

STATE BOARD OF FUNERAL AND CEMETERY SERVICE
BOARD MEETING
THURSDAY AUGUST 2, 2012
INDIANA GOVERNMENT CENTER SOUTH
302 W WASHINGTON STREET, W064
INDIANAPOLIS, IN 46204

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT: Paul St. Pierre, Chairman
Samuel Frain
James Todd
Theodore Mau
Matthew Drury
John Gerlach
Roland Cutter
Erin Kellam, State Department of Health

BOARD MEMBER ABSENT: David McComb, Vice Chairman
Anne M. Patterson

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

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

**MINUTE NO. 12-58
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. 12-59
ADOPTION OF THE AUGUST 2, 2012 AGENDA**

E. Kellam moved to adopt the August 2, 2012 agenda as amended. M. Drury seconded the motion. Motion carried.

**MINUTE NO. 12-60
ADOPTION OF THE MINUTES OF MAY 31, 2012 MEETING OF THE BOARD**

E. Kellam moved to adopt the minutes of the May 31, 2012 meeting of the board as amended. M. Drury seconded the motion. Motion carried.

**MINUTE NO. 12-61
OFFICE OF THE ATTORNEY GENERAL REPORT**

The board reviewed the Office of the Attorney General report of the number of complaints processed as of August 1, 2012. There are 42 open complaints. 48 complaints that have been closed in 2012.

MINUTE NO. 12-62

CONSIDERATION OF APPLICATIONS FOR RENEWAL OF FUNERAL DIRECTOR LICENSE

S. Frain moved to approve the application, accept up to 30 hours of education from his college, 30 hours from funeral CE providers, 15 of which should be in live courses, then pass the examination for funeral director license in the matter of Thomas G. Sims, FD29600076. M. Drury seconded the motion. Motion carried.

J. Todd moved to approve the application for funeral director license based on the continuing education provided in the matter of Chris Kaczmarek, FD20000357. E. Kellam seconded the motion. Motion carried.

S. Frain moved to deny the application for funeral director license in the matter of David Cook, FD01005263 based on the fact that he did not comply with the 2009 directive. Motion failed for lack of a second. Motion failed.

E. Kellam moved to approve the application with continuing education submitted. R. Cutter seconded the motion. S. Frain opposed. J. Todd abstained. Motion carried.

MINUTE NO. 12-63

CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR LICENSE BY RECIPROCITY

S. Frain moved to deny the application due to failure to hold an active license in another jurisdiction in the matter of Wayne E. Tago. M. Drury seconded the motion. Motion carried.

MINUTE NO. 12-64

CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE

M. Drury moved to approve the license on indefinite probation with no right to request removal of probation until released from criminal probation in the matter of Nicholas Harris Henson. E. Kellam seconded the motion. Motion carried.

MINUTE NO. 12-65

DISCUSSION REGARDING IC 25-1-7-5(B)(1), COPIES OF CONSUMER COMPLAINTS HAVING MERIT SHALL BE SUBMITTED TO THE BOARD

Gabrielle Owens told the board that the liaison can request a copy of the complaint if they would like to see it. Indicated they do not have enough time to scan and send the complaints to the liaison. M. Drury indicates that he is satisfied with what he has been receiving. E. Kellam and S. Frain expressed that the statute indicates the complaint shall be sent to the board

MINUTE NO. 12-66

DISCUSSION REGARDING WHETHER OR NOT FUNERAL DIRECTOR INTERNS MUST MAINTAIN AN ACTIVE LICENSE PRIOR TO SITTING FOR THE FUNERAL DIRECTOR EXAMINATION AFTER COMPLETING THEIR ONE YEAR EXPERIENCE REQUIREMENT.

S. Frain moved to require an active intern license to sit for the funeral director examination. Motion failed do to a lack of a second. It was determined that the board has no authority to make a determination without rule promulgation. The agency has required an active license in the past so it will continue to do so until rules can be promulgated.

MINUTE NO. 12-67

JERRY MAGUIRE APPEARED BEFORE THE BOARD REGARDING THE DENIED VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

MINUTE NO. 12-68

VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Chapman Funeral Home for Don Hodges

Re: Pyke Calloway Funeral Service, FH10100011 (Expired)

J. Todd moved to approve the complaint in the amount of the contract plus statutory interest. J. Gerlach seconded the motion. Motion carried.

B. Carol Sue Belcher-Vest for Charles S. Vest

Re: R.D. Pyke Funeral Home, FH89200005 (Closed)

J. Todd moved to deny due to the fact that the contract was fulfilled as written. The extra money paid is not included in the funeral goods and services contract. J. Gerlach seconded the motion. Motion carried.

MINUTE NO. 12-69

NATHAN BUTLER FUNERAL HOME PRENEED FILES

P. St. Pierre reported that he completed the review of the Nathan Butler Funeral Home preneed files. He has determined which appear to be funded. He has contacted five funeral homes in the county that Nathan Butler Funeral Home was located in to ask if they would be willing to accept both funded and non-funded files. He explained that the funeral homes would be required to determine if the contracts were actually funded and to notify the purchasers that they have their file and they may transfer to another seller. He asked for guidance as to whether the board should include branches of a few of the five funeral homes he contacted in the mix of assigning the contracts. It was the consensus of the board to appoint the files to the five funeral homes rather than include the branches. The successor sellers are McClanahan-Lee Funeral Home, Welch & Cornett Funeral Home, Anderson-Poindexter Memorial Chapel, Cox Funeral Home, and Lester Jenkins & Sons Funeral Home, Inc. The board has set the precedent in the past that unfunded contracts may be paid out of the preneed consumer protection fund so the funeral homes that are assigned unfunded contracts may file a verified complaint requesting restitution from the preneed consumer protection fund. P. St. Pierre indicated that he should have the assignments ready for the next board meeting.

MINUTE NO. 12-70

CORRESPONDENCE

A. Andy Rumph sold Metro Mortuary Service, FH11200003. The location is now licensed as Albertson's Metro Mortuary Service, FH11200030 and CA21200041

B. Eric Austin has been named manager of Floral Part Funeral Center for Flanner and Buchanan

C. Costin Funeral Chapel, Inc., reporting current officers of the corporation

MINUTE NO. 12-71

PRENEED CONSUMER PROTECTION FUND BALANCE

The balance of the preneed consumer protection fund is \$511,105.98.

The report needs to show the amount that was taken out of the fund so that the Board may correctly conduct their annual review of the fund from this point forward.

The board has been diligent in attempting to follow the statute regarding collecting payments in regard to the preneed consumer protection fund. The board consensus was to contact the Office of Management and Budget to ask them how they should consider the amount taken from the fund for deposit into the General Fund in determining if the board should require payment into the fund for preneed contracts sold in the calendar year 2012.

MINUTE NO. 12-72

LEGISLATIVE MEETING

P. St. Pierre reported that he met with agency deputy director Lisa Bentley, the Indiana Funeral Directors Association, Indiana Cemetery Association to discuss present and future legislation. New legislation included

funeral training in the military and military spouses would suffice for the board's education requirement and electronic participation in board meetings will be allowed after the board adopts a policy. Future legislation may include Alkaline Hydrolysis, Require insurance companies to allow funeral directors to check the validity of a policy, and adding selling preneed without a certificate of authority to the cease and desist statute.

MINUTE NO. 12-73

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED

M. Drury moved to deny E.C. Nurre Funeral Homes, Inc.'s request for approval of "Holiday Help Program" and approve the Continuing Education as follows. S. Frain seconded the motion. Motion carried.

APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Funeral Divas, Inc., 2900 Grays Ferry Avenue, Philadelphia, PA 19146

- The Grand Finale, November 7, 2012, 1 ceu
- 25 Habits of Highly Successful People, November 7, 2012, 1 ceu
- Cremation Phone Shoppers – How do you respond, November 7, 2012, 1 ceu
- We Don't Want a Funeral – We Want Cremation, November 7, 2012, 2 ceu
- Re-Evaluating our Profession, November 7, 2012, 1 ceu
- Mastery of Embalming: The Value of Modern Embalming, November 8, 2012, 2 ceu
- Understanding Jewish Funeral Customs, November 8, 2012, 2 ceu
- Social Media More than a Hash tag, November 8, 2012, 2 ceu
- Marketing & Social Media- Red Queens & Dinosaurs-Adapting with Purpose, November 8, 2012, 2 ceu
- OSHA Guidelines for Safety in the Funeral Home Emergency Action & Medical Recorders Plan, November 8, 2012, 2 ceu
- Customer Service, November 8, 2012, 2 ceu
- Social Media Friend or Foe to Funeral Service, November 8, 2012, 2 ceu

Genesis Casket, 3011 N. Franklin Road, Indianapolis, IN, 46226

- Cars & Caskets, Ongoing, 1 ceu
- Presenting & Merchandising Caskets, Ongoing, 1 ceu

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

American Academy McAllister Institute of Funeral Service, Inc., CE21000942

- Past, Present & Future Trends in Funeral Service, Ongoing, 2 ceu
- Attracting & Serving Today's Connected Consumers, Ongoing, 2 ceu
- Forensic Anthropology Morbidity & Mortality, Ongoing, 2 ceu

Cremation Association of North America

- 94th Annual CANA Convention, August 15-18, 2012, 12 ceu

Fountain National Academy of Professional Embalming Skills

- Advanced II Post Mortem Reconstructive Surgery, May 18-22, 2012, 30 ceu

Funeral CE

- Handling the Obese Case: What Every Funeral Director Should Know, Ongoing, 5 ceu

International Cemetery, Cremation and Funeral Association

- ICCFA Fall Management Conference, October 17-19, 2012, 8 ceu

- 2nd Annual PLPA College, September 23-25, 12 ceu

International Order of the Golden Rule

- Creating a Great Payment Policy, September 27, 2012, 1 ceu
- Managing Your Funeral Home's Online Presence, October 25, 2012, 1 ceu
- Succession Planning, November 15, 2012 1 ceu

Minnick Services

- Methods of Disposition in our Evolving Marketplace, October 2-3, 2012, 4 ceu

Selected Independent Funeral Homes

- 2012 Annual Meeting, September 19-22, 2012, 11 ceu

MINUTE NO. 12-74

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 1:25 p.m.

Dated: 12-6-12

Paul St. Pierre
Paul St. Pierre,
Chairman

Attest: Tracy Hicks
Tracy Hicks, Board Director