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STATE OF NEVADA  
**FUNERAL AND CEMETERY SERVICES BOARD**

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**MINUTES**

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***Wednesday, June 07, 2023, at 10:00 a.m.***

Hyatt Place Las Vegas  
4520 Paradise Road  
Las Vegas, Nevada 89169

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**1. Call to order, confirmation of quorum.**

Chairman Sharp called the Board meeting to order at 10:00 a.m. A roll call confirmed that a quorum was present.

**Board Members Present**

Dr. Randy Sharp, Chairman  
Kim Kandaras, Treasurer  
Dr. Raymond Giddens  
Laura Sussman  
Dr. Donald Edward Chaney

**Board Staff Present**

Stephanie Bryant McGee, Incoming Executive Director  
Jennifer Kandt, Out-going Executive Director

**Board Counsel Present**

Joel Bekker, Deputy Attorney General

**Board Members Absent**

None

**2. Public comment**

Chairman Sharp opened the floor to public comments. There were no comments.

**3. Discussion, recommendation, and possible action regarding election of new Board secretary (For possible action)**

Jennifer Kandt, Executive Director (out-going), reported that Bart Burton resigned from his position with the Board and, because he was the Board's Secretary, the Board needs to elect a new Secretary.

The Board discussed the vacancy. Laura Sussman stated that she would be happy to assume the role of Board Secretary.

***Action: Chairman Randy Sharp moved to appoint Laura Sussman as Secretary. The motion was seconded by Kim Kandaras. The motion passed unanimously.***

**4. Consent Agenda (For Possible Action)**

Chairman Sharp called for approval items on the consent agenda. The consent agenda items contain routine matters for consideration and acceptance. The Board members may approve items on the consent agenda as a whole or individually at their discretion.

- A. Discussion, recommendation, and possible action regarding review and approval of minutes of meetings (For possible action)
  - 1) April 6, 2023
  
- B. Discussion, recommendation, and possible action regarding previously issued temporary establishment permit, direct cremation facility permit, crematory license applications and request for approval of new managing funeral directors (for possible action)
  - 1) Managing Funeral Director Request for Taeya Havens FD918 – Davis Funeral Home EST28, temporary approval was granted for an effective date of May 8, 2023
  - 2) Managing Funeral Director Request for Tyson Smith FD707 – Star Mortuary EST137, temporary approval was granted for an effective date of May 11, 2023

***Action: Laura Sussman made the motion, seconded by Kim Kandaras, to approve all items on the Consent Agenda. The motion passed unanimously.***

- 5. **Discussion, recommendation, and possible action regarding continuing education approval for Gerald Hitchcock, Nevada Department of Business and Industry, SCATS Education Training Program, Bloodborne Pathogens Awareness, requesting 3 CEU's (For Possible Action)**

The Board discussed the requirements for continuing education and agreed to approve the continuing education for Gerald Hitchcock.

***Action: Dr. Raymond Giddens made a motion, seconded by Dr. Randy Sharp, to approve three continuing education units at the request of Gerald Hitchcock of the Department of Business and Industry for the SCATS Education Training Program, Blood Pathogens Awareness. The Motion passed unanimously.***

- 6. **Discussion, recommendation, and possible action regarding continuing education approval Jenna Dumas and Monica Myles, the Nevada Donor Network 2023 Funeral Home Symposium, requesting 4 CEU's (For Possible Action)**

Jenna Dumas with the Nevada Donor Network provided an overview of the symposium agenda. Ms. Dumas stated that Nevada Donor Network provides a similar training annually to educate and update the industry regarding donation processes. Ms. Dumas highlighted the background of the speakers, including the recipient or donor who will speak to show the human side of donation and how it impacts the community. The symposium will be held in Las Vegas on July 12 and in Reno on July 13.

The Board discussed and approved the continuing education request for the Nevada Donor Network 2023 Funeral Home Symposium.

***Action: Dr. Raymond Giddens made a motion to approve four continuing education units for the Nevada Donor Network Symposium. Laura Sussman seconded the motion. The motion passed unanimously.***

**7. Discussion, recommendation, and possible action regarding Budget for FY2024.  
(For Possible Action)**

Stephanie McGee, Executive Director (incoming), presented the Fiscal Year 2024 (FY24) proposed budget for consideration. She described the revenue items, including the biennial renewal fees, half of which are reflected in FY24 and the remaining half that will be reflected in the FY25 budget. In addition, Ms. McGee stated that regulatory fees are \$10 for each decedent handled by a facility are projected based on the actual amount collected year-to-date in fiscal year 2023. She explained that the FY23 budgeted regulatory fees were overestimated, as those were based on the previous years during which the death rate was higher due in large part to the COVID pandemic, and that the actual amount collected was considerably less. Ms. McGee explained that the FY24 projection is conservative based on the expected slower death rate.

With respect to FY24 expenses, Ms. McGee explained that payroll expenses will be higher due to the double-fill of the executive director position and the annual and sick leave payout for the out-going executive director, Jennifer Kandt.

Ms. McGee stated that the licensing database software was removed as an expense line item. Ms. McGee emphasized that the licensing software is necessary and that she would present this expenditure to the Board when the cost has been determined for allocation from reserves.

The proposed budget has an expected shortfall of approximately \$65,000 due to the conservatively estimated regulatory fee revenue, the double-fill of the executive director position in July, the leave payout for the out-going executive director; and the contract for the accountant to conduct the required audit. Ms. McGee explained that she would continue to review the expenses to determine where the budget could be tightened.

Ms. McGee recommended that the Board approve the proposed budget, but that the Board review the budget in six months.

The Board discussed at length the proposed budget, the expected shortfall, and the impact on reserves. The Board acknowledged that the proposed budget did not include the cost-of-living adjustment (COLA) or the retention bonuses that were next on the agenda. The Board members agreed that the regulatory fee revenue was on target, that this revenue it had been over-projected in prior years, and that the death rate will even out in the aftermath of the pandemic.

With respect to the reserve, the Board agreed that it should maintain no less than a six-month reserve. If the proposed budget were approved, there would be more than eight months in reserve. The Board discussed the cash flow given the upcoming renewals and the conservatively estimated regulator fee revenue.

***Action: Kim Kandaras made a motion, seconded by Dr. Donald Edward Chaney, to approve the FY24 budget as proposed and that the Board review the budget in six months. The motion passed unanimously.***

**8. Discussion, recommendation, and possible action regarding COLA adjustment and employee bonuses equivalent to State recommended retention bonuses during legislative session (For Possible Action)**

Stephanie McGee proposed for consideration the annual cost-of-living adjustment (COLA) for staff and a retention bonus similar to what other State employees received. the Executive Director, Inspector/Investigator and Administrative Assistant. Ms. McGee stated that she is not would be excluded from the COLA, as she is new to her position.

Ms. McGee stated that, while the Board is not subject to what the State pays but may consider the State's actions. Ms. McGee stated that the State paid a retention bonus of \$500 to individuals who were employed on March 1, 2023, and would pay a \$500 bonus to individuals who were employed as June 15, 2023.

The Board discussed the proposed COLA and bonuses. Kim Kandaras explained that, as a business owner and CPA, she values her employees and that, if the employees are not getting at least a cost-of-living adjustment, they are essentially getting a decrease in pay. She explained that, when evaluating a COLA, she starts with the Social Security adjustment and considered the Consumer Price Index (CPI).

Ms. Kandaras researched the current inflation rate and the published cost-of-living increases. She stated that the Social Security COLA will not come out until October, but that the Senior Citizens League anticipates that Social Security COLA will be 3.1%. Ms. Kandaras stated that then she considers the CPI, which is currently about 3.8%-3.9%. Ms. Kandaras stated that then, since there is quite a bit of disparity, she then refers to the Morning Star projections and that those projections are that inflation will be about 3.5% by the end of the year.

Ms. Kandaras described the COLA adjustments given by the Board for the previous two years. She stated that, in 2022, the actual cost-of-living was 6% and that the Board approved a COLA of 3% that year, which was below the actual cost-of-living increase. The following year, the cost of living was 8%, and the Board gave a 10% increase to catch up for the short fall of the prior year. Ms. Kandaras stated that for the last two years the Board has given a total of 13% increases. Ms. Kandaras stated that they she refers to the Consumer Price Index which is what things cost and defines inflation and for those two years, one year was 7% and the other year was 6% and that equals 13%, and by giving that 10% increase the Board caught up to actual inflation.

Ms. Kandaras stated that, given the 3.1% anticipated Social Security COLA and the current inflation rate of 4.9%, the Board needs to be right at 4% because the true measure of inflation is the CPI and that is 4.9% right now. Ms. Kandaras stated that she would recommend at least a 4% increase, but she also suggested to reevaluate this in six months when the budget is evaluated and see if the Board is on track and maybe an additional increase is necessary mid-year, if the CPI ends up being 4.9%-5%, the Board will need to compensate because if the Board does not, then the Board is essentially giving their employees a decrease in pay.

***Action: Kim Kandaras made a motion for a 4% cost of living adjustment to staff, excluding the incoming executive director, and a \$1,200 retention bonus paid to staff in two installments, \$600 in June 2023, and \$600 in December 2023 and to re-evaluate wages in six months. Laura Sussman seconded the motion. The motion passed unanimously.***

**9. Open meeting law training by Deputy Attorney General, Joel Bekker. (For Information Only)**

Joel Bekker, Deputy Attorney General, presented an open meeting law training. The Board discussed the recent changes to the Open Meeting Law.

**10. Financial Reports (For Information Only)**

- A. Regulatory Fee Collection
- B. Financial Reports

Stephanie McGee provided a report on the FY23 financial statements.

**11. Overview of current complaint status (For Information Only)**

Stephanie McGee presented a summary of the current complaint status to the Board reports.

**12. Report from Executive Director, Stephanie Bryant McGee (For Information Only)**

Stephanie McGee provided a report of office operation activities since her hire date on May 1 and recent legislation, specifically SB431, AB503, and AB289.

Ms. McGee stated that SB431 places occupational boards, including the Funeral & Cemetery Services Board, within the Department of Business and Industry's Office of Boards, Commissions and Council Standards. Ms. McGee stated that the legislation provides that the Boards Commissions and Council Standards are responsible for centralized administration of all the occupational boards, internal control standards, uniform standard for investigations, licensing and discipline including without limitations separating the rules and responsibilities for occupational licensure from the roles of occupational discipline.

Ms. McGee stated that AB503 passed and amends Chapter 642 to specify the different license types for fingerprinting. Ms. McGee stated that although the statutes contain a general provision for fingerprinting, the provision needed to be modified for the Board to obtain criminal history from the FBI. Ms. McGee stated that this background check is important for licensing but that the lag between the fingerprinting and the Board's receipt of a criminal history report will lengthen the time an application is pending. Ms. McGee stated that the bill was still pending the Governor's signature.

Ms. McGee stated that AB289 regarding natural organic reduction was approved by the Governor and was effective immediately for purposes of regulation. Ms. McGee stated that the Board will draft regulations.

Jennifer Kandt stated that she has one item to discuss regarding Board vacancies, she was just informed by the Governor's office that Celena DiLullo from Palm Mortuaries has been appointed to the Board. Ms. Kandt stated that at least one of the Board vacancies has been filled as of this date.

**13. Discussion regarding future agenda items and future meeting dates**

- Wednesday, August 16, 2023
- Wednesday, November 15, 2023

The Board reviewed and discussed the future agenda items and future meeting dates.

#### **14. Board Member comments**

Chairman Sharp opened the floor for Board member comments.

Kim Kandaras stated that she wanted to thank Jennifer Kandt for all of her years of service and for turning this Board around. Ms. Kandaras also wanted to welcome Stephanie Bryant McGee to the Board.

Dr. Randy Sharp presented a service plaque to Jennifer Kandt and thanked her for her exemplary service to the Board.

Dr. Donald Edward Chaney thank Jennifer Kandt for welcoming him to the Board orientation at The Conference. Dr. Chaney stated that it was good to be in Arizona with her and her leadership there. Dr. Chaney welcomed Stephanie Bryant McGee to the Board.

Laura Sussman stated that she remembers what it was like before Jennifer Kandt came onto the Board and what it was like to operate a funeral home in the State, and it is an amazing difference. Ms. Sussman stated that Ms. Kandt has really taken the industry to a new standard. Ms. Sussman welcomed Stephane Bryant McGee.

Dr. Raymond Giddens stated that, being in the industry for six years and seeing other states and what they are going through, Dr. Giddens commended Jennifer Kandt for making the Board better. Dr. Giddens welcomed and wished Stephanie Bryant McGee the best.

#### **15. Public comment**

Chairman Sharp opened the floor for public comment.

Aaron Forgey stated that, based on what Joel Bekker said, having public comment after an agenda item is discussed but prior to a vote is allowable.

Christopher Grant with McDermott's Funeral and Cremation Services stated that with regard to the consent decrees, specifically the verbiage, the term that comes up a lot on consent decrees is unprofessional conduct which is such an all-encompassing statement, and it gets listed on a public record. Unprofessional conduct could include anything from not returning phone calls in a timely manner or leaving a body in the parking lot. Mr. Grant stated that he would like to see something where when a consent decree is issued it specifically lists what part of the unprofessional conduct happened in that case or if it can be graded. Mr. Grant stated that, as the general public, if you are reading the consent decree, you see fraud, misrepresentation, handling of bodies and it turns out the consent decree was regarding a misrepresentation or misunderstanding or miscommunication of a phone call or whatever. Mr. Grant stated that it leaves a stain of what was happening at that funeral home, in light of what has happened in the last couple of years with some of the other funeral homes. Mr. Grant stated that individuals might think that this might be the same thing happening with this funeral home. Mr. Grant stated that he would just like to see something clarified where that statement that will be a public record forever is more focused on what happened regarding each case and not general statements about what unprofessional conducts includes, even if its not included in that case.

#### **16. Adjournment**

Chairman Sharp adjourned the meeting at 12:45 p.m.