



STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES BOARD

3740 Lakeside Drive, Suite 201, Reno, Nevada 89509
Phone (775) 825-5535 * Fax (775) 507-4102
Email: nvfuneralboard@fb.nv.gov * Website: <http://funeral.nv.gov/>

MINUTES

Tuesday, August 24, 2021, at 9:00 a.m.
Video Conference and Teleconference Via Zoom

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

The meeting was called to order at 9:00 am and a quorum was established.

Board Members Present

Dr. Randy Sharp, Chairman
Brian Rebman, Secretary
Lorretta Guazzini, Treasurer
Bart Burton
Christopher Naylor
Adam Garcia
Gerald Hitchcock

Board Staff Present

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

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 was no public comment.

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

a. May 5, 2021

MOTION: GERALD HITCHCOCK MOVED TO APPROVE THE MAY 5, 2021, MINUTES. LORRETTA GUAZZINI SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

4. Discussion, recommendation, and possible action regarding Hearing to determine if HITES FUNERAL HOME AND CREMATORY, EST51, CRE104 AND CRE17 violated terms of consent decree dated February 5, 2020, regarding Case Nos. FB19-07 and FB19-10 (For possible action)

The Board had extensive discussions to determine whether Hites Funeral Home and Crematory violated the terms of the consent decree dated February 5, 2020, regarding Case Nos. FB19-07 and FB19-10. The Board concluded that Hites Funeral Home and Crematory EST51, CRE17 and CRE104 did violate the terms of the consent decree dated February 5, 2020, and therefore agreed to suspend the location permits/licenses for a period of six (6) months.

It was recommended that effective immediately, Hites Funeral Home and Crematory would be prohibited from taking any new cases into their care and within three days Hites Funeral Home and Crematory shall provide to the Board an inventory of decedents in their care, with an indication as to whether they have a signed and paid contract. They would then have 30 days to handle disposition for the decedents in which

they have signed and paid contracts. If they are unable to handle disposition within 30 days on those paid contracts, those cases should be transferred to another mortuary and the payments returned to the families.

Hites Funeral Home would need to transfer decedents without paid contracts to other mortuaries. If a sale of Hites Funeral Home and Crematory occurs and the new entity can obtain licensure within 30 days, transfer to the new entity would be accepted.

Hites Funeral Home and Crematory will make a reasonable effort to release any cremated remains in their possession within 30 days and provide to the Board an inventory of remaining cremated remains and a notice of the location where the remaining cremated remains will be stored. Contact number for a responsible party for the release of those cremated remains after the closing of the location shall be provided to the Board.

Within 30 days, Hites Funeral Home and Crematory shall notify any holders of any prepaid funeral contracts of their rights to transfer to another funeral establishment or how to receive a refund. If a sale of the establishment occurs within 30 days, notice of rights to transfer shall not be required.

Please see official hearing transcript for detailed comments during the hearing.

MOTION: ADAM GARCIA MOVED TO DETERMINE THAT HITES FUNERAL HOME AND CREMATORY, EST51, CRE17 AND CRE104 VIOLATED THE TERMS OF THE CONSENT DECREE DATED FEBRUARY 5, 2020, REGARDING CASE NOS. FB19-07 AND FB19-10. LORRETTA GUAZZINI SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION: ADAM GARCIA MOVED TO INSTITUTE THE SIX-MONTH SUSPENSION EFFECTIVE IMMEDIATELY FOR HITES FUNERAL HOME AND CREMATORY, EST51, CRE17 AND CRE104 PURSUANT TO THE TERMS OF THE CONSENT DECREE DATED FEBRUARY 5, 2020, REGARDING CASE NOS. FB19-07 AND FB19-10. LORRETTA GUAZZINI SECONDED THE MOTION. RANDY SHARP, BART BURTON, CHRISTOPHER NAYLOR, ADAM GARCIA, LORRETTA GUAZZINI, AND BRIAN REBMAN VOTED IN FAVOR. GERALD HITCHCOCK OPPOSED THE MOTION. MOTION WAS CARRIED.

Mr. Hitchcock was questioned as to why he opposed the motion, and he stated that he was not in favor of a suspension but would support additional probation or monitoring.

MOTION: ADAM GARCIA MOVED TO ACCEPT THE RECOMMENDATIONS AS PROPOSED REGARDING THE SIX-MONTH SUSPENSION FOR HITES FUNERAL HOME AND CREMATORY, EST51, CRE17 AND CRE104 ACCORDING TO THE TERMS OF THE CONSENT DECREE DATED FEBRUARY 5, 2020, REGARDING CASE NOS. FB19-07 AND FB19-10. CHRISTOPHER NAYLOR SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

5. Discussion, recommendation, and possible action regarding consent decree for case number FB20-09 (For possible action)

- a. Sunrise Cremation & Burial DC88L and Edward R. Rodriguez FD892

Henna Rasul, Senior Deputy Attorney General, said that any questions outside of the document were not going to be addressed because this is a settlement and is therefore the language that the parties have agreed to.

Bart Burton stated that he works for the same company as the second funeral home in this consent decree and they did not have anything in question pertaining to this matter but asked if it would be better if he were to recuse on this matter.

Henna Rasul stated that simply stating that fact on the record is fine and if he believes that he could be unbiased in his vote then he can participate in the vote.

Bart Burton stated that he felt that he could be unbiased.

Henna Rasul stated after the motion that this document is now made public.

Jennifer Kandt stated that this document is required to be placed on the Board website within twenty-four hours.

MOTION: CHRISTOPHER NAYLOR MOVED TO ACCEPT THE CONSENT DECREE REGARDING CASE NUMBER FB20-09 AS WRITTEN. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

6. Discussion, recommendation, and possible action regarding consent decree for case numbers FB21-01, FB21-02 and FB21-03 (For possible action)
 - a. Simple Cremation DC85L and Ryan Bowen FD810

Brian Rebman questioned if the complaints originated from different families or from Davis Funeral Home.

Jennifer Kandt stated that the complaints originated from Davis Funeral Home.

Jennifer Kandt stated that there were three cases, during the height of the pandemic and there were definitely some delays. She stated that a funeral home is responsible for storage, care, and transportation of bodies. If a funeral home cannot provide that for a family in a timely manner, then they should not be taking that case. Once a family comes and signs a transfer, an effort to pick up that individual must be made within forty-eight hours according to the terms of the consent decree. There was some push back regarding this matter because the claims are that it is very hard to schedule a pick-up with Davis Funeral Home. The agreed upon time was forty-eight hours, but she believes that it should actually be twenty-four hours as that seems to be industry standard.

Brian Rebman asked how the weekend would apply.

Jennifer Kandt stated that there would be no change regarding the weekend.

MOTION: BRIAN REBMAN MOVED TO ACCEPT THE CONSENT DECREE REGARDING CASE NUMBERS FB21-01, FB21-02 AND FB21-03 AS WRITTEN. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

Henna Rasul stated that this consent decree is now public as well.

7. Discussion, recommendation, and possible action regarding consent decree for case number FB21-05 (For possible action)
 - a. McDermott's Funeral and Cremation Service EST110, CRE103 and Christopher M. Grant FD920

Brian Rebman stated that he does not see anything that addresses something being done for the family in response to this complaint. He wanted to know if there is anything going to be done on behalf of the family.

Jennifer Kandt stated that if Mr. Rebman is referring to a civil case, the family can pursue a matter civilly if they were harmed. The Board is looking at the licensee and what they need to do to improve their process and improve anything that could prevent this from happening in the future. Sometimes families will use the consent decree in their civil cases. Even if the funeral home is fined, the fine does not go to the family or even to the Board, it goes to the State Treasurer's Office.

MOTION: BRIAN REBMAN MOVED TO ACCEPT THE CONSENT DECREE REGARDING CASE NUMBER FB21-05 AS WRITTEN. CHRISTOPHER NAYLOR SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

Henna Rasul stated that this consent decree is now public.

Henna Rasul stated that she received a chat notification directly to her through the Zoom meeting and she wanted to make it is part of the public record which stated "Hi, I am a member of the public and when you say that the consent decrees are now public, where on the website are they posted?" from Clara Bates.

Jennifer Kandt stated the consent decrees will be posted on our website at www.funeral.nv.gov under the complaint section and they are required to be posted within twenty-four hours, however we do rely on State IT staff to make that happen for the Board. Typically, we would wait until the Board Chair signs all of the

consent decrees and then post them to the website. However, based on how the open meeting law is written, if the Board Chair is not going to be able to sign the day of the meeting, they will have to be posted and then re-posted once the Board Chair signs them.

8. **Discussion, recommendation, and possible action regarding consent decree for case number FB21-06 (For possible action)**
 - a. McDermott's Funeral and Cremation Service EST110, CRE103 and Christopher M. Grant FD920

Jennifer Kandt stated that this consent decree is the same issue as the prior three cases that were combined referencing the same complainant.

Adam Garcia asked if it was correct that they failed to pick up the decedent for twenty-five days.

Jennifer Kandt stated the decedent was originally at Davis Funeral Home, the family engaged McDermott's during the height of the pandemic. The funeral home made arguments about insurance transfer and certain paperwork not being completed, but the arguments are not necessarily relevant. What the Board is trying to say, is that this should not be happening. If a funeral home engages with a family, it doesn't matter if they have been paid, if they sign a release, they should be picking up the body as there is an expectation that they will be using that funeral home. Another funeral home should not be storing the body while the other funeral home plans for services and completes paperwork.

MOTION: GERALD HITCHCOCK MOVED TO ACCEPT THE CONSENT DECREE REGARDING CASE NUMBER FB21-06 AS WRITTEN. ADAM GARCIA SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

9. **Discussion, recommendation, and possible action regarding funeral establishment permit application(s) (For possible action)**
 - a. Andre's Serenity Family Mortuary and Crematory, 3435 West Cheyenne, Suite 105, North Las Vegas, NV 89032 with Candy Grey FD828 as managing funeral director / Temporary Approval on July 14, 2021

Bart Burton stated that Hites Funeral Home was contracted to do the cremations for Andre's Serenity Family Mortuary and Crematory.

Jennifer Kandt stated that Hites does cremations and storage for other funeral homes, and they will all have to engage other parties for those services.

Bart Burton stated is that the Board should know which locations they utilize.

Jennifer Kandt stated that she would call the funeral homes and make sure that they have engaged another party to handle storage and cremation. She said she will have to make sure that they have updated their forms as well because it is a requirement the forms notify the consumer where bodies will be stored or cremated.

Gerald Hitchcock stated that was a concern of his as well. He said he also has questions regarding what Wayne looks at in these industrial areas and how bodies are brought into the buildings.

Jennifer Kandt stated most of these locations do not bring bodies into the building, as they use other facilities for storage of remains. She said that there are not requirements pertaining to how the bodies are brought into the facility, the requirement pertains to having a preparation room.

Gerald Hitchcock stated that this has been one of his pet peeves over the years. If the Board is approving a funeral establishment that is needs an embalming, shouldn't the location show how a body could get into the facility.

Jennifer Kandt asked if he wanted to see photos of the back of the buildings.

Gerald Hitchcock stated he would like to see how bodies would get into these buildings. The back of the building and also, he said he has seen over the years that there were facilities where the embalming room had all the requirements, but it was a closet, and you could not get a body into the room. He said that if the

requirement is to have a preparation room, then we should look at how bodies get in, and if not, then maybe we should overlook the requirement to have the preparation room.

Henna Rasul stated that the Board is not allowed to mandate things unless it is authorized by law.

Jennifer Kandt stated that we look at the plain letter of the law which states that if you are going to be licensed as a funeral establishment, you must have a preparation room with sanitary flooring, drainage and ventilation. You must have access to the equipment and supplies necessary to perform embalming. The Board has interpreted that to mean if you use another location, you have access. She said that there are many funeral homes that have multiple locations and only use one location for storage. The preparation rooms that are required, meet the qualifications, but often get used for other purposes. She said that there is no requirement that she is aware of in the law which requires a separate entrance into the preparation room or the building in general. She said that some of these locations which do not utilize their preparation rooms, do utilize a chapel for viewings and she does not know whether they would bring the body in through the front or back of the building. She said that she does not think that the Board could mandate how the bodies are brought in without it being in statute or regulation.

Gerald Hitchcock stated there is an n/a on the inspection report for "are human remains are stored at this location," and asked if there shouldn't be something to state where the bodies are stored.

Jennifer Kandt stated that it is on page four of the inspection report. It states the location will use Giddens and Hites for storage and embalming until they have their own refrigeration unit.

Gerald Hitchcock stated that he did see that but asked if human remains were going to be stored at this location.

Jennifer Kandt stated that the reference to "n/a" was not applicable at this time because they are going to use Giddens and Hites for storage at this time and then they are going to get their own units in the future, so it was explained in the comments.

Andre Crocket representing Andre's Serenity Family Mortuary and Crematory stated that were using Giddens for storage and they were using Hites for the cremation. He said that they should have refrigeration by the end of the weekend.

Gerald Hitchcock asked how the bodies would get into the facility.

Andre Crocket stated that they would bring their bodies in through the back of the facility. There are two garage doors in the back, and they back the van into the garage, close the garage, remove the decedent from the van and the preparation room is right off the garage and the cooler is in the garage.

Gerald Hitchcock suggested that in the future that when Wayne does the inspections that there is a picture of the back entrance of the facilities.

MOTION: GERALD HITCHCOCK MOVED TO APPROVE ANDRE'S SERENITY FAMILY MORTUARY AND CREMATORY, 3435 WEST CHEYENNE, SUITE 105, NORTH LAS VEGAS, NV 89032 WITH CANDY GREY FD828 AS MANAGING FUNERAL DIRECTOR. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- b. Inspired Life Memorials and Cremations, 311 N. Buffalo Drive, Suite B, Las Vegas, NV 89145 with Toney Jevon Banks FD960 as managing funeral director / Temporary approval on June 29, 2021

Jennifer Kandt stated that this is another location that planned to store and cremate at Hites Funeral Home. They are aware of the possibility of what was going to happen today. We will follow up with all of these locations and make sure that they have a plan in place and that we become aware of where they now store and cremate.

Gerald Hitchcock asked if there was anyone present at this meeting to represent Inspired Life Memorials.

Jevon Banks, representing Inspired Life Memorials and Cremations stated that he was present.

Gerald Hitchcock asked how they will bring in remains to the facility.

Jevon Banks stated that they do not intend to store bodies at the facility, but the facility does have double doors that they can go in and out of in the back area.

Brian Rebman stated that Ms. Kandt indicated that Inspired Life was aware that there was a potential problem with Hites Funeral Home and asked if they had a plan in place.

Jevon Banks stated that they are working on contracting with another party.

Brian Rebman asked whether they had been working with families under the temporary permit.

Jennifer Kandt stated yes, a temporary permit/license allows the facility to temporarily operate until formal Board approval.

Brian Rebman asked if they currently had any bodies being stored at Hites at the moment.

Jevon Banks stated he believes they did and that they are making efforts to transfer and work with another vendor to get those decedents out of Hites.

Brian Rebman asked if they had decedents in any other mortuaries at this time.

Jevon Banks said they did not.

Gerald Hitchcock asked if there was a time frame that we need to have from them to locate storage.

Henna Rasul stated that no because it was not in statute.

Jennifer Kandt stated that Hites has thirty-days to transfer. If they are not able to work something out within thirty-days, Hites will have to make the transfers.

MOTION: DR. RANDY SHARP MOVED TO APPROVE INSPIRED LIFE MEMORIALS AND CREMATIONS, 311 N. BUFFALO DRIVE, SUITE B, LAS VEGAS, NV 89145 WITH TONEY JEVON BANKS FD960 AS MANAGING FUNERAL DIRECTOR. ADAM GARCIA SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- c. La Paloma Funeral Services, LLC, 2551 S. Fort Apache, Las Vegas, NV 89117 with Lori Siuba FD976 as managing funeral director

Gerald Hitchcock stated that when he looks at the pictures from the inspection report, he does not see all of the required items as the preparation room appears empty.

Bart Burton stated that the report indicates they are going to utilize their Stephanie Street location for embalming.

Gerald Hitchcock said that one of the requirements is to have all of the equipment and supplies for embalming.

David Squires, Esq. legal counsel for La Paloma Funeral Services stated that Lori Siuba, managing funeral director was also with him. Mr. Squires stated that this is their second location and that their location on Stephanie Street has all of the necessary equipment and supplies. He said that laws are satisfied with the new location, and they are not going to do any storage or embalming at this location only at the Stephanie Street location.

Jennifer Kandt reiterated that the requirement under the current law is that they must have a preparation room with sanitary flooring, ventilation, drainage, and **access** to equipment and supplies necessary for embalming. She said that the Board has interpreted access to equipment and supplies to include other locations.

Gerald Hitchcock asked if the instruments have to be at the location.

Jennifer Kandt stated they do not if they are utilizing another location for preparation. She said that most funeral homes centralize their storage and embalming.

MOTION: GERALD HITCHCOCK MOVED TO APPROVE LA PALOMA FUNERAL SERVICES, LLC, 2551 S. FORT APACHE, LAS VEGAS, NV 89122 WITH LORI SIUBA FD976 AS MANAGING FUNERAL DIRECTOR. CHRISTOPHER NAYLOR SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

10. **Discussion, recommendation, and possible action regarding funeral establishment permit and crematory license applications for Kraft-Sussman Funeral and Cremation Services and Aquamation of Southern Nevada – New Ownership (For possible action)**
 - a. Kraft-Sussman Funeral and Cremation Services, 3975 South Durango Drive, Suite 104, Las Vegas, NV 89147 with Laura Ann Sussman FD679 as managing funeral director (New Ownership)
 - b. Aquamation of Southern Nevada, 3975 South Durango Drive, Suite 108, Las Vegas, NV 89147 (New Ownership)

MOTION: GERALD HITCHCOCK MOVED TO APPROVE KRAFT-SUSSMAN FUNERAL AND CREMATION SERVICES, 3975 SOUTH DURANGO DRIVE, SUITE 104, LAS VEGAS, NV 89147 WITH LAURA ANN SUSSMAN FD679 AS MANAGING FUNERAL DIRECTOR AND AQUAMATION OF SOUTHERN NEVADA, 3975 SOUTH DURANGO DRIVE, SUITE 108, LAS VEGAS, NV 89147. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

11. **Discussion, recommendation, and possible action regarding direct cremation facility permit application(s) (For possible action)**
 - a. Perfect Cremations, 1961 Whitney Mesa Drive, Henderson, NV 89014 with Stacy Cotty FD875 as managing funeral director / Temporary Approval on June 1, 2021; Note: Request for new managing funeral director received June 4, 2021, for Larnique Mickens FD949 – Temporary approval of new managing funeral director on June 8, 2021

Jennifer Kandt stated that the recommendation is to deny the application. The inspection was conducted, and a temporary permit was issued. She said that since that date, there have been lawsuits filed in District Court regarding an ownership dispute. The individual that the Board conducted that background check on and verified as the only member of the limited liability company is now prohibited from the location due to this dispute in District Court. She recommended that the temporary approval expire today, and that formal Board approval be denied. If the same owner does end up reapplying after the dispute, she recommends that the Board transfer the application fee.

Brian Rebman asked if there are any issues with cases remaining at their facility.

Jennifer Kandt stated that there were issues with those cases. She said that unfortunately, Henderson Police Department had to be involved, but that she believed those issues had been resolved.

Brian Rebman asked if Wayne was going to go back out to confirm that there are no cases at the facility.

Jennifer Kandt stated that there is still the crematory which is licensed and ownership under dispute. There could still be bodies stored at the crematory. She said that she will contact vital records to let them know that Perfect Cremations can no longer process death certificates and then they will be unable to sell services.

MOTION: BART BURTON MOVED THAT THE TEMPORARY APPROVAL EXPIRE AS OF THE DATE OF THIS MEETING AND FORMAL APPROVAL BE DENIED FOR PERFECT CREMATIONS, 1961 WHITNEY MESA DRIVE, HENDERSON, NV 89014 WITH STACY COTTY FD875 AS MANAGING FUNERAL DIRECTOR. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

12. **Discussion, recommendation, and possible action regarding managing funeral director requests (For possible action)**
 - a. Phillip Mayfield FD887 – Neptune Society-Reno DC81L

MOTION: DR. RANDY SHARP MOVED TO APPROVE PHILLIP MAYFIELD FD887 AS MANAGING FUNERAL DIRECTOR FOR NEPTUNE SOCIETY-RENO DC91L. CHRISTOPHER NAYLOR SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- b. Larnique Mickens FD949 – Perfect Cremations DC96L

Jennifer Kandt stated that because of the location denial, it is recommended that temporary approval expire as of the date of this Board meeting and that formal Board approval be denied. For the record, this is not because of any wrongdoing, it is due to an ownership dispute.

MOTION: BART BURTON MOVED THAT THE TEMPORARY APPROVAL EXPIRE AS OF THE DATE OF THIS MEETING AND FORMAL APPROVAL BE DENIED. BRIAN REBMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- c. Angela Mercer FD869 – Lee Funeral Home EST2

MOTION: GERALD HITCHCOCK MOVED TO APPROVE ANGELA MERCER FD869 AS MANAGING FUNERAL DIRECTOR FOR LEE FUNERAL HOME EST2. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- 13. **Discussion, recommendation, and possible action regarding continuing education provider requests (For possible action)**
 - a. Matt Smith Professional Embalmers, Inc. requesting 10 CEU's for course titled: Music City Embalming & Funeral Conference

Gerald Hitchcock stated that Matt Smith is an excellent trade embalmer, one of the best and moved to approve Matt Smith's application for continuing education.

Dr. Randy Sharp asked if the program was recognized by any national association like The Conference.

Jennifer Kandt stated that the Academy of Professional Service Practice is the entity that we will automatically accept continuing education approval.

Gerald Hitchcock stated that it is his understanding that Matt Smith has done programs for the NFDA, and Golden Rule Innovations and it is his understanding that this is a new program. Mr. Hitchcock said that he was an outstanding trainer, and he has taken several courses through the NFDA or continuing education workshops where he has been the provider and they have been excellent.

Dr. Randy Sharp stated that it looks worthwhile and helpful to the industry.

MOTION: GERALD HITCHCOCK MOVED TO APPROVE MATT SMITH PROFESSIONAL EMBALMERS, INC. REQUESTING 10 CEU'S FOR COURSE TITLED: MUSIC CITY EMBALMING & FUNERAL CONFERENCE. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- b. Nevada Donor Network requesting 4 CEU's for course titled: Nevada Donor Network's 2021 Funeral Home Symposium

Dr. Randy Sharp stated as a public member, this course looks very thorough.

MOTION: DR. RANDY SHARP MOVED TO APPROVE NEVADA DONOR NETWORK REQUESTING 4 CEU'S FOR COURSE TITLED: NEVADA DONOR NETWORK'S 2021 FUNERAL HOME SYMPOSIUM. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- 14. **Discussion, recommendation, and possible action regarding annual performance review of executive director and salary review (For possible action)**

Dr. Randy Sharp thanked the Board members for taking the time to fill out their reviews for Ms. Kandt. As stated, these reviews are public record, and everyone will be able to review them. The intent of these reviews is for the Board Members to review Jennifer's performance over the last year. He said most of the

reviews scored Jennifer as fours which is the highest. Dr. Sharp stated that he called Gerald Hitchcock separately because he wanted him to explain and perhaps Christopher Naylor as well, just some areas that Jennifer could improve in with their scores of threes and twos.

Gerald Hitchcock stated that when he does reviews, as he is on several boards, he looks at this where a scoring of one being inadequate, two being acceptable/normal, three being above average and four would be beyond perfection. His scores were mostly all threes which is very adequate and very seldom would he ever give a four. Her initiative he rated a four, the number two, productivity he looked at being the pandemic and how difficult it was, it was just an average performance as he did not feel you could do much more than what Jennifer did through productivity. Regarding punctuality and communication, the reason why he scored the twos is because he heard from some of the other funeral directors regarding those items. He feels that the scores are all average and there is nothing wrong with the communication. Some of the complaints that he heard was some difficulty getting back which she might have been out of the office, and they thought it might have taken a bit longer to communicate, which is the reason why he gave the twos. He feels that they are fine scores, threes would have been above average. The twos played into what we had in the pandemic, and he thought she did well, and we all suffered during this pandemic. He does not feel that his scores are out of place. He feels that he is not someone that would give complete fours to anyone. He believes that there is always room for improvement that is why the threes are above average and the twos are average.

Dr. Randy Sharp stated that since the Board tends to work with Jennifer closely, that these reviews are for the Board Members to evaluate her performance and not necessarily asking the industry what they think of her.

Gerald Hitchcock stated that he disagreed with that. He thinks that part of the job as a Board Member is to listen to the practicing funeral directors and arrangers and people that are in the industry and when we hear comments about something, that reflects on what we do. As a Board member, he has no problems, without that, he would have probably given Jennifer all threes which is above average. And he believes that she does above average, and the initiative deserved a four. He thinks that she has a good initiative but the two with the productivity goes directly to the pandemic and if we did not have a pandemic, he would not have scored that. He just thinks that being out of the office and dealing with things, she deserved that. But he does think that part of what the Board does, and he hears constantly from industry members suggestions that he could use as support. He said that part of what the Board is doing here is not only to serve the public, but we are also here to serve the industry.

Henna Rasul stated that the Board is not an association and is not here to serve the industry. She said the Board's function is only to protect the public and that is it.

Gerald Hitchcock stated that he appreciates that, and he thinks that in protecting the public, we must listen to the industry. He knows the Board is not an association, but he thinks that part of their job is to have open ears both from the public and the industry.

Henna Rasul stated that could become an ethical issue and you must be careful with that because you don't want to come off as speaking on behalf of the Board.

Gerald Hitchcock stated that he understands that he is not speaking on behalf of anything, he cannot stop anyone from the public from calling him, and when people call him, he doesn't make any comments to them, he lets them comment to him.

Henna Rasul stated that the best practice is to refer them to the Executive Director.

Gerald Hitchcock stated that anything regarding that he would tell them don't call me, call them.

Adam Garcia stated that he whole-heartedly and very respectfully disagrees with Mr. Hitchcock's review. He said that on every level that he has dealt with the Executive Director he has found her to be professional. Her demeanor is excellent. She is responsive. She is consistent. She is dependable. She is accurate, and her strengths are just exceptional. She projects self-confidence and is authority based. He stated that he has 160 employees who work for him, and he would love to have the caliber of employee that Director Kandt provides. He would never ask her, but he believes that she shares his passion for the protection of the citizens that we serve in Nevada. Being one of two who are not in the industry, the protection, the shepherding that we provide to these people who have just lost a loved one, Mr. Garcia believes that

Jennifer projects that in everything that she does. He gave her fours across the board, and he will stick with that as he believes that was the only appropriate rating that would be adequate for the kind of job that she does.

Dr. Randy Sharp stated that he agreed with Mr. Garcia. Perhaps he is coming at it with a little different viewpoint, but in corporate, we use these review forms as areas for improvement if they are not meeting or exceeding and that is why he asked the questions. Dr. Sharp asked Christopher Naylor if he would explain any areas since he marked several threes and a couple excellent. He asked if he had any suggestions for Jennifer to improve.

Christopher Naylor stated that he looks at it the same way as Gerald as far as the scoring. He hates the scoring system when there is only an even number and it's a low even number 1-4. He stated that he wishes it was different. He would like a numbering system 1-5 so that 3 is the median point and 4 and 5 are above the median point. He looks at it the same, he sees 3 to be above average, you're not just doing your job, but going a step beyond and doing your job very well and a little bit above what is expected of you. He looks at 4 as being constantly above what is expected of you and that is the scoring when he scores his own staff. He thinks that Jennifer is doing a wonderful job and thanks her for everything that she does. There is no negative reflection in his review. He did not put any 2's or 1's. He does believe that she is above what is expected of her and in those areas of job knowledge and dependability, in his opinion, she exceeds what is expected of her.

Dr. Randy Sharp stated the second part is the request for salary range adjustment for the Executive Director position. He stated that he recalls that this was discussed previously to try to align the Funeral and Cemetery Services Board Executive Director's salary with other state-wide and even national salary ranges.

Jennifer Kandt stated that she included in the Board packet a couple of things regarding salary to adjust the range, not that she is asking for that amount. It is for the Board to have this range available when some day she is not at this position anymore, the Board can be competitive with the salary of other boards and other executive director positions. She stated that the last salary, wage, and benefit schedule from the audit by the Governor's office is included. She also printed from the latest pay bill from last session, any position that was noted as an executive director position and what that pay was. She believes that the Board would be more competitive to adjust the range. She also stated to the Board that her son has two years of high school left and she does not intend to be at the Board longer than that. Jennifer expressed emotion in telling the Board that she would be leaving in two years and stated that the Board will have to start looking for a replacement in about a year and a half.

Dr. Randy Sharp stated that he appreciated Jennifer wanting to make the Funeral Executive Director position competitive as it was discussed in the past, and it is not a self-serving motive.

Gerald Hitchcock stated that he was just reviewing the Board booklet that was given to him when he became a Board member. He stated that the range at that time was \$59,000 to \$88,900 and asked if there was an adjustment made after that.

Jennifer Kandt stated that was the last range that was approved, and she is higher than that based on COLA adjustments after she reached the top of the range.

Gerald Hitchcock asked if the Board had ever adjusted the executive director, investigator or staff's wage ranges since the employee handbook was done.

Jennifer Kandt stated that the range for the administrative assistant was adjusted once.

Gerald Hitchcock asked if there had been an adjustment prior to the Board agreeing to \$59,000 to \$88,000.

Jennifer Kandt stated that there has not been an adjustment prior to that.

Bart Burton moved to increase the salary range for the Executive Director position to a range of \$85,000 to \$135,000. Dr. Randy Sharp seconded the motion

Brian Rebman seconded the motion, and the motion was carried unanimously.

Jennifer Kandt stated that the Board still needed to address her salary increase request.

Jennifer Kandt stated that will be the range now, and once she leaves the Board and they go to hire a new person they could be hired between \$85,000 and \$135,000 at the Board's discretion. Jennifer stated that she is currently at \$97,000 which is based on being at the top of the range of \$88,000 plus various COLA allowances since then. The Board now needs to decide whether she should be given any increase this year or not.

Bart Burton asked if this would be in addition to the 3% COLA being requested.

Jennifer Kandt stated correct.

Bart Burton asked if she was getting the 3% COLA already.

Jennifer Kandt stated that the Board has not voted on that yet. If the Board votes on that then she would get a 3% COLA.

Bart Burton asked if this raise request would be in addition to the 3% COLA.

Jennifer Kandt stated correct.

Dr. Randy Sharp thanked Jennifer for clarifying.

Gerald Hitchcock stated that Ms. Kandt is currently at \$97,000.

Jennifer Kandt stated correct.

Dr. Randy Sharp stated that something that should be considered is that the Funeral Board Executive Director does not get the State PERS.

Jennifer Kandt stated that the Board could join PERS but hasn't because then that would be a problem for Wayne. Ms. Kandt stated that she would rather keep Wayne with the Board. There are other Boards that do not participate in PERS as well. This has been discussed previously and it is potentially something that the State could make the Board join in the future, but at this point, there are still several Boards that do not participate in PERS. The Board contributes instead to deferred compensation plan.

Gerald Hitchcock asked what was 3% of \$97,000.

Christopher Naylor stated it approximately \$2,900.

Brian Rebman stated that his opinion is that Jennifer does an amazing job and is on top of things and should be compensated accordingly. Mr. Rebman asked if the Board is looking at the State as a whole with budget and monies or just the Funeral Board budget.

Jennifer Kandt stated that things at the Funeral Board are quite different over the last couple years than they are at other Boards. We didn't shut down and we had to continue licensing, testing and participating in emergency management meetings. The Board is exempt from the State personnel system and budgeting procedures.

Jennifer Kandt stated COLAs were addressed by the State, but that she is asking that the Board approve COLA's instead of taking them from State personnel since they are exempt. She said there were changes affecting the classified employees and if they joined the State bargaining agreement they would get one level of a cost-of-living adjustment and if they do not join the bargaining system then they would get another level. They have also included bonuses for certain individuals. The Board is not asking for any type of bonuses, because the State has made it a little more complicated with their COLA system, we are asking that the Board vote on the COLA's as opposed to tying it to the State.

Brien Rebman stated that it is his opinion that Ms. Kandt deserves an increase, and he believes that she does an outstanding job with all the pandemic and everything that has been happening. Ms. Kandt has been taking care of business the way that it should be done. He knows the respect that Ms. Kandt has from The Conference, at the National level, in the industry and with other Boards she exudes a great deal of respect and does an outstanding job. If Ms. Kandt is leaving in two years and we will want to be able to

attract someone of Ms. Kandt's quality and we are going to need to have a competitive salary. While he is usually resistant to Governments having huge expenses, he believes that Ms. Kandt is qualified and has done an exceptional job and would like to reward her with an increase. In two years, we are going to need a significant salary to attract someone of Ms. Kandt's quality to replace her.

Christopher Naylor stated he did not believe there was a cost-of-living for the State employees this year and he believes that it is scheduled for next year. Sometimes the annual cost-of-living increase will allow them 1.5% for State employees when it is approved by the State Legislature and sometimes, they approve a 3% over two-year period. Other years they have done a 2% each year. He believes the whole time he has been with the State he has only seen a 3% once or twice. It does not always happen especially if there are financial struggles within the State there is no cost-of-living for the State employees.

Dr. Randy Sharp thanked Brian Rebman, Christopher Naylor and Gerald Hitchcock for their input. He would like to propose that the Board approve a 3% wage increase for Ms. Kandt now and then assuming the Board passes the 3% COLA, which would give her about a 6% increase, and he believes that is reasonable.

Adam Garcia stated that he proposes a motion that the Board does exactly what Dr. Sharp has suggested, providing the Executive Director with a 3% increase.

MOTION: BART BURTON MOVED TO APPROVE THE INCREASE TO THE SALARY RANGE FOR THE EXECUTIVE DIRECTOR POSITION TO \$85,000 TO \$135,000. BRIAN REBMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION: ADAM GARCIA MOVED TO APPROVE A 3% WAGE INCREASE FOR THE EXECUTIVE DIRECTOR. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

Dr. Randy Sharp thank Ms. Kandt for her all of her efforts and her exemplary work ethic and her exemplary job that she does for the State and for the people.

15. Discussion, recommendation, and possible action regarding change of personnel policies to require COLA adjustments to be approved by the Board and request for COLA adjustment for FY2022 (For possible action)

Jennifer Kandt stated that the request is to allow the Board to have the authority to vote on any COLA increase. The second part is a request for a 3% COLA adjustment for FY2022 and that would apply to all of our employees.

Dr. Randy Sharp stated that was more than reasonable. Dr. Sharp moved that the cost-of-living adjustments be approved by the Funeral and Cemetery Services Board for future adjustments and that the personnel policy manual be amended.

MOTION: DR. RANDY SHARP MOVED THAT THE COST-OF-LIVING ADJUSTMENTS BE APPROVED BY THE FUNERAL AND CEMETERY SERVICES BOARD FOR FUTURE COLA ADJUSTMENTS AND THE PERSONNEL POLICY MANUAL BE AMENDED ACCORDINGLY. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

Dr. Randy Sharp stated that he believed that 3% was reasonable and especially when the Boards and the State could afford the increase. In this economic environment, for example at his place of employment, they are getting 3% increases as they are able and that is somewhat standard in his opinion.

MOTION: ADAM GARCIA MOVED TO APPROVE A 3% COLA INCREASE FOR ALL STAFF. GERALD HITCHCOCK SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

16. Discussion, recommendation, and possible action regarding approval of FY2022 budget (For possible action)

Jennifer Kandt presented a proposed budget for FY2022 the salary amounts listed will be adjusted based on what was just voted on for the COLA and the Executive Director salary increase. There are not a lot of changes to the budget year-to-year. The regulatory fees have been adjusted to be in line with what was received in the year prior and that is what has brought up the revenue.

Dr. Randy Sharp asked if the licensing software search was still being researched.

Jennifer Kandt stated that on two separate occasions she engaged companies regarding licensing software, and in both instances, it has been quite disappointing. She stated that she still puts money into the budget for it every year even though we have not utilized that yet. When we find a licensing software company that we feel is suited for our Board needs, we will come to the Board with a proposal and proceed from there. It has been a waste of countless hours of our time trying to build these systems that over promise and have not worked out.

Gerald Hitchcock stated that on the budget for travel, \$20,000 on travel is that mainly for Ms. Kandt and Mr. Fazzino for travel to down south.

Jennifer Kandt stated that would be for travel for Wayne and herself to go to Vegas and there is also travel when Board members would like to attend either FARB, the Federation of Association of Regulatory Boards or The Conference meetings and the Board will cover the travel expenses for any Board members who would like to attend.

Gerald Hitchcock asked if the majority of that \$20,000 covers herself and Wayne.

Jennifer Kandt stated that a large portion is for her and Wayne for travel to Las Vegas

Gerald Hitchcock stated that maybe in the future if it is required, the way our State is set up, that maybe having a second inspector in the south would be best.

Brian Rebman stated that the travel budget would be cheaper then hiring another inspector/investigator. He believes that it would be better to have him travel rather than to hire a second inspector/investigator.

Jennifer Kandt stated that it maintains more consistency as well.

MOTION: BRIAN REBMAN MOVED TO ACCEPT THE BUDGET AS PRESENTED WITH THE ADJUSTMENTS THAT HAVE BEEN PRESENTED. CHRISTOPHER NAYLOR SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

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

Jennifer Kandt overviewed the presented reports.

- 18. Overview of current complaint status**

Jennifer Kandt stated that Wayne has been very busy with complaints and explained that the Board was handling more complaints this year than in the past.

- 19. Report from Executive Director, Jennifer Kandt**

Jennifer Kandt presented a written report and there were no questions regarding what was presented on the Executive Director report.

- 20. Appreciation of vacating Board member and Board member comments**

Jennifer Kandt stated that when she first started this position, Bart Burton was put in charge of picking her up at the airport and driving her around to show her what he referred to as "this crazy industry." She relayed a story of her first day where Bart asked her what she knew of the industry, and she told him that she had never even seen a dead body. She said within minutes traffic slowed as a pedestrian had been hit and was dead in the road. He commented that they now had that checked off the list, so let's keep moving. Her first opinions of Bart were that he was just a little off, and he would then become such a good friend and someone that she could rely on. He was always there to take her calls and listen to her cry and offer encouraging words. She said that one of her first cases when she took the position was against one of the Palm Mortuary locations and she was worried about it upsetting the people Bart worked for. She said that

Bart reminded her that it was not her job to worry about upsetting anyone. Her job was to do the right thing. She said she took that to heart, and she hopes that she has always done that. Ms. Kandt expressed how much Bart meant to her and stated that she found him to be a genuinely good person.

Ms. Kandt stated that her understanding was that Bart was termed out due to legislative changes, so he would not be coming back. She also thanked Lorretta Guazzini who is also not going to reapply. Ms. Kandt thanked Lorretta and discussed how inspirational it was that Lorretta started a funeral home, cemetery, and crematory quite late in life. Ms. Kandt stated that the Board was also going to be losing Chris Naylor. She said that she appreciated everything that he has done for the Board. She said he is always so pleasant to deal with and she has appreciated his perspective in so many ways. She said she has enjoyed traveling to various meetings with him.

Ms. Kandt said she believed that Gerald was termed out but was waiting to hear back from the Governor's office.

Gerald Hitchcock stated that he has not heard back from the Governor's office and that he believes that he has fulfilled his appointment.

Jennifer Kandt stated that she believed that he had served twelve years prior. She stated that the Governor's office is now stating that they only start counting the years after the 2017 effective date and if that is the case, Bart is not going anywhere. We will keep the Board informed and it might be possible that the entire Board is eligible for reappointment.

Christopher Naylor stated that it has been a pleasure working with all of the Board. The person he is recommending taking his place, if he is appointed to the Board, is very excited to be on the Board. He stated that being on the Board has helped him with his career to pick the brains of some of the industry individuals like Brian and Bart. He also thanked Jennifer, Marie and Wayne for all of their support.

Dr. Randy Sharp stated when coming onto this Board and not knowing much about the industry, Chris, Lorretta, Bart and the other Board members have allowed him to grow in knowledge in how the industry works and what is appropriate and not. He stated that he appreciated them for their time and effort they have put into the Board.

Brian Rebman stated that Bart Burton was a mentor to him when he first came into the industry thirty years ago and he said that he was unique. He has the respect of everyone in the industry and he appreciates the fact that Bart told Jennifer when she was concerned about Bart's people, and he told her it doesn't matter, that he wants it done right. He said he believes that is why everyone respects and appreciates Bart so much because he does make sure things are done correctly and he has been a voice in many different areas. He stated that for himself, Bart has had a huge influence on his career, and he appreciates him. He also stated that he greatly admired Lorretta and commented on how scary it is to be in business for yourself and to put yourself out there. He wished everyone the best.

Bart Burton stated that he appreciated all the kind things that everyone has said, and it was a pleasure working with everyone. He stated that he did remember Jennifer's first day, with the dead body in the street and saying to her "lets get moving." He stated that he has really enjoyed his time and interaction and working with such great people.

Jennifer Kandt stated that she will be in contact with the Governor's office depending on what they have decided in terms of who is eligible to reapply. For those that ultimately must leave, we provide them with a plaque. We would hope to do that in a live setting, but that is not possible now.

21. Discussion, recommendation, and possible action regarding adding Board member to checking account (For possible action)

Jennifer Kandt stated that since we will be losing Lorretta soon, that she would like to add Randy Sharp to the checking account as he is close, and it avoids needing to send checks back and forth.

MOTION: BART BURTON MOVED TO APPROVE DR. RANDY SHARP TO SIGN CHECKS AND OTHER RELATED DOCUMENTS. BRIAN REBMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

22. Discussion regarding future agenda items and future meeting dates

Wednesday, November 17, 2021, at 10:00 am

23. 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 with McDermott's Funeral and Cremation Service stated he would like public comment section before all the financial items so if there were public that would like to say something they don't have to sit through items before making a comment. He also commented that he felt the other funeral homes using Hites for storage and cremation are equally responsible for what has gone on. He said that for these new locations to just say we are not going to use Hites now, we are going somewhere else and not being responsible for keeping up on who they are doing business with seems a little out of bounds for him. He stated that he has had issues with these "store front places" that really just meet with families, but the removals and storage is handled by someone else and a lot of times the families have no idea that this is happening. They have looked at the review for this place and this place has a good review and a nice office, but they have no idea that the handling of their loved one is being done somewhere off premises at a location they know nothing about.

Jennifer Kandt stated that state regulation requires that the funeral homes advise the consumer where the bodies will be stored or cremated.

Christopher Grant stated that usually by that time, the body has been picked up and stored and the family hasn't yet reviewed the forms. He stated that with regard to the consent decrees, he would like to see, but it is probably more of a legislative issue, if the unprofessional conduct portion in some way be separated out as a separate line item. Right now, as you read through these documents and they become public record, there is a lot of things that fall under what you can be penalized for, and it almost seems like unprofessional conduct which could mean that you did not return a family members call in a timely manner to something more grievous with what was dealt with today. He believes that should have levels, not to equate to murder, but for example, murder1, murder2, manslaughter etc. and/or be separated out. Because on the consent decree and the way that paperwork is shown, it means that professional conduct could mean fraud, taking advantage of the family, and it could mean a lot of things, but by putting it in a document, anyone who is a layperson could take it to mean that they did all of those things. It seems like it could be more of an interpretation issued and he would like that to be a way to clarify that or make that a stand-alone item and not have it all lumped together where if you didn't return calls in a timely manner that is unprofessional conduct, but also if you don't have bodies in a properly refrigerated storage facility, that is the same terminology. He believes that it should not be all one blanket statement.

Jennifer Kandt stated that it is already broken out. Ms. Kandt suggested that maybe sometime herself and Mr. Grant could sit down and go over the State laws because they do break up unprofessional conduct into eighteen different categories and if the main one is violation of any State law, then we have to go back and reference what State law was violated.

Christopher Grant stated that he is talking about how things are worded in the consent decree. He also stated regarding the consent decrees, if there was some way to have the person agreeing to the consent decree provide a written statement to the public record at that time along with the consent decree wording, he believes that would be appreciated. He knows that if people make a comment on his website, on Google or Yelp, he can comment on it or respond to it. Once these consent decrees are published in public record, he does not believe that there is any response from the funeral home or the person that agreed to that consent decree.

Brian Rebman asked a question regarding Hites, if they will still be able to do cremations for other mortuaries or the crematory cannot be used for six months on their premises unless they are sold.

Jennifer Kandt stated that they have thirty days to handle cremations that they already have contracts for, or they need to sell to be able to have someone else use the facility.

Brian Schneider, Esq. representing Marlon Williams stated that the Board heard a matter earlier regarding Perfect Cremations. He said that Ms. Kandt has been a terrific representative of the Board and has maintained the Board's neutrality and has kept her eyes on what needs to be done. He stated that he is here to do two things, one, he wanted to correct a small matter to state that his client Marlon Williams, is in a dispute regarding ownership, but he is not barred from the facility. It is a rather strange Order, and he is sure that the Board counsel has reviewed it, but just to clarify, he is not barred from that location, it is a joint ownership that was never working out. The other matter he would like to add is this matter deals with people that are not going to be constrained by a letter. They are not going to be constrained by the Board levying fines and even gross fines. He stated he does not mean that grossly, they are large fines because their conduct is deserving of such fines, and he would urge that the Board may need to take additional action to ensure that your sanctions actually bite and have the effect that they do. He appreciates the Board's deliberations today and he has listened to the meeting, and he especially appreciate the Board's Executive Director and her actions. But it is out of control because the people that are involved cannot be controlled in a normal manner.

Jennifer Kandt stated that Mr. Schneider is referencing something that may be presented to the Board in the future.

Henna Rasul stated that this matter was still confidential.

24. Adjournment

The meeting was adjourned at 1:01 pm.