

DRAFT

STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
February 1, 2024, 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 Thomas Sproles, 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: Thomas Sproles, Chairman
Christopher Cooke, Vice Chairman
Frank Downing
Kathleen Matuszak

BOARD MEMBER ABSENT: Timothy Corbett

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

Chairman Sproles thanked Kathleen Matuszak for her service as chairperson for the last two years. The students of IVY Tech were welcomed to the meeting.

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Cooke/Matuszak
4/0/0

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

ADOPTION OF THE MINUTES FROM THE DECEMBER 7, 2023, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes.

Matuszak/Cooke
4/0/0

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

OFFICE OF THE ATTORNEY GENERAL REPORT

Written and verbal report provided.

IPLA COMPLIANCE DIVISION REPORT

Courtney Calvert provided written and verbal report.

They are refocusing on inspecting those that have not been inspected in a long time.

ADMINISTRATIVE HEARINGS; CONTINUING EDUCATION AUDIT APPEAL

Robert Eatman, FD21700003, 2024SBFCS0001

A motion was made and seconded to allow him six months from the Notice of Noncompliance to pay the fine.

Cooke/ Matuszak

4/0/0

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

Robert Stone, FD20700076, 2024SBFCS0002

A motion was made and seconded to change the fine to \$1000 and require that he make up two hours of Indiana law.

Downing/Cooke

4/0/0

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

David Colquitt, FD29500083, 2024SBFCS0003

A motion was made and seconded that Mr. Colquitt has not proved that he is in compliance and the Notice of Noncompliance is affirmed.

Downing/Matuszak

4/0/0

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

ADMINISTRATIVE HEARING: MOTION FOR ORDER TO CEASE & DESIST

Legacy Cremation Services, LLC, and Anthony Joseph Damiano, 2023SBFCS0023

A motion was made and seconded to issue a Notice of Proposed Default.

Matuszak/Cooke

4/0/0

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

ADMINISTRATIVE HEARING; ADMINISTRATIVE COMPLAINTS

Copher & Fesler Funeral Service, Inc. dba Copher-Fesler-May Funeral Home, FH19900039, CA29900052, 2021SBFCS0011 & 2021SBFCS0013

A motion was made and seconded to dismiss the case since the OAG did not have any evidence to present and the board was satisfied with Respondents' response to the charges.

Downing/Matuszak

4/0/0

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

ADMINISTRATIVE HEARING: ORDER TO SHOW CAUSE

Albertson's Metro Mortuary Services, FH11200030 & CA21200041 and Tamara Albertson, FD20700093, 2022SBFCS0023

A motion was made and seconded that Respondent Funeral Home's license and certificate of authority are to remain on indefinite probation for a period of no less than two (2) years from the date of this Order. The following terms shall apply:

- a. Respondent Funeral Home must request an immediate inspection by the IPLA and shall be subject to IPLA inspections every six (6) months. If any violations are noted, Respondent Funeral Home shall be subject to an Order to Show Cause hearing before the Board.
- b. Respondent Funeral Home shall keep the funeral home's contact information up to date with the Board and notify the Board of any changes in funeral directors or other licensed staff.
- c. Respondent Funeral Home shall appear in person before the Board to present quarterly reports as to funeral management, compliance with Indiana law, number of transactions completed, and any other relevant business.
- d. Respondent Funeral Home shall appear in person before the Board to present quarterly reports on number of preneed contracts entered, trusts, preneed contract financials, performance of obligations under preneed contracts, and other relevant items/documentation.
- e. Respondent Funeral Home shall submit a plan of remediation to the Board that addresses organizational structure of the funeral home, licensure renewal plans for funeral home and certificate of authority, improved transactions, and funeral home management.
- f. Respondent Funeral Home shall pay fine of three thousand dollars (\$3000.00) to the Indiana Professional Licensing Agency. The full amount shall be paid prior to Respondent Funeral Home petitioning for probation withdrawal.

Respondent Albertson's license is to remain on indefinite probation for a period of no less than one (1) year from the date of this Order. The following terms shall apply:

- i. Respondent Albertson shall complete ten (10) continuing education hours total in funeral home management, preneed, and Indiana law requirements. Out of the ten (10) hours, at a minimum, four (4) hours will be in Indiana law requirements. Hours used for licensure renewal cannot be used to meet this probationary requirement.
- ii. Within six (6) months, Respondent Albertson shall complete the Indiana Funeral Director Association (IFDA) crash course.
- iii. Respondent Albertson shall continue to keep the Board informed of her contact (i.e. address, telephone number, and email) and employment (i.e. employer, address, and telephone number) information at all times.

Cooke/Matuszak

4/0/0

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

CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENT

1. Marion Cemetery Corp. dba Estates of Serenity, CM41800006, 2023SBFCS0020

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

Matuszak/Downing

3/0/1

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

Abstaining: Christopher Cooke

Motion carried.

CONSIDERATION OF APPLICATION FOR REINSTATEMENT OF CERTIFICATE OF AUTHORITY

1. Marion Cemetery Corp. dba Estates of Serenity, CA21800026

A motion was made and seconded to approve reinstatement.

Matuszak/Downing

4/0/0

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

2021/2022 CONTINUING EDUCATION AUDIT REVIEW

Gregory Atkins, FD29300077

A motion was made and seconded to notice that he has made up the continuing education and that continuing education should not be counted toward the 2023-2024 reporting period and waive the fine based on his medical history.

Downing/Matuszak
4/0/0

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

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

Eric Babcock for Susan Jo Babcock
Re: Northeast Indiana Cremation Service, CR30000006 (Closed)

A motion was made and seconded to approve \$1120.00 plus interest not to exceed the amount of the at-need contract.

Matuszak/Cooke
4/0/0

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

INDIANA FUNERAL DIRECTORS ASSOCIATION; UPDATE REGARDING THEIR INTERN MENTORSHIP PROGRAM

IFDA feels that interns currently do not receive the experience they really need to be successful funeral directors. IFDA has developed a program for interns to complete in addition to the board's requirements that will be available to interns working for member funeral homes and nonmember funeral homes. They are working on a program for supervisor funeral directors. Tom Sproles will work with Andy Clayton on the supervisor module. They are not asking for the board to amend rules this year to require these programs. They provided the board with the draft program and asked for their input at the next meeting.

LITIGATION REPORTS

1. East Hill Cemetery Company, 2022SBFCS0020 – in compliance.
2. Alfords Mortuary, FH19900032, 2023SBFCS0015 & 2023SBFCS0009 – in compliance.
3. Ellers Mortuary Sunset Memorial Chapel & Sunset Memorial Cemetery, FH89200009 & CA20300010, 2021SBFCS0018 – in compliance.

CORRESPONDENCE FROM INDIANA DONOR NETWORK REGARDING CONTINUING EDUCATION

A motion was made and seconded to notify Indiana Donor Network that since the course was not preapproved for Indiana Donor Network, and IFDA does not issue certificates, the board cannot accept the hours.

Downing/ Cooke
4/0/0

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

REVIEW OF STATE FORM 47332, APPLICATION FOR CEMETERY REGISTRATION

Add to the application to require proof of a perpetual care fund, proof of being on file with the county, and proof of ownership of at least 10 acres platted with the Dept. of Natural Resources.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the following.

Downing/Matuszak
4/0/0

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

Cremation Association of North America, CE21200016

CANA's Crematory Operations Certification Program, 2/27/24, 6/9/24, 8/6/24, 8/8/24, 11/15/24, 8 CEUs, non-law

Funeral Directors Association of the Falls Cities, CE10800717

Line of Duty Deaths – Police, Fire, & EMS, 2/13/24, 1 CEU, non-law.

FuneralVision.com

Funeral IQ, 9/20/24, 5 CEUs, non-law.

Hospice Advisors, CE22000016

Leveraging the Hospice Tipping Point – A Collaborative Workshop for Funeral Service Professionals, 3/27/24, 3 CEUs, non-law

Madison Co. Funeral Directors Association, CE10800768

Modern Cremation & Alkaline Hydrolysis – Processes & Equipment, 2/20/24, 2 CEU, non-law

National Funeral Directors and Morticians Association, Inc., CE10800785

- A. Hiring Differently: Integrating People with Disabilities, 4/20/24, 2 CEUs, non-law
- B. Minding Your Own Business: Ethics, 4/21/24, 1 CEU, non-law
- C. Minding Your Own Business: Staying in Business, 4/21/24, 2 CEUs, non-law
- D. Busting the Myths of Local Advertising for Funeral Homes, 4/22/24, 1 CEU, non-law

National Institute of Funeral Service

Thoughts on Grief, 3/12/24, 2 CEU, non-law

Wilbert Funeral Services, Inc., CE21500018

- A. Introduction to Advanced Reconstructive Surgery Techniques, 6/27/24, 1 CEU, non-law
- B. A Business Case for Diversity, Equity & Inclusion in Your Workplace, 4/18/24, 1 CEU, non-law
- C. Tender Hearts: Nurturing Children & Families Through Grief, 3/21/24, 1 CEU, non-law

IFDA notified the board of proposed legislation regarding cemetery registration requirements. Since the board cannot comment on proposed legislation, they did not provide their opinion.

ADJOURNMENT

The meeting adjourned at 2:17 p.m.