



STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES BOARD

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MINUTES

Tuesday, December 14, 2021, at 9:00 a.m.
Video Conference and Teleconference Via Zoom Meetings

1. Introduction of new Board members, Call to order, roll call, establish quorum.

Board Members Present

Dr. Randy Sharp, Chairman
Bart Burton
Adam Garcia
Kim Kandaras
Laura Sussman
Dr. Raymond Giddens

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Administrative Assistant

Board Counsel Present

Henna Rasul, Senior Deputy Attorney General
Sofia G. Long, Deputy Attorney General
Joel Bekker, Deputy Attorney General

Jennifer Kandt stated that there is still one vacant spot on the Board which is for a public member. She stated that the Governor recently appointed a new Board and asked the new members to introduce themselves.

The new Board members, Kim Kandaras, Laura Sussman and Dr. Raymond Giddens presented a brief introduction.

Kim Kandaras stated that she is the owner/co-owner for Walton's Funerals and Cremations in Reno, Susanville and Carson City. Ms. Kandaras stated that she is a CPA by trade, was born and raised in Southern California and moved to the Reno/Tahoe area in 1991 and has been there for thirty years. Ms. Kandaras stated that she loves this community and started working for Walton's Funerals and Cremations under Tammy Dermody in 2004 as the controller. A couple of years ago, herself and the general manager purchased the business. Ms. Kandaras stated that she is married and has a family of five boys and enjoys golf.

Dr. Raymond Giddens stated that he was originally from Chicago, Illinois and has been in Las Vegas for the last twenty years. Dr. Giddens stated that social work is his trade and decided against going to mortuary school at first. Dr. Giddens stated that he has a passion for taking care of families and serving people and eventually got passed his fear of death and went back to school a few years ago. Dr. Giddens stated that he is a first-generation business owner and has owned Giddens Memorial Chapel for six years. Dr. Giddens stated that he has a son, likes to run, and he is looking forward to serving on the Board.

Laura Sussman stated that she is from Ohio and moved to Las Vegas approximately twenty years ago. Ms. Sussman stated that her career was in non-profit and approximately thirteen years ago started Kraft-Sussman which she recently sold to Foundation Partners. She stated that she continues to be involved in the business as a funeral director. Ms. Sussman stated that she has three daughters, and her favorite activity is backpacking in the mountains.

Jennifer Kandt stated that there are multiple members from the Attorney General's office present at this meeting. Henna Rasul, Senior Deputy Attorney General will be prosecuting during the hearing for one of the cases on the agenda. Sofia Long, Deputy Attorney General will be Board Counsel during the hearing, and Joel Bekker is the newly assigned Deputy Attorney General for the Funeral Board.

Joel Bekker, Deputy Attorney General stated that he was recently hired by the Office of the Attorney General, and he is excited to be working with the Board's that he was assigned to. Mr. Bekker stated that he is a transplant, moving to Las Vegas from New York.

2. Public comment

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

Jennifer Kandt stated that written public comment was received by an individual, but legal counsel advised not to read the public comment into the record as it could be used as evidence in a future hearing and that individual was notified that it would not be heard at the meeting.

3. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)
a. August 24, 2021

The Board reviewed the August 24, 2021, Board meeting minutes presented. Jennifer Kandt stated that there were several corrections which would be made prior to uploading them to the website. The Board moved to approve the August 24, 2021, Board meeting minutes.

MOTION: DR. RAYMOND GIDDENS MOVED TO APPROVE THE AUGUST 24, 2021, MINUTES. BART BURTON SECONDED THE MOTION WITH LAURA SUSSMAN AND KIM KANDARAS RECUSING AS THEY DID NOT ATTEND THE AUGUST 24, 2021, MEETING AND THE MOTION WAS CARRIED UNANIMOUSLY.

4. Discussion, recommendation, and possible action regarding review and approval of FY2020 and FY2021 financial audit prepared by Christiansen Accounting Network (For possible action)

Connie Christiansen of Christiansen Accounting Network presented the financial audit report to the Board for FY2020 and FY2021. She commented that it was a clean audit, and that staff was prepared with providing all necessary documentation.

MOTION: LAURA SUSSMAN MOVED TO APPROVE THE FY2020 AND FY2021 FINANCIAL AUDIT AS PRESENTED. DR. RAYMOND GIDDENS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

5. Discussion, recommendation, and possible action regarding disciplinary hearing on Complaint and Notice of Hearing in the Matter of Clark County Funeral Services, Funeral Services Establishment Permit No. EST106 - Case Number FB21-17. This agenda item may include review and consideration of any motions and may include review and consideration of a settlement agreement or Consent Decree if one is presented (For possible action)

The hearing was transcribed by a court reporter and a transcript may be available upon request.

Exhibits were presented into evidence.

The Board discussed the evidence and Counts I-V of the Complaint.

The Board concluded and unanimously agreed that Count I of the Complaint referencing NRS 642.517(1), which states that unprofessional conduct includes misrepresentation or fraud in the operation of the funeral establishment, direct cremation facility, cemetery or crematory, or the practice of a funeral director or funeral arranger was violated.

The Board concluded but did not unanimously agree that Count II of the Complaint referencing NRS 642.5174(7), which states that unprofessional conduct includes aiding and abetting an unlicensed person to practice funeral directing, funeral arranging, or embalming had been violated. Adam Garcia and Dr. Randy Sharp believed the State proved that Count II had been violated. Laura Sussman, Dr. Raymond Giddens, Bart Burton and Kim Kandaras stated that they did not believe that Count II had been violated.

The Board concluded and unanimously agreed that Count III of the Complaint referencing NRS 642.5174(11), which states that unprofessional conduct includes violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Board had been violated by referencing the violation of Count I.

The Board concluded and unanimously agreed that Count IV of the Complaint referencing NRS 642.5174(18), which states that unprofessional conduct includes unethical practices contrary to the public interest as determined by the Board had been violated.

The Board concluded but did not unanimously agree that Count V of the Complaint referencing NRS 642.363, which states that the owner of a funeral establishment shall not operate or allow another person to operate the establishment unless the owner has been issued a permit by the Board to operate the funeral establishment had been violated. Adam Garcia and Dr. Randy Sharp believed the State proved that Count V had been violated. Laura Sussman, Dr. Raymond Giddens, Bart Burton and Kim Kandarar stated that they did not believe that the State proved that Count II had been violated.

The Board discussed disciplinary actions to be taken against CCFS.

MOTION: DR. RANDY SHARP MOVED TO DETERMINE THAT COUNTS I, III, IV AS LAID OUT IN THE COMPLAINT HAD BEEN VIOLATED. KIM KANDARAS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION: DR. RANDY SHARP MOVED TO INSTITUTE A TWO-YEAR PROBATION WHICH MAY EXTEND UNTIL THE LEGAL OWNERSHIP AND LEGAL MATTERS HAVE BEEN CONCLUDED. THE BOARD SHALL BE NOTIFIED OF STATUS UPDATES REGARDING THE OWNERSHIP OF CCFS. MS. MCKINZIE SHALL ATTEND TWO FUNERAL ESTABLISHMENT MANAGEMENT TRAINING SESSIONS THROUGH NFDA AND PROVIDE THE BOARD WITH A CERTIFICATE OF ATTENDANCE. CCFS SHALL PAY A \$10,000 FINE, LEGAL FEES AND ADMINISTRATIVE FEES ASSOCIATED WITH THIS HEARING WHICH SHALL BE PAID OR A PAYMENT PLAN SHALL BE IMPLEMENTED WITHIN FORTY-FIVE DAYS FROM THE DATE OF THIS BOARD MEETING. LAURA SUSSMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

6. Discussion, recommendation, and possible action regarding consent decree for case number FB21-40 (For possible action)
 - a. Trent Stimpson FD952 and EMB879R

The Board reviewed the consent decree for case no. FB21-40 regarding Trent Stimpson.

MOTION: DR. RANDY SHARP MOVED TO ACCEPT THE CONSENT DECREE FOR CASE NO. FB21-40 REGARDING TRENT STIMPSON FD952 AND EMB879R AS WRITTEN. KIM KANDARAS SECONDED THE MOTION WITH BART BURTON RECUSING AS MR. STIMPSON PREVIOUSLY WORKED FOR THE SAME COMPANY AND THE MOTION WAS CARRIED UNANIMOUSLY.

7. Discussion, recommendation, and possible action regarding funeral establishment permit application(s) (For possible action)
 - a. Las Vegas Cremations, 6000 S. Eastern Avenue, Suite 2A, Las Vegas, NV 89119 with Michael Roberts FD968 as managing funeral director; temporary approval was granted on October 1, 2021

Jennifer Kandt stated that everything was in order and a temporary permit was issued. Ms. Kandt stated that they have a prep room as required, however, they do not intend to utilize the prep room. They are currently utilizing the location for additional office space since the location is close to Davis Funeral Home.

MOTION: DR. RANDY SHARP MOVED TO APPROVE THE FUNERAL ESTABLISHMENT PERMIT APPLICATION FOR LAS VEGAS CREMATIONS, 6000 S. EASTERN AVENUE, SUITE 2A, LAS VEGAS, NV 89119. DR. RAYMOND GIDDENS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

8. **Discussion, recommendation, and possible action regarding crematory license application(s) (For possible action)**
 - a. Mountain View Mortuary, 425 Stoker Avenue, Reno, NV 89503

Jennifer Kandt stated that the Board previously reviewed this crematory license application as a relocation of existing equipment down to the mortuary. The equipment had been located up at the cemetery on the hill and the Zoning department approved the change of location. The 1500-foot rule does not apply in this instance because they are grandfathered by the statute. Ms. Kandt stated that everything was in order and a temporary had been issued.

MOTION: DR. RAYMOND GIDDENS MOVED TO APPROVE THE CREMATORY LICENSE APPLICATION FOR MOUNTAIN VIEW MORTUARY, 425 STOKER AVENUE, RENO, NV 89503. KIM KANDARAS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

9. **Discussion, recommendation, and possible action regarding crematory license and direct cremation facility applications for Vegas Valley Cremation (For possible action)**
 - a. Vegas Valley Cremation (Crematory CRE113), 4535 Statz Street, Unit A, North Las Vegas, NV 89081
 - b. Vegas Valley Cremation (Direct Cremation Facility DC97L), 4535 Statz Street, Unit A, North Las Vegas, NV 89081; With Christopher J. McDermott as Managing Funeral Director
 - c. Vegas Valley Cremation (Direct Cremation Facility DC98L), 6392 McLeod Drive, Suite 3, Las Vegas, NV 89120; With Christopher J. McDermott as Managing Funeral Director

Jennifer Kandt commented that all three of these locations is a transfer of ownership from Christopher McDermott to FPG Nevada, LLC. Ms. Kandt stated that everything was in order and a temporary permit had been issued.

MOTION: DR. RAYMOND GIDDENS MOVED TO APPROVE THE CREMATORY LICENSE APPLICATION FOR VEGAS VALLEY CREMATION CRE113, 4535 STATZ STREET, UNIT A, NORTH LAS VEGAS, NV 89081; THE DIRECT CREMATION FACILITY PERMIT APPLICATION FOR VEGAS VALLEY CREMATION DC97L, 4535 STATZ STREET, UNIT A, NORTH LAS VEGAS, NV 89081, AND THE DIRECT CREMATION FACILITY PERMIT APPLICATION FOR VEGAS VALLEY CREMATION DC98L, 6392 MCLEOD DRIVE, SUITE 3, LAS VEGAS, NV 89120. KIM KANDARAS SECONDED THE MOTION WITH LAURA SUSSMAN RECUSING AS SHE HAS AN AFFILIATION WITH FPG NEVADA, LLC AND THE MOTION WAS CARRIED UNANIMOUSLY.

10. **Discussion, recommendation, and possible action regarding managing funeral director requests (For possible action)**
 - a. Margarita Rojas FD946 – Clark County Funeral Services EST106

Jennifer Kandt stated that temporary approval had not been given prior to the meeting, due to questions concerning the validity of the permit and ownership of Clark County Funeral Services. Ms. Kandt stated that since the Board made the decision to allow Clark County Funeral Services to operate, under probation, there would not be any issues with Ms. Rojas' approval as managing funeral director.

MOTION: DR. RANDY SHARP MOVED TO APPROVE MANAGING FUNERAL DIRECTOR REQUEST FOR MARGARITA ROJAS FD946 - CLARK COUNTY FUNERAL SERVICES EST106. LAURA SUSSMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

- b. Phil Steven Webb FD897 – Palm Boulder Highway Mortuary EST19

Jennifer Kandt stated that everything was in order and temporary approval had been granted.

MOTION: DR. RAYMOND GIDDENS MOVED TO APPROVE MANAGING FUNERAL DIRECTOR REQUEST FOR PHIL STEVEN WEBB FD897 – PALM BOULDER HIGHWAY MORTUARY EST19. DR. RANDY SHARP SECONDED THE MOTION WITH BART BURTON RECUSING SINCE THEY ARE AFFILIATED WITH THE SAME COMPANY AND THE MOTION WAS CARRIED UNANIMOUSLY.

- c. Glenn Andrew Abercrombie FD925 – Palm Eastern Mortuary EST27

Jennifer Kandt stated that everything was in order and temporary approval had been granted.

MOTION: DR. RANDY SHARP MOVED TO APPROVE MANAGING FUNERAL DIRECTOR REQUEST FOR GLENN ANDREW ABERCROMBIE FD925 – PALM EASTERN MORTUARY EST27. KIM KANDARAS SECONDED THE MOTION WITH BART BURTON RECUSING SINCE THEY ARE AFFILIATED WITH THE SAME COMPANY AND THE MOTION WAS CARRIED UNANIMOUSLY.

11. **Discussion, recommendation, and possible action regarding American Crematory Equipment Co. crematory operator training provider application (For possible action)**

Jennifer Kandt informed the Board that they are required, to approve crematory operator trainings. Ms. Kandt stated that the Board has approved various other entities to provide crematory operator training.

MOTION: BART BURTON MOVED TO APPROVE AMERICAN CREMATORY EQUIPMENT CO. AS A CREMATORY OPERATOR TRAINING PROVIDER WITH THE ADDITION OF EACH PRESENTER BIO. KIM KANDARAS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

12. **Discussion, recommendation, and possible action regarding regulatory changes as a result of AB330 and NRS 622.510 (For possible action)**

Ms. Kandt stated that AB330 relates to the Board being required to draft regulations for accepting secondary or post-secondary education approved by the State Board of Education toward certification or licensure. Ms. Kandt stated that she doesn't quite know how it will apply until education is approved, but the regulation will require the Board to review and make any decision on credit within 90 days.

Jennifer Kandt stated that the second part of the regulatory changes are related to NRS 622.510 requiring the Board to develop opportunities for reciprocity for qualified members of the armed forces, spouses, veterans, and veterans surviving spouses. Ms. Kandt stated that the goal is make licensing easier for people in the military and their spouses because they move around so frequently. Ms. Kandt recommended the Board accept out of state apprenticeships for active-duty military and their spouses. Ms. Kandt suggested that the Board accept funeral director internships obtained in another state in lieu the Board's current requirements of one year licensed as a funeral arranger or one year licensed as a funeral director in another state. Ms. Kandt stated that if they were in a state where they had to do a funeral director internship and they are active-duty military or spouse of military then the Board would accept that internship in lieu of one year as a funeral arranger. The legislature would like see fees lower for military and Ms. Kandt proposed that the Board would not charge the initial licensing fees for active-duty military and spouses of active-duty military and that the Board would only charge one-half of the initial licensing fees for veterans and surviving spouses of veterans.

Jennifer Kandt stated that once the Board has approved the changes, then it will be sent to LCB, and they will draft the official language and return it to the Board to have a regulatory hearing.

MOTION: BART BURTON MOVED TO PROCEED WITH THE CHANGES PURSUANT TO AB330 AND NRS 622.510 AS PRESENTED AND WORK WITH LCB TO DRAFT THE OFFICIAL LANGUAGE. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

13. **Discussion, recommendation, and possible action regarding election of Board Secretary and Board Treasurer (For possible action)**

Jennifer Kandt commented that the duties of the Board Secretary include signatures on the licenses. She stated that duties of the treasurer include review of bank statements and signing checks. Ms. Kandt proposed that Kim Kandaras be appointed as Board Treasurer since she is local, and she has a CPA background which would be a good fit.

MOTION: BART BURTON MOVED TO ELECT KIM KANDARAS AS THE BOARD TREASURER. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION: DR. RAYMOND GIDDENS MOVED TO ELECT BART BURTON AS THE BOARD SECRETARY. KIM KANDARAS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

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

Jennifer Kandt presented a summary of the Board financial reports.

- 15. Overview of current complaint status**

Jennifer Kandt presented a summary of the current complaint status to the Board. Ms. Kandt stated that there were several complaints that were withdrawn and a group of complaints regarding a single location would be presented at a future Board meeting.

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

Jennifer Kandt presented a written report, and the Board reviewed the information provided.

Jennifer Kandt commented that she was contacted by the Sunset Sub-Committee to prepare a presentation on efforts to improve timely death reporting. Ms. Kandt state that she will be providing a report to the Sunset Sub Committee the end of January 2022.

Dr. Randy Sharp asked about licensing software.

Jennifer Kandt stated that on two separate occasions, tried to implement licensing software and both times were disappointed with the outcomes as other Boards have been. Ms. Kandt stated that after renewals are completed, they will be reviewing presentations from several vendors. Ms. Kandt stated that she would like to have something in place and working well prior to leaving the Board.

Jennifer Kandt thanked Senior Deputy Attorney General Henna Rasul and stated that she would not be representing the Board any longer.

Joel Bekker, Deputy Attorney General stated that he will be taking over the Funeral Board.

- 17. Discussion regarding future agenda items and future meeting dates**

Tuesday, February 8, 2022 at 9:00 am
Tuesday May 10, 2022 at 9:00 am
Tuesday August 16, 2022 at 9:00 am
Tuesday, November 15, 2022 at 9:00 am

- 18. Public comment**

There was no public comment

- 19. Adjournment**

The Board adjourned at 3:25 pm.