

NEVADA FUNERAL AND CEMETERY SERVICES BOARD

MINUTES OF MEETING

Tuesday, December 13, 2016, at 9:00 a.m.

Video-Conference Locations:

Division of Employment Training and Rehabilitation
3405 S. Maryland Parkway, Main Conference Room
Las Vegas, Nevada

and

Division of Employment Training and Rehabilitation
1325 Corporate Blvd., Main Conference Room
Reno, Nevada

Please Note: The Board may 1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; 2) combine items for consideration by the public body; and 3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

Public comment is welcomed by the Board, but at the discretion of the chair, may be limited to three minutes per person. A public comment time will be available before any action items are heard by the public body and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn. Prior to the commencement and conclusions of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment.

Action by the Board on an item may be to approve, deny, amend, or table.

1. Call to order, roll call, establish quorum. 9:02 am

Board Members Present

Dr. Wayne Fazzino, Chair
Tammy Dermody, Secretary
Loretta Guazzini, Treasurer
Bart Burton
Dr. Randy Sharp
Brian Rebman
Kathleen Dussault

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Admin/Executive Assistant

Board Counsel Present

Henna Rasul,
Senior Deputy Attorney General

Board Members Absent

None

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)

No public comment.

- 3. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)**
a. September 20, 2016

MOTION: Bart Burton moved to approve the September 20, 2016 minutes as written. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

- 4. Discussion, recommendation, and possible action regarding Consent Decrees for case number FB16-05 (For possible action)**
a. Bunker's Eden Vale Mortuary – EST10

Jennifer Kandt made a general comment regarding the consent decrees being presented to the Board. She stated that they all concerned delay in disposition with Social Service cases. She stated that she had been advised that there was a previously a significant delay from Clark County Social Services dealing with these cases, which may have created overall timeliness issues and a culture of delay. She stated that all of the cases before the Board today did not have to do with a delay on the part of Social Services, but with the funeral establishments for various reasons. She said that they all have the same adjudication even though the facts of each case are somewhat different.

Ms. Kandt also stated that she consulted with Brian Rebman as the reviewing Board member so that he would need to recuse himself from the matter.

Jennifer Kandt stated that one case was in the North and was a result of an inspection whereas the others were from the South and a result of a complaint.

Tammy Dermody asked who was going to conduct the inspections for these decrees.

Jennifer Kandt stated that the Board would conduct monthly inspections. She said that what is presented is a six-month probation with the requirement that the disciplined licensee report to the Board monthly on any cases in their possession more than 45 days after death. Immediately after the Board receives the report, the Board will go into the facility and take an inventory of who is there, who is on their list, look at their files, make sure that the individuals on the report have not been at the facility longer than forty-five (45) days who were not reported to the Board. An inspection of the facility will be done every month for a six-month period.

Jennifer Kandt stated that the first inspection will be conducted by Ms. Kandt because the Board does not have a new inspector yet. Ms. Kandt stated that she will be the one to do the first inspections and possibly the second time, she will accompany the new inspector.

Tammy Dermody asked if the funeral home will incur the expenses for the inspections.

Jennifer Kandt stated that the funeral home is paying the fees to draw up the documents, but that there were no charges for the inspections. She said that the idea was for close monitoring of the situation versus fines. She stated that she was told that it was initially Clark County Social Services was taking quite a long time to approve cases which may have created an atmosphere of the funeral home not acting timely with the cases. She said that her understanding was that the cases are processed very quickly now.

MOTION: Tammy Dermody moved to accept the consent decree as written for Bunker's Eden Vale Mortuary. Lorretta Guazzini seconded the motion with Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

b. Nathan Stiffler – FD857

Jennifer Kandt stated that this consent decree was the same adjudication and the same requirements as the funeral home since the funeral directors are also responsible for the report and if the funeral director were to go to another funeral home they would still be subject to the reporting requirement.

MOTION: Tammy Dermody moved to accept the consent decree for Mr. Stiffler as written. Dr. Randy Sharp seconded the motion with Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

5. Discussion, recommendation, and possible action regarding Consent Decree for case number FB16-06 (For possible action)

a. Davis Funeral Home - Eastern – EST26

Jennifer Kandt stated that the managing funeral director at the time of the complaint was now out state and she was still looking at how to handle that matter.

Kathleen Dussault stated that in all of the consent decrees, one of the central points is a finding that disposition did not occur within a reasonable amount of time. Ms. Dussault asked if there was a specific time limit which is stipulated as a reasonable amount.

Jennifer Kandt stated that there was not definition, and the Board was then tasked with determining whether the time was reasonable. She stated that funeral homes can sometimes work with families for months, and that may be reasonable if the funeral home is continuing to make an effort to handle disposition. Ms. Kandt also stated that the Board did not take issue with any cases in which the Board found that the funeral home was actively following up on the cases. The Board only took issue with ones that there seemed to be a very long period of time, sometimes as long as a year, where the funeral home did absolutely nothing with the case.

Ms. Kandt stated that she does think it is important to note that there have been changes at Social Services. Now they are processing these quickly and she also thinks it is also important to note that January 1, 2016, when SB286 took effect, there was language built into that Bill which said that "after 30 days, if a family has been unwilling or unable to make arrangements, that right of authority passes." She stated that she believed that gave some guidance for people in looking at some of these cases.

Kathleen Dussault asked if the Board could infer that in the consent decrees where Clark County Social Services is referred to, that these situations involved individuals who don't have ready family contact or indigent circumstances.

Jennifer Kandt stated that sometimes there is family involved, but the family can't afford to pay. She stated that in many of those instances, the family does not follow up with the funeral home, and the funeral home pushes the case to the side.

Mr. Seth Carlson presented to the Board in Reno and Mr. Allen Kopp, Managing Funeral Director for Davis Funeral Home and Mr. Phillip Smith, Regional Manager for Legacy Funeral Group with his duties over Davis Funeral Home presented to the Board in Las Vegas.

Seth Carlson stated that the history that Ms. Kandt has given with respect to Southern Nevada is very accurate. He thinks that the question that the Board member asked down South really brings

a lot of the facts together that, when you have a lot of indigent care in this case, there has been a cultural issue. They stated that they think that the consent decree is fair, and they think that it will put into place some guidelines and parameters.

There was discussion the Allen Kopp was currently the managing funeral director, but was not the managing funeral director at the times relevant to the complaint, so this matter did not pertain to his license.

Brian Rebman asked how the process is currently working with Social Services in Clark County.

Allen Kopp stated that they are seeing the Social Service process is quite a bit expedited than it used to be. Mr. Kopp stated that the average turn-a-round on most cases is about a week and a half to two weeks. He agreed that there was a culture that maybe the funeral industry lived with and that this was a learning lesson for them. Mr. Kopp stated that he believes that they are on the same page as Social Services now and they treat those cases as any other in their care. He said that they really saw things change sometime in January.

Bart Burton asked if Eric Lee at Hites was seeing the same thing.

Eric Lee at Hites Funeral Home stated that they are seeing the same thing. When they have families available, Social Services generally gives them a voucher back pretty quickly, within a week or two of the family talking with them. With abandoned bodies, they are generally getting those, after they turn them in after the thirty-day period after a week or two as well.

Eric Lee stated that there was a meeting one time with the funeral homes that were doing social service cases at the time and Social Service and they brought up at that point that there was an instance where they had submitted to them back and forth, over the course of six months, nine different letters of abandonment. He said that sort of thing is not happening anymore.

There was discussion regarding timeframes for payment by Social Services and Eric Lee stated that part needed a little bit of work. They submit a bill to Social Services and it usually takes thirty (30) to sixty (60) days for them to get payment from Social Services.

Brian Rebman asked Jennifer Kandt if that was something that the Board could work on with Social Services. Mr. Rebman asked if the Board has any ability to talk to Social Services about payment times.

Jennifer Kandt stated that she does not have jurisdiction over Social Services, but she has met with them in the past. She said that when she first took this position, the Board was finding bodies that were in coolers for sometimes over a year and she met with Social Services Director because that obviously was a concern and the funeral homes were saying that they were waiting for Social Services, and Social Services was stating that was not the case. Ms. Kandt stated that she is more than willing to meeting with Social Services again, but noted that they are a government entity and processing payments can take longer.

Kathleen Dussault asked if the funeral homes could charge interest after thirty days. Ms. Dussault stated that with the Federal Government, if they pay late then the vendor can assess interest. Kathleen Dussault stated that she agrees that payment should be made timely, and that perhaps a reporting by Social Services could be made.

Lorretta Guazzini stated in their county, they have a public administrator who steps in first and if there are any assets, they deal with the public administrator. If there are no assets, then she turns it over to Social Services. Ms. Guazzini stated that she has gone to County Commission meetings to tell her story on several cases. She said she has two cases right now that she has

waited a year to get paid on. The public administrator signs off for the cremation and then she just has to wait for the money and it has been over a year. She said that going to the County Commissioners in each county where there is a problem could be helpful.

Jennifer Kandt stated that in Clark County, you have to be a contracted mortuary for Social Service cases. She stated that if funeral homes are having problems with payment, they should consider adding something to the contract regarding the timelines for payment.

Brian Rebman asked if the funeral homes had an annual meeting with Social Services as a group regarding their contract.

Eric Lee stated that they try to get a meeting with Social Services, but it doesn't always work with everyone's schedules.

Dr. Randy Sharp asked about page three of the consent decree, which states that the decedent died October 6, 2015, and was not cremated until March 2016 even though they were paid and everything was finalized by January 26th. He asked if there was a reason for the delay between January and March.

Allen Kopp stated that this particular individual passed and was brought into the care of another funeral home that was not in contract with Social Services. They received this individual into their care in November and worked with the family until January 6th, when the family finally said that they were not going to pay for services and to turn it over for assistance. They then turned it over on January 6th to Social Services.

Dr. Randy Sharp stated that in this instance, it looks like Social Services did a pretty good job then. A couple of weeks, if he understands correctly.

Allen Kopp stated correct. The case was turned over on January 6th and they received authorization on the 26th.

Dr. Randy Sharp stated just for his clarification, is that a normal lag time between getting paid and cremating remains.

Allen Kopp stated that the approval for payment on January 26th was that Social Services sent them a voucher for payment, that doesn't mean that they got paid on the 26th. It just means that were approved and the funeral home can proceed with disposition.

Jennifer Kandt stated to Dr. Sharp that his question goes back to once all paperwork is complete, including the cremation authorization and approval of payment, a typical cremation for Davis Funeral Home would occur between three to five days after all of the paperwork was complete. She stated that in this instance, there was approximately forty-three (43) days after all paperwork was complete until the cremation took place. The argument that the Board is making is that is not a reasonable timeframe.

There was discussion on identification of Veterans in instances where there are no family members and Jennifer Kandt indicated that Social Services does reach out to the Veteran's Cemetery to see if they are a veteran and to see if they are eligible for any benefits.

MOTION: Tammy Dermody moved to accept the consent decree as written for Davis Funeral Home. Lorretta Guazzini seconded the motion with Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

6. Discussion, recommendation, and possible action regarding Consent Decrees for case number FB16-07 (For possible action)

a. Desert Memorial – EST46

Chris Grant from Desert Memorial stated that they previously had issues with the length of time that Social Services would take to process the request and have many instances of going back and forth with the agency. Chris Grant stated that they have since withdrawn from the Social Services agreement due to the issues. They stated that now one of the issues they are having is that if they end up with a decedent which is a Social Services case, and they request another mortuary to pick up the case, it can sometimes take that mortuary a week or two to pick up. Also, he stated that he wanted confirmation that any cases in their care now, which may eventually end up as Social Services cases, that they would not be penalized for the length of time for those cases. Additionally, he stated that their facility would only be sending referrals to other mortuaries via email so that there is a definitive record of when it was sent.

Jennifer Kandt stated that it is important to note that with the consent decrees, it is not that the funeral home cannot have cases in their care longer than 45 days, they simply have to report the cases in their care longer than 45 days with a status on the steps that they have taken to try to get the case handled. She stated that in all of these cases, there were extended periods of time where there was no follow up on cases on the part of the funeral home, and some cases that were forgotten on desks for months.

Chris Grant stated that it is amazingly rare with non-Social Service cases that decedents would be in their care for that long. He stated that there are maybe one or two cases a year where the family is prolonging the process. He stated that with Social Services, his experience was that he would submit referrals and they would not hear back for months, or he would contact them again and they would claim to never have received the referral. He said that he hopes it has gotten better, but from the time they actually picked up a decedent until the time they actually received a check in hand was averaging ten to twelve months.

MOTION: Tammy Dermody moved to accept the consent decree as written for Desert Memorial. Lorretta Guazzini seconded the motion with Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

b. Christopher Walters – FD64

Chris Walters stated that he did not think that there is anything he can add that hasn't already been said except that he is regretful that this complaint that has come up. He said that he does see where it can actually have a benefit and he looks forward through the next six months if the Board accept this Decree to show how the process at Desert Memorial will change and how this complaint will actually improve Desert Memorial as a whole.

MOTION: Tammy Dermody moved to accept the consent decree as written for Christopher Walters. Lorretta Guazzini seconded the motion with Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

7. Discussion, recommendation, and possible action regarding Consent Decrees for case number FB16-08 (For possible action)

a. La Paloma Funeral Services – EST79

MOTION: Tammy Dermody moved to accept the consent decree as written for La Paloma Funeral Services. Lorretta Guazzini seconded the motion with Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

- b. Ryan R. Bowen – FD810

MOTION: Tammy Dermody moved to accept the consent decree as written for Ryan R. Bowen. Lorretta Guazzini seconded the motion with Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

8. Discussion, recommendation, and possible action regarding Consent Decrees for case number FB16-09 (For possible action)

- a. FitzHenry's Funeral Home – EST36

There was discussion regarding the electronic death registry system and the seven day requirement within the consent decree, and Jennifer Kandt stated that it would be ideal for funeral homes to enter the basic decedent information immediately but that funeral homes often don't, especially with rotation cases because they can often transfer to another funeral home, and the funeral homes then have to transfer the death certificate. She said that with some of these cases, decedents have been at mortuaries for months without any information ever being entered into the EDRS system which could make it very difficult in locating the decedent.

Bart Burton stated that he needed to recuse himself since he works for the same company.

MOTION: Tammy Dermody moved to accept the consent decree as written for FitzHenry's Funeral Home. Lorretta Guazzini seconded the motion with Bart Burton recusing since he works for the same company; and Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

- b. James Smolenski – FD217

Jennifer Kandt stated that this consent decree was slightly different from the other consent decrees because Mr. Smolenski is no longer the managing funeral director of FitzHenry's and now works at another location, and to her knowledge does not perform any funeral director duties, he is an embalmer at another location. The adjudication regarding this consent decree states that if he were to ever become a managing funeral director within three years, then Mr. Smolenski would be subject to the reporting requirements.

Tammy Dermody stated that she needed to recuse herself as Mr. Smolenski now works for her company.

MOTION: Dr. Randy Sharp moved to accept the consent decree as written for James Smolenski. Kathleen Dussault seconded the motion with Tammy Dermody recusing as he works for the same company; and Brian Rebman recusing as he was the reviewing Board Member and the motion was carried unanimously.

9. Discussion, recommendation, and possible action regarding the following Funeral Arranger License (For possible action):

- a. Tracy Ann Myers

Jennifer Kandt stated that Ms. Myers contacted the Board several days ago to withdraw her application, so at this point there is no action required.

10. Discussion, recommendation, and possible action regarding request for approval of new Managing Funeral Director for the following locations (For possible action):

- a. Lawrence A. Neubauer FD27 – Thomas and Jones Affordable Funeral Home EST38
- b. Lawrence A. Neubauer FD27 – Affordable Cremation & Burial EST55

Jennifer Kandt stated that Thomas and Jones Affordable Funeral Home does meet all of the qualifications and they fulfill all of the new requirements that came into effect in November of 2016.

Bart Burton stated that he need to recuse himself since Mr. Neubauer works for the same company.

MOTION: Tammy Dermody moved to approve Lawrence A. Neubauer as the managing funeral director for Thomas and Jones Affordable Funeral Home and Affordable Cremation and Burial. Lorretta Guazzini seconded the motion with Bart Burton recusing since they work for the same company and the motion was carried unanimously.

11. Discussion, recommendation, and possible action regarding granting the following Funeral Establishment Permit (For possible action):

a. Truckee Meadows Cremation and Burial Services, LLC

Jennifer Kandt stated that this entity has operated for quite some time, but they are selling to a new entity and they are going to remain a limited liability corporation and retain all of the assets. The approval will be contingent upon the actual closing date.

Chad Schuchert, representing Truckee Meadows Cremation and Burial Services, LLC stated that they are just waiting for the permit from the City of Sparks and once received, they will proceed with closing.

MOTION: Tammy Dermody moved to approve the funeral establishment permit to Truckee Meadows Cremation and Burial Services, LLC. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

12. Discussion, recommendation, and possible action regarding granting the following Crematory License (For possible action):

a. Truckee Meadows Cremation and Burial Services, LLC

Jennifer Kandt stated that again this was the purchase of the crematory which is at a different location than the funeral establishment. Approval is recommended contingent upon the actual closing date.

MOTION: Tammy Dermody moved to approve the crematory license to Truckee Meadows Cremation and Burial Services, LLC. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.

13. Discussion, recommendation, and possible action regarding request for legislative change to allow for alkaline hydrolysis as a form of cremation (For possible action)

Jennifer Kandt stated that this was a request from Laura Sussman in Las Vegas for the Board to review the idea of legislation to allow for Alkaline Hydrolysis. Jennifer Kandt stated that Laura Sussman will be working with a legislator, but is hoping the Board would be supportive of the legislative efforts and wanted to ensure there were no issues with the potential proposal.

Laura Sussman stated that there are fifteen states that have currently approved the process and fourteen states that are expected to pass legislation this year for human bodies. Most states currently allow it for animals and human waste.

Jennifer Kandt stated that she received a written letter from James Lee, the owner of Hites Funeral Home informing the Board that he would be in favor of legislation allowing alkaline hydrolysis as an alternative form of cremation. Mr. Lee's letter further states that his research has led him to believe that it would be a safe form of final disposition and it appears to have a

smaller environmental footprint. Mr. Lee would welcome legislation making alkaline hydrolysis legal in the State of Nevada.

Laura Sussman stated that it is also a form of disposition that is recognized by CANA, the Cremation Association of North America. Ms. Sussman also stated that it does have a lot of benefits for the community as compared to flame cremation. If people have the option to choose it versus flame cremation if the price is the same. Over ninety percent traditionally choose alkaline hydrolysis even if the price is three to five hundred dollars more. It has ten percent of the carbon footprint of traditional flame cremation. There are zero emissions. All of the byproducts are sterilized by the end of the process. The family gets twenty percent more of the cremated remains than they normally would with flame cremation process.

There was discussion concerning the end process and Laura Sussman stated that it is a liquid. The alkaline that is put into the machine is measured based on the weight of the person so by the end of the process, the alkaline is totally neutralized and the waste is basically a sterilized waste water.

There was discussion on the length of the process and Laura Sussman stated that it varies from three to twelve hours depending upon the amount of heat used.

Laura Sussman stated the machine just plugs into a regular 120v outlet.

Dr. Randy Sharp asked as a consumer, how would it be explained to him that the person is basically dissolved and going into the sewer system. He said he wondered how that is explained to people.

Laura Sussman stated that it is a form of disposition where the body is decomposed to its basic elements of carbon. Ms. Sussman stated that she did not have her marketing plan for this process, but basically, the body is decomposed and sterilized and then put back into the environment.

Laura Sussman stated that the whole machine is stainless steel, and there is a tray that pulls out and the decedents are placed on that tray. The bones are then retrieved from the tray when the process is complete. Ms. Sussman also stated that unlike traditional flame cremation where a lot of the bone fragments may be stuck inside the bricks, alkaline hydrolysis basically would recover one hundred percent of the remains which are pure white, calcium carbonate.

There was discussion on the possible need for larger urns due to the amount of remains ultimately recovered in the process.

Laura Sussman stated that some of the machines can handle up to one thousand pounds and that some of the animal units go up to ten thousand pounds which is why many veterinarians use them.

Dr. Randy Sharp said that as a veterinarian, he has been involved with this process and occasionally there is an odor emissions. He asked if that is an issue with humans. Laura Sussman stated that she has not heard of any odor emissions and that families also are allowed to have a witness cremation with the process.

Kathleen Dussault questioned if any religious groups, political religious, social groups weighed in with concerns about this process as an alternative to traditional cremation

Laura Sussman stated that she was not aware of any concerns.

There was discussion regarding the type of containers used and Tammy Dermody stated that she was concerned with the language presented.

Jennifer Kandt stated that she would have the same concern, and her recommendation would be to have an exemption to the container for the alkaline hydrolysis process as a dissolvable body bag is used which is supported by a metal tray.

Dr. Randy Sharp asked Ms. Sussman if there were specific training courses available for operators.

Laura Sussman stated there are no established courses. She believes it would probably be helpful and appropriate to have the operators just do a regular crematory operator course, but the manufacturers do have training on their specific machines.

Jennifer Kandt stated that she believes that if the Board left NRS 451.635 untouched, the training requirement for operators would still apply. There was discussion that if the manufacturers wanted to offer a training, the Board would have to approve the training.

MOTION: Brian Rebman moved to support legislation to allow alkaline hydrolysis as a form of cremation. Tammy Dermody seconded the motion and the motion was carried unanimously.

14. Discussion, recommendation, and possible action regarding updates to Operating Policies and Procedures Manual (For possible action)

Jennifer Kandt reviewed several minor changes to the Board Operating Policies and Procedures Manual. She stated that one change was to allow for the biennial audit the Board previously approved. She also stated that there was updated language since the Board does now accept credit cards for payment. Jennifer Kandt stated that the section on records retention was updated to reflect the Public Records Act, and that a section was added pertaining to the approval processes for licenses.

MOTION: Tammy Dermody moved to approve the changes to the Operating Policies and Procedures Manual. Lorretta Guazzini seconded the motion and the motion was carried unanimously.

15. Discussion, recommendation, and possible action regarding updates to Personnel Policies and Procedures Manual (For possible action)

Jennifer Kandt gave an overview of several changes to the personnel policies and procedures manual including allowing a hiring subcommittee at the discretion of the Executive Director. She also stated that language was modified to clarify that employment was at-will. Tammy Dermody asked about potential changes to the drug and alcohol policy with recent legislation. Jennifer Kandt stated that she would have to look more closely at that section and possibly consult with the Attorney General's Office regarding language. Henna Rasul stated that there were recent changes in the Attorney General's manual and she would share those changes.

MOTION: Tammy Dermody moved to approve the revised updated pages of the Personnel Policies and Procedures Manual. Dr. Randy Sharp seconded the motion and the motion was carried unanimously.

16. Discussion regarding general cemetery licensing issues

Jennifer Kandt stated that a listing of the licensed cemeteries is provided in the Board Member packet. She stated that the Board recently found a cemetery that was operating without having the proper license and the Board brought them into compliance. Ms. Kandt stated that she wanted the Board to carefully review the list of licensed cemeteries to see if they knew of others that were

perhaps not properly licensed. She stated that the government entities and the religious entities were exempt, and they only regulated the for profit cemeteries. She also advised the Board that she was currently working on an inspection checklist for the cemeteries, but there is very little that they are able to review in an inspection. She also stated that there have been many complaints to the office about Hillside cemetery and Hillside is outside of the Board's jurisdiction based on the age. She said that she would anticipate several bills that may come out of this legislative session based on what has happened at Hillside.

Jennifer Kandt stated that the Board office will create a cemetery inspection form and bring it for Board review. She said she will want the new inspector involved in the process.

Kathleen Dussault stated that she oversees two state government cemeteries and they are not required to, but they follow the regulations of the National Cemetery Administration. Ms. Dussault stated that she is not sure to the extent that the Board would want to adopt the full battery of regulations they provide. Ms. Dussault further stated that they are not required to, but they do choose to follow their regulations because then the location qualifies for the National Shrine designation.

17. Financial Reports

a. Regulatory Fee Collection

Jennifer Kandt stated that the Board was provided with regulatory fee collection information through October.

b. Financial Reports

Jennifer Kandt stated that regarding the budget vs. actuals, they were on track in most categories, and would most likely end up under budget overall.

Tammy Dermody asked if there was a limit to the amount that can be in the account for the Board.

Jennifer Kandt stated that the Board approved a previous policy to keep 1.25 times the annual operating budget within the checking account and to transfer money out into an investment account after meeting that threshold. Right now the Board's annual operating budget is around \$290,000 so the Board does not yet have 1.25 times the annual operating budget, but that after the next renewal cycle, the Board would likely meet that threshold and would then be able to move the revenue to reserves which she stated are important in case the Board is sued. There was discussion that some states have had revenue swept and that could be a possibility but that this Board does not have a huge reserve at this point.

18. Overview of current complaint status

Jennifer Kandt overviewed the current number of open cases and investigations pending.

19. Report from Executive Director, Jennifer Kandt

Jennifer Kandt stated that the Board regulations have passed and Ms. Kandt stated that she sent all Board Members an email regarding the regulations. The Board had a lot of people taking the law exam, but it has slowed down as opposed to the beginning of the year.

Jennifer Kandt stated that the Board Investigator did resign effective November 2, 2016 and an email was sent to all Board Members regarding that matter. The Board office will release a job announcement this month and put that on the State website. Ms. Kandt stated that she has been working on updates to the inspection apps and hopes to have those completed soon.

Ms. Kandt stated that she attended a ceremony at Southern Nevada Veterans Cemetery and she also went to the Missing in America ceremony up North. Ms. Kandt also stated that she will

attend The Conference Annual meeting in March which she sent information to all the Board Members if any Board Members are interested in attending.

Jennifer Kandt stated that the Board office still receives quite a few questions regarding continuing education requirements. The Board office created a facts document with general questions and answers which is on the Board website now. There is also a Continuing Education Approval Form for any that don't necessarily meet what is in statute, they can still submit to the Board for approval. A copy of that form is included in the Board packet for the Board's review.

Jennifer Kandt stated that there were several items that she recently reported the Division of Insurance, including a funeral home which sold pre-need, then went out of business and never put the money into trust. She said that she also reported another alleged location which may be significantly under on their endowment trust funds. As a result, Ms. Kandt stated that she believes that Division of Insurance is really concerned about proper licensing. All of the funeral homes received a letter requesting a significant amount of information if they sell pre-need in terms of who are they selling it to, and whether they are properly licensed.

Dr. Wayne Fazzino asked if a crime report was filed for the missing trust and endowment money.

Jennifer Kandt stated that she believes that the Division of Insurance has been in contact with the Attorney General's Office but has no further information on the matter.

20. Report from Senior Deputy Attorney General

No report.

21. Board member comments

Kathleen Dussault stated that it was a pleasure working with Jennifer and Marie.

There was discussion on when the Board member terms would expire and Jennifer Kandt stated that she believed terms would expire September 2017, but that she would hope that a majority of members are able to continue for a second term.

22. Discussion regarding future agenda items and future meeting dates

Tuesday, March 21, 2017

Tuesday, June 6, 2017

Tuesday, September 19, 2017

Tuesday, December 12, 2017

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)

There was no public comment.

24. Adjournment (For possible action)

Adjourned 11:21 am