



STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES BOARD
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MINUTES

Wednesday, August 21, 2019, at 10:00 a.m.
Video Conference Locations

Legislative Building
401 South Carson Street, Room 3138
Carson City, Nevada
and
Grant Sawyer Building
555 E. Washington Avenue, Room 4412
Las Vegas, Nevada

1. Call to order, roll call, establish quorum.

The meeting began at 10:04 am and a quorum established.

Board Members Present

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

Board Members Absent

Adam Garcia

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. May 29, 2019

MOTION: *Tammy Dermody moved to approve the February 14, 2019 Board meeting minutes as written. Loretta Guazzini seconded the motion and the motion was carried unanimously.*

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4. Discussion, recommendation, and possible action regarding consent decrees for case number FB19-01 for the following individuals (For possible action):

Henna Rasul stated that all four of the consent decrees relate to one matter.

a. Sunrise Cremation Society – DC88L

Jennifer Kandt stated that there was a separate case with the Office of Vital Records where they did pursue this issue. Ms. Kandt stated that the Office of Vital Records required the location to amend all the death records in question at their expense.

Dr. Randy Sharp asked whether amending the death records now means they are legitimate.

Jennifer Kandt stated that the funeral director signed them but should not have because someone else was logged into the account. They did make a different funeral director go in and amend each record. Otherwise Vital Records said that they did not believe the records to be valid. They required that the funeral home pay to amend each one of the ninety-two death records.

Tammy Dermody stated that in her opinion, they should be thankful that this is all that they are getting since it seems lenient.

Dr. Randy Sharp stated that he agreed with Tammy Dermody that it does seem lenient.

Brian Rebman asked if Sunrise Cremation had another funeral director on staff.

Jennifer Kandt stated that Kristen Anderson is the managing funeral director at this time but was not certain about other funeral directors working at the location.

Brian Rebman asked if Ms. Anderson was part of their team when this issue happened.

Jennifer Kandt stated that Ms. Anderson was the managing funeral director at the time of the death certificates in question and she will be the one required to hold weekly meetings with the funeral arrangers. The two funeral arrangers that are in reference to this case are stating that this is what they were told to do, and their boss told them to do this. Which is why they are receiving a public reprimand. Ms. Kandt stated that if the Board feels that the adjudication in this matter is not sufficient, the Board can deny the consent decrees and there can either be a hearing or the Board can agree on a potentially more severe discipline which would be taken back to the other side and see if they would agree to those amended terms, or the other side could present an alternate settlement.

Brian Rebman asked if they had a director on staff that they could have assigned the death certificates or were they just giving them to Mr. Walters. They did have a licensed funeral director on staff correct.

Jennifer Kandt stated that they did have a licensed funeral director on staff, Kristen Anderson was the managing funeral director for the location. Ms. Anderson theoretically should have been the person signing death records, or another funeral director who works there, but not Mr. Walters as the funeral arrangers were simply logged into his account.

Dr. Randy Sharp asked Henna Rasul if the Board had adequate leeway to discuss the terms of the consent decrees.

Henna Rasul stated that the Board has leeway to discuss the consent decrees. Ms. Rasul stated that they would not have been brought before the Board if she didn't think that they were adequate. Ms. Rasul stated that these are the terms that were agreed to and were negotiated by the other side along with their attorney. However, if the Board would like to amend the consent decrees, Ms. Rasul stated

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that she could take them back to their attorney. There is no guarantee that their attorney will agree to the amended terms, if he does not, then the Board would go to hearing on the matter.

Tammy Dermody asked Henna Rasul why the other funeral director was not signing the death certificates.

Henna Rasul stated that she had no knowledge as to why the other funeral director was not signing the death certificates.

Jennifer Kandt stated that when Dave Walters was the managing funeral director, the arrangers were signing in under his login. Ms. Kandt stated that they just continued to do it and then that became their process.

Christopher Naylor stated that he just cannot believe that this was happening. Mr. Naylor stated that in his opinion it is criminal to sign for someone that has passed away unless you have legal authority to do so, which they did not.

Bart Burton stated that it states that on November 12, 2018, that Dave Walters' attorney informed the Board that he was not the licensed funeral director at that facility any longer. At that point, did Desert Memorial put another responsible funeral director associated to that location right after that letter.

Jennifer Kandt stated that the managing funeral director had been changed prior to that date.

Bart Burton asked when Ms. Anderson was placed as the managing funeral director for Sunrise Cremation and if the Board had record of that date.

Jennifer Kandt stated that the Board does have those records.

Bart Burton stated that he thought that it was important if its neglect on November 12, 2018 and then the Board was notified. Mr. Burton stated that would ring a bell that they knew what was going on and they wanted to get clear of it. There does pose a question why Ms. Anderson would not have made sure that they were using hers instead of Dave Walters.

NOTE: The Board records indicate that the application for request for approval of managing funeral director Kristen Anderson and Sunrise Cremation Society was received on November 1, 2018 with an effective date of October 31, 2018. The application for request for approval of managing funeral director for Kristen Anderson and Desert Memorial was received on April 23, 2018 and effective April 24, 2018.

Jennifer Kandt stated that Kristen Anderson was definitely assigned as managing funeral director prior to November 12, 2018.

Lorretta Guazzini asked if Vital Records noticed the mistake and how it was reported.

Jennifer Kandt stated that Vital Records noticed that eleven death records were signed by an individual who had already deceased. She said that they then filed a complaint.

Lorretta Guazzini asked if the two funeral arrangers both had their own access to Vital Records that they could have used their own.

Jennifer Kandt stated that funeral arrangers and staff can access the system for data entry, but only a funeral director is allowed to sign the records. The funeral arrangers were signing in under a funeral directors' login instead of their own.

Dr. Randy Sharp asked Henna Rasul how involved would the process of amending the terms be if the Board extended the probation to one year instead of six months.

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Henna Rasul stated that she would have to go back and discuss that with their attorney, and he would take the amended terms to his client and see if they would be willing to agree to the amended terms. If they did not agree to the amended terms, then the Board would go to hearing.

Tammy Dermody stated that the fees that they are being charged seem low, \$2,500 when it states that it could be \$5,000 per act and they had 103 acts of fraud. Ms. Dermody stated that it seems like they are just getting a hand slap and that is it.

Henna Rasul stated that typically with most licensing Boards, they don't assess fines in consent decrees, not that they cannot, they typically don't in order to promote the settlement.

Tammy Dermody stated that she would at least like to see a year of probation for every person involved.

Christopher Naylor asked if it was six months probation.

Dr. Randy Sharp stated that was correct.

Chris Naylor stated that he agrees, it seems like it's a slap on the wrist.

Tammy Dermody asked Henna Rasul if the Board could require them to come speak with the Board to explain why they did it.

Henna Rasul stated not really, they are given notice of the meeting and it is at their option if they want to show.

Jennifer Kandt stated as a reminder, the Board has had instances in the past where the Board, on at least on one occasion, amended the terms of the consent decree. Ms. Kandt stated that it is something that is possible, if there is something that the Board would like to see different in the consent decree. It sounds like, pursuant to the Board's discussions, that is the way the Board would like to go. The Board would need to decide what those amended terms are and then they will go back to opposing counsel and as Ms. Rasul said, either they will agree to the amended terms or they will not agree to the amended terms and then the Board will have a hearing.

Tammy Dermody stated that she would at least like to see one year of probation.

Dr. Randy Sharp stated that he agrees with the one year of probation.

Henna Rasul stated for clarification, would the one year of probation apply to all four consent decrees.

Tammy Dermody stated that she would like to see the amended terms on all four consent decrees.

Dr. Randy Sharp stated regarding the financial aspect, as they have already incurred a large sum with the Vital Records.

Jennifer Kandt stated for the Board's reference, the total amount from Vital Records was over \$4,000, Ms. Kandt stated that she was not sure of the exact amount. Then there are fines from the Board for the funeral director at \$2,500 and the location at \$2,500 for a total of \$5,000 from the Board plus over \$4,000 for Vital Records which would be approximately close to \$10,000 for the incident.

Bart Burton stated that the money aspect is one thing, but the probation should be longer than six months. Mr. Burton stated that even though there are two funeral arrangers involved, he believes that the problem should be based more on the funeral director that was supposed to be in charge and making sure things are done properly. Mr. Burton stated that he is aware that Ms. Anderson is also

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at another location, but if you are going to place your license as managing funeral director, you should make sure that everything at that location is going the way it is supposed to and someone fell short here. Because 103 instances, to him would appear to be standard operating procedure rather than “oops, we forgot.”

MOTION: Tammy Dermody moved to amend the consent decree for Sunrise Cremation Society to a one-year probation for their license. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.

b. Kristen Anderson – FD860

Dr. Randy Sharp stated Mr. Burton if he could elaborate regarding the burden being placed on the managing funeral director.

Bart Burton stated that in the complaint, it clearly states that during the time that these 103 violations had taken place, that Ms. Anderson was clearly the managing funeral director for that location. Mr. Burton stated that 103 violations was a significant number. If it were one or two that were missed, its understandable, do an affidavit for that. Mr. Burton stated that it is clear that the managing funeral director for this location wasn't even paying attention to this location. If you are not paying attention to something as simple as filing a death certificate correctly, what else is she not paying attention to. If you talk about protection of the public, that is not protecting the public by letting 103 death certificates go out. Mr. Burton stated that was his concern. He knows there is a monetary fine, and six months probation, but asked if that is that saying you have six months not to screw up again? Or is it six months that you have to pay attention? Mr. Burton stated that it bothers him.

Dr. Randy Sharp asked Mr. Burton if funeral homes have checks and balances for this type of procedure where the funeral director would look at it and someone else would double check it before it goes out.

Bart Burton stated that there could be any number of different ways to process death certificates, but whatever data is put in and the funeral director that signs it, and if something is going to go wrong with it, that funeral director knows that it will come down on them, but to keep doing it. The State has to take ownership too. When Dave Walters died, does Vital Records pull funeral directors' information when there is no need to have authority to sign death certificates if you are no longer alive. Of course, they caught it at eleven, which they caught it pretty quick. If you ask any funeral director, they know that they are responsible for the record. There are funeral directors, like in this situation, that you have funeral arrangers putting in the information and then the funeral director in charge is the one who submits the record because they are the funeral director in charge. There is no way there could have been 103 deaths going through a location and not knowing that you are not the one that is being assigned to the case.

Dr. Randy Sharp asked whether the death certificates would be put into the system and Ms. Anderson should have been reviewing them before they would go to Vital Records.

Bart Burton stated correct and the funeral director's name would be on the death certificate. There are places that may let an administrative staff sign in. Is that the best practice, probably not, but that doesn't mean that it doesn't happen. This is a prime example why you shouldn't do that.

Tammy Dermody asked how they got caught.

Jennifer Kandt stated that Vital Records caught the fraudulent death certificates after noticing the death of Dave Walters.

Brian Rebman stated that he is not aware of their volume, but 103 records, is that spread over three months or over a week, how long of a period was that happening.

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Jennifer Kandt stated that Vital Records took the date that the Funeral Board received the letter that he was no longer a funeral director working at the location. To be clear, at a location, there could be ten different funeral directors that sign death certificates with access to the EDRS. That doesn't necessarily have to be the managing funeral director that logs in to sign the death certificate. Whatever funeral director handled that case and saw that body probably should be the one signing as they are the one attesting to the death. Vital Records caught it after eleven records came through after the death, but the Board coordinated with vital records, and presented Vital Records a letter that the Board received which stated this individual was incapacitated from November 12, 2018. Vital Records took that date as the date that they would consider the records no longer valid. There may have been records prior to that date, but Vital Records had to come up with a date to cut that off and establish when Dave Walters was no longer able to sign death certificates.

Brian Rebman asked when was the last date from November 12, 2018 that Dave Walters' signature was affixed to a death certificate. Was it two months later, a week later, how long did it take?

Jennifer Kandt stated that the Board received the complaint February 19, 2019, the funeral director, Dave Walters, passed away on January 23, 2019. She said she is assuming that somewhere on or shortly after January 23, 2019 is when Vital Records would have realized that those death certificate records were fraudulently signed.

Loretta Guazzini stated in this paperwork, it states November 12, 2018 Sunrise Cremation Society informed the Board that Dave Walters was not a licensed funeral director for that facility, but the complaint wasn't until January 2019. There are a lot of signatures going on between that time.

Jennifer Kandt stated correct, the Board received the complaint from Vital Records on February 19, 2019. The funeral director, Dave Walters, passed away on January 23, 2019. The Board received a letter from Sunrise Cremation Society stating that he wasn't a funeral director from November 12, 2018 at that location. The letter clarified that it meant that he was no longer the managing funeral director, but the letter stated that he wasn't a licensed funeral director at the location which was later clarified.

Bart Burton stated what concerns him about this, is Kristen Anderson managing funeral director assigned to Desert Memorial as well as Sunrise Cremation Society.

Jennifer Kandt stated correct, both locations.

Bart Burton stated that is what bothers him, you have all this going on and clearly Ms. Anderson was the managing funeral director for this location well before November 12, 2018 when the letter was sent to the Board. Ms. Anderson was already supposedly in place. Looks like they average 40-50 calls a month. Mr. Burton stated that it just concerns him that no attention at all was paid to this location and doing things the way they should have been done. By looking at the complaint it is Ms. Anderson as the managing funeral director and at the location there are two people that probably work there every day that are funeral arrangers. Mr. Burton stated that he is aware that Ms. Anderson works out of Desert Memorial in Las Vegas. It is concerning to him because it sounds like these funeral arrangers are doing what they were told and it doesn't look like there is anyone held accountable or watching them or giving them any sort of direction of the right thing to do and the correct way of doing things. Mr. Burton stated that it bothers him knowing that Ms. Anderson is managing funeral director over both Desert Memorial and Sunrise Cremation Society and with the history of this case. Then the Board is saying they are going to keep an eye on Ms. Anderson for just six months, just doesn't sit right with him.

Jennifer Kandt stated that the effective date of Kristen Anderson officially taking over management of Sunrise Cremation Society which was effective October 31, 2018.

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Lorretta Guazzini asked if Ms. Anderson had any prior association with any other funeral homes as a managing funeral director.

Bart Burton stated Desert Memorial on Las Vegas Boulevard, Ms. Anderson was signing the death certificates for them.

Lorretta Guazzini asked but at the same time, was she allowed at both places, given a license for both places.

Jennifer Kandt stated that Ms. Anderson is currently approved at both locations, and Ms. Kandt is not certain if the change of the managing funeral director for both locations happened at the same time. Ms. Kandt stated that Dave Walters was at one time the managing funeral director for both of those locations. Ms. Kandt stated that she is just not certain if Ms. Anderson formerly changed both locations on the same date. Ms. Anderson is definitely managing funeral director of both locations now.

Lorretta Guazzini asked if Ms. Anderson had been licensed at any other facilities before.

Jennifer Kandt stated that she did not believe Ms. Anderson was a managing funeral director for any other location before Desert Memorial and Sunrise Cremation Society. That would require further research.

Tammy Dermody stated that she would be more comfortable with Ms. Anderson's license suspended for six months, then on probation for a year after that. Ms. Dermody asked if Ms. Anderson would still be able to be an arranger.

Jennifer Kandt stated that no, Ms. Anderson does not hold an arranger license and if the Board suspended Ms. Anderson's funeral director license, she could not seek another license.

Dr. Randy Sharp stated that he agrees with Bart Burton as representing the public, if he had known his parent's death certificates were not overseen properly and signed properly, he would be a little stressed out about that.

Christopher Naylor stated that he finds it interesting that twelve days after she was assigned as the managing funeral director of this facility, that is when, according to the records the Board has, that this started on the November 12, 2018 the issues stated twelve days after Ms. Anderson was assigned as the managing funeral director.

Dr. Randy Sharp stated that if the Board were to consider a suspension for six months where does that put both of the funeral homes as far as having a funeral director.

Jennifer Kandt stated that Ms. Anderson would not be allowed to work as a funeral director at those locations so they would have to find a new managing funeral director.

Lorretta Guazzini stated that she doesn't feel that it is the Board's problem, for the Board to worry about the facilities finding someone new to manage. Ms. Guazzini stated that the Board's job is to protect the public and she feels that Ms. Anderson does need to have her funeral director license suspended. If it were any one of the Board members, she feels that the same thing would happen to them. It would be a hard lesson to learn, but if Ms. Anderson had not had any prior knowledge to this, then that would be one thing. As a managing funeral director, she should have been taking all of this into consideration.

Dr. Randy Sharp stated Ms. Guazzini had a good point. From a public standpoint, he would think that something a little more substantial would need to occur. If he was involved with it personally, he knows that at his place of work, falsification of documents is grounds for immediate termination.

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Bart Burton asked Henna if the Board amends these consent decrees, what is the process if the Board states that they feel that Ms. Anderson's license should be suspended for six months. At that point, can they go to a hearing. How does that process go if the Board changes the consent decree from what they have already signed because the Board does not agree with these consent decrees.

Henna Rasul stated just like the previous consent decree where the Board is changing the probation to one year, it is basically the same process. Ms. Rasul stated that she would go back to their attorney and let him know that the Board would like to amend the consent decree to suspend Ms. Anderson's license for six months and probation for one year. Then wait to see if they will accept the amended terms. He will take the amended terms back to his client and because the consent decree will not become effective, it will just depend on if Ms. Anderson will accept the amended terms. If Ms. Anderson does not agree to the amended terms, then the Board would go to a hearing.

Bart Burton stated that even if the Board made the decision to suspend Ms. Anderson's funeral director license with a year probation, its not going to be effective at the end of this Board meeting. Ms. Rasul would have to go to their attorney and that would be the direction that the Board would like to go and see what their response will be.

Henna Rasul stated correct.

MOTION: Dr. Randy Sharp moved to amend Kristen Anderson's consent decree to include her funeral director license be suspended for six months after that suspension she will be on probation for twelve months. Tammy Dermody seconded the motion and the motion was carried unanimously.

c. Michael Walters – FA97

Tammy Dermody asked if Michael Walters had a funeral director's license while he was doing this.

Jennifer Kandt stated that Ms. Dermody might be confusing Dave Walters with Michael Walters. Michael Walters is a funeral arranger and Dave Walters was a funeral director and the one that passed away. Michael Walters is a relative of Dave Walters.

Jennifer Kandt stated that both funeral arrangers in this case were public reprimands because they were doing what their employer told them to do. We wanted to make sure that it was documented, but at the same time, it is hard to tell your employer that you are not going to do what you are telling me to do.

Dr. Randy Sharp asked who their employer at the time was.

Jennifer Kandt stated Sunrise Cremation Society.

Dr. Randy Sharp stated under the direction of Kristen Anderson.

Jennifer Kandt stated correct.

Lorretta Guazzini asked Jennifer Kandt if there were dates as to how long Michael Walters had his funeral arranger license.

Jennifer Kandt stated that she was not able to access that information at this time.

Dr. Randy Sharp stated that as a public representative, he is concerned that an employee would knowingly forge documents even if that was their standard practice. He is not sure if forging is the correct term, that they would continue to do something that they should know was not ethical. For consideration, since Ms. Anderson agreed to complete six hours of continuing education on professional ethics, if Michael Walters should be subject to something similar.

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Christopher Naylor stated that he would agree with Dr. Sharps recommendation. As far as Michael Walters is concerned, Mr. Naylor stated that he is not aware of how long Michael Walters had been employed with Sunrise Cremation Society, but this seems like it could have come to the point of standard operating procedures to login under another person's identification and to input the information through that method. If that is the case, he believes that the six-month probation and the addition of the continuing education in his opinion would be sufficient.

Bart Burton stated that he agrees with Christopher Naylor.

Lorretta Guazzini stated that everyone needs some education here. Ms. Guazzini stated that she was confused, and she doesn't recall, if when the Board passed the requirement a couple of years ago for funeral arranger licenses, were there specifications as to what their job was going to be. Ms. Guazzini stated to her, she thought that they would just be meeting with families to prepare the documents and then a funeral director would take over as far as generating the death certificate. It is showing in this case that these funeral arrangers were generating those death certificates. Ms. Guazzini stated that she didn't realize that they were able to do that.

Jennifer Kandt stated that funeral arrangers cannot generate the death certificate, they cannot sign a death certificate, only a funeral director can do that. They were logging in under someone else's username and password. Administrative staff including funeral arrangers are allowed access to EDRS with their own username and password to enter all the details that would go onto the death certificate. Then, theoretically, the funeral director would login to actually sign the death certificate. Ms. Kandt stated that unfortunately, admin staff may be logging in for the funeral director and signing the death certificate records for the funeral director. According to Vital Records policy, they should absolutely not be doing that. The funeral director should be the one responsible for the case. Only a funeral director can sign the record, and no one is allowed to share their username and password. The funeral arranger is meeting with the families to make the arrangements and if they have their own EDRS login and password, they can go into the system, add all of the information, but they can not actually sign the record. These individuals had never logged in under their own username and password, they had always logged in under the username and password of the funeral director.

Christopher Naylor stated that goes back to the standard operating procedures, if that is all they were ever taught working at this facility, then that is what they thought was common practice. That proves what he was trying to say.

Dr. Randy Sharp stated that they should have logged in under their own username and password to enter data and then the funeral director goes behind them to look at it and approve it.

Jennifer Kandt stated that the funeral director would then login under their username and password and sign it. They would affix their electronic signature to it, just as a doctor would do.

Dr. Randy Sharp stated for clarification, does the Board have jurisdiction overregulating the input of data for death certificates.

Jennifer Kandt stated that the laws exist over who can sign the death records, and only a funeral director at this point has access to sign a record. EDRS does not allow anyone other than the funeral director to sign. The Board doesn't have access to EDRS. That is all overseen by the Office of Vital Records.

Dr. Randy Sharp stated that he understands that a funeral director is the only one that can sign, there is nothing that stipulates who can input data for them for those records.

Jennifer Kandt stated that she was not aware of anything in terms of what might be in statute or regulation. Ms. Kandt stated that she has not seen anything that specifically states who can input the

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data. The Office of Vital Records does create admin username and passwords. Those admins are allowed to enter the data.

Dr. Randy Sharp stated that there would be an electronic trail then if the admins are entering the data as it was with the supposed funeral director entering this data.

Jennifer Kandt stated correct, in this case the admins never logged in, they only logged in under the funeral director's username and password.

Dr. Randy Sharp asked if it was common practice within the industry.

Jennifer Kandt stated that she was not aware of any instances, because if she knew that, obviously the Board would have to take action, but thinks it may happen. Ms. Kandt stated that she believes that even doctors sometimes have someone they give their username and password and say they have ten death certificates needed to be signed off and they have their nurse login and enter the information for them. It could be something that happens.

Christopher Naylor stated he was ready to make a motion. Before moving, he stated that hopefully with the Board's discussions regarding this matter and those attending this meeting and maybe those who look into the minutes might get word out to their facilities that this is not acceptable. If this is happening elsewhere as common practice, then maybe this will help to stop that.

MOTION: Christopher Naylor moved to amend Michael Walters' consent decree to include the completion of six hours Board approved continuation education course on professional ethics. Tammy Dermody seconded the motion and the motion was carried unanimously.

d. Ellen Meade – FA134

Tammy Dermody asked if Ms. Meade's consent decree was the same as Michael Walters consent decree.

Henna Rasul stated that Ms. Meade's consent decree was the same as Michael Walters consent decree except for name change.

Christopher Naylor he would like to make a motion to also include the six hours Board approved continuing course on professional ethics.

Dr. Randy Sharp stated that before we get this granular, does the Board need to make it so that it is in addition to their required continuing education like the Board did with Kristen Anderson.

Henna Rasul stated yes.

Brian Rebman stated that funeral arrangers do not have continuing education requirements. Which was always Mr. Rebman's contention with continuing education. Mr. Rebman stated that he always felt that the Board was making a mistake giving funeral directors all the continuing education hours and not giving funeral arrangers continuing education hours. They have not attended funeral science college; they have never received any type of education and he always thought that the funeral arrangers were the ones that needed the continuing education more than anyone.

Dr. Randy Sharp stated this might be another topic for another time.

Jennifer Kandt stated that the Board has debated this topic several times. During statute and regulatory changes regarding this matter it always came back that the Board thought that the funeral director was the one overseeing everything and they should be the one required to get the continuing education. There were also the costs in having all of the funeral arrangers.

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Henna Rasul stated that would then be a no, but the Board could still have them take continuing education.

MOTION: Christopher Naylor moved to amend Ellen Meade's consent decree to include the completion of six hours Board approved continuation education course on professional ethics. Bart Burton seconded the motion and the motion was carried unanimously.

5. **Discussion, recommendation, and possible action regarding consent decrees for case number FB19-04 for the following individuals (For possible action):**
 - a. Andrew W. Joyce – FD936

Jennifer Kandt stated that the criminal history, which was not disclosed, was not recent criminal history, but criminal history from about twenty years ago. It didn't show up on Mr. Joyce's initial funeral director licensure application background check. She said that recently when they were applying for a facility license, the criminal history came up on the recent background check. The individual did not report stating the record had been expunged, but not sealed. Ms. Kandt believes that there was a misconception thinking that since the record had been expunged, they did not have to report it. Those of you at the last meeting heard Mr. Garcia state that an expunged record you would still report, however, a sealed record you would not have to report.

Henna Rasul stated that this recently came up with another DAG. They were talking about expunged verses sealed records. Nevada does not recognize expunged records; they treat them as sealed records.

Christopher Naylor stated having taken into consideration as to what Henna Rasul just shared with the Board, he would think that there is nothing more to discuss on this matter. If that is the way Nevada law looks at expunged records.

Tammy Dermody stated that she agrees with Christopher Naylor.

MOTION: Christopher Naylor moved to accept Andrew Joyce's consent decree as written. Dr. Randy Sharp 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):**

Jennifer Kandt stated that they have all been given a temporary approval these are presented for formal Board approval.

Lorretta Guazzini asked if any of these licensees were present.

Christopher Naylor stated that Larnique Mickens was present in Las Vegas.

- a. Larnique Mickens FD949 – Heritage Mortuary Inc. EST85

MOTION: Tammy Dermody moved to approve Larnique Mickens' managing funeral director request for Heritage Mortuary Inc. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

- b. Celena DiLullo FD862 – Palm South Jones Mortuary EST37

MOTION: Dr. Randy Sharp moved to approve Celena DiLullo's managing funeral director request for Palm South Jones Mortuary. Tammy Dermody seconded the motion with Bart Burton recusing as they work for the same company and the motion was carried unanimously.

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- c. Harrison Cody Billian FD943 – Truckee Meadows Cremation and Burial EST108
- d. Harrison Cody Billian FD943 – Nevada Funeral Services EST113

MOTION: Dr. Randy Sharp moved to approve Harrison Cody Billian’s managing funeral director requests for Truckee Meadows Cremation and Burial and Nevada Funeral Services. Lorretta Guazzini seconded the motion and the motion *was carried unanimously*.

- 7. **Discussion, recommendation, and possible action regarding request for approval of new crematory license (For possible action)**
 - a. Aquamation of Southern Nevada

Jennifer Kandt stated that this is the first Alkaline Hydrolysis machine in the State. The Nevada Department of Environmental Protection and the Clark County Water of Reclamation District have weighed in and the machine is in place. She said they had been given temporary approval.

Christopher Naylor stated that this was a hot topic in Southern Nevada and Fox News did an eight-minute segment regarding this and he understands that there is another one going out on ABC News. A lot of people are talking about this in Southern Nevada, its something brand new to the state and its very interesting. He believes that it is starting to become very well accepted already and only after a few weeks.

MOTION: Tammy Dermody moved to approve Aquamation of Southern Nevada crematory license application. 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/course (For possible action)**
 - a. Tissue Recoveries and Clinical Applications – Nevada Donor Network (requesting 2-hours CEU’s)

Jennifer Kandt stated that at a recent meeting, the Board approved a similar training. This is an extension of that training, so they could have a longer course offering.

- b. Embalming Organ and Tissue Donors – Nevada Donor Network (requesting 1-hour CEU)

MOTION: Brian Rebman moved to approve both of Nevada Donor Network’s continuing education requests for Tissue Recoveries and Clinical Applications, 2-hours CEU’s and Embalming Organ and Tissue Donors, 1-hour CEU. Tammy Dermody seconded the motion and the motion *was carried unanimously*.

- 9. **Financial Reports**
 - a. Regulatory Fee Collection
 - b. Financial Reports

Jennifer Kandt stated that the Board is currently engaged in the required Board financial audit. As of August 15, 2019, access was given to the auditors.

Dr. Randy Sharp asked how long the audit will take.

Jennifer Kandt stated that the report will probably come before the Board by the November Board meeting.

Dr. Randy Sharp asked if there was anything, in Ms. Kandt’s opinion that stands out.

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Jennifer Kandt stated she was not aware of anything at this point.

10. Overview of current complaint status

Jennifer Kandt stated that the complaint status overview is for information purposes so the Board could see how many cases are pending.

Lorretta Guazzini asked Jennifer what the case regarding "cemetery maintenance" was about.

Jennifer Kandt stated that the case has to do with the location not maintaining the cemetery in an orderly condition.

11. Report from Executive Director, Jennifer Kandt

Jennifer Kandt stated again that the Board was undergoing the required financial audit.

Ms. Kandt stated Wayne is down in Las Vegas right now attending the Board meeting as well as conducting inspections in Vegas and working on some cases as well.

Ms. Kandt stated that the Board still also responds to the Governor's Finance Office regarding the Executive Branch Audit Committee.

Ms. Kandt stated that she will be working on the Nevada law training that the Board approved which will be offered both Northern Nevada and Southern Nevada. Once that is finalized, she will come up with dates and locations.

Ms. Kandt stated that the salary comparisons that the Board requested for the western states will be presented at the next Board meeting.

Ms. Kandt stated that she still needs to work with Bart Burton regarding the model internship implementation. There has been nothing done at this point, hopefully they can focus on this matter in November or December and have something prepared for the first Board meeting of next year.

Ms. Kandt stated there were no legislative changes for the fingerprint-based background checks. The Board had discussions regarding this matter at the last Board meeting and the Board will need to evaluate what the process will look like moving forward. She said that there were previous discussions having the Board require applicants have the fingerprints done and pay for it themselves and submit the report to the Board. She said they would need to look at whether the Board would approve those licenses pending the report as the report will take approximately eight weeks. The Board would probably not want to hold up a funeral arranger license for eight weeks, so the Board will have to decide how this would be implemented. Ms. Kandt stated that she will submit a proposal to the Board possibly at the next Board meeting.

Ms. Kandt stated that she was including a list of upcoming meetings that she will be attending.

Ms. Kandt stated that she also included a list of Executive Director approved licensees attached for the Board's reference.

12. Board member comments

There were no Board member comments.

13. Discussion regarding future agenda items and future meeting dates

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2019 Proposed Board Meetings

Thursday, November 14, 2019

Jennifer Kandt stated that for the Thursday, November 14, 2019 Board meeting there will be a possible hearing in Las Vegas and should keep the Board meeting video conferenced.

2020 Proposed Board Meetings

Wednesday, February 12, 2020

Wednesday, May 13, 2020

Wednesday, August 12, 2020

Wednesday, November 18, 2020

14. 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 of Autumn Funerals and Cremations stated that he made notes on some of the issues the Board was having regarding people signing on behalf of others. First of all, a funeral director being in three different locations to be able to sign makes it very difficult and of course, you are going to perpetuate that type of behavior. Also, Vital Records needs to take more of an active part in making sure that this process doesn't happen. He said he is sure that it is common practice just out of pure convenience and the way that the laws are set up regarding one funeral director can oversee three locations. It is hard to be managing three places and signing all death certificates for those three places realistically.

Dr. Randy Sharp asked for clarification that the signing was all done electronically.

Jennifer Kandt stated correct.

Dr. Randy Sharp stated that he doesn't quite understand how difficult that would be.

John Lawrence stated that it is done electronically, but he feels that is part of the problem perhaps. Maybe there needs to be a different method of signatures or changing some of the rules that allow assistance under the authorization to some. Its just a suggestion as the Board is addressing issues. This is an issue for the Board and the State, they are the ones who made the rules and they need to fix it to where it doesn't happen. He understands that it is up to the individuals to be responsible and he agrees with that. In the same respect, people do go on vacation and the businesses still need to operate so there needs to be other avenues for people to use and to facilitate a signature on a death certificate.

15. Adjournment

The meeting was adjourned at 11:39 a.m.

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.