

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
THURSDAY DECEMBER 3, 2015
INDIANA GOVERNMENT CENTER SOUTH
CONFERENCE CENTER, ROOM A
402 W WASHINGTON STREET
INDIANAPOLIS, IN 46204**

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Theodore Mau, 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:

Theodore Mau, Chairman
Samuel Frain, Vice Chairman
Robert Loose (left the meeting at 1:30 p.m.)
Thomas Sproles
Donald Alford
Christopher Cooke
Roland Cutter
Tasha Smith, State Department of Health

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Jennifer Broadbent, Assistant Board Director
Donald Hannah, Deputy Attorney General

ADOPTION OF THE AGENDA

The agenda was adopted as amended.

Frain/Alford
8/0/0
Motion carried.

ADOPTION OF THE MINUTES OF THE OCTOBER 1, 2015, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes of the October 1, 2015 meeting.

Sproles/Cooke
8/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written report was provided.

**PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR RENEWAL OF LICENSE
IN THE MATTER OF JAY MASSER, FI21300036**

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until criminal probation has been completed.

Frain/Cutter
6/0/2
Motion carried.

**CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENT IN THE MATTER OF THOMAS W. ROOT,
FD01023461, SBFCS15-39**

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

Cutter/Sproles
2/4/2
Motion failed.

A motion was made and seconded to deny the proposed settlement agreement

Frain/Loose
4/2/2
Motion carried

**CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENT IN THE MATTER OF ROOT FUNERAL
HOME, FH83004552, SBFCS15-40**

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

Loose/Alford
5/1/2
Motion carried.

ADMINISTRATIVE HEARINGS

Administrative Hearing in the matter of Cynthia Louise Stevens, FD21200022, SBFCS 12-01

A motion was made and seconded to remove probation.

Frain/Loose
5/0/3
R. Cutter abstained. Motion carried.

Administrative Hearing in the matter of Kasandra Michaelis, FI21500036, SBFCS 15-41

Sam Frain served as the presiding officer. A motion was made and seconded to remove probation.

Sproles/Cutter
5/0/3
Ted Mau abstained. Motion carried.

Administrative Hearing in the matter of Glenn E. George and Son Funeral Home, FH19600031, SBFCS 14-10

A motion was made and seconded to remove probation.

Sproles/Cutter
6/0/2
Motion carried.

Administrative Hearing in the matter of Faulkner Mortuary, FH83004950, SBFCS 08-02

A motion was made and seconded to remove probation.

Cutter/Sproles
6/0/2
Motion carried.

Administrative Hearing in the matter of Gregory Wade Thayer, FD08600369, SBFCS 15-43

A motion was made and seconded to suspend the license for a period of 90 days.

Sproles/Frain
6/0/2
Motion carried.

Administrative Appeal Hearing in the matter of Megan Ellen Brazzell, FD20100065, SBFCS 15-09

A motion was made and seconded to reinstate the license based upon completion of 5 live CE hours, 4 of which must be law, impose a fine of \$250 to be paid within 21 day.

Sproles/Alford
6/0/2
Motion carried.

Administrative Appeal Hearing in the matter of Ashley Ann Lapham, FD21000019, SBFCS 15-24

A motion was made and seconded to find her in compliance.

Frain/Sproles
5/0/2
Motion carried.

Administrative Hearing in the matter of Thomas W. Root, FD01023461, SBFCS15-39

A hearing was not conducted. The board will reschedule the hearing.

CONSIDERATION OF POSSIBLE LICENSE SUSPENSION FOR FAILURE TO COMPLY WITH THE NOTICE OF NONCOMPLIANCE IN THE MATTER OF MARIA N. ASANTE-DOYLE, SBFCS 15-08

A motion was made and seconded to suspend the license for noncompliance.

Sproles/Frain
5/0/2
Motion carried.

CONSIDERATION OF APPLICATION FOR RENEWAL OF LICENSE AND REQUEST FOR HARDSHIP WAIVER OF THE CONTINUING EDUCATION REQUIREMENT IN THE MATTER OF LORA L. THOMAS, FD20200094

A motion was made and seconded to deny the hardship waiver.

Frain/Loose
5/0/2
Motion carried.

CONSIDERATION OF REQUEST TO SURRENDER LICENSE IN THE MATTER OF JOE D. DECHARD, JR., FD09100033, SBCBE 15-12

A motion was made and seconded to deny the request because his license is already suspended.

Frain/Loose
5/0/2
Motion carried.

CONSIDERATION OF CONTINUING EDUCATION FILED FOR NOTICE OF NONCOMPLIANCE IN THE MATTER OF DONALD J. EGELER, FD20700065, SBCBE 15-14

A motion was made and seconded to find his hours non compliant.

Frain/Cutter
5/0/2
Motion carried.

REASSIGNMENT OF SUCCESSOR SELLER PURSUANT TO IC 30-2-13-15(E) IN THE MATTER OF ALFORDS MORTUARY, FH19900032 AS SUCCESSOR SELLER FOR THE PRENEED FILE OF IRENE P. WHITE, CURRENTLY ASSIGNED TO CLARK'S FUNERAL CHAPEL, FH83006334 (EXPIRED 12/31/94)

A motion was made and seconded to approve the request.

Frain/Sproles
6/0/1
D. Alford abstained. Motion carried.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Edith Gordon for Gerald Gordon

Re: Grandview Memorial Gardens, CM40100006

A motion was made and seconded to deny the request due to the fact that there is no proof of payment.

Cooke/Cutter
7/0/0
Motion carried.

B. Burns Funeral Home for Evelyn Kindel

Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve to grant the amount of the at-need funeral charges only in the amount of \$10,756.71. Interest will not be added.

Frain/Cutter
7/0/0
Motion carried.

C. Yvonne R. Yocum for Billy G. Yocum

Re: Grandview Memorial Gardens, CM40100006

A motion was made and seconded to deny the request due to lack of documentation.

Cutter/Cooke
7/0/0
Motion carried.

D. Dorese LaDean Young for Chester Young

Re: Northeast Indiana Cremation Society, CR30000006 (Closed)

A motion was made and seconded to deny the request for failure to respond to the board with additional information.

Frain/Cutter
7/0/0
Motion carried.

E. Williams and Bluit Funeral Home for Mary Walker

Re: Marvin L. Boatright Funeral Service, FH10500002 (Closed)

A motion was made and seconded to approve in the amount of \$2640.00 plus statutory interest not to exceed the cost of the at-need contract.

Sproles/Alford
7/0/0
Motion carried.

F. Judith Gentry for Ruth Kacmar

Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve in the amount of \$4000.00 plus statutory interest not to exceed the cost of the at-need contract.

Frain/Alford
7/0/0
Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve and deny the courses as indicated below.

Frain/Alford
5/0/2
Motion carried.

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Astral Industries, Inc., CE21500016 – (No IN Law)

- How the Families' Needs & Wants are Changing, November 5, 2015, 1 CEU
- Enhancing Revenues, November 5, 2015, 1 CEU

D. O. McComb & Sons Funeral Home. CE10800689

- Exploring the Paradoxes of Mourning, April 20, 2016, 5 CEUs

Homesteaders Life Company, CE10800737 – (No IN Law)

- The Evolution of Ethics, Ongoing, 6 CEUs
- The Evolution of Insurance, Ongoing, 6 CEUs

Hospice Foundation of America. CE10800739

- Managing Conflict/Finding Meaning, Ongoing, 2 CEUs
- Supporting Families at Life's End, Ongoing, 2 CEUs

The International Conference of Funeral Service Examining Boards, CE20900918

- Board Member Training, February 23 – 25, 2016, 7 CEUs
- AEFSB, February 24, 2016, 3 CEUs
- Examination Services Forum, February 24, 2016, 1 CEU
- The Dalhousie Experience, February 24, 2016, 1 CEU
- Recent Cases..., February 24, 2016, 1 CEU
- The Funeral Rule, February 25, 2016, 1 CEU
- System Automation panel, February 25, 2016, 1 CEU
- District Meetings, February 25, 2016, 1 CEU
- Group Exercise, February 25, 2016, 1 CEU

The Kentucky Association of Morticians, Inc., CE21400019 - (No IN Law)

- Cash Only Solutions, October 20, 2015, 1 CEU
- Funding Pre-Arranged Funerals, October 20, 2015, 1 CEU
- Fundamentals of Cremation Operations, October 20, 2015, 1 CEU

Mid-America College of Funeral Service, CE10800903

- Build a Better Funeral Director, TBD, 1 CEU

Selected Independent Funeral Homes, CE10800819 – (No IN Law)

- Connect, Collaborate, and Create, January 25, 2016, 3 CEUs
- Every Life is Worth Remembering, January 26, 2016, 3 CEUs
- Best Practices Exchange, January 28, 2016, 2 CEUs

Stonemor University, CE21400009, Indiana Laws

- Refresh-Review-Reward-Preneed Burial Service and Merchandise, Ongoing, 1 CEU (IC 30-2-13)
- Refresh-Review-Reward-The Practice of Funeral Service, Ongoing, 1 CEU (IC 25-15-2-22)
- Refresh-Review-Reward-The Cremation Act, 1 CEU (IC 23-14-31)
- Refresh-Review-Reward-The Cemetery Act, 1 CEU (IC 23-14)
- Refresh-Review-Reward-Understanding the Consumer Today, 1 CEU
- Refresh-Review-Reward-The Changing Funeral of the Day, 1 CEU

Vermilion County Funeral Directors Association, CE10800843

- Indiana Preneed Act, November 10, 2015, 1 CEU (IC 30-2-13)
- Indiana Practice Act, November 10, 2015, 1 CEU (IC 25-15-2-22)

Wilbert Funeral Services, Inc., CE21500018 - (No IN Law)

- Outer Burial Vault Services, Ongoing, 1 CEU
- Moisture Considerations, Ongoing, 1 CEU
- Embalming Theory, Ongoing, 1 CEU
- Funeral Service Jeopardy, Ongoing, 1 CEU
- Restricted Cervical Injection (RCI), Ongoing, 1 CEU
- British Funeral Customer & Burial Sites, Ongoing, 2 CEUs
- Microbes & Morticians, Ongoing, 2 CEUs
- Legal Issues that Could Occur in Counseling, Ongoing, 1 CEU
- Preparing for Nones in Funeral Service, Ongoing, 1 CEU

NEW APPLICATIONS FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Memoriams.com

- Memoriams.com Obituary Placement Training, TBD, 1 CEU

REVIEW OF PRENEED CONSUMER PROTECTION FUND BALANCE

A motion was made and seconded to not collect payment for preneed contracts sold in the calendar year 2016 due to the fact that the preneed consumer protection fund balance is more than two million five hundred thousand dollars.

Frain/Sproles
7/0/0
Motion Carried.

REVIEW OF CONSUMER PROTECTION FUND FOR CEMETERY MAINTENANCE

A motion was made and seconded to not collect consumer protection fund for cemetery maintenance payments for the calendar year 2016 due to the fact that the fund balance is more than two hundred fifty thousand dollars.

Cooke/Mau
3/0/4
Motion Carried.

DISCUSSION OF THE USE OF EDUCATION FUND

The board would like to explore the interest in an education seminar for elder care attorneys to educate them on the preneed law. Sam Frain will investigate the possible interest and report back to the board.

APPLICATION FOR FUNERAL DIRECTOR LICENSE BY RECIPROCITY IN THE MATTER OF RANDALL G. HARRELD

A motion was made and seconded to deny the application due to non-compliance with the license requirements and his previous discipline against his South Carolina license.

Frain/Cutter
6/0/2
Motion carried.

ELECTION OF OFFICERS AND COMPLAINT LIAISONS FOR 2016-2017

A motion was made and seconded to nominate and elect Sam Frain as Chairman for 2016-2017.

Alford/Loose
7/0/0
Motion carried.

A motion was made and seconded to nominate and elect Chris Cooke as Vice Chairman for 2016-2017.

Mau/Loose
6/0/0
Motion carried.

A motion was made and seconded to appoint Tom Sproles as complaint liaison regarding funeral service for 2016-2017.

Loose/Frain
6/0/0
Motion carried.

A motion was made and seconded to appoint Chris Cooke as complaint liaison regarding cemetery matters for 2016-2017.

Mau/Frain
6/0/0
Motion carried.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 2:15 p.m.