



STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES BOARD

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MINUTES

Thursday, June 25, 2020, at 10:00 a.m.
Video Conference and Teleconference

Via Video Conference

Zoom Meetings
at <https://zoom.us/>
Meeting ID: 253 977 5871 // Password: 668556

Via Teleconference:

1-669-900-6833
Meeting ID: 253 977 5871 // Password: 668556

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

The meeting was called to order at 10:00 am and a quorum was established.

Board Members Present

Dr. Randy Sharp, Chairman
Brian Rebman, Secretary
Bart Burton
Gerald Hitchcock

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Administrative Assistant

Board Counsel Present

Henna Rasul, Senior Deputy Attorney General

Board Members Absent

Lorretta Guazzini, Treasurer
Christopher Naylor
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)

Chris Grant with McDermott's Funerals Service in Las Vegas, stated he would like to continue to have Zoom meetings. Mr. Grant stated that he believes that more people would participate and log in and keep up with what is going on without traveling.

Dr. Randy Sharp stated he appreciated Mr. Grant's suggestion regarding the Zoom platform video meetings and can see the utility of this meeting platform and the Board may consider having the Zoom platform available for future meetings.

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

a. February 5, 2020

Gerald Hitchcock stated that he would have to abstain from voting since he was not present at the last meeting even though he was appointed as a Board member, he was not notified that he was appointed until after the Board meeting.

MOTION: BART BURTON MOVED TO APPROVE THE FEBRUARY 5, 2020 MINUTES. DR. RANDY SHARP SECONDED THE MOTION WITH GERALD HITCHCOCK ABSTAINING AND THE MOTION WAS CARRIED.

4. **Discussion, recommendation, and possible action regarding consent decrees for case number FB19-09 (For possible action)**
 - a. La Paloma Funeral Services, Funeral Establishment Permit No. EST79

Gerald Hitchcock asked if the cremains that were released to the wrong person were recovered and returned to the proper individuals.

Henna Rasul, Senior Deputy Attorney General stated that facts are not added outside of the four corners of the document because it is a settlement document, and the Board is confined to what is stated in the consent decree.

Jennifer Kandt stated that there was a similar case with Truckee Meadows where they released cremated remains to the wrong individual and the Board entered into a very similar consent decree.

David Squires, Esq. representing La Paloma Funeral Services and its employees stated that it would be his intent to provide the legal training as he is an attorney with twenty years of experience and has represented La Paloma Funeral Services for the last four years. He does have a comprehensive training that he has been putting together that uses in part, Ms. Kandt's legal training that she provided a few months ago in December 2019 which she did an excellent job.

MOTION: BART BURTON MOVED TO ACCEPT THE CONSENT DECREE REGARDING CASE NO. FB19-09 FOR LA PALOMA FUNERAL SERVICES FUNERAL ESTABLISHMENT PERMIT NO. EST79. BRIAN REBMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- b. Mitchell Amos, Funeral Director License No. FD30
- c. Lori A. Siuba, Funeral Arranger License No. FA108

MOTION: BART BURTON MOVED TO ACCEPT THE CONSENT DECREES AS WRITTEN REGARDING CASE NO. FB19-09 FOR MITCHELL AMOS, FUNERAL DIRECTOR LICENSE NO. FD30 AND LORI A. SIUBA FUNERAL ARRANGER LICENSE NO. FA108. BRIAN REBMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

5. **Discussion, recommendation, and possible action regarding consent decree for case number FB19-14 (For possible action)**
 - a. Simple Cremation, Inc., Direct Cremation Facility Permit Nos. DC77L and DC89L and Ryan Bowen, Managing Funeral Director License No. FD810

Gerald Hitchcock asked how the public reprimand was recorded.

Henna Rasul stated that a public reprimand is basically discussing the document at an open meeting.

Jennifer Kandt stated that in addition, the consent decree will be reported to Legislative Counsel Bureau's occupational licensing discipline reporting system which is part of the public reprimand. The public can refer to that for agencies and individuals who have had discipline placed against them.

MOTION: BART BURTON MOVED TO ACCEPT THE CONSENT DECREE AS WRITTEN REGARDING CASE NO. FB19-14 FOR SIMPLE CREMATION, INC., DIRECT CREMATION FACILITY PERMIT NOS. DC77L AND DC89L AND RYAN BOWEN, MANAGING FUNERAL DIRECTOR LICENSE NO. FD810. BRIAN REBMAN SECONDED THE MOTION WITH GERALD HITCHCOCK ABSTAINING AND THE MOTION WAS CARRIED.

6. Discussion, recommendation, and possible action regarding consent decree for case numbers FB19-08 and FB19-15 (For possible action)

- a. Bunkers Memory Gardens Cemetery, Cemetery Certificate No. CEM30

Bart Burton asked if there was a similar consent decree with Bunkers in the past.

Jennifer Kandt stated that this will be the second consent decree with Bunkers Memory Garden Cemetery. The first consent decree referred to gopher issues and raising and realigning headstones.

Dr. Randy Sharp stated that he felt that the consent decree adjudication time frames are very reasonable.

Brian Rebman asked what happens if they decide to walk away from the cemetery.

Jennifer Kandt stated that they usually get taken over by a city of a county and no one really wants them once they are in poor condition which is a problem nation-wide.

Brian Rebman stated that he was concerned that you can put a consent decree on them, but they could just walk away, and nothing happens.

Gerald Hitchcock asked if the cemetery has an endowment care fund.

Jennifer Kandt stated that they do have an endowment care fund which is overseen though the Division of Insurance.

Alexandra Layton, attorney for Bunker's Memory Gardens stated that they wanted to represent that there is no intention of walking away and the cemetery is committed to making all of the changes and putting the necessary funds into improving the maintenance and improving the cemetery. There are currently empty spaces and empty gardens to be developed and spaces for future development.

MOTION: BRIAN REBMAN MOVED TO ACCEPT THE CONSENT DECREE REGARDING CASE NOS. FB19-08 AND FB19-15 FOR BUNKERS MEMORY GARDENS CEMETERY, CEMETERY CERTIFICATE NO. CEM30. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

7. Discussion, recommendation, and possible action regarding managing funeral director requests (For possible action)

- a. Eric Jameson Lee FD611 – Hites Funeral Home and Crematory EST51
b. Christopher Walters FD64 - Sunrise Cremation Society DC88L
c. Kristen Anderson FD860 – Desert Memorial EST46
d. Sheila Rae Winn FD926 – Clark County Funeral Services EST106

Bart Burton stated that he would have to abstain for Lawrence Neubauer FD27-Thomas and Jones Affordable Funeral Home EST38 as they work for the same company.

MOTION: BRIAN REBMAN MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUESTS FOR a. ERIC JAMESON LEE FD611-HITES FUNERAL HOME AND CREMATORY EST51; b. CHRISTOPHER WALTERS FD64-SUNRISE CREMATION SOCIETY DC88L; c. KRISTEN ANDERSON FD860-DESERT MEMORIAL EST46; and d. SHEILA RAE WINN FD926-CLARK COUNTY FUNERAL SERVICES EST106. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- e. Lawrence Neubauer FD27 – Thomas and Jones Affordable Funeral Home EST38

MOTION: BRIAN REBMAN MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUEST FOR e. LAWRENCE NEUBAUER FD27-THOMAS AND JONES AFFORDABLE FUNERAL HOME EST38 WITH BART BURTON ABSTAINING AS THEY WORK FOR THE SAME COMPANY. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED.

8. **Discussion, recommendation, and possible action regarding direct cremation facility permit application (For possible action)**

- a. Smart Cremation, 9708 Gilespe Street, Suite A-106, Las Vegas, NV 89183 with Stacy Jane Cotty FD875 as Managing Funeral Director

Jennifer Kandt stated that the inspection report was sent to the Board members prior to the meeting. There are a few minor paperwork issues which will have to be worked out with the location prior to issuance of the permit. It is Ms. Kandt's understanding that they will be selling pre-need and using McDermott's Crematory for all of the removals, storage and cremation. The reason it is presented without a temporary approval was because the initial application submission indicated that none of the principals had any prior criminal history. When the background check was completed, one of the individuals who had a prior DUI that was not reported. The application includes a letter which explains the situation and that individual is now no longer a part of the application. If the Board finds the letter sufficient, then approval could be granted pending the paperwork issued that are currently being addressed.

Dr. Randy Sharp stated that he read the letter and it was very explanatory and well laid out and, in his opinion, it is not an issue at this point.

Jennifer Kandt stated that the inspection forms have change to hopefully address the issue with reporting of the criminal history in this manner.

There was discussion regarding Board inspections during COVID and Jennifer indicated that they had been suspended, but she would re-evaluate as the governor makes changes.

Bart Burton stated that since McDermott's will be doing the storage, removals, and cremations, he wanted to make sure that McDermot's has enough refrigeration capacity to handle the case load beyond their normal case load.

Jennifer Kandt stated that typically they would look at the capacity of McDermott's during their normal inspections.

Chris Grant representing McDermott's Funeral and Cremation Service stated that the location is primarily pre-need and it is not known as to when they would get their first at-need case. Mr. Grant stated that they just put in two walk-in coolers that are both 10 x 12. They just installed a cooler that would double their capacity and it should not be an issue.

There was further discussion that the storage, transportation, and cremations would be done at McDermott's which is a licensed funeral home.

MOTION: BRIAN REBMAN MOVED TO APPROVE THE DIRECT CREMATION FACILITY PERMIT FOR SMART CREMATION CONTINGENT UPON APPROVAL OF REQUIRED PAPERWORK. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

9. **Discussion, recommendation, and possible action regarding continuing education approval requests (For possible action)**

- a. MKJ Marketing - Invisible Solutions by Stephen Shapiro; Pushing the Limits of your Marketing by Courtney Gould Miller; Promoting the Quality Difference by Glenn Gould; Worth Every Penny: Why Explaining Your Value Matters by Marilyn Gould; Navigating The Changing Landscape of E-Commerce Legal Issues by Isaac Miller; requesting 13.5 CE hours. Dates of Presentations to be determined.

Jennifer Kandt stated that the actual dates were scheduled in March, but assumes the dates will be rescheduled so asked the Board to look at content and not the dates themselves.

Bart Burton stated that you have to look at how many funeral directors are owners. Mr. Burton stated that he did not believe that this would be relevant for everyone.

Dr. Randy Sharp asked if this content was needed for business and for the public.

Gerald Hitchcock stated that he believes it is important for a business owner with marketing and advertising for their funeral home.

Dr. Randy Sharp stated that in the veterinary industry, they receive continuing education credit for attending various marketing seminars, learning how to deal with COVID, how to see clients in and out of cars, bringing patients in to the hospital and how to market your business. It seems like a reasonable continuing education course.

Brian Rebman asked if continuing education was required to be in certain content areas.

Jennifer Kandt stated that the only requirement is that the continuing education must be related to the funeral industry.

Bart Burton stated that if the Board approves this continuing education, he doesn't think that it would be a lot of people who attend, but the ones that do, it will be on the ownership/management side. If they go through this program, he does not see why they would not get continuing education credits for that.

MOTION: BRIAN REBMAN MOVED TO APPROVE MKJ'S CONTINUING EDUCATION REQUEST FOR 13.5 CONTINUING EDUCATION UNITS FOR INVISIBLE SOLUTIONS BY STEPHEN SHAPIRO; PUSHING THE LIMITS OF YOUR MARKETING BY COURTNEY GOULD MILLER; PROMOTING THE QUALITY DIFFERENCE BY GLENN GOULD; WORTH EVERY PENNY: WHY EXPLAINING YOUR VALUE MATTERS BY MARILYN GOULD; NAVIGATING THE CHANGING LANDSCAPE OF E-COMMERCE LEGAL ISSUES BY ISAAC MILLER. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

10. Discussion, recommendation, and possible action regarding reconsideration of the creation of the sub-committee to review issues with the coroner's rotation (For possible action)

Jennifer Kandt stated that at the last meeting there was a request to create a sub-committee to review issues with coroner rotation. The Board voted to create a sub-committee. After its creation, the Board received a letter from Ryan Bowen stating that if the sub-committee were to meet, that he would file an ethics complaint against the Board and more specifically, Brian Rebman. At this point, if the Board is going to move forward and wants to have this sub-committee created and meet, there needs to be a very clear record of what the harm to the public would be.

Jennifer Kandt stated that the center of the debate is whether this is a public protection issue or an industry issue.

Mr. Hitchcock stated that he believe this is more of an industry issue and that is why he has tried for many years to get an association going and it has been very difficult and he believes that this issue would fall into that category. He believes that a sub-committee would not be appropriate for these issues.

Bart Burton stated that he voted against this and did not believe that this issue is something that the Board should even entertain. He does not believe that it is a Board issue, he believes that it is an industry issue and a topic that should be dealt with by the local funeral providers and come up with a solution. Mr. Burton stated that he does not believe that the public is harmed.

Dr. Randy Sharp stated that when he was in private practice as a veterinarian, they used to have a similar arrangement with the Reno Animal Control where if they were on-call, they would get reimbursed by them regardless of who the owner was and then the owner would have to call around to find out where their pet was. Reconsidering that, Dr. Sharp stated that he would have to agree with Mr. Burton and Mr. Hitchcock. Dr. Sharp stated that he would not be happy if his grandmother was shuffled around to twenty different homes because no one got paid. Dr. Sharp agreed that the Board

should reconsider forming the sub-committee. Dr. Randy Sharp stated that another matter which was brought up in the minutes was that the Board has never had a complaint filed regarding this issue.

Jennifer Kandt stated that was correct. The only issue where the Board might run into an unethical practice, in her opinion, was possibly if someone has a pre-need with an establishment and the funeral home gets the call but they don't feel like picking them up that night; so they let the on-call mortuary pick them up then they go and pick them up when it's convenient for them. She stated that could possibly be considered unethical practice contrary to the public interest as it forces the decedent to be passed around to different funeral homes when it is known which funeral home they will be using.

Dr. Randy Sharp stated that if there were contentions with coroners' rotations, as Ms. Kandt alluded to, he would think that the funeral industry could get together to discuss the solution with the coroners' offices. He believes that there would be an option if the funeral home did not want to be on the coroner's rotation or if they did, then they could potentially renegotiate contracts. Dr. Sharp stated that he understood the finance aspect, to go on a call and not get paid. From his perspective, he believes that it is a little outside of the Board's venue right now and he does not see how it affects the public.

Gerald Hitchcock stated that he does not think that this is a Board issue. He believes that it is more of an association issue. Mr. Hitchcock stated that in his case, he has an arrangement with some of the funeral homes that do not have a holding area and they pay him for doing the removal for them because he believes they should be reimbursed. He said there have been exceptions when he has dealt with a Neptune case as they do not reimburse. Mr. Hitchcock stated again that he did not believe that the sub-committee would be appropriate.

Dr. Randy Sharp stated that he wanted to express to Ryan Bowen that in the midst of discussion, and getting caught up in the moment, he does not always see the big picture and he appreciates Mr. Bowen sending the letter to the Board for reconsideration.

MOTION: BART BURTON MOVED TO ELIMINATE AND NOT GO FORWARD WITH THE CREATION OF THE SUB-COMMITTEE TO REVIEW ISSUES WITH THE CORONERS ROTATION. GERALD HITCHCOCK SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

11. Discussion, recommendation, and possible action regarding general transportation and transporting deceased across state lines (For possible action)

Jennifer Kandt stated that this request pertained to funeral homes located out of state, but they are the closest funeral home to a border town. She said that California had legislation where they authorized funeral homes within a certain number of miles of the state line to be allowed to go to that funeral home outside of the State, County or border and have those remains released without requiring a permit.

Gerald Hitchcock stated that he also deals with that issue because there is a funeral home in Bishop, California. When California passed that law, the law states that if the funeral home is sixty miles away from the place of death and if there is a facility within thirty miles, the body could be released with the coroner's permission. This law came about dealing mostly with Riverside and San Bernardino Counties because it took so long to respond to a death. When the law was passed in California he dealt with Inyo and Mono Counties. He was in the Inyo County coroner's office and he dealt with Death Valley and people wanted the bodies that died in Tecopa and Furnace Creek, California to go to Pahrump, Nevada. However, Nevada would not allow that. Mono County allowed cases to go across State lines. He said they dealt with mostly hospice cases of people who died in the Bridgeport area. Because Bishop's funeral home was sixty-ninety miles away and then they could transport into Carson City. The procedure was the coroner had to release the bodies and the California law restriction was if there was no forensic background, then the bodies were able to be released and the coroner had to issue the permit and sign the death certificate. Back then when they were doing that, it was all done by paper so the funeral home could type up the death certificate. Now that they are doing everything on the electronic system, he believes that the coroner could get onto the system and sign it. Mostly it dealt with hospice cases in Inyo and Mono Counties, but the Inyo County coroner did not allow them to be released and he does not believe that they have made any changes and it is still

up to the coroner in that position to release bodies. The death certificate does have to come back to be signed and then the permit issued in California if it is released in Nevada. In California at that time, the death certificate could be signed either by a funeral director or any person acting as such. A private family could do a death certificate completely. He is not aware if that is still being done since everything is done electronically.

Brian Rebman stated that he would suggest that if it is going to be allowed, allowing the mortuary to gain licensing in Nevada, they would then have access to EDRS and to complete the State of Nevada death certificate permit and they would also be under the State Funeral Board jurisdiction if there is an ethics violation a license could be pulled. Mr. Rebman stated that is what he is doing for Arizona, he is licensed in Arizona now and he goes onto the electronic death registration for Arizona. Mr. Rebman stated that it was the same reciprocal idea that the mortuary in Bull Head City is asking for.

Bart Burton stated that it is a valid point. Laughlin is part of Clark County and Brian's place in Mesquite is part of Clark County, but it is on the opposite edges. Mr. Burton believes that there is some validity in getting some type of legislation.

In terms of Mr. Rebman's comment about licensing a funeral home, Ms. Kandt stated that the Board could only license a funeral home if they are located in Nevada. The Board cannot license a funeral home outside of Nevada.

Brian Rebman stated that the Board could license the funeral director.

Jennifer Kandt stated that currently, a funeral director is required to work in a funeral establishment or direct cremation facility in Nevada.

Brian Rebman stated that for public protection, if you are looking at just serving the public, he is certain that those families in Laughlin would prefer to drive across the border and deal with someone there rather than driving to Las Vegas. He believes that it serves the communities better. He believes that the proper language could be developed for legislation. Mr. Rebman stated that by having at least a funeral director licensed in Nevada should be a requirement so that there is protection for the consumer, some place where they could go to file a complaint.

Bart Burton stated that it is a lot easier for individuals to go across the border verses a long drive to the nearest facility. Mr. Burton stated that it would serve the consumer better if we could come up with something so that they could be serviced. They are probably more familiar with funeral homes in Bull Head City than Las Vegas because they go across the border all the time. Mr. Burton stated that he would propose that the Board should consider adopting language for legislation by researching other states.

Jennifer Kandt stated that she was very glad that Lauren Thomas from the Conference was attending the Board meeting because this is one of the many things that Lauren does, and she is very good at. She sends out inquiries to all the other States. Ms. Kandt stated that she will send Lauren the specifics and they can figure out how some of those other States are handling those border issues where the closest funeral home might actually be in another State.

Lauren Thomas representing The International Conference of Funeral Service Examining Boards "The Conference" stated that she would be able to assist. Ms. Thomas stated that she does know from previous correspondence that it is a problem across the entire country. Some of the Eastern States have courtesy cards, and that would present its own set of challenges, but it is definitely something that she could look into and see what everyone else is doing.

Gerald Hitchcock stated that the East Coast does have the courtesy cards between New York, New Jersey, and Connecticut. That is common practice back there.

Bart Burton stated that if we are going ahead with legislation regarding this issue, if a courtesy card or something in that direction is the right thing to do, he would suggest to make it right because it does happen all over the State of Nevada. If we can get the information, then we can come up with the best solution.

Jennifer Kandt stated that she goes before the Sunset Committee at the end of the month and one of the things that they have asked about was if there was any potential legislation that we would like to see. This could be added on as something we are looking at and something that needs to be addressed.

Lauren Thomas representing the Conference stated that she will craft a question and forward it to Jennifer Kandt for review before she sends it out.

Jennifer Kandt stated that it sounds like the Board would like to pursue legislation to address this issue and assuming that a motion would be necessary to make this official.

MOTION: BRIAN REBMAN MOVED TO HAVE FURTHER DISCUSSION REGARDING LEGISLATION FOR TRANSPORTING DECEASED ACROSS STATE LINES. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

12. Discussion, recommendation, and possible action regarding approval of FY2021 budget (For possible action)

Gerald Hitchcock stated that he would like to address item 13 prior to item 12 because it seems like item 13 would affect the current budget.

Jennifer Kandt stated that she was originally going to ask for a raise since she did not get one last year, but due to the current financial climate and furloughs for State employees, she did not want to request a raise. She said that even though the Board is exempt from the State personnel system, she did not feel comfortable taking a raise when State employees were not getting merit raises.

Jennifer Kandt stated that it is basically similar to last year's budget. Some of the changes include drastically decreased travel budget because no one is traveling right now, and conferences are not being held. Typically, we would allow for Board members to go to FARB, CLEAR or The Conference meetings. The equipment amount was increased because she believes that Wayne will need a new computer this fiscal year. She said that we increased postage because we would like to send out law books. She also said that Marie got a substantial increase that is reflected in this new budget as Marie has been underpaid for a while. Marie does a lot in the office and she appreciates Marie. If Marie leaves, you all are in trouble because the Board will not function as well.

Bart Burton stated the increase for the postage is justifiable. Mr. Burton stated that he believes that it would be nice to send everyone a law book. Mr. Burton stated that it is a great idea.

Dr. Randy Sharp stated that it was a nice book and nice to have and certainly very handy to have. Dr. Sharp asked if that would be something that we would want to have as a PDF on the website.

Jennifer Kandt stated that a link to all relevant statutes and regulations is already on the website.

Gerald Hitchcock stated he had a question regarding the revenue on the initial licensing which appears to him that it increased by \$22,000 from last year.

Jennifer Kandt stated if you look at budget verses actual, last year we budgeted for \$22,000 for initial licensing, but the actual amount that was brought in was \$41,000 although she was not sure how much was still going to be deferred, so that amount could be off.

Gerald Hitchcock asked if the increase was in part due to Walton's changing ownership.

Jennifer Kandt stated that she did not believe that would have accounted for that much, as the ten applications would be \$3,750. She said that generally for the budget she works off of last years' numbers and tries to stick close to those. Ms. Kandt agreed with Mr. Hitchcock on the amount for initial licensing and thought it could be much lower than that, so wondered if the amounts hadn't yet been deferred.

Gerald Hitchcock asked if the regulatory fees have been consistent.

Jennifer Kandt stated that the regulatory fees are fairly consistent, and she kept the budgeted amount at \$21,500 per month.

Brian Rebman asked how the Board determines whether the correct amounts are being submitted.

Jennifer Kandt stated that Vital Records runs a report for the Board that gives the number of death certificates that have been issued each month by each funeral home and then check to see if their numbers seem reasonable.

MOTION: BRIAN REBMAN MOVED TO APPROVE THE FY2021 BUDGET AS WRITTEN. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

13. Discussion, recommendation, and possible action regarding annual review of executive director performance and salary schedule (For possible action)

Dr. Randy Sharp stated that the review form goes over job knowledge, productivity, work quality, attitude, initiative, dependability, punctuality, communication, and overall performance. Dr. Sharp stated that Jennifer received the highest ratings for all aspects of performance. Dr. Sharp read comments from the forms as follows: "I think that Jennifer does an outstanding job at her position. I also feel that she represents the Board very well when dealing with the various organizations she deals with." "I feel that during these tough and unprecedented times with the economy being what it is, that we should hold on any increases. My thoughts do not reflect the job that Jennifer is doing one bit, I just think that if we increase her wages right now, some folks would view that not too well." "Jennifer continues to do an outstanding job as executive director. She stays current with industry trends, represents the Board very well at various meetings. If she is not familiar with certain aspects of the industry and pertinent laws, she is good at researching the issue and reporting her findings to the appropriate people. Due to the current COVID pandemic and economic situation, I feel it would be best to defer any salary increases until the appropriate time when the economy is more "normalized." Jennifer certainly deserves an increase, but now is not the appropriate time." "Jennifer does an excellent job. As a Board Member/Funeral Director, I have complete confidence in calling her with questions. She is thorough, confident, and courteous in all of our interactions. I think that she exemplifies everything desired in a public employee." "Director Kandt continues at times in a very challenging and difficult environment to provide leadership and guidance to the Board which allows the Board to make informed decisions during meetings. The work that she has performed on behalf of the Board should provide a measure of comfort to our citizens when they are grieving over the loss of their loved ones. The Board would be challenged in performing their duty to protect our State without the hard work she puts in day in and day out without complaints and always ready to be of service."

Jennifer Kandt thanked the Board and stated that she was originally going to request a raise, but after the state freezes, she just did not feel comfortable with that. It is two years without a raise, but she is okay with that. Ms. Kandt stated that she appreciates the comments.

Gerald Hitchcock asked if the range of \$59,000-\$88,000 had been increased.

Jennifer Kandt stated that the range was not increased, but she was allowed to take cost of living allowances after she reached the top of the range which is why the compensation exceeds \$88,000.

Gerald Hitchcock stated that he did not understand how the Board could exceed the range. It was confusing to him.

Jennifer Kandt stated that it was standard for the State to allow cost of living increases once you reach the top of your range. She stated that at that point you are not eligible for anymore merit increases, you are only eligible for the cost-of-living allowances that the Legislature votes on. She said that it is standard within the state and that the Board voted to allow cost of living increases for all employees.

Jennifer Kandt stated that Board Member Adam Garcia had requested discussions regarding adjusting the range but stated that she did not think that it was necessary at this point because she is not asking for any merit increase at this time. If in the future she was going to ask for a merit raise, then the Board would have to adjust that range. The Board could adjust the range now if the Board would like to for the future, but Ms. Kandt stated that she is not comfortable taking a raise at this point. Ms. Kandt also said that she would like to state for the record, because there has been some discussion recently about Boards that participate in deferred compensation verses PERS and some that are doing both PERS and deferred compensation, that the Board does not participate in PERS. She said that the Governor's office is aware that the Board does not participate in PERS as is noted from the exhibit provided on all boards.

Gerald Hitchcock stated that this is his second time on as a member of the Funeral Board. Mr. Hitchcock stated that at one point this budget for the entire Board was \$72,000.

Dr. Randy Sharp asked if discussions to increase the salary range should be discussed at a future Board meeting.

Gerald Hitchcock stated that he felt that discussions to increase the salary range should be discussed at another time.

Dr. Randy Sharp that he would prefer that Adam Garcia and other Board members be present for these discussions as well.

MOTION: DR RANDY SHARP MOVED TO ACCEPT THE REVIEW AND THAT THERE WILL BE NO MERIT INCREASE FOR THE EXECUTIVE DIRECTOR EXCEPT FOR COST-OF-LIVING INCREASES AND TO DEFER DISCUSSION REGARDING INCREASING THE SALARY SCHEDULE FOR A LATER DATE. BRIAN REBMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

14. Discussion, recommendation, and possible action regarding revised operating reserve policy (For possible action)

Jennifer Kandt stated that this was reviewed by the Board's bookkeeper. There were two different policies, one dealt with how the Board would invest reserves over a certain threshold and then the Board recently approved a policy just discussing the policy reserves in general which was wanted by the Governor's office when they audited all the Boards and wanted all the Boards to have a reserve policy. The Board has approved these policies in the past, they have just been combined by the bookkeeper to one policy and neither one has affected the Board at this point because we have never reached the thresholds to actually invest anything. We maintain those reserves in our general checking account because we have not exceeded the amount that would require investment. Our revenue and spending are now consistently fairly equal. During the 2015 legislative session we cut the renewal fees in half which helped to keep revenue and expenditures more even.

Dr. Randy Sharp asked if the policy is in line with the other Boards in the State.

Jennifer Kandt stated that it was modeled after another Board.

MOTION: DR. RANDY SHARP MOVED TO APPROVED THE REVISED OPERATING POLICY AS WRITTEN. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

15. Financial Reports
a. Regulatory Fee Collection
b. Financial Reports

Dr. Randy Sharp asked if the deferred compensation was invested in CDs, money markets or mutual funds.

Jennifer Kandt stated that the Board does not handle any investment of retirement funds, the State has a company called VOYA that manages it, the participants can indicate whether they want low, medium or high risk, but the Board does not have any management, it is VOYA and the State.

16. Overview of current complaint status

Jennifer Kandt overviewed the complaint status for 2019 and 2020 complaints.

17. Report from Executive Director, Jennifer Kandt

Jennifer Kandt stated that initially we were working remotely, but we still had to come into the office to collect mail. We have tried to limit only one person being at the office at any given time. We did purchase a laptop for Marie so that she could work from home. Now we are alternating days in the office. She said that she had stopped inspections but knows that Dr. Sharp would like to discuss that further.

Jennifer Kandt stated that she was asked to participate in government meetings related to COVID-19. The State wanted data from the Board in terms of capacity for storage and cremation. She said there were discussions on relaxing air quality restrictions to allow crematories to operate longer periods of time.

During this time she also stated that checks had been signed only by her for a time as the office was closed. She said now they are fedexing the checks to the Treasurer and a return envelope is provided.

Funeral Law Books are going to be sent out to all licensee and they are going to include the book to every new licensee. She said that the fingerprinting issue has not been addressed yet because of everything that happened with COVID and the need to continue licensing, but she plans on addressing at the beginning of the year.

Attached is a list of applicants that have been approved since the last meeting. She said that testing was shut down for a short time but then opened back up for the funeral and medical industry. Dalene Paull with the Conference is with us today if the Board has any questions. The Conference does all the testing for the Board.

Dalene Paull representing The Conference stated that they were shut down for approximately three weeks before they were deemed essential which was very important to continue services to the State Boards that use them for the law exams and the national exams. That was a tough time dealing with candidates that would call both the Nevada Funeral Board office and their office to try to figure out when they would be able to sit for the exam. Like with everything else, testing had been limited capacity and dealing with fifty State orders and varying degrees of openness across the country was difficult. Now that things are starting to open back up, they are starting to see Pearson Vue increase their capacity. Complaints about lack of testing availability is way down. Hopefully, Ms. Kandt will not be hearing that much about individuals not being able to access test sites and they are happy about that.

Jennifer Kandt stated that our office has not really had many calls regarding availability of testing.

18. Board member comments

Dr. Randy Sharp thanked Jennifer Kandt for doing a great job and keeping the Board members posted and being there for the different individuals who requested information regarding COVID-19.

Dr. Randy Sharp stated that he wanted to discuss the status of inspections to see how the Board would like to proceed. His feelings regarding this issue, which depends on Wayne with his comfort level, he believes, of course the Governor's mandated mask wearing, his personal feeling is if Wayne were provided with an N95 mask, gloves and perhaps even at the funeral home if they had a Tyvek coat or something similar that he could wear as a covering, Dr. Sharp stated that he wouldn't see an issue.

Bart Burton stated that they have been wearing masks even before the mandate went into effect especially ones that were meeting with families and at funerals. He believes it is a comfort level of how Wayne feels, if he is not comfortable, he would absolutely not force him to do anything that he doesn't feel comfortable with. He said that in California, they did a virtual inspection just like Wayne has done with several locations. He believes that since Wayne is the only inspector, he feels that it should be up to Wayne.

Dr. Randy Sharp stated that he is assuming that Wayne would prefer to get them done anyway because he likes doing the inspections.

Bart Burton stated that he does not know how Wayne feels about jumping on an airplane.

Jennifer Kandt stated that her concern is that it is huge liability for the Board if Wayne does get sick because it is through the workplace. If he does get sick on the job it would be a workers' compensation claim and that is what most Boards are worried about for their inspectors. Whether or not they would get COVID-19 from the actual inspection, it would come back to being linked to that.

Dr. Randy Sharp stated that those were valid concerns, and he is sure that Wayne would want to consult with his physician as well since he is in a high-risk group.

Jennifer Kandt stated that was something that she and Wayne can discuss.

Dr. Randy Sharp asked Bart Burton what a virtual inspection entailed.

Bart Burton stated that they utilize a similar media to ZOOM and the inspector would direct them to go to different areas. If you were trying to pull files, that would be a bit harder.

Dr. Randy Sharp stated that might be something that the Board could consider instead of a physical inspection.

Jennifer Kandt stated that the initial inspection that was performed for the new direct cremation facility, we had them send photos.

Bart Burton stated that the inspection California had done for their new facility had to be something like the ZOOM platform because they recorded everything so it could be a permanent record so they could have it as part of the application.

Jennifer Kandt asked Lauren Thomas with The Conference if she could reach out to see if she could get a feel for which states have reopened up inspections and how they are doing them. Ms. Kandt has spoken with a few individuals, but she would like to know on a larger scale.

Gerald Hitchcock stated that it would be his suggestion to hold off on the inspections and to not send Wayne out especially if the numbers are increasing. He believes that would be a worker's compensation issue and that he believes that the Board should hold off at this point.

Dr. Randy Sharp stated that he was interested in pursuing the virtual inspection aspect which seems to be the trend. Being old fashioned, he thinks that individuals should go in physically looking, but if that is an alternative, he believes that would be worth looking into.

Jennifer Kandt stated that she will look at what other states are doing, making sure that Wayne is safe and that we are also complying with what the Governor is asking.

19. Discussion regarding future agenda items and future meeting dates

Wednesday, August 12, 2020

Wednesday, November 4, 2020

Jennifer Kandt stated that the August 12, 2020 Board meeting date probably did not make sense as they pushed out the last meeting so far due to COVID.

Brian Rebman suggested to eliminate the August meeting and plan for the next one after that.

20. 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)

Christopher Grant representing McDermott's Funeral and Cremation Service stated the only negative that he has seen with regard to rotation affecting the community is the hospices. He said that sometimes they don't even ask the families they just say don't worry about it we will call the on call mortuary and they will pick up and then you can choose whatever mortuary you want. He said that they do not realize that the on-call mortuary has nothing to do with anything other than the coroners rotation and he has had families that he has picked up from other rotation funeral homes that have been told because that funeral home went out at 2 o'clock in the morning to pick up UMC Hospital that was not a coroner case, but the nurse called them as an "on-call mortuary" and that mortuary is now telling people you can go to any mortuary you want but our charge for having picked your loved one up is XYZ. Mr. Grant stated that he believes that there needs to be some kind of oversight or communication with the facilities to let them know that the "on-call mortuaries is just a designation for the transportation of coroner's rotation cases and they if the family hasn't made a decision, they shouldn't be called.

Mr. Grant continued also stated that he thought inspections could be done virtually until things are back to normal. Lastly, he said regarding the ethics issue for rotation, he thought that it was funny that the facility threatening an ethics complaint complained about not being reimbursed for removals a few years back is now calling that into an ethics question.

Eric Lee representing Hites Funeral Home stated that he wanted to thank the Board for the vote of confidence in naming him as the managing director of Hites Funeral Home and let Jennifer know that he has been in attendance the whole time listening in on his phone to get the continuing education credit for attend the Board meeting.

21. Adjournment

The meeting was adjourned at 12:25 p.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. NOTE: If picking up materials, please call office to schedule a time for pick-up.