

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
OCTOBER 3, 2019
INDIANA GOVERNMENT CENTER SOUTH, ROOM W064
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: Christopher Cooke, Chairman
Thomas Sproles
Kathleen Matuszak
Roland Cutter

BOARD MEMBERS ABSENT: Frank Downing

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Donald Hannah, Deputy Attorney General
Courtney Calvert, Compliance Officer

BOARD MEMBERS

Kathleen Matuszak was welcomed as a new member of the board serving as a cemetery member to replace Ted Mau who fulfilled his term as a member of the board. The board expressed gratitude to Ted Mau for his twelve years of service to the board and to Donald Alford for his five years of service to the board.

ADOPTION OF THE AGENDA

The agenda was adopted.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

ADOPTION OF THE MINUTES OF THE AUGUST 1 2019, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes.

Cutter/Sproles

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

ADOPTION OF EMERGENCY RULES REGARDING CONVICTIONS OF CONCERN

A motion was made and seconded to adopt the emergency rule.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN AND FUNERAL DIRECTOR LICENSE

1. Jeremy Rakestraw

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

Cutter/Matuszak

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

2. Joe Alexander Browder, Jr.

A motion was made and seconded to deny the application for funeral director license based on the extensive criminal history and the fact that he has not completed his criminal obligation.

Sproles/Matuszak

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

ADMINISTRATIVE HEARINGS

1. Administrative Extension of Summary Suspension Hearing in the matter of Cameron Vale, FD21200041, 2019 SBFCs 0001

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

Sproles/Matuszak

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

2. Administrative Hearing in the matter of Gary S. Hall, FD20700077, 2013 SBFCs 0001

A motion was made and seconded to withdraw probation.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

3. Administrative Hearing in the matter of Debra Claybrooks, FD21500021, 2019 SBFCs 0010

A motion was made and seconded that she must obtain one more Indiana law hour and to lower the fine from \$1000.00 to \$250.00.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

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

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

Matuszak/Sproles

4/0/0

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

Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Report was provided.

REVIEW OF 2017-2018 CONTINUING EDUCATION AUDIT FILE

1. Cynthia Dickmader, FD21500008

A motion was made and seconded to suspend the license due to noncompliance with the Notice of Noncompliance. She failed to provide proof of compliance with the continuing education requirement and pay the fine.

Sproles/Matuszak

4/0/0

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

Motion carried.

2. Hans Schafer, FD01001120

A motion was made and seconded to suspend the license due to noncompliance with the Notice of Noncompliance due to failure to pay the fine.

Matuszak/Sproles

4/0/0

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

Motion carried.

REVIEW OF THE ELECTRONIC PARTICIPATION POLICY

A motion was made and seconded to change the policy to require at least two members of the board be physically present at the meeting to allow electronic participation.

Sproles/Cutter

4/0/0

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

Motion carried.

APPOINTMENT OF VICE CHAIRMAN OF THE BOARD

A motion was made and seconded to appoint Frank Downing as the Vice Chairman of the Board through 2020.

Sproles/Cutter

4/0/0

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

Motion carried.

APPOINTMENT OF CEMETERY OFFICE OF THE ATTORNEY GENERAL COMPLAINT LIAISON

A motion was made and seconded to appoint Kathleen Matuszak.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

CORRESPONDENCE FROM UNITED HERITAGE INSURANCE

Staff will inform them that the board cannot provide any legal advice and they should review our statutes and rules to determine that their practice is in compliance. They may check license status online at pla.in.gov.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

- 1. **Taylor & Cowan Funeral Home, FH11800014 for Joseph Gaiser**
Re: Porter Funeral Home, FH83003637 (Closed)

A motion was made and seconded to grant restitution in the amount of \$4313.70 plus statutory interest.

Sproles/Matuszak

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

- 2. **Gehlbach & Royce Funeral Home, FH83001164 for Barbera J. Clark**
Re: Robert Kraft of Gehlbach & Royce Funeral Home, FH83001164

A motion was made and seconded to deny the request because it is the funeral homes responsibility to fulfill their contract.

Sproles/Matuszak

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

- 3. **Clyde LeMarr for Mary Dixon**
Re: Winklepleck Weesner Funeral Home, FH83000655 (Closed)

A motion was made and seconded to table until the pending litigation is completed.

Matuszak/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

- 4. **Charles McKinney Jr., for Janet McKinney**
Re: Winklepleck Weesner Funeral Home, FH83000655 (Closed)

A motion was made and seconded to table until the pending litigation is completed.

Matuszak/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

5. Young-Nichols Funeral Home, FH83006716 for Clifford Ray Acord
Re: Porter Funeral Home, FH83003637 (Closed)

A motion was made and seconded to grant restitution in the amount of \$1837.00 plus statutory interest.

Sproles/Matuszak

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the report with the following changes;

Sproles/Matuszak

4/0/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

COURSES FOR APPROVAL – No Indiana Law Courses

Batesville – CE10800652 – approved

- Customer Care...Ongoing – 2 CEU
- How to handle phone information seekers...Ongoing – 2 CEU
- Setting A New Standard: The Cremation Arrangement...Ongoing - 2 CEU

The Dodge Company/The Dodge Institute of Advanced Mortuary Studies – CE10800694 – approved (no law)

- 2020 Dodge Technical Seminar...02/03/2020 – 6 CEU
- 2020 Dodge Technical Seminar...02/04/2020 – 3 CEU
- 2020 Dodge Technical Seminar...02/05/2020– 3 CEU

Indiana State Coroner's Board – CE10800754 – approved

- 40-hour medicolegal Death Investigation Course...8/11/19-8/15/19 – 40 CEU

International Cemetery, Cremation & Funeral Assoc. – CE10800756 – approved as requested (no board approval required)

- Crematory Operator & Cremation Arranger Certification Class...12/11/19-12/12/19 – 14 CEU

Madison County F.D.A. – CE10800768 – approved

- Funeral Service Custom for Fallen Nurses...8/20/2019 – 1 CEU
- Burial Vaults – materials, components marketing...Ongoing – 1 CEU

Preferred Funeral Director's International – CE10800804 – approved 10 general no law

- 2019 PFDI Annual Convention...10/11/19-10/15/19 – 10 CEU

Vermillion County FDA – approved

- Embalming the challenged case...11/12/2019 – 2 CEU
- Comprehensive Software to manage your funeral home...11/12/2019 - CEU
- OSHA standards...11/12/2019 – 1 CEU
- Bone & Tissue donation...11/12/2019 – 2 CEU

COURSES FOR APPROVAL – Indiana Law Courses

FuneralCE – CE10800715 – approved

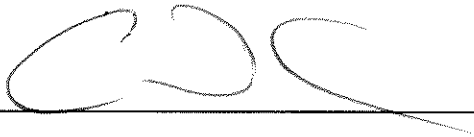
- Cremation Prearrangement Conference Best Practices...Ongoing – 2 CEU (law)

Vermillion County FDA – approved

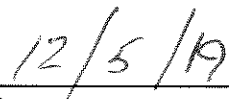
- Indiana practice act...11/12/2019 – 2 CEU (law)

ADJOURNMENT

The meeting was adjourned at 1:10 pm.



Chairman



Date