

STATE BOARD OF FUNERAL AND CEMETERY SERVICE
BOARD MEETING
THURSDAY OCTOBER 6, 2011
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT: Paul St. Pierre, Vice Chairman
Matthew Drury
James Todd
John Gerlach
David McComb
Tasha Smith, State Board of Health

BOARD MEMBERS ABSENT: Theodore Mau, Chairman
Samuel Frain
Roland Cutter
Anne M. Patterson

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Rae Harmon, Assistance Board Director
Kevin McDowell, Deputy Attorney General

**MINUTES TRANSCRIBED AND
COMPILED BY:** Tracy Hicks, Board Director

**MINUTE NO. 11-58
CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by P. St. Pierre, 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. 11-59
ADOPTION OF THE OCTOBER 6, 2011 AGENDA**

M. Drury moved to adopt the October 6, 2011 agenda. J. Todd seconded the motion. Motion carried.

**MINUTE NO. 11-60
ADOPTION OF THE MINUTES OF AUGUST 4, 2011 MEETING OF THE BOARD**

J. Gerlach moved to adopt the minutes of the August 4, 2011 meeting of the board. J. Todd seconded the motion. Motion carried.

MINUTE NO. 11-61

ADMINISTRATIVE HEARING IN THE MATTER OF RICHARD DUANE PYKE, FD08800208, SBFCS 10-06

The State has what is needed to file an administrative complaint and will file prior to the end of the year.

J. Todd moved to extend the summary suspension for 90 days in the matter of Richard Duane Pyke, FD08800208, SBFCS 10-06. D. McComb seconded the motion. Motion carried.

MINUTE NO. 11-62

CONSIDERATION OF RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER AND OBJECTION TO THE RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

K. McDowell indicated there was an attempt to engage a member of the board through ex parte communication by Terry L. Warner, FD20400086, SBFCS 11-01. The board member did not respond to Mr. Warner. K. McDowell will send a letter to Mr. Warner informing him that he may not correspond with board members and in doing so is classified as a misdemeanor.

J. Todd moved to affirm the Recommended Findings of Fact, Conclusions of Law and Order in the matter of Terry L. Warner, FD20400086, SBFCS 11-01. P. St. Pierre seconded the motion. Motion carried.

MINUTE NO. 11-63

CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR LICENSE

M. Drury moved to deny the application for funeral director license in the matter of Glenn Newnum pursuant to 832 IAC 3-2-1. J. Todd seconded the motion. Motion carried.

MINUTE NO. 11-64

CONSIDERATION OF APPLICATION FOR RENEWAL OF FUNERAL DIRECTOR LICENSE

M. Drury moved to require William J. Hisle, FD29300041 obtain thirty (30) hours of continuing education above and beyond what he has already taken. Only 15 hours may be from online sources. J. Todd seconded the motion. Motion carried.

MINUTE NO. 11-65

REVIEW OF PRENEED FILES FROM WAGNER & HUGHES FUNERAL HOME

P. St. Pierre has reviewed the preneed files from Wagner & Hughes Funeral Home, FH19900037, There were several funding avenues used. There were a few McMullen preneed files included. K. McDowell will draft a letter to send to the financial institution to verify payment, etc. on the CDs. P. St. Pierre will have a report ready for the December 2011 meeting.

J. Todd will bring the files he has in his possession to the December meeting to add to the files P. St. Pierre will report on.

MINUTE NO. 11-66

VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

- A. **Bryon Heath Center for Betty Joyce Burns**
Re: Northeast Indiana Cremation Society, CR30000006
- B. **Leroy Omo Jr. for Leroy Omo Sr.**
Re: Northeast Indiana Cremation Society, CR30000006
- C. **Kathleen Forte and Janet Vawter for Emma Olsen Hobbs**
Re: McMullan Funeral Home, FH83007194
- D. **Steinke Funeral Home for Garnita Webb**
Re: Lang Funeral Home, FH19300014
- E. **Steinke Funeral Home for Margaret Allen**
Re: Lang Funeral Home, FH19300014
- F. **William Gatheridge for Rowena Gatheridge**

Re: R.D. Pyke Funeral Home, FH89200005
G. Debra McClure for James William Brunson
Re: Kellogg Funeral Home, FH83004170

The requests for restitution are tabled the complaints for further review.

MINUTE NO. 11-67

REPORT FROM CURTIS ROSTAD, IFDA, REGARDING HIS MEETING WITH THE KENTUCKY FUNERAL BOARD REGARDING RECIPROCITY

Several states attending the meeting to discuss this matter. It was agreed upon that the following will be considered for possible legislative changes.

- Make removal
- Return to Indiana for purpose of funeral
- Return to Indiana for purpose of gravesite services

This will be a revenue positive bill. The language should be sufficient for the Dept. of Health requirements also. Have a Senate sponsor for the bill, looking for one in the House. IFDA will need the support of IPLA.

MINUTE NO. 11-68

RULES DISCUSSION

Curt Rostad indicated the definition of inducement needs to be amended. He also suggested that rules be amended, if possible, to restrict the use of cremation chambers solely to human remains. Kevin will determine if this can be done through rule promulgation rather than through legislation and report back to the board. If it can be done through rule promulgation he will draft recommended language. He will also look at 6-1-3.

Alkaline Hydrolysis – IFDA is drafting legislative language to have ready in case it is introduced as proposed legislation so that they will have language ready to present to prevent bad language from prevailing. They will copy the cremation act and insert Alkaline Hydrolysis where cremation appears so it will be a separate Act.

MINUTE NO. 11-69

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED

M. Drury moved to approve the Continuing Education as follows. J. Todd seconded the motion. Motion carried.

MINUTE NO. 11-70

APPOINTMENT OF LEGISLATIVE COMMITTEE

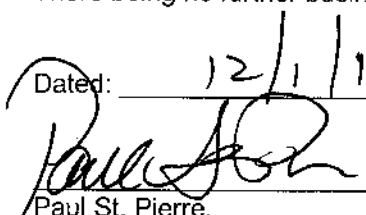
The matter was discussed and it was determined that a committee be appointed at a later time.

MINUTE NO. 11-71

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 12:30 p.m.

Dated: 12/1/11



Paul St. Pierre,
Chairman

Attest: Tracy Hicks

Tracy Hicks, Board Director