

**BOARD DOCUMENT 10-08**

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE  
BOARD MEETING  
THURSDAY DECEMBER 2, 2010  
INDIANA GOVERNMENT CENTER SOUTH  
CONFERENCE CENTER, ROOM #1  
402 W WASHINGTON STREET  
INDIANAPOLIS, IN 46204**

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:** Theodore Mau, Chairman  
James Todd  
Matthew Drury  
Samuel Frain  
John Gerlach  
Erin Kellam, State Board of Health

**BOARD MEMBER ABSENT:** Paul St. Pierre, Vice Chairman  
David McComb  
Anne M. Patterson  
Roland Cutter

**STATE OFFICIALS PRESENT:** Tracy Hicks, Board Director  
Christina Wiseley, Assistant Board Director  
Kevin McDowell, Deputy Attorney General  
Larry Harvey, Compliance Director  
Jeanne Tucker, Compliance Officer

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

**MINUTE NO. 10-82  
CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by T. Mau, 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. 10-83  
ADOPTION OF THE DECEMBER 2, 2010 AGENDA**

S. Frain moved to adopt the December 2, 2010 agenda. E. Kellam seconded the motion. Motion carried.

**MINUTE NO. 10-84  
ADOPTION OF THE MINUTES OF OCTOBER 7, 2010 MEETING OF THE BOARD**

J. Gerlach moved to adopt the minutes of the October 7, 2010 meeting of the board. M. Drury seconded the motion. Motion carried.

**MINUTE NO. 10-85  
ADMINISTRATIVE HEARING IN THE MATTER OF RICHARD DUANE PYKE, FD08800208, SBFCS 10-06**

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

**MINUTE NO. 10-86**

**ADMINISTRATIVE HEARING IN THE MATTER OF EUGENE WAGNER, FD29600119, SBFCS 10-05**

Respondent moved to dismiss the case in the matter of Eugene Wagner, FD29600119, SBFCS 10-05. The motion is tabled until the next meeting because there is no quorum to act on the motion. The matter will be continued until February 3, 2010.

**MINUTE NO. 10-87**

**KENTUCKY BOARD OF EMBALMERS AND FUNERAL DIRECTORS PRESENTATION REGARDING RETRIEVALS ACROSS STATE LINES**

The Kentucky board would like to start dialog about an agreement between the two boards to allow licensed funeral directors to cross the state line for the purpose of restricted courtesies such as retrievals and to oversee internment. If the Indiana board is receptive, further meetings will be scheduled to discuss the matter along with the Kentucky and Indiana funeral director association. They now have an agreement with West Virginia to allow this. The Kentucky board will forward specific information to Tracy Hicks for further consideration.

**MINUTE NO. 10-88**

**REVIEW OF APPLICATIONS**

J. Todd moved to table the application for funeral director license pending passing the national examination in the matter of Dennis Davis. M. Drury seconded the motion. Motion carried.

S. Frain moved to approve the funeral director license application in the matter of Nicholas Fogarty. E. Kellam seconded the motion. Motion carried.

**MINUTE NO. 10-89**

**VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

- A. Midwest Funeral Home & Cremation Society for James E. McQueen, Sr.**  
Re: Northeast Indiana Cremation Society, CR30000006
- B. Midwest Funeral Home & Cremation Society for Margaret E. Osborn**  
Re: Northeast Indiana Cremation Society, CR30000006
- C. Midwest Funeral Home & Cremation Society for George I. Martin**  
Re: Northeast Indiana Cremation Society, CR30000006
- D. Midwest Funeral Home & Cremation Society for Marc D. Pape re: Phyllis I. Pape**  
Re: Northeast Indiana Cremation Society, CR30000006
- E. Midwest Funeral Home & Cremation Society for Mary Catherine Eakin**  
Re: Northeast Indiana Cremation Society, CR30000006

The board suggested Midwest Funeral Home & Cremation Society send a copy of the letter they sent to the consumers that held contracts with Northeast Indiana Cremation Society along with a bigger picture of how the Midwest Funeral Home & Cremation Society preneed contracts came into their possession.

J. Todd moved to request Larry Williams attend the next meeting to answer questions regarding the preneed files. M. Drury seconded the motion. Motion carried.

- F. Steinke Funeral Home for Bethal L. Kendall**  
Re: Robert Lang, FD08600644, revoked  
Lang Funeral Home, FH19300014, revoked

J. Gerlach moved to approve the request in the amount of \$5095.50 plus interest. J. Todd seconded the motion. Motion carried.

**MINUTE NO. 10-90  
REVIEW OF THE CONSUMER PROTECTION FUNDS**

J. Gerlach moved that notice will be sent that cemeteries do not have to pay into the fund for contracts sold in 2011. S. Frain seconded the motion. Motion carried.

J. Gerlach moved that the board continue to collect for the preneed consumer protection fund. J. Todd seconded the motion. M. Drury opposed. Motion carried.

**MINUTE NO. 10-91  
CORRESPONDENCE**

A. Andy Rumph, Spring Valley Funeral and Cremation Service is offering to take possession of the preneed files for closed funeral homes Paul V. Shrader Funeral Home, FH83005037, and R.D. Pyke Funeral Home, FH89200005, for the purpose of determining accuracy, funding, and face amount. Mr. Rumph will report his findings to the board. It was the determination of the board that the preneed contracts need to be surrendered to the board since he did not buy the business.

J. Todd and T. Mau have volunteered to pick up the files from both funeral homes from Mr. Rumph. S. Frain moved that regarding the Henryville location to allow J. Todd to retrieve the files and to inform Mr. Adams that he is not to send a letter to the consumers. M. Drury seconded the motion. Motion carried.

B. Ferguson Lee Funeral Home, 118 E. Main Street, Jasonville, IN 47438, FB409000002 is closed.

C. D.O. McComb reported the following.

Maplewood Park, FH83002136:

Add: Bob Jesch, FD01021354

Remove: Kristopher Hardiman, FD20100003

Pine Valley Park, FH19500009

Add: Mark Shrader, FD09200006

Remove: Walter A. McComb, FD01031771

Covington Knolls, FH19900042

Add: Mark Fremion, FD01009039,

Remove: Douglas M. McComb, FD0101897 and Jerry Titus, FD01009259

Foster Park, FH83007932

Add Britton Claghorn, FD20800053

Remove: Gary Oursler, FD01016288 and Kathleen Fox, FD09000021

Mungovan & Sons, FH83002110

Add Gary Oursler, FD01016288

Remove: Kathleen Fox, FD09000021

D. Colleen W. Watson, FD20600010, is no longer affiliated with Harry W. Moore Funeral Care of Indiana, FH10200003 and Indiana Funeral Care, FB40600024.

E. Sara Thompson, FI21000050, and Joey Coomer, FD210000007, are affiliated with Harry W. Moore Funeral Care of Indiana, FH10200003 and Indiana Funeral Care, FB40600024.

F. Win Tackett, FD29600036 is the qualifying licensee for Harry W. Moore Funeral Care of Indiana, FH10200003 and Indiana Funeral Care, FB40600024

G. Lisa Heath, FI2100032 is now working at Robert Loose Funeral Home, FH83000215.

H. Ferguson-Lee, Inc., Cox Chapel, FB40900002, is closed effective November 1, 2010.

- I. James W. Snider, FD01008415, transferred from N.F. Chance Funeral Home to Shirley Brothers, FH10100017.
- J. The International Conference of Funeral Service Examining Boards reported that they will not be renewing their membership with the American Board of Funeral Service Education.
- K. Mercy Carrasco, Corporate Counsel for SCI Management, representing Kraft Funeral Service notifies the board of possible litigation against Newcomer Funeral Home due to alleged misleading advertising practices.
- L. Ronald R. Bartlett, FD01005239, is no longer employed at Shirley Brothers Mortuaries and is now working for Strawmyer & Drury Mortuary, FH10900012.

**MINUTE NO. 10-92**

**REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

S. Frain moved to approve the following providers and courses. J. Todd seconded the motion. Motion carried.

**APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION**

**FuneralDirectorCEUs.com, Box 8723, Victoria, BC V8W 3s3**

- Telephone Etiquette & Best Practices for Funeral Homes, ongoing, 3 ceu

**NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS**

**Dodge Chemical Co., 165 Cambridge Park Drive, Cambridge, MA 02140**

- Dodge Managerial Seminar, February 7-8, 2011, 10 ceu
- Dodge technical Seminar, February 7-8, 2011, 10 ceu

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

- OSHA Practice Standards for Funeral Professionals, online, ongoing, 4 ceu
- Managing Grief – A guide for the Funeral Professional, online, ongoing, 5 ceu

**Funeral Review.com, 2201 Dr. ML King St. North, St. Pete, FL 33704**

- What Every Funeral Director & Cemeterian Should Know About Cremation, online, ongoing, 4ceu

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

- Preneed Insurance Product Design, ongoing, 6 ceu
- Insurance Ethics, ongoing, 6 ceu

**International Cemetery, Cremation, & Funeral Association, 107 Carpenter Dr. Suite 100, Sterling, VA 20164**

- ICCFA Wide World of Sales Conference, January 12-14, 2010, 9 ceu

**Ivy Tech Community College, 410 E. Columbus Drive, East Chicago, IN 46312**

- How to Plan for a More Personalized Celebration of Life, February 10, 2011, 1 ceu

**Ohio Funeral Directors Association District 1, 225 East High Street, Bryan, OH 43505**

- Trigard & Matthews Bronze Product Update, October 27, 2010, 2 ceu
- It's About the Future... Yours!, November 17, 2010, 2 ceu

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

- Selected Independent Funeral Homes 2011 Next Gen Seminar, January 23-27, 2011, 6 ceu

**Terre Haute Wilbert Vault Co., 509 E. Preston Street, Terre Haute, IN 47802**

- How Families Make Buying Decisions, ongoing, 1 ceu

**MINUTE NO. 10-93  
RULES DISCUSSION**

The board decided to schedule a rules committee meeting December 15, 2010 at 10:00 a.m. at IFDA office.

**MINUTE NO. 10-94  
ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 2:00 p.m.

Dated: 12-10-11

Theodore E. Mau IV

Theodore Mau,  
Chairman

Attest: Tracy Hicks  
Tracy Hicks, Board Director