peppers for not drinking. Mr. Garcia asked Mr. Peppers if the Board were to pull the police report from Elko Police Department, would it reflect what was just described.

Bo Jack Peppers stated yes.

Adam Garcia asked if the police report states that Mr. Pepper’s behavior was a result of the medication.

Bo Jack Peppers stated that he is not aware and does not remember exactly what the police report states. Mr. Peppers stated that all he knows is what happened from his side of the hospital bed that he got handcuffed in.

Tammy Dermody requested that police reports be submitted to the Board along with applications for the future.

Jennifer Kandt stated that the police reports will be attached to the applications in the future if the staff is able to obtain them.

Tammy Dermody asked who owns Burns Funeral Home.

Bo Jack Peppers stated that Jason Muth owns Burns Funeral Home.

Tammy Dermody asked if Mr. Muth worked at Burns Funeral Home.

Bo Jack Peppers stated that Mr. Muth does work there, and he is the managing funeral director at Burns Funeral Home.

Tammy Dermody asked if Mr. Stimpson was going to be the new managing funeral director.

Jennifer Kandt stated that Mr. Stimpson wants to be a funeral director, not the managing funeral director since they do have to go to different areas of the state to conduct funerals.

Robert Wines, Esq. stated for further clarification, there were three funeral directors at Burns Funeral Home, Mike, Jerry and Jason. Two of them, Mike and Jerry both retired and are no longer working and are no longer available to assist. Mr. Muth is the sole director and he has a large territory to cover. There have sometimes been problems even with three directors being able to cover all the territory and one person is just spread too thin.

MOTION: Brian Rebman moved to approve the funeral arranger license for Bo Jack Peppers. Bart Burton seconded the motion and the motion was carried unanimously.

6. Discussion, recommendation, and possible action regarding request for approval of new managing funeral director for the following locations (For possible action):
 - a. Elena Ivanova Pastrana FD889 – Palm South Jones Mortuary EST37

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

Jennifer Kandt stated that a temporary approval was given, and everything was in order.

MOTION: *Tammy Dermody moved to approve the managing funeral director request for Elena Ivanova Pastrana. Dr. Randy Sharp seconded the motion with Bart Burton recusing and the motion was carried unanimously.*

- b. Starla Frances Wolters FD950 – Pahrump Family Mortuary EST56

Jennifer Kandt stated that a temporary approval was given, and everything was in order.

MOTION: *Chris Naylor moved to approve the managing funeral director request for Elena Ivanova Pastrana. Adam Garcia seconded the motion and the motion was carried unanimously.*

- 7. **Discussion, recommendation, and possible action regarding request for approval of new funeral establishment permit (For possible action)**
 - a. Truckee Meadows Cremation and Burial Sparks

Jennifer Kandt stated that the inspection was conducted on May 3, 2019. There was one minor issue with the GPL which was corrected. However, one of the principals failed to report prior criminal history. Ms. Kandt stated that in her initial conversation with the applicant, he indicated that he thought that he had reported, and that the secretary had filled out the forms. A subsequent conversation with the applicant, he had indicated that he thought the record had been expunged. Ms. Kandt stated that she is not aware if it truly had been expunged if there is still the requirement to report. It sounded like if it had been expunged, it was at a much later date. She said the Board has typically denied applications for failure to report criminal history and require that they reapply with true and correct information.

Tammy Dermody asked about the failure to report criminal history under the existing license since there was fraud under that license. If they did not report that when they initially did the application for the existing facility.

Jennifer Kandt stated that this individual was not on that application for the existing facility. In addition, the individual that is being referred to, is licensed as a funeral director and embalmer and neither of those applications had reported that criminal history, so those licenses may be looked at.

Brian Remban stated that the Board has already approved the individual as a funeral director and embalmer, and he didn't disclose at that time. How did it come out that he had this issue for this application?

Jennifer Kandt stated that when his criminal history was ran for this application, a conviction came up, but it had not come up in the previous background check.

Brian Rebman stated that in his defense, he could legitimately think that it didn't show up last time, why would he report it now, its not going to show up this time because it didn't show up the first time.

Jennifer Kandt stated that the point is not that it didn't show up, the point is that there was a conviction and a requirement to report.

Tammy Dermody stated that she would have to recuse herself as she is in direct competition in the area.

Adam Garcia stated that there is a difference with a file that is sealed and a file that is expunged. If it is expunged, they still have to report the arrest. If it is sealed by a court, then they don't have to report by law.

Jennifer Kandt stated that was a question that she wanted to look into further and she had asked the applicant to provide more information on the expungement but have not received anything yet.

MOTION: *Adam Garcia moved that the establishment permit application for Truckee Meadows Cremation and Burial Sparks be denied and reapply with accurate information. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

8. Discussion, recommendation, and possible action regarding request for approval of continuing education provider (For possible action)

- a. Nevada Donor Network, Jenna Dumas and Monica Myles Presenters – Giving Hope and Life to Others – Requesting One (1) CEU

Monica Myles representing Nevada Donor Network was present.

Dr. Randy Sharp thanked Ms. Myles for the materials that were presented and said he was not aware of the intensity of the organ donor project and the organ donor organizations. Dr. Sharp stated that it was very informative for someone outside the industry.

Tammy Dermody asked if was just one hour of continuing education. Ms. Dermody stated that she felt that it could possibly be more continuing education hours because this is a topic that is affecting the funeral industry and the more education the better.

Monica Myles stated that it is typically about an hour with questions, but that is one thing that they are exploring, perhaps longer classes that would include more material.

Tammy Dermody stated that it is much needed.

Dr. Randy Sharp asked if this class was designed for those in the industry or those that are planning on making arrangements when they die.

Monica Myles stated that this course is geared toward the funeral home industry staff of all levels because they work with everyone from funeral home directors to removal staff. They would really like to inform them of their important role and how much they help in their process.

Dr. Randy Sharp asked if the training involved any first responders or transportation individuals.

Monica Myles stated yes, they also offer continuing education units to law enforcement, EMS professionals as well as hospital staff. They are really trying to reach all persons that are involved in this process. Ms. Myles thanked the Board for their support.

MOTION: *Tammy Dermody moved to approve the one continuing education unit for Nevada Donor Network, Jenna Dumas and Monica Myles Presenters – Giving Hope and Life to Others. Christopher Naylor seconded the motion and the motion was carried unanimously.*

9. Discussion, recommendation, and possible action regarding approval of Sexual Harassment Policy pursuant to Executive Order 2019-01 (For possible action)

Tammy Dermody asked if the sexual harassment class was required.

Jennifer Kandt stated that according to the order, it is required and that she will send Board members information on taking the training. She said she needs the Board to approve the policy based on the Executive Order.

MOTION: *Bart Burton moved to adopt the Sexual Harassment Policy pursuant to Executive Order 2019-01. Tammy Dermody seconded the motion and the motion was carried unanimously.*

10. Discussion, recommendation, and possible action regarding offering a funeral law training (For possible action)

Jennifer Kandt stated that this has been a request from individuals within the industry who would like to see the Board offer a law training. Ms. Kandt stated If that is something the Board would like to explore that she would be happy to compile a one to two-hour course on current funeral law and probably offer it in the North and in the South.

Tammy Dermody asked if Ms. Kandt's schedule would work around this training.

Jennifer Kandt stated that it would not affect her schedule.

Bart Burton stated that he thought it was a good idea. He also believes that it would be well supported within the industry.

Tammy Dermody stated that she also thought it was a good idea.

Jennifer Kandt stated that she would make that a goal for the next two to four months to get that finalized.

Dr. Randy Sharp suggest that the Board inspector be involved as well.

MOTION: Dr. Randy Sharp moved to have the Board offer a funeral law training one to two-hour course for continuing education and updated as needed. Bart Burton seconded the motion and the motion was carried unanimously.

11. Discussion, recommendation, and possible action regarding next steps for adoption of Model Internship Program components (For possible action)

Jennifer Kandt stated that there have been discussions about this model internship program that she has worked on at the National level. Ms. Kandt requested that a Board member, who might also be a licensee, work with her to further streamline how the Board could implement portions of the model program. Ms. Kandt stated that she did not think that all of it could be implemented without possibly some regulation changes. Ms. Kandt stated that she thought the embalming portion could be more easily implemented. The funeral director portion gets a little trickier because there isn't an internship for funeral directors, but instead require one year as an arranger.

Bart Burton stated that he would volunteer.

Jennifer Kandt stated that she would work more closely with Mr. Burton and will bring back a more formal proposal on how this can be implemented.

Dr. Randy Sharp stated that he liked the model that presented in the packet.

Jennifer Kandt stated that it was the work of seven members throughout the country, licensees, persons in the education field, board members and association members. This was a collaborative effort which was then approved by the Conference Board membership and their legal counsel. It was approved by the full membership in February.

MOTION: Tammy Dermody moved to investigate adoption of Model Internship Program components and bring it back to the Board for review. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.

12. Discussion, recommendation, and possible action regarding fingerprint-based background checks (For possible action)

Jennifer Kandt stated that the letter from the Department of Public Safety basically states that they do not like how Legislative Counsel Bureau drafted the statute regarding the Funeral Board being

allowed to conduct fingerprint-based background checks. Ms. Kandt stated that the Board has been waiting for a response on this for a few years. Ms. Kandt stated that she has checked in every six months to find out the status and just recently Ms. Kandt received a letter that stating that the FBI didn't approve of how the statute was written. She said that she spoke with Brenda Erdos at LCB because there was a possibility of getting something changed this session. Ms. Kandt stated that she felt it was highly unlikely.

Bart Burton asked what is done in the meantime.

Jennifer Kandt stated that a private service is used that is not fingerprint based and there are sometimes issues.

Adam Garcia stated that he agrees, there are significant pitfalls to using private services to obtain this information. Mr. Garcia stated that any applicant can go get their fingerprints taken and submit them. The applicant would get their own records back and then they could submit that to the Board. Mr. Garcia stated is a possible work-around and he is not sure if that is something the Board would be willing to do. If the applicant volunteers to get their fingerprints taken, they pay for it and send them to the Board. Once they get the results then they provide them to the Board as part of their application process. Mr. Garcia stated that would be something that he would recommend pursuing.

Tammy Dermody stated that is how it used to be done years ago.

Bart Burton stated that California does something similar. The applicant goes to a fingerprint place and on the form, it asks you where you want the information sent. The applicant has agreed to it and they know its part of the application process.

Adam Garcia stated that any individual can go get their own background done, pay for their own fingerprints, pay for the background and they would then get their results back. Mr. Garcia stated that they do it under authority of law and that is what the FBI has an issue with apparently the way the law was written. Mr. Garcia stated that they have individuals do fingerprint-based backgrounds on their own. Mr. Garcia stated they pay for them, someone does the fingerprinting, they submit them when they get the results and then submit them to the Board.

Jennifer Kandt asked how long the results take.

Adam Garcia stated typically six to eight weeks depending on the backlog. Mr. Garcia stated that maybe the Board could make the application approval contingent on their background coming back clear. Adam Garcia stated that there is a difference between the government obtaining information on you and you getting that information on your own.

Jennifer Kandt stated that she felt that the Board needs to evaluate how the process would work. There are concerns with people waiting eight weeks, especially with funeral arrangers, however, making it clear to the applicant, if you get licensed and something comes up, we can revoke the license and the Board does have authority to do that.

Adam Garcia asked if the Board performed criminal history checks.

Jennifer Kandt stated that the Board uses a private entity for the background checks, but they sometimes miss things because some states do not report.

Mr. Garcia stated that he felt that the Board misses way too much by using some of these private companies because they just do not go to the right places.

Jennifer Kandt stated that maybe the best thing for the Board would be to see whether something does happen this session with this or not. There was a little bit of hope that something could happen, but she is doubtful. If it doesn't, she will work on how the Board could put this together and how it would work and then present it back to the Board to approve that procedure.

MOTION: *Adam Garcia moved to table/continue fingerprint-based background checks until LCB makes a determination and provide direction to staff to review possible alternate methods for obtaining that information. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.*

13. Discussion, recommendation, and possible action regarding approval of audit contract (For possible action)

Jennifer Kandt stated that the Board previously used a company called Kohn & Company, which is now Eide Bailly. She said the price increased from \$8,500 to \$10,000 for the two-year audit. Approval from the Board is needed to be able to enter into a contract with them.

Brian Rebman asked if it was worth it to shop around due to the price increase.

Ms. Kandt stated that a lot of other Boards using them and assumes that they are on par with what is usual and customary.

MOTION: *Tammy Dermody moved to approve the audit contract with EideBailly as presented. Christopher Naylor seconded the motion and the motion was carried unanimously.*

14. Discussion, recommendation, and possible action regarding approval of FY20 Budget (For possible action)

Tammy Dermody asked if there was anything in the budget that was significantly different from previous years.

Jennifer Kandt stated the budget was largely the same, but the personnel expenses were higher because of two cost of living adjustments that the State issued from the 2017 legislative session. It was 3% one fiscal year and 3% the next.

Tammy Dermody asked if Jennifer thought the legal fees were sufficient in the budget and Jennifer stated that she believed they were adequate at this time but wouldn't know unless a significant case arises.

Tammy Dermody asked if anything had changed with the travel budget and Jennifer stated that it was remaining unchanged but could vary depending on how many Board members attend the annual conference or FARB training.

Tammy Dermody asked if the Board needed additional legal funds, would that be possible.

Jennifer Kandt stated that the Board has enough reserves that there would be money to allocate to additional legal expenses. She stated that the Board is aware that even one case can be quite costly.

Dr. Randy Sharp asked if the bookkeeping costs would increase.

Jennifer Kandt stated that the audit expense was an increase from prior years, but the bookkeeping was remaining the same as last fiscal year.

Adam Garcia asked if the 6% cost of living from the 2017 session was reflected in the investigator and assistant wages on the budget and Jennifer Kandt stated that the 6% was reflected.

MOTION: *Adam Garcia moved to approve the FY20 budget. Tammy Dermody seconded the motion and the motion was carried unanimously.*

15. Discussion, recommendation, and possible action regarding Executive Director annual review (For possible action)

Dr. Randy Sharp stated that he received four reviews and they were all in the number four category which is the best/excellent. Dr. Sharp continued by reading some of the comments on the reviews. "Jennifer continues to perform at a high level and represent the Board extremely well." "Jennifer is well respected by the majority of the funeral home operators and is fair with everyone." "I think that one thing that goes unnoticed is how she has assembled a great staff with Marie and Wayne. They are an extension of her, and the office and their performance are second to none." "The updates about the Bills in the State Senate were invaluable."

Dr. Sharp stated that he thought that was great how Ms. Kandt kept the Board in the loop with all the communication during the legislative session and that he appreciates hearing about the national Conference and what is going on with that. He said Ms. Kandt continues to be an asset to the Funeral and Cemetery Services Board, very involved with the industry and very proactive regarding Board issues which arise during legislative meetings. He said she is an asset to the Board, very competent and hard working. Dr. Sharp thanked Ms. Kandt for her service.

Jennifer Kandt thanked the Board.

Dr. Randy Sharp if the previous salary caps that the Board created could be revisited in the future.

Jennifer Kandt stated the Board could adjust the range, but that the range which was recommended and previously approved by the Board maxed at approximately \$88,900 but allowed for cost of living adjustments when approved by the State. She said that because of two cost of living adjustments from the 2017 legislative session, that increased her salary by 6% (3% each fiscal year). She said that put her current salary at about \$94,000, so she did not ask for an increase in pay this year. Additionally, Ms. Kandt stated that the legislature could approve another COLA this session.

Christopher Naylor stated that he thought it was going to be a 1.5% cost of living increase for each fiscal year.

Jennifer Kandt stated last time it was 3% each fiscal year, and it will just depend on what the legislature approves this session.

Adam Garcia said he is the newest member on the Board, and he feels that in his short time, a couple years, he is blown away by the complexity of the issues that the Executive Director and the Board deal with, especially in terms of the regulations. Mr. Garcia stated that he would commend the Board Executive Director and the Board Staff. He said that from his perspective, the three of them are underpaid for what they do and thinks the Board should look closely at their compensation.

Dr. Randy Sharp stated that was why he brought up the pay scale, because in several industries, you have standards who is paid what and he believes that it would be worthwhile for the Board to look into that again to make sure that the Board is up to the National standard. He said he would like to review what other executive directors and staff make at other funeral boards across the nation.

Adam Garcia stated a compensation review of the western region for similar type positions would be ideal. Mr. Garcia stated that within the State system, from where he sits and the work and complexity that comes with what Jennifer and her staff has to do, they are underpaid.

Dr. Randy Sharp stated that he agreed and the same for Marie and Wayne. They are all very diligent and hard working.

MOTION: *Adam Garcia moved for staff to conduct a salary compensation review of the positions and determine the salary range in the western regions, including California, Washington, Nevada, Oregon, Arizona, six or so states to give the Board an idea of salary ranges. Lorretta Guazzini seconded the motion and the motion was carried unanimously.*

Dr. Randy Sharp presented Jennifer with a vase and flowers and thanked her for five years of service with the Funeral Board.

Lorretta Guazzini stated from where the Board was to where the Board is now is just remarkable and blows everyone away.

Jennifer Kandt thanked the Board for the kind words.

16. Financial Reports

- a. Regulatory Fee Collection
- b. Financial Reports

Jennifer Kandt stated that the regulatory fee collection report was current through February. She also reminded the Board that the budget vs. actual report has a \$9,000 in miscellaneous category which was the money that was returned in the La Paloma matter. She said a current balance sheet was also attached.

Jennifer Kandt stated that Board revenue and expenditures were pretty even.

Lorretta Guazzini stated that it doesn't look like the funds were increasing the same that they were initially.

Jennifer Kandt stated that the Board built reserves quickly prior to having the Board office, before having an investigator and administrative staff, before the Board offered health insurance, and before the Board went to renewing licenses every two years without increasing the fee.

17. Overview of current complaint status

Jennifer Kandt stated this report is for the Board review only and stated that one of the complaints listed in the report had been dismissed since the report was printed and a new one was received since the printing of the report.

18. Report from Executive Director, Jennifer Kandt

Jennifer Kandt stated that she had testified for various bills during the session. She stated that there was a bill to regulate the body brokerage industry and it looks like it is going to get signed by the Governor. Ms. Kandt stated that she is not aware of all the details of what the regulations will consist of, but she will continue to follow the process. Ms. Kandt stated that she testified about the case the Board had down in Vegas where the location was hosing off the severed torso outside and had moldy body parts. Ms. Kandt stated that people who are actually in this field supported the legislation as well.

Ms. Kandt stated that there was the bill to reappoint the Board pursuant to a diversity statute that didn't go anywhere. She said there was another bill former Senator Hardy was promoting having to deal with hearing officers and investigative fees. She said that the bill was revised to only require detailed billing at the end of a case, and no one had an issue with that. Ms. Kandt stated that she did have to testify and clarify some things during the testimony.

Brian Rebman asked if the Funeral Board was going to be involved in regulating the body brokerage industry, or if another entity was being tasked with that duty.

Jennifer Kandt stated that the Health Department would oversee that industry. They will be subject to inspections and subject to reporting on the number of body parts that they receive and deliver. There will obviously be more, the details will get worked out in regulation.

Brian Rebman asked about crematories being able to cremate body parts with the regulation of the body brokerage industry.

Jennifer Kandt stated that the current statutes allow for cremation of body parts as long as the requirements are met including, not commingling without authorization, not cremating unidentified remains, having a permit, etc., She said that even if a part has left the State and come back, that permit should stay with that part. Ms. Kandt stated that she is not aware of what the new regulations are going to address.

Brian Rebman asked if Ms. Kandt planned on following those regulations closely.

Jennifer Kandt stated that she does plan to follow those closely.

Jennifer Kandt stated that in addition to what is on her report, Ms. Kandt and Wayne attended a seminar provided by Sierra Donor Services regarding tissue and bone recovery at UNR.

Brian Rebman asked if they plan on doing one of those presentations in the South.

Jennifer Kandt stated that she was not aware and if she hears anything, she will notify him.

Jennifer Kandt stated that she was elected to represent District 9 for the Conference and she officially serves on the Conference's Board now. Ms. Kandt stated that she will be representing Arizona, California, Colorado, Hawaii, Nevada and Utah.

19. Board member comments

There were no Board member comments.

20. Discussion regarding future agenda items and future meeting dates

Wednesday, September 18, 2019

Thursday, November 14, 2019

Discussions regarding changes to the next Board meeting which was changed to August 21, 2019 at 10:00 am which will be video conferenced at Legislative Counsel Bureau in Carson and Grant Sawyer Building in Las Vegas.

21. Public comment

<p>Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)</p>
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There were no public comments.

22. Adjournment

The meeting was adjourned at 11:37 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.