

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
THURSDAY DECEMBER 5, 2013
INDIANA GOVERNMENT CENTER SOUTH
302 W WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204**

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.

BOARD MEMBERS PRESENT: Paul St. Pierre, Chairman
Matthew Drury
James Todd
Samuel Frain
David McComb
John Gerlach
Anne M. Patterson
David Baize

BOARD MEMBERS ABSENT: Theodore Mau
Roland Cutter

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

ADOPTION OF THE AGENDA

The agenda was adopted as amended.

Frain/Gerlach
8/0/0
Motion carried.

ADOPTION OF THE MINUTES OF OCTOBER 3, 2013 MEETING AND EXECUTIVE SESSION OF THE BOARD

The minutes of the October 3, 2013 meeting and executive session of the board were adopted.

Gerlach/Todd
8/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written and verbal report provided. J. Gerlach requested cemetery complaints be separated from the funeral complaints. Amanda Elizondo will inquire to determine if they can be separated.

ADMINISTRATIVE HEARING IN THE MATTER OF DEBRA S. HALL, FD29700017, SBFCS 13-22

A motion was made and seconded to hold the Respondent in default.

Frain/Patterson
8/0/0
Motion carried.

A motion was made and seconded to revoke the license.

Frain/Todd
8/0/0
Motion carried.

A motion was made and seconded to impose a fine of \$1000 for each of the three violations along with costs of the proceedings.

Todd/Frain
8/0/0
Motion carried.

Consideration of Notice of Proposed Dismissal Order

1. John Dohrn, FD20000325, SBFCS 13-21

A motion was made and seconded to issue a Dismissal Order

Drury/Baize
8/0/0
Motion carried.

Personal Appearance for Activation

1. M. Darin Beeker, FD09000001

A motion was made and seconded to activate the license.

Patterson/Todd
1/3/2
Motion failed.

A motion was made and seconded to impose a fine of \$4000.00 prior to activation of the license. With no second, the motion failed.

A motion was made and seconded to impose a fine of \$1000.00 to activate the license.

Todd/Drury
4/2/0
Motion carried.

2. Tyler Austin Troxell, FD20700054

A motion was made and seconded to impose a fine of \$1000.00 to activate the license.

Todd/Drury
5/0/1
Motion carried.

3. Robert Gholar, FD29600067

A motion was made and seconded to impose a fine of \$1000.00 to activate the license.

Frain/Todd
5/0/1
Motion carried.

4. Samuel Smith, Jr., FD01019692

A motion was made and seconded to impose a fine of \$4000.00 to activate the license.

Frain/Todd
3/2/1
Motion carried.

5. Scotty Wessel, FD20400008

A motion was made and seconded to impose a fine of \$1000.00 to activate the license.

FrainTodd
5/0/1
Motion carried.

Personal Appearance for Renewal

1. Luther Ray Kirklin, FD1537, Expired 12/31/74

A motion was made and seconded to approve renewal pending completion of ten hours of continuing education, with only five via distance learning allowed, and passing the state examination.

Frain/Drury
4/1/2
Motion carried.

Discussion of Funeral Service OSHA/Bloodborne Pathogens course with Stericycle

It was determined that funeral director continuing education requirement allows OSHA courses to comply with the funeral director renewal requirement as long as the hours are in addition to the requirements indicated in 832 IAC 4-1-2(8).

Findings of Fact, Conclusions of Law, and Order

1. Steinke Funeral Homes, Inc. vs. State Board of Funeral and Cemetery Service

A motion was made and seconded to approve restitution in compliance with the court order in this matter.

Drury/Gerlach
6/0/0
Motion carried.

Application for Funeral Director Intern License

1. Lisa Marie Ford

It was the consensus of the board to table the matter and require a personal appearance.

Application for Funeral Director Courtesy Card

1. Robert A. Grevious

It was the consensus of the board to table the matter and require a personal appearance to explain the circumstances surrounding the suspension of his Kentucky funeral director license.

Consideration of Payment of International Conference of Funeral Service Examining Boards 2014 Membership Dues from the Education Fund; \$250.00

A motion was made and seconded to approve payment from the education fund.

Frain/Drury
6/0/2
Motion carried.

Review of Preneed Consumer Protection Fund Balance

A motion was made and seconded to suspend payment for sales made in the calendar year 2014 for renewal of certificate of authority March 1, 2015.

Gerlach/McComb
6/0/0
Motion carried.

Review of Consumer Protection Fund for Cemetery Maintenance

A motion was made and seconded to suspend payment for sales in the calendar year 2013.

Frain/Patterson
6/0/0
Motion carried.

Sullivan Superior Court Order Issued in the Matter of Hugh Russell Hunt, FD29800076, SBFCS 13-13 and Cindy Mullis, FD20200005, SBFCS 13-16

The Sullivan Superior Court issued an order granting the Petition and ordering the Board to set aside the orders requiring Hugh Russell Hunt, FD29800076, and Cindy Mullis, FD20200005, to suspend the licenses, complete another 5 hours of non-distance learning continuing education, and pay the \$1,000 fine.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Mike Paxton for Ray Allan Paxton

Re: Yuill Shoemaker Funeral Home, FH83000508 (Closed)

A motion was made and seconded to approve the request.

Gerlach/Patterson
6/0/0
Motion carried.

B. Ina R. Anstett for Minnie Frances Tarter

Re: Yuill Shoemaker Funeral Home, FH83000508 (Closed)

A motion was made and seconded to approve the request.

Gerlach/Drury
6/0/0
Motion carried.

- C. Carol A. Lindley for Dorothy D. Lindley**
Re: Hall Funeral Home, FH10000108 (Closed)

A motion was made and seconded to approve the request.

Gerlach/Drury
6/0/0
Motion carried.

- D. Connie L. Kiser for Kenneth D. Kiser**
Re: Northeast Indiana Cremation Society, CR30000006 (Closed)

A motion was made and seconded to deny the request due to lack of proof of payment.

Gerlach/Frain
6/0/0
Motion carried.

- E. James M. Whitlock for Mildred Marie Whitlock**
Re: Northeast Indiana Cremation Society, CR30000006 (Closed)

A motion was made and seconded to approve the request.

Gerlach/Drury
6/0/0
Motion carried.

- F. Paul E. Newport, II for Jacqueline J. Macdermott**
Re: Northeast Indiana Cremation Society, CR30000006 (Closed)

A motion was made and seconded to deny the request due to lack of proof of payment or cost of goods and services.

Gerlach/Drury
8/0/0
Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the following courses.

Drury/Frain
4/0/2
Motion carried.

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Akron Concrete Products, Inc., CE10800616

- Cremation Law, Ongoing, 1 ceu
- Cemetery Law, Ongoing, 1 ceu

Batesville Casket Company, CE10800652

- Communicating with Families, Ongoing, 3 ceu

- Getting to Know the Cremation Consumer, Ongoing, 2 ceu
- Acting on Cremation Challenges Together, Ongoing, 2 ceu
- Research to Results, Ongoing, 2 ceu
- A Better Way to Assist Today's Value Driven Consumer, Ongoing, 2 ceu
- Googled....The Internet: My Friend and Occasional Enemy, Ongoing, 2 ceu
- Using E-Business to Create a Meaningful Funeral Experience, Ongoing, 2 ceu
- The Zero Turn Lawnmower and Your Funeral Home Website, Ongoing, 2 ceu
- Plant Tour and Product Knowledge, Ongoing, 2 ceu
- Creating Value for Families Through Meaningful Funeral Experiences, Ongoing, 3 ceu
- Understanding and Meeting the Needs and Challenges of Our Changing Families, 9 ceu

Cremation Association of North America, CE21200016

- Crematory Operations Certification Program, January 17, 2014, February 4, 2014, May 11, 2014, May 16, 2014, August 5, 2014, November 11, 2014, 6 ceu

D.O. McComb and Sons Funeral Homes, CE10800689

- Exploring the Value and Function of Grief Symptoms "The Companionship" Helping Role", April 23, 2014, 5 ceu

FuneralContinuingEducation.com, CE21300012

- Perinatal Bereavement and Memorialization, Ongoing, 2 ceu
- The Sociology of Death, Ongoing, 2 ceu
- Restorative Art and Modern Techniques, Ongoing, 3 ceu

Homesteaders Life Company, CE10800737

- Insurance Ethics in Funeral Prefunding, June 17, October 7 & 21, 2014, 6 ceu
- Insurance Funding Issues, June 18, October 8 & 22, 2014, 6 ceu

International Cemetery, Cremation & Funeral Association, CE10800864

- Certified Celebrant Training, January 13 – 15, 2014, 9 ceu

Sexton Wilbert Corp, CE10800647

- Vital, Relevant, and Profitable for the future, January 15, 2014, 1 ceu
- Moisture Considerations, January 15, 2014, 1 ceu
- Helping Families Make Good Decisions, January 15, 2014, 1 ceu

Stericycle, CE10800825

- Bloodborne Pathogens, Ongoing, 1 ceu
- Hazard Communication Awareness, Ongoing, 1 ceu
- Biohazardous Waste Segregation, Ongoing, 1 ceu
- DOT Hazardous Material, Ongoing, 1 ceu

The Dodge Company, CE10800649

- The 2014 Dodge Seminar, February 3-7, 2014, 20 ceu

The International Conference of Funeral Service Examining Boards, CE20900918

- Annual Convention, February 26-27, 2014, 12 ceu

ELECTION OF OFFICERS AND COMPLAINT LIAISONS FOR 2014 - 2015

A motion was made and seconded to nominate D. McComb as Chairman and S. Frain as Vice Chairman for 2014 - 2015.

Drury/Gerlach
6/0/0
Motion carried.

A motion was made and seconded to elect D. McComb as Chairman and S. Frain as Vice Chairman for 2014 - 2015.

Drury/Gerlach
6/0/0
Motion carried.

A motion was made and seconded to appoint J. Todd as the complaint liaison for funeral matters and J. Gerlach as liaison for cemetery matters.

McComb/Drury
6/0/0
Motion carried.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 1:30 p.m.