

BOARD DOCUMENT 09-06

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE
BOARD MEETING
THURSDAY DECEMBER 3, 2009
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET, CONFERENCE CENTER, ROOM A
INDIANAPOLIS, IN 46204**

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

Matthew Drury, Chairman
Theodore Mau, Vice Chairman
Paul St. Pierre
John Gerlach
Samuel Frain
David McComb
Roland Cutter
Corey Ealy, State Board of Health

BOARD MEMBERS ABSENT:

Anne M. Patterson
James Todd

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Christina Wiseley, Assistant Board Director
Kevin McDowell, Deputy Attorney General
Jeanne Tucker, Compliance Officer
Larry Harvey, Compliance Officer

**MINUTES TRANSCRIBED AND
COMPILED BY:**

Tracy Hicks, Board Director

**MINUTE NO. 09-81
CALL TO ORDER**

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

**MINUTE NO. 09-82
ADOPTION OF THE DECEMBER 3, 2009 AGENDA AS AMENDED**

S. Frain moved to adopt the December 3, 2009 agenda as amended. T. Mau seconded the motion. Motion carried.

**MINUTE NO. 09-83
ADOPTION OF THE MINUTES OF OCTOBER 1, 2009 MEETING**

D. McComb moved to adopt the minutes of the October 1, 2009 meeting. S. Frain seconded the motion. Motion carried.

**MINUTE NO. 09-84
ADMINISTRATIVE HEARING IN THE MATTER OF GISZEL O'NEAL, FD20200026 AND CLARK-O'NEAL FUNERAL HOME, FH10400018, SBFCS 06-02**

P. St. Pierre moved to reinstate the licenses of Giszal O'Neal, FD20200026 and Clark-O'Neal Funeral Home, FH10400018, SBFCS 06-02. S. Frain seconded the motion. Motion carried.

**MINUTE NO. 09-85
ADMINISTRATIVE HEARING IN THE MATTER OF MICHAEL T. FIELDS, FD29500031, SBFCS 09-03**

R. Cutter moved to remove probation in the matter of Michael T. Fields, FD29500031, SBFCS 09-03. P. St. Pierre seconded the motion. Motion carried.

**MINUTE NO. 09-86
PERSONAL APPEARANCES**

Edgar Faulkner, Jr. FD01000637, SBFCS 08-01 - P. St. Pierre moved to take no action and continue on the path of reinstatement. S. Frain seconded the motion. Motion carried.

Jeffrey J. Gentry, FD29300086, Application for Renewal of Funeral Director License. R. Cutter moved to approve the application. P. St. Pierre seconded.

**MINUTE NO. 09-87
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER IN THE MATTER OF**

P. St. Pierre moved to accept the Proposed Findings of Fact, Conclusions of Law and Order in the matter of Jerry Titus, FD01009259, SBFCS 08-24. J. Gerlach seconded the motion. Motion carried.

P. St. Pierre moved to accept the Proposed Findings of Fact, Conclusions of Law and Order in the matter of Titus Funeral Home, FH10700022, SBFCS 08-25. J. Gerlach seconded the motion. Motion carried.

**MINUTE NO. 09-88
INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS ANNUAL DUES FOR 2010**

S. Frain moved to approve payment of the International Conference of Funeral Service Examining Boards annual dues from the education fund. P. St. Pierre seconded the motion. Motion carried.

**MINUTE NO. 09-89
VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

J. Gerlach moved to approve restitution of \$395.00 for the opening and closing, \$745.00 for the lawn crypt, and \$995.00 plus interest not to exceed current costs in the matter of John D. Todd for Rosemary Todd regarding Grandview Memorial Gardens. D. McComb seconded the motion. Motion carried.

J. Gerlach moved to approve \$495.00 for the opening & closing, and \$595.00 for lawn crypt plus interest not to exceed current costs in the matter of Donna Carson for Anna Lauderbaugh regarding Grandview Memorial Gardens. J. Gerlach further moved to deny the request for restitution for the date of death ribbon and the tent service. P. St. Pierre seconded the motion. Motion carried.

T. Mau moved to approve restitution of \$695.00 for the lawn crypt plus interest not to exceed current costs in the matter of Dana Smith for Mary L. Smith regarding Grandview Memorial Gardens. P. St. Pierre seconded the motion. Motion carried.

**MINUTE NO. 06-90
CORRESPONDENCE**

Mark R. Fremion, FD01009039, informed the board that he is no longer employed with D.O. McComb & Sons Funeral Home, FH83002097, however D. McComb reported that Mr. Fremion has since returned to D.O. McComb & Sons Funeral Home, FH83002097.

Kenneth D. Whittaker, FD20500020 is no longer employed at Kraft/Royce Generations Funeral Home, FH10000002

Andrew Kendall, FD20200066 is now employed at E. Harper & Son Funeral Home, Inc., FH83005134

**MINUTE NO. 09-91
REVIEW OF APPLICATIONS**

It was the consensus of the board to approve Jones Cemetery Association, Inc., Application for Cemetery Registration now that they have an address for the cemetery.

S. Frain moved to issue a probationary funeral home license, certificate of authority, and cremation authority registration and request that they appear before the board February 4, 2010 along with Inspector, Kathleen Hopper-Parkhurst to explain the findings of the inspection in the matter of Aaron-Ruben-Nelson Mortuary. R. Cutter seconded the motion. Motion carried.

**MINUTE NO. 09-92
REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

P. St. Pierre moved to approve the continuing education sponsors and courses as follows. M. Drury seconded the motion. Motion carried.

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Batesville Casket Company, One Batesville Blvd., Batesville, IN 47006

- Understanding and Meeting the Needs & Challenges of our Changing Families, online, ongoing, 9 ceu
- What is Your GRASP on Cremation Consumers?, online, ongoing, 2 ceu
- Getting a Deeper GRASP on Cremation, online, ongoing, 3 ceu
- Research to Results, online, ongoing, 2 ceu
- Getting to Know the Cremation Consumer – An Initial Action Plan, online, ongoing, 2 ceu
- Using Technology to Create a Meaningful Funeral Experience, online, ongoing, 2 ceu
- Plant Tour and Product Knowledge, online, ongoing, 2 ceu
- Creating Value for Families Through Meaningful Funeral Experiences, online, ongoing, 3 ceu
- Communicating with Families – Making More Effective Arrangements, online, ongoing, 3 ceu
- Professional Arranger Development Program, online, ongoing, 10 ceu
- A Better Way to Assist Today's Value Driven Consumer, online, ongoing, 2 ceu

Elite CME, 1452 North U.S. 1, Suite 100, Ormand Beach, FL 32174

- Religion and the Funeral Director, home study, ongoing, 2 ceu
- Funeral Services: Interpersonal Skills and Communication, home study, ongoing, 3 ceu
- Formaldehyde Monitoring, home study, ongoing, 1 ceu
- Professional Ethics (1), home study, ongoing, 1 ceu
- Professional Ethics (2), home study, ongoing, 2 ceu
- Preneed Sales, home study, ongoing, 3 ceu
- Dealing with Difficult People and Situations, home study, ongoing, 3 ceu
- The Americans with Disabilities Act, home study, ongoing, 3 ceu
- HIV/AIDS – Communicable Disease Education, home study, ongoing, 2 ceu

Funeral CE, P.O. Box 850127, Richardson, TX, 75085-0127

- Pre-Need Planning, online, ongoing, 4 ceu
- Green Funerals: What Every Funeral Director Needs to Know, online, ongoing, 5 ceu
- Funeral Director as an Event Planner, online, ongoing, 5 ceu

Funeral Review.Com, 2201 Dr. MLK Jr. Street North, St. Petersburg, FL 33704

- Graystone Conference 2010, January 2010, 13.75 ceu

Homesteaders Life Company, 5700 Westown Parkway, W. Des Moines, IA 50266

- Ethics in the Preneed Insurance World, June 15, 2010, 6 ceu
- (Preneed) Insurance Company Structure, June 16, 2010, 6 ceu

Indiana Department of Homeland Security, 302 W. Washington Street, E-208, Indianapolis, IN 46204

- This Could Happen in Your County!!! Mass Fatality Seminar, October 21, 2009, 2 ceu

Indiana Organ Procurement Organization, 429 Pennsylvania Street, Suite 201, Indianapolis, IN 46204

- Overview of the Donation Process and Post Mortem Care of the Donor, December 14, 2009, 1 ceu

Selected Independent Funeral Homes, 500 Lake Cook Road, Suite 205, Deerfield, IL 60015

- 2010 NextGen Seminar, January 24-28, 2010, 6 ceu

**MINUTE NO. 09-93
RULES COMMITTEE**

The committee did not meet.

**MINUTE NO. 09-94
ELECTION OF OFFICERS**

S. Frain moved to elect Ted Mau as Chairman of the board for 2010 and 2011. C. Ealy seconded the motion. Motion carried.

M. Drury moved to elect P. St. Pierre as Vice Chairman of the board for 2010 and 2011. J. Gerlach seconded the motion. P. St. Pierre opposed the motion. Motion carried.

D. McComb will serve as the complaint liaison to the Attorney General's Office for cemetery matters and M. Drury will serve as the complaint liaison to the Attorney General's Office for funeral matters for 2010 and 2011.

**MINUTE NO. 09-95
ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 12:45 p.m.

Dated: _____

Matthew Drury,
Chairman

Attest: _____
Tracy Hicks, Board Director