

DRAFT

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
October 5, 2023, at 11:00 a.m.
Indiana Government Center South
402 West Washington Street, Room W064, Indianapolis, Indiana**

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Kathleen Matuszak, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

BOARD MEMBERS PRESENT: Kathleen Matuszak, Chairperson
Thomas Sproles, Vice Chairman
Christopher Cooke
Timothy Corbett

BOARD MEMBER ABSENT: Frank Downing

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Marianna Kassenbrock, Assistant Board Director
Clarence Leatherbury, Deputy Attorney General
Courtney Calvert, Compliance Officer

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Cooke/Sproles
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett
Motion carried.

ADOPTION OF THE MINUTES FROM THE AUGUST 3, 2023, MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes.

Cooke/Sproles
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett
Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written and verbal report presented.

IPLA COMPLIANCE DIVISION REPORT

Verbal report presented by Courtney Calvert. Calvert reported that she has been inspecting funeral homes that have not been inspected for several years. She could not report on the other inspectors' progress, however.

ADMINISTRATIVE HEARING; PETITION FOR WITHDRAWAL OF PROBATION

1. Mathew Ratliff, FD22100037, 2023SBFCS0014

A motion was made and seconded to deny the petition for untimely filing.

Sproles/Cooke

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett

Motion carried.

Administrative Hearing: Order to Show Cause

1. Maple Grove Cemeterial Association Inc., 2023SBFCS0018 - **CONTINUED**

Administrative Hearings; Administrative Complaints

1. Divinity Funeral Home and Cremation Services, FH10700039 & CA20700069 and Samuel Smith Jr., FD01019692, 2023SBFCS0017

A motion was made and seconded to suspend all licenses and certificate of authority indefinitely with no right to petition for reinstatement until all deficiencies are satisfied, cease and desist the practice of funeral service, report any consumer complaints filed against Respondents within one week, require Respondent Smith and all funeral directors employed by the funeral home to complete the IFDA Crash Course in addition to the normal continuing education requirement to renew, impose a fine of \$2500, require payment of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund, require all preneed information be removed from their website, and pass inspection that includes a random sample of at least ten each of the Medicaid cases and preneed cases.

Sproles/Cooke

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett

Motion carried.

2. Rawls Mortuary, FH11900010 and Benjamin L. Rawls, FD21300082, 2022SBFCS0018 and 2022SBFCS0019

A motion was made and seconded to impose indefinite probation with no right to petition for removal for a period of one year, pass inspection prior to petitioning for removal, require IFDA Crash Review course for Respondent and all funeral home employees, report any consumer complaints within one week, impose a \$1000 fine, and require payment of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund.

Sproles/Cooke

3/0/1

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, and Christopher Cooke

Abstaining: Timothy Corbett

Motion carried.

Personal Appearance and Consideration of Application for Funeral Home License

1. Cresthaven Funeral Home, Cresthaven Funeral and Cemetery, Inc, Peter Chubenko, Eric Chubenko, and John Sherrill

A motion was made and seconded to approve the application for license.

Sproles/ Cooke

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett

Motion carried.

2. Powell-Coleman Funeral Home Inc., Taelyn Fowler & Taleesha Fowler

A motion was made and seconded to approve the application on indefinite probation with no right to petition for removal for a period of one year or until requirements met, whichever is later, manager Blunt and owners must attend the IFDA Crash Review course within three months.

Sproles/Cooke
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett
Motion carried.

Personal Appearance and Consideration of Application for Funeral Home Branch License

1. Magnolia Cremations, 2517 Veterans Pkwy, Jeffersonville, IN 47130 – Tabled until December due to the owners not being available today.
2. Bodine and Shelby Funeral Home, 622 3rd St., Covington, IN 47932 – Application was withdrawn.

Consideration of Proposed Settlement Agreement

1. Elm Ridge Funeral Home, FH11800009 & CA20800014 and Jeffrey A. Bates, FD08600377, 2023SBFCS0010

A motion was made and seconded to accept the proposed settlement.

Cooke/Matuszak
3/0/1

Voting in Favor: Timothy Corbett, Kathleen Matuszak, Frank Downing, and Christopher Cooke
Abstaining: Thomas Sproles
Motion carried.

Consideration of Petitioner's Motion to Dismiss

1. Corey Craig May, FD09100590 and Copher & Fesler Funeral Services, Inc. dba Copher-Fessler-May Funeral Home, FH19900039 and CA29900052, 2021SBFCS0011 and 2021SBFCS0013

A motion was made and seconded to table the Motion for more information and require the OAG and respondent's attorney appear at the next meeting.

Cooke/Sproles
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett
Motion carried.

Verified Complaint Requesting Restitution from the Preeed Consumer Protection Fund

1. Christensen Funeral Home-Winklepleck Chapel for Mary Winklepleck
Re: Winklepleck Weesner Funeral Home Inc., FH83000655

A motion was made and seconded to approve \$8606.09 plus interest not to exceed the at-need contract.

Sproles/Cooke
4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett
Motion carried.

Compliance Report

1. Ellers Mortuary-Sunset Memory Garden Chapel and Sunset Memory Garden Cemetery, FH89200009 & CA20300010, 2021SBFCS0018

2. Alford Mortuary, FH19900032 & CA09100825 2023SBFCS0009 & 2023SBFCS0015

Correspondence from Legacy Cremation Services; Agreement with Federal Trade Commission

The board indicated Legacy has been a problem for a lot of states.

V. REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the following report.

Corbett/Sproles

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing, Christopher Cooke, and Timothy Corbett

Motion carried.

COMMUNITY FOUNDATION OF HANCOCK COUNTY, CE10800902

Charitable Plans That Benefit Clients and Further Their Personal Planning Goals, Featuring Ethics
10/18/23, 3 CEU, LAW – **THIS DOES NOT FALL UNDER ANY FUNERAL CATEGORY - DENIED**

FUNERAL DIRECTORS LIFE INSURANCE, CE21100035

- A. The New Funeral Consumer Segmentation Study, Online, 2 CEU, non-law - Approved
- B. The 'WHY' of Funerals, Online, 4 CEU, non-law - Approved

FUNERAL DIRECTORS ASSOCIATION OF THE FALLS CITIES, CE10800717

Update on Legislative & License Issues in KY, 11/7/23, 1 CEU, non-law - Approved

INTERNATIONAL CEMETERY, CREMATION, AND FUNERAL ASSOCIATION, CE10800864 (APPROVED)

ICCFA Fall Leadership Conference, 10/24-26/23, 8 CEU, non-law - Approved

INTERNATIONAL ORDER OF THE GOLDEN RULE, CE10800865

- A. The Most Important Part of Marketing – The Message, 11/14/23, 1 CEU, non-law - Approved
- B. Redefining a Good Funeral, 12/12/23, 1 CEU, non-law - Approved

MADISON COUNTY FUNERAL DIRECTORS ASSOCIATION, CE10800768

Introduction to Supporting Heros, 10/17/23, 1 CEU, non-law - Approved

WILBERT FUNERAL SERVICES, INC., CE21500018

- A. Is State Regulatory Law It?, 10/12/23, 1 CEU, non-law - Approved
- B. What's new at the FTC?, 11/9/23, 1 CEU, non-law - Approved
- C. Formaldehyde, the Funeral Rule and the Future, 1/25/24, 2 CEU, non-law - Approved
- D. Century of Caring: Navigating Family Dynamics, Grief and Marketing in Death Care Industry, 2/8/24, 1 CEU, non-law - Approved

ADJOURNMENT

The meeting adjourned at 1:30 p.m.