



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, February 8, 2022, at 9:00 a.m.
Video Conference and Teleconference Via Zoom Meetings

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

The Board meeting commenced at 9:00 am and a quorum was established. Jennifer Kandt stated that the Board continues to have one open vacancy which is one of the public member appointments. It is unclear if the Governor's Office has not had anyone apply for the appointment or if they have not yet made a selection.

Board Members Present

Dr. Randy Sharp, Chairman
Bart Burton, Secretary
Kim Kandaras, Treasurer
Laura Sussman
Dr. Raymond Giddens

Board Staff Present

Jennifer Kandt, Executive Director
Marie Paakkari, Administrative Assistant

Board Counsel Present

Joel Bekker, Deputy Attorney General

Board Members Absent

Adam Garcia

2. Public comment

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

There was no public comment.

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

- a. December 14, 2021

The Board reviewed the December 14, 2021, Board meeting minutes.

MOTION: LAURA SUSSMAN MOVED TO APPROVE THE DECEMBER 14, 2021, MINUTES. KIM KANDARAS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

4. Discussion, recommendation, and possible action regarding consent decree for case number FB21-10 Desert Memorial EST46 and Kristen Anderson FD860 (For possible action)

Jennifer Kandt stated the consent decree contains standard boiler plate language that is included in every consent decree. Ms. Kandt stated that if the Board had questions regarding the

circumstances regarding the case, then it might be necessary to proceed with a hearing on the matter.

Bart Burton stated Ms. Anderson had a previous consent decree regarding another matter, not related to this case and asked if that had been completed.

Jennifer Kandt stated that the previous matter regarding Ms. Anderson had been settled and satisfied. Ms. Kandt stated that the ownership of Desert Memorial, Desert Crematory and Sunrise Cremation will be changing and the close of the sale will be concluded in approximately three days.

Bart Burton asked if the previous consent decree for Ms. Anderson was regarding death certificates.

Jennifer Kandt stated that she believed the previous consent decree for Ms. Anderson was regarding delays in filing documents.

Bart Burton stated this will be Ms. Anderson's second disciplinary against Ms. Anderson's funeral director license.

Jennifer Kandt stated that was correct. Ms. Kandt stated that for a period of time after the last case, Ms. Anderson was prohibited from being the managing funeral director as the Board had suspended her license for thirty-days.

The Board reviewed the consent decree for case no. FB21-10 regarding Desert Memorial EST46 and Kristen Anderson FD860.

MOTION: DR. RANDY SHARP MOVED TO ACCEPT THE CONSENT DECREE FOR CASE NO. FB21-10 REGARDING DESERT MEMORIAL EST146 AND KRISTEN ANDERSON FD860 AS WRITTEN. LAURA SUSSMAN SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

5. Discussion, recommendation, and possible action regarding consent decree for case numbers FB21-04, FB21-11, FB21-14, FB21-15, FB21-33, FB21-54 and FB21-55 Hites Funeral Home EST51, Hites Crematory CRE17 and Eric Jamison Lee FD611 (For possible action)

Jennifer Kandt stated that these are the remaining cases involving Hites. Some of these cases came in prior to the suspension and some of these cases came in after the suspension for conduct that had occurred prior to the suspension. The suspension did not involve Eric Lee's funeral director license at that time. This consent decree takes his funeral director license into account for the conduct before and after the suspension. Ms. Kandt stated that all of these cases have been compiled into one consent decree.

Dr. Randy Sharp asked Bart Burton if it was unusual to have decedents that are transported out-of-State for burial.

Bart Burton stated it was common especially in Las Vegas as there are individuals who retire and have prearranged funerals where they used to live which would require shipping out of Nevada.

Dr. Randy Sharp asked Jennifer Kandt if this establishment was being purchased or sold.

Jennifer Kandt stated that at a prior meeting there may have been some discussions regarding possible sale of this location, which will not factor into this matter. The terms of this settlement, the licenses that were issued to these owners would be revoked for a three-year period and they would not be able to open any locations during that time. They would not be able to name the

location something else and open a new LLC and start running the location again. They could sell the building and business to someone else to operate, but those owners would be required to apply for licensing with the Board.

Kim Kandaras questioned the ownership between Eric Lee and Hites, whether he was an owner or not.

Jennifer Kandt stated that Eric Lee is an owner of Hites. Ms. Kandt stated that the principals of Hites are James and Eric Lee who are father and son. Both of those individuals would be prohibited from opening new locations and neither of them would be able to start a new LLC or open a new location.

Dr. Randy Sharp stated that Eric Lee's funeral director license would be suspended. Dr. Randy Sharp asked after that would Mr. Lee be eligible to work in another capacity besides a managing funeral director.

Jennifer Kandt stated that Eric Lee would be able to work for another location where there is another managing funeral director to manage the location, but Mr. Lee would not be able to manage the location.

Dr. Raymond Giddens asked if there were any fees in relation to some of the other complaints from previous years.

Jennifer Kandt responded if Dr. Giddens was referring to whether the Board assessed any fines or fees regarding this case or any of these cases relating to this settlement, there were none assessed. Ms. Kandt stated it was because the Board is revoking the license for a significant length of time. When there is a settlement and removing a license, there is more propensity not to assess the fees and fines because they are no longer able to operate.

Kim Kandaras stated that she was not involved in the original consent decree, but she does not think that this period of suspension was long enough. Ms. Kandaras stated that to her, these cases are horrific, and she believes that their license and permit should be suspended or revoked for a longer period.

Dr. Raymond Giddens stated that he agreed with Ms. Kandaras that the one-year suspension should be increased to three years.

Laura Sussman stated that she agreed with Ms. Kandaras as well. Ms. Sussman asked what the process would be if there was a consent decree that was not agreed upon or rejected.

Jennifer Kandt stated that the Board would reject the consent decree and then the Board would recommend an alternative settlement. It would then be presented to the other side. Eric Lee is present and if he would agree to the Board's proposal on record then a new consent decree would be drafted with the proposed changes. If both parties agree during this meeting, then the consent decree will be drafted and signed, and it is complete. If there is not an agreement between the parties, then there would be a hearing on all the cases. The maximum a license could be revoked is ten years. Looking at a suspension it is typically one year or less.

Ms. Kandt stated that Joel Bekker, Deputy Attorney General, and herself have discussed this matter. It is possible to suspend longer than a year, but it comes down to if they reapply. Typically, a suspension is no longer than a year and a revocation is no longer than ten years.

Dr. Randy Sharp stated keep in mind, the Board is removing this individual's ability to work in the business that he has been in for a year.

Jennifer Kandt stated that it is a suspension for one year than three years of probation, a total of four years that he would be unable to manage a location.

Dr. Randy Sharp reiterated that for the one year of suspension, he would not be able to work.

Jennifer Kandt stated that was correct and they would not be able to open any new facilities as well. Ms. Kandt stated that is often what is done in various fields. For example, if a beauty salon gets shut down, they would create a new LLC and open a new location, and this settlement would prevent that from happening.

Bart Burton stated that Eric Lee has an embalmers license, and he does have a way to work.

Jennifer Kandt stated that Jim and Eric Lee also own another funeral home in Pahrump managed by someone else, and this matter does not affect that location.

Kim Kandaras asked after the probation or revocation period, when they re-apply will all of these cases be reviewed again. Will the Board be able to refer to these cases.

Jennifer Kandt stated that if the Board approves this settlement agreement, all of the documents related to the cases become confidential and the only public document is the consent decree. The Board would not be able to go back and have a hearing on these matters. Once the matter is settled, these cases are completed. There is language in the consent decree regarding meeting with the Board Chairman and Executive Director to establish that they are fit for licensure should they seek licensure in the future. Bringing up these cases or the documents from these cases would not be a factor.

Kim Kandaras stated that is why she believes that the suspension or revocation was too short. Ms. Kandaras stated that she does not agree with the terms.

Bart Burton stated that he agreed with Ms. Kandaras and believes that the revocation should be for three years and probation. Mr. Burton stated that what had transpired before and after, a year suspension is not adequate and since Mr. Lee has a valid embalmers' license, he would still be able to work.

Laura Sussman stated that as a managing funeral director she finds the terms too low and would seek the maximum for a managing director. The cases presented are extremely bad.

Jennifer Kandt stated that Eric Lee was present at the meeting and if there were proposed terms, then the Board should try to establish if he is going to agree to the proposed changes, otherwise a hearing would be required.

Joel Bekker stated that the Board should move to vote, and if the vote ratifies the agreement, there is no issue. If the vote rejects the agreement, then Mr. Lee could be asked if he agrees to the terms that are provided after the terms are agreed upon. If Mr. Lee agrees to the terms, then a new consent decree will be drafted and if he does not agree, then a hearing will be set for the next Board meeting.

MOTION: BART BURTON MOVED TO REJECT THE CONSENT DECREE FOR CASE NOS. FB21-04, FB21-11, FB21-14, FB21-15, FB21-33, FB21-54 and FB21-55 AS WRITTEN. KIM KANDARAS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

Joel Bekker stated since the consent decree has been rejected, a proposal for new terms should be presented and then offer them to Mr. Lee for his consideration and agreement.

Dr. Randy Sharp stated that there are a few different views regarding Mr. Lee and the location. Dr. Sharp suggested discussing the one-year suspension and suggested proposals.

Jennifer Kandt stated that Eric Lee's current settlement terms were one year suspension and three years' probation with no ability to manage during those four years.

Laura Sussman proposed three years suspension and three years' probation with no ability to manage during that time.

Bart Burton stated that a suspension is typically for one year and he would amend Ms. Sussman's proposal to three years revocation and three years' probation unless there is a limit on probation.

Joel Bekker stated that the real difference is a suspension is automatically reinstated, whereas a revocation requires a new application process.

Kim Kandaras asked if the prior consent decree could be taken into consideration, referring to case nos. FB19-07 and FB19-10.

Jennifer Kandt stated that in reference to case nos. FB19-07 and FB19-10, the consent decree is public, but none of the other documents are public. That consent decree was based upon Jim Lee being the managing funeral director at the time of those original cases. Later Eric Lee became the managing funeral director when his father was suspended.

Kim Kandaras asked if there were more cases that were going to come forward.

Jennifer Kandt stated that it is unknown, but none have recently come in. Ms. Kandt stated that this was administrative law, not civil law. There is another avenue when individuals can pursue through civil court, and there might be multiple cases that may exist, but it doesn't affect this process.

Dr. Raymond Giddens asked if Eric Lee's embalming license was going to be included.

Jennifer Kandt stated that Mr. Lee's embalming license would not be affected.

Kim Kandaras proposed that both Mr. Lee's funeral director license and the location permit be revoked and not able to re-apply for five years, probation for three years and not able to manage for ten years. Ms. Kandaras stated that she was horrified by these cases. She stated that she has the luxury of viewing these cases, not only as a business owner, but from a consumer. Even though she has been in the industry for nineteen years, she sat behind a desk and was not involved in the operation, but when reading through these cases and what has happened, as a consumer and a family member she stated that she is horrified. Ms. Kandaras stated that she can empathize on the side of the business owner as you are taking their business away, but she is just horrified. Ms. Kandaras stated that Mr. Lee can continue to earn income since he can still use his embalmers license and she does not have a problem with that.

Laura Sussman stated she would support Ms. Kandaras' proposal.

Dr. Raymond Giddens stated that he would support Ms. Kandaras' proposal as well.

Dr. Randy Sharp reminded the Board members that this action will set precedence for future cases.

MOTION: KIM KANDARAS MOVED TO REVOKE THE LOCATION PERMIT FOR HITES FUNERAL HOME EST51, THE CREMATORY LICENSE FOR HITES CREMATORY CRE17 AND FUNERAL DIRECTOR LICENSE FOR ERIC JAMISON LEE FD611 FOR FIVE YEARS, RE-APPLY AND IF APPROVED, PROBATION FOR THREE YEARS, AND ERIC JAMISON LEE TO NOT MANAGE A FUNERAL HOME FOR THE MAXIMUM TEN YEARS. BART BURTON SECONDED THE MOTION, AND THE MOTION WAS CARRIED UNANIMOUSLY.

Eric Lee asked if the Board would be amenable to offering a three-year revocation.

Dr. Randy Sharp stated for clarification Mr. Lee is requesting a three-year revocation for the location permit and his funeral director license and assuming his reapplication was approved then a three-year probation and not able to manage for ten years.

Eric Lee stated that he would be good with that proposal.

Kim Kandaras stated that she would stick with her original proposed motion, referring to the five-year revocation.

Laura Sussman stated that she would agree with Ms. Kandaras' original proposed motion referring to five-year revocation.

Dr. Raymond Giddens stated that he would agree with Ms. Kandaras' original proposed motion.

Bart Burton stated that he would agree with Ms. Kandaras' original proposed motion.

MOTION: LAURA SUSSMAN MOVED TO KEEP THE PROPOSAL THAT MS. KANDARAS PRESENTED TO THE BOARD TO REVOKE THE LOCATION PERMIT FOR HITES FUNERAL HOME EST51, THE CREMATORY LICENSE FOR HITES CREMATORY CRE17 AND FUNERAL DIRECTOR LICENSE FOR ERIC JAMISON LEE FD611 FOR FIVE YEARS, RE-APPLY AND IF APPROVED, PROBATION FOR THREE YEARS, AND ERIC JAMISON LEE TO NOT MANAGE A FUNERAL HOME FOR THE MAXIMUM TEN YEARS. DR. RAYMOND GIDDENS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

Joel Bekker restated to Mr. Lee that the Board has voted and rejected Mr. Lee's proposal for three years instead of five, the Board would be more comfortable with five years. Mr. Bekker asked if Mr. Lee would be amenable and a stipulation be drawn or would he rather go to hearing.

Eric Lee asked if he had to provide his answer at this moment or could he have time to consider his options.

Jennifer Kandt stated that if the agreement is not made on record during the meeting, then a new consent decree would be presented at the next meeting. If everyone agrees at this meeting then the matter is complete otherwise it would have to bring it back to the Board, it all has to happen during the public meeting.

Joel Bekker stated that the consent decree will be drafted and sent to Mr. Lee for execution and presented for another vote at the next Board meeting. Mr. Bekker stated that if Mr. Lee does not agree with the proposed Board changes, then a hearing will be set for the next Board meeting.

The Board reviewed the consent decree for case nos. FB21-04, FB21-11, FB21-14, FB21-15, FB21-33, FB21-54 and FB21-55 regarding Hites Funeral Home EST51, Hites Crematory CRE17 and Eric Jamison Lee FD611.

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

- a. Kenneth Allen Bowman FD806 – Cremation Society-John Sparks EST125;
- b. Kenneth Allen Bowman FD806 – Cremation Society-Northern Nevada EST126

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

MOTION: LAURA SUSSMAN MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUEST FOR KENNETH ALLEN BOWMAN FD806 - CREMATION SOCIETY-JOHN SPARKS EST125 AND CREMATION SOCIETY-NORTHERN NEVADA EST126 WITH KIM KANDARAS RECUSING AS SHE OWNS THE LOCATIONS. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

c. Lori Siuba FD976 – Smart Cremation DC92L

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

MOTION: DR. RAYMOND GIDDENS MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUEST FOR LORI SIUBA FD976 - SMART CREMATION DC92L. DR. RANDY SHARP SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

d. Mercedes Quinn Quartucci FD983 – Neptune Society – Reno DC81L

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

MOTION: KIM KANDARAS MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUEST FOR MERCEDES QUINN QUARTUCCI FD983 – NEPTUNE SOCIETY-RENO DC81L WITH BART BURTON RECUSING AS THEY WORK FOR THE SAME COMPANY. DR. RAYMOND GIDDENS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

e. Lauren Guido FD980 – Las Vegas Cremations EST132

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

MOTION: DR. RAYMOND GIDDENS MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUEST FOR LAUREN GUIDO FD980 – LAS VEGAS CREMATIONS EST132. BART BURTON SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

f. Karen Marie Umbriaco FD942 – Palm Mortuary - Boulder HWY EST19

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

g. Marielle Landry FD886 – Palm Northwest Mortuary EST80

Jennifer Kandt stated that everything was in order and temporary had not been granted prior to the Board meeting.

MOTION: LAURA SUSSMAN MOVED TO APPROVE THE MANAGING FUNERAL DIRECTOR REQUEST FOR KAREN MARIE UMBRIACO FD942 – PALM MORTUARY – BOULDER HWY EST19 AND THE MANAGING FUNERAL DIRECTOR REQUEST FOR MARIELLE LANDRY FD886 – PALM NORTHWEST MORTUARY EST80 WITH BART BURTON RECUSING AS THEY WORK FOR THE SAME COMPANY. DR. RAYMOND GIDDENS SECONDED THE MOTION AND THE MOTION WAS CARRIED UNANIMOUSLY.

7. **REGULATION WORKSHOP** – Workshop to solicit public comment on changes to Chapter 642 of Nevada Administrative Code. The regulation allows the Board to accept apprenticeships from other states for active duty military and spouses of active duty military, allows the Board to waive licensing fees for active duty military and spouses of active duty military, allows the Board to accept reduced licensing fees for veterans and surviving spouses of veterans, and requires the Board to review any secondary or post-

secondary education approved by the State Board of Education for possible credit toward licensure requirements.

Jennifer Kandt stated that the Board had already reviewed the conceptual changes and they were sent off to the Legislative Counsel Bureau and they are working on drafting the official language. Part of the requirements for adopting regulations and making changes is that the Board is required to have a workshop, the notice is required to be posted at least fifteen days prior to the meeting and include a small business impact statement. There are many requirements, and this is just another step of the process. Ms. Kandt stated that this was the time and the place for the public to comment. Ms. Kandt stated that she did not believe that anyone would disagree or take issue with this subject matter. Ms. Kandt stated that this was not the end of the process, there will still be a hearing. Ms. Kandt asked at this time, if anyone had any comments on the changes to present them to the Board.

There were no comments regarding the proposed changes presented which concluded the workshop.

8. Financial Reports

- a. Regulatory Fee Collection
- b. Financial Reports

Jennifer Kandt presented a summary of the Board financial reports.

Jennifer Kandt stated that a letter is sent out quarterly to locations that are late or behind in regulatory fees and encouraged the industry to pay promptly.

Jennifer Kandt stated that Kim Kandaras and Dr. Randy Sharp have been in contact with the representative from Wells Fargo to be added to the account.

Dr. Randy Sharp stated that there was a delay, but he did reach out, and he has not heard back from Wells Fargo since last week.

Kim Kandaras stated that she has reached out twice and left messages, the Wells Fargo representative did call her after the Board meeting, and she has since attempted to contact him, but the representative has not returned her calls.

Jennifer Kandt stated that she will follow-up.

9. Overview of current complaint status

Jennifer Kandt presented a summary of the current complaint status to the Board.

Kim Kandaras asked if there was a way to find out which funeral homes the complaints are against.

Jennifer Kandt stated that complaint information was confidential and the reason for that is because individuals could file complaints that have no merit. Ms. Kandt stated that is why the Board does not know about the complaints until there is disciplinary action. There would be a perception that a funeral establishment or individual had multiple complaints against them, and that would give the public an idea that they must not be operating well. It is laid out in the statutes and regulations how the Board is required to address the complaints. They get investigated, then reviewed with the Attorney General's Office to make the final determination on whether the matter will be dismissed or proceed. If the Board proceeds with the case, then a settlement is worked out with the individuals or the location and if a settlement is not reached, then a hearing would be scheduled. Ms. Kandt stated that sometimes a settlement process could be lengthy going back and forth.

AT 10:25 AM THERE WAS A DISRUPTION TO THE BOARD MEETING. THE BOARD OFFICE EXPERIENCED A POWER OUTAGE LOSING POWER AND INTERNET SERVICE. THE BOARD MEETING COMMENCED AT 10:30 AM WHERE A QUORUM MAINTAINED.

10. Report from Executive Director, Jennifer Kandt

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

Dr. Raymond Giddens stated that he would like to attend the Conference meeting in Houston.

Jennifer Kandt stated that she would contact Dr. Giddens to assist with registration. Ms. Kandt stated that it would be a good opportunity for Dr. Giddens to network with other State Boards, representatives and executive directors and believes that Dr. Giddens would enjoy the meeting.

11. Discussion regarding future agenda items and future meeting dates

Tuesday May 10, 2022 at 9:00 am

Tuesday August 16, 2022 at 9:00 am

Tuesday, November 15, 2022 at 9:00 am

Kim Kandaras stated that she was not available for the May 10, 2022, Board meeting.

Laura Sussman stated that she was not able to attend the August 16, 2022, Board meeting.

Jennifer Kandt stated that a new Board meeting date for May and August will be researched and present to the Board members.

12. Public comment

<p>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)</p>
--

There was no public comment.

13. Adjournment

The Board adjourned at 10:40 am.