

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
FEBRUARY 6, 2020
INDIANA GOVERNMENT CENTER SOUTH,
CONFERENCE CENTER, ROOM C
402 W WASHINGTON STREET
INDIANAPOLIS, IN 46204**

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Christopher Cooke, 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: Frank Downing, Chairman
Kathleen Matuszak, Vice Chairperson
Thomas Sproles
Christopher Cooke

BOARD MEMBER ABSENT: Roland Cutter

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Jodi Stein, Deputy Attorney General
Zaneta Nunnally, Compliance Director
Courtney Calvert, Compliance Officer

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Sproles/Matuszak
4/0/0

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

ELECTION OF OFFICERS AND COMPLAINT LIAISONS FOR 2020-2021

A motion was made and seconded to nominate and elect Frank Downing as Chairman of the Board for 2020 – 2021

Sproles/Matuszak
4/0/0

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

A motion was made and seconded to nominate and elect Kathleen Matuszak as Vice Chairperson of the Board for 2020-2021.

Sproles/Downing
4/0/0

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

A motion was made and seconded to appoint Thomas Sproles as Liaison to the Office of the Attorney General for funeral matters for 2020 – 2021.

Downing/Cooke
4/0/0

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

Motion carried.

A motion was made and seconded to appoint Katherine Matuszak as Liaison to the Office of the Attorney General for cemetery matters for 2020-2021.

Sproles/Downing
4/0/0

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

ADOPTION OF THE MINUTES OF THE DECEMBER 5, 2019, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes.

Cooke/Matuszak
4/0/0

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

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE

1. Jacob R. Rhodes; Funeral Director Intern

A motion was made and seconded to approve the application.

Matuszak/Cooke
4/0/0

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

2. Emanuel Jones; Funeral Director by Reciprocity

A motion was made and seconded to table the matter because he failed to appear.

Sproles/Matuszak
4/0/0

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

3. Shelbi Kristina Henry, Funeral Director Intern

A motion was made and seconded to approve the application.

Cooke/Matuszak
4/0/0

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

ADMINISTRATIVE HEARINGS

1. Administrative Extension of Summary Suspension Hearing in the matter of Mark A. Ferree, FD20600082, 2019 SBFCS 0011

A motion was made and seconded to extend the summary suspension.

Sproles/Cooke
4/0/0

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

2. Administrative Extension of Summary Suspension Hearing in the matter of Bluiitt & Son by Nathan Bluiitt Jr., Inc., FH10200019 and Nathan Bluiitt, Jr., FD01000386, 2019 SBFCS 0015

A motion was made and seconded to deny the extension of the Summary Suspension and grant the Respondents Petition for Immediate Reinstatement.

Sproles/Cooke
4/0/0

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

3. Administrative Hearing in the matter of Poindexter-McClure Funeral Homes, Inc., FH11200034 & CA21200048, and Dennis R. McClure, FD01029653, 2019 SBFCS 0016

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

Cooke/Matuszak
4/0/0

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

4. Administrative Hearing in the matter of Cameron Vale, FD21200041, 2019 SBFCS 0001

A motion was made and seconded to find Respondent in Default.

Matuszak/Sproles
4/0/0

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

A motion was made and seconded to that the state has proved its case on both charges.

Sproles/Cooke
4/0/0

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

A motion was made and seconded to revoke the license.

Sproles/Matuszak
4/0/0

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

5. Administrative Hearing in the matter of Thomas A. Oswalt, FD21000044, 2015 SBFCS 0038 and 2016 SBFCS 0025

A motion was made and seconded to remove the probation status.

Sproles/Cooke
4/0/0

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

6. Administrative Hearing in the matter of Joe Alexander Browder, Jr., 2019SBFCS 0014

The hearing was continued at Petitioner's request.

7. Administrative Hearing Regarding Motion for Partial Summary Judgment in the matter of Jessen Funeral Home, FH19900057, FB40500016, FB41200011, and Clarence John Jessen, FD29400075

A motion was made and seconded to grant the State's Motion for Summary Judgement regarding Counts 9, and 10.

Cooke/Matuszak

3/0/1

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

Thomas Sproles abstained and was not present for the matter.

Motion carried.

A motion was made and seconded to deny the State's Motion for Summary Judgement regarding Count 8.

Cooke/Matuszak

3/0/1

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

Thomas Sproles abstained and was not present for the matter.

Motion carried.

8. Administrative Summary Suspension Hearing in the matter of Funeral Directors Service d/b/a Russell Funeral Home, FH10900002, Scott Shake, FD29300058, and Gregory Majors, FD08701773, 2020 SBFCS 0003

A motion was made and seconded to grant the Motion for Summary Suspension in the matter of Funeral Directors Service d/b/a Russell Funeral Home, FH10900002.

Sproles/Matuszak

4/0/0

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

Motion carried.

A motion was made and seconded to grant the Motion for Summary Suspension in the matter of Scott Shake, FD29300058.

Matuszak/Cooke

4/0/0

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

Motion carried.

A motion was made and seconded to grant the Motion for Summary Suspension in the matter of Gregory Majors, FD08701773.

Sproles/Matuszak

4/0/0

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

Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report provided.

CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

1. Danny G. Cracknell, FD20800099, 2019 SBFCS 0007

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law, and Order.

Cooke/Matuszak

4/0/0

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

Motion carried.

OBJECTION TO NOTICE OF PROPOSED DISMISSAL

1. Hans P. Schafer, FD01001120, 2019 SBFCS 0012

A motion was made and seconded to dismiss the Notice of Proposed Dismissal and schedule the matter for a telephonic hearing.

Sproles/Matuszak
4/0/0

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

APPLICATION FOR FUNERAL HOME LICENSE AND CERTIFICATE OF AUTHORITY

1. Hess Funeral Home and Cremation Services

Mr. Hess appeared before the board and indicated he purchased the business with the preneed contracts and would fulfill the contracts without restitution from the preneed consumer protection fund.

A motion was made and seconded to approve the applications.

Sproles/Matuszak
4/0/0

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

APPLICATION FOR CERTIFICATE OF AUTHORITY

1. Funeral Directors Service d/b/a Russell Funeral Home, FH10900002

A motion was made and seconded to deny the application due to the fact the funeral home was summarily suspended at this meeting.

Sproles/Cooke
4/0/0

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

RESOLUTION ON DELEGATION OF AUTHORITY

A motion was made and seconded to adopt the Resolution on Delegation of Authority.

Cooke/Matuszak
4/0/0

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

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

1. Burns Funeral Home for Dennis G. Robb
Re: Kraft Funeral and Crematory, Inc., FH10000005 (Revoked)

A motion was made and seconded to approve the request in the amount of \$3747.00 without interest.

Sproles/Cooke
4/0/0

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

Motion carried.

2. Copher-Fesler-May Funeral Home for Jamie Rush
Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve the request in the amount of \$5982.50 plus interest not to exceed the amount of the at-need contract.

Sproles/Matuszak

4/0/0

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

Motion carried.

3. Taylor & Cowan Funeral Home for Ruth Maxine Nantroup
Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve the request in the amount of \$4313.70 plus interest not to exceed the amount of the at-need contract.

Cooke/Sproles

4/0/0

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

Motion carried.

CORRESPONDENCE

1. Gehlbach & Royse Funeral Homes, Inc.; Restitution from the Preneed Consumer Protection Fund

The previous denial is affirmed due to the fact that this is a criminal matter with their past employee and does not fall under the preneed restitution statute.

2. Kenneth King; National Board Examination Requirement

No response.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the report as follows:

COURSES FOR APPROVAL

Brian D. Miller - CE21800097 - Approved

- Mortuary Science Education...Ongoing – 2 CEU
- What you need to know...Ongoing – 2 CEU (Law)

D.O. McCombs & Sons Funeral Homes - CE10800689- Approved

- The sixth stage of grief: Finding meaning...04/15/20 – 5 CEU

Funeral Directors Life Insurance Company – CE21100035- Approved

- How have we changed...Ongoing – 1 CEU
- Why do we have funerals...Ongoing – 1 CEU
- What makes a healing funeral...Ongoing – 1 CEU
- The Challenge of Cremation...Ongoing – 1 CEU

Funeral Service Academy – CE21400012- Approved

- Funeral Services Ethics...Ongoing – 3 CEU

Homesteaders Life Insurance Company - CE10800737- Approved

- A standard for Ethics...Ongoing – 3 CEU
- Life insurance Policy Proceeds...Ongoing – 3 CEU
- Funding Funerals in Advance with Insurance...Ongoing – 3 CEU
- Expectations of the Preneed Insurance Consumer...Ongoing – 3 CEU

ICFSEB - CE20900918- Approved

- Licensure redefined...02/20/2020 - 1 CEU
- District meetings...02/20/2020 – 1 CEU
- Navigating the anti-regulation movement...02/20/2020 – 2 CEU

Indiana State Coroners Training Board - CE21200008- Approved

- 40 Hour Mediological Death Invest. Course...02/05/2020 – 02/09/2020 – 40 CEU

Indiana Select Funeral Director and Morticians Association – CE22000008- Approved

- Law...1/21/2020 – 2 CEU

International Order of the Golden Rule - CE10800865- Approved

- 2020 Young Professionals Event: Shift your mind set, grow your skillset...02/23/20 – 02/24/2020 – 8 CEU
- 2020 Annual conference & solution center...04/19/2020 – 04/21/2020 – 9 CEU

Kate-Boylston Publications- CE21100028- Approved

- Cremation Innovators Summit...09/18/2020 – 5 CEU

Madison County - CE10800768- Approved

- Fetenyl and risks...1/14/2020 - 1 CEU

Porter County Substance Abuse Council - CE21900025- Approved

- Your mental health first aid...Ongoing – 8 CEU

Sproles/Cooke

3/0/1

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

Frank Downing abstained.

Motion carried.

ADJOURNMENT

The meeting was adjourned at 4:30 pm.

Chairman

Date