

BOARD DOCUMENT 12-02

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE
BOARD MEETING
THURSDAY APRIL 12, 2012
INDIANA GOVERNMENT CENTER SOUTH
302 W WASHINGTON STREET, CC 17
INDIANAPOLIS, IN 46204**

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

Paul St. Pierre, Chairman
David McComb, Vice Chairman
Samuel Frain
Theodore Mau, Chairman
Matthew Drury
John Gerlach
Anne M. Patterson
Roland Cutter
Tasha Smith, State Department of Health

BOARD MEMBER ABSENT:

James Todd

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Rae Harman, Assistant Board Director
Kevin McDowell, Deputy Attorney General

**MINUTES TRANSCRIBED AND
COMPILED BY:**

Tracy Hicks, Board Director

**MINUTE NO. 12-20
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. 12-21
ADOPTION OF THE APRIL 12, 2012 AGENDA**

S. Frain moved to adopt the April 12, 2012 agenda as amended. R. Cutter seconded the motion. Motion carried.

**MINUTE NO. 12-22
ADOPTION OF THE MINUTES OF FEBRUARY 9, 2012 MEETING OF THE BOARD**

J. Gerlach moved to adopt the minutes of the February 9, 2012 meeting of the board. M. Drury seconded the motion. Motion carried.

MINUTE NO. 12-23

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

The Administrative hearing in the matter of Richard Duane Pyke, FD08800208, SBFCS 10-06 was continued.

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

MINUTE NO. 12-24

ADMINISTRATIVE HEARING IN THE MATTER OF JEFFREY NATHAN SACHS, FD29800086, SBFCS 11-13

Administrative hearing in the matter of Jeffrey Nathan Sachs, FD29800086, SBFCS 11-13.

S. Frain moved to issue a Notice of Proposed Default. A. Patterson seconded the motion. Motion carried,

MINUTE NO. 12-25

CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A. Patterson moved to accept the Proposed Findings of Fact, Conclusions of Law and Order in the matter of David Franklin, FD29400043, SBFCS 11-14. R. Cutter seconded the motion. Motion carried.

MINUTE NO. 12-26

CONSIDERATION OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

M. Drury moved to accept the Proposed Findings of Fact, Conclusions of Law and Order in the matter of Glenn Newnum. R. Cutter seconded the motion. Motion carried.

MINUTE NO. 12-27

CONSIDERATION OF APPLICATIONS FOR FUNERAL DIRECTOR LICENSE

S. Frain moved to table the application for funeral director license pending personal appearance and clarification regarding her convictions in the matter of Cynthia Stevens. M. Drury seconded the motion. Motion carried.

S. Frain moved to approve the application for funeral director license in the matter of Michael J. Orrico. A. Patterson seconded the motion. Motion carried.

MINUTE NO. 12-28

CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE

S. Frain moved to approve the application for funeral director intern license in the matter of Kendall D. Frank. M. Drury seconded the motion. Motion carried.

MINUTE NO. 12-29

DISCUSSION REGARDING THE BOARD'S MOTION TO FILE FOR CEASE AND DESIST IN THE MATTER OF BARRY SCALES

Medicaid does not accept the end of life trust from FDLIC as a preneed contact. Since FDLIC trust is not in Indiana and there is no contract for goods and services, this would not comply with the preneed act.

The board requested that Deputy Attorney General Amber Swartzell inform the investigator that S. Frain has additional information for the request for cease and desist.

MINUTE NO. 12-30

DISCUSSION OF FUNERAL SERVICE EDUCATION FUND FOR INSPECTION/AUDIT PURPOSES

D. McComb moved to approve up to \$20,000.00 funds to hire a retired inspector to conduct random audits of preneed accounts. T. Mau seconded the motion. Motion carried. That person would be required to know the preneed act and board members will assist in training.

**MINUTE NO. 12-31
DISCUSSION OF COURTESY CARD LEGISLATION**

S. Frain moved to approve the proposed courtesy card fee of \$150.00 and the courtesy card application draft. M. Drury seconded the motion. Motion carried.

**MINUTE NO. 12-32
DISCUSSION OF CREMATION AUTHORITY REGISTRATION/ANNUAL REPORT FORM AND NEW NOTIFICATION OF EMPLOYMENT FORM**

S. Frain moved to approve the changes to State Form 501044, Cremation Authority Registration/Annual Report. T. Mau seconded the motion. Motion carried. The board requested to see the amended form prior to submitting it to Forms Management.

**MINUTE NO. 12-33
OFFICE OF THE ATTORNEY GENERAL REPORT**

The board reviewed the report of the number of complaints processed from the Office of the Attorney General as of February 29, 2012. There are 39 open complaints and 34 complaints that have been closed as of April 5, 2012 this year. There are 8 open litigation files for 2012.

**MINUTE NO. 12-34
VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

- A. Steinke Funeral Home for Margaret Allen**
Re: Lang Funeral Home, FH19300014 (Revoked)

It was the consensus of the board to table the request for personal appearance to discuss the matter of whether or not Steinke Funeral Home purchased the Lang Funeral Home business.

- B. Steinke Funeral Home for Garnita Webb**
Re: Lang Funeral Home, FH19300014 (Revoked)

It was the consensus of the board to table the request for personal appearance to discuss the matter of whether or not Steinke Funeral Home purchased the Lang Funeral Home business.

- C. Patsy Quisenberry for Catherine R. Ellison**
Re: Kellogg Funeral Home, FH83004170 (Revoked)

T. Mau moved to approve the request plus interest not to exceed the cost of the at need contract. R. Cutter seconded the motion. Motion carried.

- D. Debra McClure for James William Brunson**
Re: Kellogg Funeral Home, FH83004170 (Revoked)

T. Mau moved to approve the request plus interest not to exceed the cost of the at need contract. R. Cutter seconded the motion. Motion carried.

- E. Flinn & Maguire Funeral Home for Marie Walker**
Re: Vandivier-Parsley Funeral Home, FH83002283 (Closed)

T. Mau moved to deny the request due to the fact that the funeral home has no current certificate of authority and they failed to provide proof of payment such as a copy of a cancelled check. J. Gerlach seconded the motion. Motion carried.

F. Karen Campbell for James Sigma

Re: Pyke Funeral Home, FH89200005 (Closed)

T. Mau moved to approve the request plus interest not to exceed the cost of the at need contract. J. Gerlach seconded the motion. Motion carried.

G. Ann Harbeson for Martha Harbeson

Re: Pyke Funeral Home, FH89200005 (Closed)

J. Gerlach moved to approve the request plus interest not to exceed the cost of the at need contract. T. Mau seconded the motion. Motion carried.

H. Sally Knickerbocker for Daniel Kantlehner

Re: Pyke Funeral Home, FH10100011 (Closed)

T. Mau moved to approve the request plus interest not to exceed the cost of the at need contract. D. McComb seconded the motion. Motion carried.

I. Candace L. Drake for Magdalene Hancock

Re: Yuill-Shoemaker Funeral Home, FH83000508 (Closed)

R. Cutter moved to approve the request plus interest not to exceed the cost of the at need contract. D. McComb seconded the motion. Motion carried.

**MINUTE NO. 12-35
CORRESPONDENCE**

A. David Hillegonds regarding signing a funeral director intern's case report prior to becoming licensed in Indiana

B. Mark Feree, FD20600082 will be replacing Dan Meaher, FD01001675 as manager of N.F. Chance Funeral home, FH83003205

C. Bruce R. Myers, FD01001918 is no longer employed at D.O. McComb & Sons, Inc., FH83002097. He is employed at DeMoney-Grimes Countryside Park Funeral Home, FH83001033

D. Flanner and Buchanan Funeral Centers has hired John D. Almond, FD01009429, Lisa Heath, FD21100021, David Carmony, FD01016628. Emanuel C. Smith, FD20100006 will be managing director of the Lawrence location. Kevin Zurchin, FD08700133 is no longer employed by Flanner and Buchanan Funeral Centers.

E. Robert Morgan Jr., FD20200068, replaced Joseph McGhee, FD21100029 as manager of Forest Lawn Funeral Home, FH11000034

F. Ott/Haverstock Funeral Chapel, FH88800023, reports new corporate officers

G. Neal's Funeral Home, FH89000003, reported becoming an LLC

**MINUTE NO. 12-36
PRENEED CONSUMER PROTECTION FUND BALANCE**

The balance of the preneed consumer protection fund is \$548,951.16.

**MINUTE NO. 12-37
REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

M. Drury moved to approve the Continuing Education as follows. S. Frain seconded the motion. Motion carried.

APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Cremation Association of North America, 499 Northgate Parkway, Wheeling, IL 60090

- Crematory Operators Certification Program, July 13, 2012, 6 ceu
- Crematory Operators Certification Program, September 21, 2012, 6 ceu
- Crematory Operators Certification Program, October 6, 2012, 6 ceu

Newcomer Funeral Service Group, 520 SW 27th Street, Topeka, KS 66611

- Values to Action: Skill sets for the funeral home & families we serve, April 26, 2012, 4 ceu

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

FuneralDirectorCEUs.com

- Reconstructive Techniques for Severe Trauma and Decomposition, September 13, 2012, 3 ceu

International Order of the Golden Rule

- Annual Conference: Connections 2012, April 20-21, 2012, 9 ceu

National Funeral Directors & Morticians Association, Inc.

- Introduction to Ergonomics, April 30, 2012, 1 ceu
- Organ & Tissue Donation, April 30, 2012, 1 ceu
- The Arrangement Conference, April 30, 2012, 2 ceu

Dressing & Casketing Using the Full Couch Casket, May 1, 2012, 1 ceu

MINUTE NO. 12-38

DISCUSSION OF TRANSITION OF EMPLOYEMENT FORM

Board approved the form.

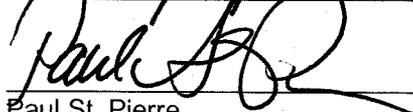
MINUTE NO. 12-39

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 1:00 p.m.

Dated

May 31, 2012



Paul St. Pierre,
Chairman

Attest:

Tracy Hicks

Tracy Hicks, Board Director