



STATE OF NEVADA
FUNERAL AND CEMETERY SERVICES BOARD

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MINUTES

Tuesday, December 10, 2024, at 9:00 a.m.

The meeting was held via video conference and teleconference through Zoom Meetings and physically at the Board's office in Reno.

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

Chairman Sharp called the meeting to order at 9:00 a.m. Roll call was taken, and a quorum was present.

Board Members Present

Dr. Randy Sharp, Chairman
Laura Sussman, Secretary
Kim Kandaras, Treasurer
Dr. Donald Edward Chaney
Celena DiLullo
Dr. Raymond Giddens
Jeff Long

Board Staff Present

Stephanie Bryant McGee, Executive Director

Board Counsel Present

Matt Feeley, Deputy Attorney General
Joseph Ostunio, Deputy Attorney General

2. Public comment

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

3. Discussion, recommendation, and possible action regarding disciplinary hearing on Complaint for Disciplinary Action and Notice of Hearing in the Matter of McDermott's Funeral and Cremation Service, a Funeral Establishment, and Christopher M. Grant, a Funeral Director, License No. FD920 – Case Number FB24-01. 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.)

Chairman Sharp asked if Chris Grant was present and if counsel represented him. Mr. Grant was present and stated that counsel did not represent him. Chairman Sharp recognized Deputy Attorney General Matt Feeley.

Mr. Feeley noted that there are two cases today and recommended that item 4 be dealt with first, as there is a proposed consent decree. Mr. Grant agreed. Chairman Sharp called for item 4.

Upon return to this matter, Mr. Grant confirmed he was present and is not represented by counsel.

Deputy Attorney General Matthew Feeley represented the Board staff in this matter.

Chairman Sharp asked if there were any preliminary matters. Attorney Feeley asked that the Index of Exhibits had been shared with the Board and Mr. Grant and asked that the Index of Exhibits be admitted into evidence.

Chairman Sharp administered an oath to Stephanie McGee and Chris Grant.

Dr. Sharp confirmed with Attorney Feeley that a complaint had been filed and that an answer had not been filed and that all Board members have copies of the complaint. He clarified the order of proceedings for the hearing.

Attorney Feeley stated that this case is procedural, and no family was involved. Attorney Feeley stated that the underlying facts have been agreed to. The case involves Mr. Grant not filing the required reports in a timely manner and not responding to the notice of an informal complaint in a timely manner.

Attorney Feeley called Stephanie McGee and asked her about her experience and duties for the Board. Attorney Feeley questioned Ms. McGee regarding the specifics of the informal complaint and the requirement and process for filing the required regulatory fee reports.

Attorney Feeley asked Ms. McGee if she oversaw an investigation relating to this matter, as conducted by Dr. Wayne Fazzino, and confirmed that the investigation report was included in the exhibits. McGee confirmed she initiated the complaint on behalf of the Board when she noticed that the regulatory fees for McDermott's were not filed in a timely manner, specifically the October, November, and December 2023 reports were filed on February 23, 2024.

Attorney Feeley asked Ms. McGee to describe the requirement to file regulatory fee reports. Ms. McGee explained that Nevada law requires each funeral establishment and direct cremation facility to pay a fee of \$10 for each signed funeral service agreement. She further stated that each entity is required to file a regulatory fee report by the 15th of the month following the reporting month and to submit the payment with the filed report. Ms. McGee noted that even if an entity has not entered any contracts for a specific month, the entity is required to file a report reflecting that no contracts were signed during the reporting period. Ms. McGee further stated that the reporting form is available on the website and includes instructions for filing the report and paying the required fees.

Attorney Feeley then questioned Ms. McGee regarding the required reports filed by Mr. Grant on behalf of McDermott's. Ms. McGee explained that while McDermott's had submitted these reports previously, the reports for October, November, and December 2023, and January 2024 reports were filed on February 23, 2024. Attorney Feeley asked Ms. McGee asked what might have prompted the payment on February 23, 2024. Ms. McGee testified that she believed Mr. Grant had filed the reports and paid the fees in response to the notice and summary of informal complaint that was sent to him via certified mail and email on February 1, 2024.

Attorney Feeley asked Ms. McGee about a letter that Mr. Grant sent to her explaining the delay and Mr. Grant's statement that he had historically received "warning" letters that reminded him to pay. Ms. McGee stated that notices of non-compliance were sent by her predecessor. Ms. McGee stated that noncompliance notices were sent to Mr. Grant in the

past, dating back to Mr. Grant's purchase of McDermott's in 2021. Ms. McGee confirmed that no such notices were sent to Mr. Grant regarding the late reports at issue. Ms. McGee stated that she verified that during those months McDermott's was conducting business. Ms. McGee testified that when she received the reports, the forms were signed by Mr. Grant and the fees matched the number of contracts reported.

Chairman Sharp recognized Chris Grant. Mr. Grant stated that he does not dispute the facts and that he did not have any questions for Ms. McGee.

Kim Kandaras asked Ms. McGee if McDermott's reports had historically been late. Ms. McGee responded that McDermott's reports were not always late. Ms. McGee clarified that Grant would file three months at a time, such that two months would be considered late, but the third (most recent) month would be on time. Ms. McGee stated that the records indicate that Mr. Grant appeared to file his reports in response to non-compliance notice. Ms. Kandaras asked if Mr. Grant had filed the McDermott's reports timely since April 2024. Ms. McGee confirmed that Mr. Grant has filed the required reports on or before the due date.

Chairman Sharp recognized Chris Grant to present evidence and witnesses. Mr. Grant said that he did not have additional evidence or witnesses. Attorney Feeley had no questions for Mr. Grant.

Chairman Sharp recognized Attorney Feeley to summarize the Board's case. Attorney Feeley stated that this was a case of Mr. Grant, as the managing funeral director for McDermott's, not filing the reports on time. Attorney Feeley stated that Mr. Grant did not respond to the notice and summary of informal complaint for over a month after it was sent and clarified that a response is due within 15 days. Attorney Feeley clarified that failure to respond may be deemed an admission of the allegations in the complaint. Attorney Feeley stated that the letter Mr. Grant sent to the Board in April was a good response but was late.

Chairman Sharp recognized Chris Grant for his case summary. Mr. Grant stated that he does not dispute the facts. Mr. Grant stated that, as soon as he was notified, he apologized and explained the situation. He filed a written response even though it was late. Mr. Grant further explained that the reports were not timely because the office manager who also worked on death certificates was supposed to file these reports. Mr. Grant said that he was not aware that the office manager was not filing these reports. He explained that this person is no longer an employee of McDermott's. Mr. Grant further explained that previous Board staff would contact him when the filings were late. Mr. Grant stated that he handles this personally now and is always on time.

Mr. Grant asked for leniency or mercy as this was a victimless crime and was an oversight of an employee. Mr. Grant said that he corrected the oversight and filed the reports. He said that he expected repercussion even though he was not aware of the Board issuing a penalty for this before. Mr. Grant stated that he would like to see a definition of timely manners and structure for fines such as for the first offence if a \$100 fine and a second offence is a \$500 fine. Mr. Grant stated that this was an honest mistake and an oversight. Mr. Grant said he was surprised by this because he was used to getting notices from the Board that a filing was late and that his office manager quitting with no notice had thrown things out of order and things got overlooked. Mr. Grant stated that he felt that family complaints are a different matter and should be treated differently than administrative complaints. He stated that, once he was notified, he corrected the situation. Mr. Grant stated that he does not dispute that this happened, that he is sorry that it happened, and that he has corrected things moving

forward. Mr. Grant stated that a consent decree was offered but the fine was more than the regulatory fees were, so he thought he should plead his case and ask for leniency and grace from the Board and gave his word that this would not happen again. He knows that by turning down the consent decree he has opened himself to whatever the Board decides and is hoping for leniency.

Chairman Sharp asked the Board if the facts have been proven.

Action: Laura Sussman made a motion, seconded by Kim Kandaras, that the facts and violations have been proven. The motion passed unanimously.

Chairman Sharp asked Attorney Feeley if he had any recommendations. Attorney Feeley stated that there are two respondents, Mr. Grant and McDermott's, both having failed in being timely with each instance of having filed the reports late. Attorney Feeley recommended a fine of \$500 for each violation noted.

Kim Kandaras agreed that these violations are not as severe as a family being impacted, but it sounds like these have habitually been filed late. This shows a disregard for rules of the industry and the fine should be harsher. Ms. Kandaras stated that she appreciates that the fees are filed timely now and noted that Mr. Grant is on probation. Ms. Kandaras recommended that the fine be \$500 for each incident for Mr. Grant and McDermott's.

Attorney Feeley clarified that this is just the fine portion, and that attorney fees and costs are separate. He stated that the attorney's fees are like the last case except for the fees for the hearing today.

Stephanie McGee asked the Board to consider when the fines would be due, so that it may be reflected in the order. Mr. Grant asked that, if possible, fines could be due in 60 days as McDermott's is a small business.

Laura Sussman stated that the standard timeframe is 30 days and recommended that the Board continue with that timeframe. Kim Kandaras agreed.

Chairman Sharp asked for a motion.

Action: Dr. Chaney made a motion that Attorney Feeley's recommendation of \$500 per violation and the attorney fees be accepted and that the amount be paid within 30 days. Jeff Long seconded the motion. The motion passed unanimously.

4. Discussion, recommendation, and possible action regarding disciplinary hearing on Complaint for Disciplinary Action and Notice of Hearing in the Matter of McDermott's Funeral and Cremation Service, a Funeral Establishment, and Christopher M. Grant, a Funeral Director, License No. FD920 – Case Number FB24-07. 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.)

Chairman Sharp recognized Deputy Attorney General Matthew Feeley. Attorney Feeley presented a summary of the proposed consent decree. Attorney Feeley stated that the matter arose from an informal complaint filed by Marilyn Lake on April 24, 2024, against McDermott's Funeral and Cremation Service (McDermott's) and Chris Grant, as the

managing funeral director of McDermott's. The complaint alleges that Ms. Lake's husband passed away in Las Vegas on March 13, 2024, and that the decedent's body was transferred to McDermott's on March 15, 2024. Mr. Feeley stated that McDermott's told the family that the cremation was arranged and that the cremation would occur no later than March 18, 2024. Ms. Lake's son contacted McDermott's on March 25, 2024, and was told that the cremation had not occurred because a cremator had broken down. Mr. Lake followed up, again, and was told that McDermott's was trying to catch up on cremations. On April 30, 2024, McDermott's contacted Mr. Lake to inform Mr. Lake that the cremation occurred on April 29, 2024, 48 days after date of death, despite McDermott's informing Mr. Lake that the cremation was scheduled earlier. The violation is that the cremation did not take place within a reasonable time after date of death, specifically that 48 days is not a reasonable time. Attorney Feeley further stated that Mr. Grant did not respond to the notice and summary of the informal complaint, as required. Attorney Feeley said that the terms of the agreed adjudication are that within 30 days of the acceptance of the consent decree, the respondents shall pay a \$2,000 fine to the Board, reimburse the complainant in the amount of \$1,155, and pay attorney fees and costs in the amount of \$1,633.22

Attorney Feeley stated that he submitted the consent decree for the Board's consideration.

Chairman Sharp asked if Chris Grant had anything to add. Mr. Grant said that he did not realize that he was supposed to respond to the complaint. In addition, Mr. Grant stated that he had a cremation unit that broke down. He stated that he would like to have the Board define what a reasonable time for disposition is and that he would like it to be more structured and defined.

Chairman Sharp asked for a motion on this matter.

Kim Kandaras asked Mr. Grant if his operation was backed up so severely that other families had to wait this long for cremations. Mr. Grant described his experience with the repairs to the retort and stated that his staff did what they could to keep up.

Ms. Kandaras asked Mr. Grant how he determines the priority of the cremations. Mr. Grant said that he takes cases in chronological order. Ms. Kandaras asked Mr. Grant if all his families had to wait as long as the Lake family. Mr. Grant stated that some families did wait two weeks, since the cremation unit retort was not working. Ms. Kandaras clarified that the current matter involved a 48-day delay, not a two-week delay. Ms. Kandaras stated that if other families were also waiting 40 days or more, this is an extreme issue.

Mr. Grant clarified the facility did the best they could and that they go off working days instead of calendar days. If families called in, the facility would explain and apologize for the delay. Mr. Grant stated that the facility did everything he could to accommodate families.

Ms. Kandaras explained her concern that the Board has had issues with Mr. Grant's facility and communication in the past. She stated that her concern is that the families are calling facility rather than the facility calling the families. She questioned how many other families will be filing complaints regarding the delays. Ms. Kandaras emphasized that the Board is trying to protect the public. She further stated that communication is important, and it does not seem that Mr. Grant understands that he needs to communicate with the families and not wait for the families to call him.

Mr. Grant clarified that the issue with this complaint occurred before he redid his communication plan and changed staffing. He clarified present standards of communication and updated policies.

Ms. Kandaras noted that she appreciated that fact. She further expressed that the Board placed Mr. Grant and his facility on probation in June but that he failed to respond to a letter in July that required him to respond in 15 days. Ms. Kandaras further stated that this was not the first time that he was required to respond but did not. She understands that this happened prior to communication plan but these issues seem to keep happening.

Mr. Grant stated that he thought he was responding by providing Dr. Fazzino with his files and explaining what happened. He acknowledged that he did not write a letter in response. Ms. Kandaras reiterated that a written response was required.

Laura Sussman asked if the Board's inspector checked in the logbook for other delays in other cases and how many there might have been. Ms. Sussman expressed her concern that even if this was before the Board considered McDermott's proposed communication plan, there had been no calls to these families waiting for their loved ones' remains to be returned. Ms. Sussman explained that, as we look to protect the public, it is concerning that families are being treated in this way. Ms. Sussman stated that the consent decree seems lenient.

Mr. Grant said that he submitted the logbooks for 2023 through August 2024 to Dr. Fazzino.

Ms. Sussman wanted to know if those were available to consider for this case. Mr. Feeley shares this concern. He does not want to get into other cases at this point, but there are other investigations based on the facts in this case. As far as this case, he recommends approval of this consent decree for this family, who would receive a refund. He has been in contact with Mr. Lake. Attorney Feeley said that there are larger problems, and that he could dispute some of the things that Mr. Grant has said; he urges the Board to accept this consent decree to provide closure for the Lake family.

Celena DiLullo asked Mr. Grant what average time he projects for families to complete cremation. Mr. Grant stated it depends on the weight of the decedent. Mr. Grant estimated that if the decedent is under 200 pounds, it would take 7 to 10 working days and, if in excess of 200 pounds, he would inform the family that it could be 7 to 21 working days. Mr. Grant stated that this is on the paperwork given to the family.

Ms. Kandaras asked if the \$2,000 fine is against the funeral director or the facility. Attorney Feeley clarified that the fine is combined, and the respondents are jointly liable. Ms. Kandaras inquired about whether the fines could be increased to \$2,000 against the funeral director and the funeral establishment, as these would be consistent with previous fines.

Attorney Feeley stated that, if the Board wanted to impose a higher fine, he would need to present a new consent decree to Mr. Grant and, if not accepted, the case would go to hearing.

Dr. Chaney said that he understands that closure is needed for the family, but that he agrees with Ms. Sussman and Ms. Kandaras. He stated that if the Board is not careful, this could appear to simply be a slap on the wrist. Dr. Chaney expressed that he is not getting a feeling of contrition or accountability from Mr. Grant. Dr. Chaney stated that this is a pattern

that must be broken. He stated that he did not feel that the current terms were in the spirit of helping the public.

Ms. DiLullo asked Mr. Feeley if Mr. Grant could refund the family, regardless of whether the Board proceeded with a hearing or different terms of the consent decree.

Mr. Ostunio wanted to hear from Ms. McGee regarding her thoughts on the consent decree. Ms. McGee explained that she makes recommendations to Attorney Feeley when she refers cases. Ms. McGee further explained that she recommended the current amounts based on this instance having occurred prior to the Board hearing the previous case, that entering a consent decree avoids the cost of a hearing and keeps the complaint documents confidential. Ms. McGee stated that she proposed a fine of \$500 for the facility, a fine of \$1,500 for Mr. Grant, as the managing funeral director, and the refund to the family, the total of which was close to \$4,000, the amount of fines in the previous case. Ms. McGee stated that the Board is not bound by the terms of the proposed consent decree.

Chairman Sharp asked Kim Kandaras to clarify the fines in the previous case. Ms. Kandaras said that the prior case was in 2023, fined \$2,000 to both the facility and person, totaling \$4,000.

Kim Kandaras asked if the Lake family was satisfied with the consent decree. Attorney Feeley said that Mr. Lake was not present. Attorney Feeley said that the Lake family did not expect a refund and seemed happy with the refund, as well as the closure of this matter.

Kim Kandaras asked Attorney Feeley if this went to hearing would the Lake family need to be involved. Attorney Feeley said it is likely and that he would need to contact the Lake family to tell them that they are not getting a refund and would need to appear at a hearing.

Dr. D. Edward Chaney said a refund should not be predicated on the consent decree and one should not be linked to the other.

Chairman Sharp recognized Chris Grant. Mr. Grant explained that he tried to contact Mr. Lake, but Mr. Lake did not take the calls.

Chairman Sharp stated that he appreciates the input from the Board and Mr. Grant. Dr. Sharp stated that he wants to bring focus back to the consent decree and what is the best resolution for the family to be satisfied.

Celena DiLullo asked for clarification on how the refund would be paid to the family. Attorney Feeley said Mr. Grant would pay the refund directly to the family and provide proof of payment within 30 days.

Laura Sussman asked if consent decree were rejected could a separate motion be made for an increased fine. Attorney Feeley said that it only works if Mr. Grant agrees to the updated terms.

Chairman Sharp asked for a motion.

Action: Ms. Sussman made a motion that the Board reject the consent decree as written and rewrite the terms to include a fine of \$4,000 to the Board with all other terms as

currently in the consent decree. Dr. Chaney seconded the motion. The motion passed, one opposed.

Attorney Feeley stated he will submit a new consent decree with an additional \$2,000 fine. Attorney Feeley asked Mr. Grant if he would accept the updated terms. Mr. Grant replied that he would accept the terms to avoid opening wounds for the family and prevent a hearing.

Stephanie McGee asked if the motion also included approving the consent decree with the higher amount, which would allow the Board to consider it at this meeting rather than at a future meeting. Attorney Feeley suggested a recess so that he could update the documents and have everything signed today. Attorney Ostunio agreed this was acceptable.

Chairman Sharp called a recess until 10:20 a.m.

The Board reconvened at 10:20 a.m. Roll call was taken and confirmed that a quorum was present.

Chairman Sharp confirmed that the updated consent decree has been provided to the Board members. Attorney Feeley summarized the updated terms in the consent decree and recommended the Board's acceptance.

Action: Kim Kandaras made a motion, seconded by Laura Sussman, to accept the revised consent decree as written. The motion passed unanimously.

Chairman Sharp then moved on to Agenda Item 3.

5. Public comment

Chairman Sharp opened the floor for public comment. There were no comments.

6. Adjournment

Chairman Sharp adjourned the meeting at 11:15 a.m.