

DRAFT

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
OCTOBER 7, 2021**

Via Telephone Conference Pursuant to Executive Order 20-09

Access the meeting online or via telephone at:

[https://IndianaEnhanced.Webex.com/join/PLAWebex
1.240.454.0887, Access Code 610915440](https://IndianaEnhanced.Webex.com/join/PLAWebex1.240.454.0887)

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Frank Downing, 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:

Frank Downing, Chairman
Kathleen Matuszak, Vice Chairperson
Thomas Sproles
Christopher Cooke

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Colette Ritter, Assistant Board Director
Clarence Leatherbury, Deputy Attorney General

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Cooke/Matuszak
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

ADOPTION OF THE MINUTES FROM THE AUGUST 5, 2021, MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the August 5, 2021, meeting.

Cooke/ Matuszak
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written report provided

ADMINISTRATIVE HEARINGS

1. Administrative Hearing in the matter of Michael W. Owens, FD01001780, 2021 SBFCS 0015 and Owens Funeral Home, FH10100033, 2021 SBFCS 0016

A motion was made and seconded to dismiss the case because the Township Trustee had no legal authority to advise the consumer not to sign any documents from the funeral home.

Sproles/ Cooke
3/0/1

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Abstaining: Frank Downing
Motion carried.

2. Administrative Hearing in the matter of Flowers-Leedy Funeral Home Inc., FH83005493 CA09200003, 2021 SBFCS 0017

A motion was made and seconded that the State proved its case and to place the license on indefinite probation with no right to petition for removal of probation for a period of one year, impose a fine of \$1000 per violation for a total of \$2000, and impose the \$5.00 fee to the health records and personal identifying information protection trust fund.

Sproles/Cooke

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Abstaining: Frank Downing

Motion carried.

Petitioner's Motion to Dismiss with Prejudice

1. Dawn E. Fisher, FD21300066, 2020 SBFCS 0006

A motion was made and seconded to dismiss the matter with prejudice.

Sproles/Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

Personal Appearance for Compliance of Findings of Fact, Conclusions of Law and Order

1. Jessen Funeral Home, FH19900057, FB40500016, FB41200011, and Clarence John Jessen, FD29400075, 2018 SBFCS 0006

Respondent appeared in person and presented proof of compliance.

Consideration of Proposed Settlement Agreement

1. Shad Briles, FD09200070, 2021 SBFCS 0012

A motion was made and seconded to accept the proposed settlement agreement.

Cooke/Matuszak

3/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, and Christopher Cooke

Abstaining: Thomas Sproles

Motion carried.

Consideration of Petitioner's Motion to Consolidate Actions

1. Siler Funeral Service, FH10400004 CA20700034, 2021 SBFCS 0019 and Stephen P. Siler, FD08900022, 2021 SBFCS 0020

A motion was made and seconded to consolidate the matters.

Sproles/Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

Application for Funeral Director License

1. Trevor Bradley

A motion was made and seconded to deny the application for a funeral director license pursuant to IC 25-1-11-19 due to the following: The record indicates that Trevor Bradley's Indiana funeral director license was

originally revoked on June 20, 2014, for not reporting a forgery conviction. Bradley indicated on his October 5, 2021, funeral director application that he had been convicted of a crime. However, he failed to provide a sworn affidavit, including all related details of the Corrupt Business Influence criminal conviction under cause number 49G02-1303-FC-020298 and the Theft conviction under cause number 49G05-9209-CF-119027, and copies of all relevant court documents as required by the application. Further, at the October 7, 2021, hearing, he stated to the Board that all his court cost had been paid, but under cause number 49G02-1303-FC-020298 in a document titled "Order on Discharge of Probation" filed October 16, 2016, the record indicates he had a balance of \$21,293.01 in unpaid restitution. Court records also show under cause number 49G05-9209-CF-119027 that he may have an outstanding balance of \$32,401.00 in restitution but no documentation was provided to the Board in the application or at the hearing regarding the status of that judgment. Bradley's testimony to the Board on October 7, 2021, also indicated he has been practicing in an Indiana licensed funeral home by referring families to the funeral home and meeting with the family and the funeral director from the funeral home. Bradley indicated he was paid for his services by the funeral home based on the amount of the funeral, between \$200.00 and \$2000.00, and received a 1099 form. Bradley also stated to the Board at the October 7, 2021, hearing that he is not married, but according to IPLA staff, he indicated to a staff member on a telephone conversation that he was married to Lisa Brown, who's the individual listed on the Application for Funeral Home License received by the Board on September 16, 2021. The primary responsibility of the board members is to act in the health, safety, and welfare of the public, and as a result, the Board has decided not to grant your application.

Sproles/Matuszak
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

Consideration of Application for Funeral Home License

1. Brown and Bradley Funeral Home, 2361 Broad Ripple Ave., Indianapolis

A motion was made and seconded to deny the application for a funeral home license pursuant to IC 25-1-11-19 due to the following: The record indicates that Trevor Bradley's Indiana funeral director license was originally revoked on June 20, 2014, for not reporting a forgery conviction. Bradley indicated on his October 5, 2021, funeral director application that he had been convicted of a crime. However, he failed to provide a sworn affidavit, including all related details of the Corrupt Business Influence criminal conviction under cause number 49G02-1303-FC-020298 and the Theft conviction under cause number 49G05-9209-CF-119027, and copies of all relevant court documents as required by the application. Further, at the October 7, 2021, hearing, he stated to the Board that all his court cost had been paid, but under cause number 49G02-1303-FC-020298 in a document titled "Order on Discharge of Probation" filed October 16, 2016, the record indicates he had a balance of \$21,293.01 in unpaid restitution. Court records also show under cause number 49G05-9209-CF-119027 that he may have an outstanding balance of \$32,401.00 in restitution but no documentation was provided to the Board in the application or at the hearing regarding the status of that judgment. Bradley's testimony to the Board on October 7, 2021, also indicated he has been practicing in an Indiana licensed funeral home by referring families to the funeral home and meeting with the family and the funeral director from the funeral home. Bradley indicated he was paid for his services by the funeral home based on the amount of the funeral, between \$200.00 and \$2000.00, and received a 1099 form. Bradley also stated to the Board at the October 7, 2021, hearing that he is not married, but according to IPLA staff, he indicated to a staff member on a telephone conversation that he was married to Lisa Brown, who's the individual listed on the Application for Funeral Home License received by the Board on September 16, 2021. The primary responsibility of the board members is to act in the health, safety, and welfare of the public, and as a result, the Board has decided not to grant your application.

Matuszak/Sproles
4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

2. Jessen & Keller Funeral Homes, 729 N. US Hwy 31, Whiteland

A motion was made and seconded to table the application pending a personal appearance by Mr. Keller to explain the structure of the ownership change and to determine what role, if any, Clarence Jessen will have in the ownership of the funeral home.

Cooke/Sproles

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

Consideration of a New Board Member Electronic Meeting Policy

A motion was made and seconded to require at least one (1) board member physically present at an in-person meeting and three (3) must vote to constitute a quorum.

Sproles/Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

Consideration of Payment of International Conference of Funeral Service Examining Boards 2021 Membership Dues from the Funeral Education Fund; \$250.00

A motion was made and seconded to approve payment from the Funeral Education Fund to continue to receive funeral director intern examination scores.

Cooke/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Young-Nichols Funeral Home for Jean Alice Banta

Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve payment in the amount of \$6967.25 plus statutory interest not to exceed \$7987.75

Sproles/ Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

B. Young-Nichols Funeral Home for Opal D. Lundy

Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve payment in the amount of \$1556.00 plus statutory interest not to exceed \$2519.25.

Sproles/ Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

C. Vicky Clark for Wanda L. Utterback

Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to table the request pending a copy of the at-need contract.

Sproles/Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the following CE report.

Matuszak/ Sproles

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

COURSES FOR APPROVAL

Wilbert Funeral Services, Inc- CE21500018

1. The Three Omegas, Interment, Inummment & Entombment – 10.7.2021 – 1 CEU
2. Embalming the Jaundice Case- 10.21.2021- 1 CEU

International Order of the Golden Rule – CE10800865

1. 2021 OGR Leadership Summit –9.21.2021 – 3.0 CEU Virtual, this will replace the in-person option that was approved at the last board meeting.

KAVOD – CE21600017

1. Effectively Recruiting and Retaining Top Talent: Challenges Facing Funeral Service Employers and Solutions for Effectively Meeting Workforce Demands
10.18.2021 – 2 CEU

Indiana State Coroners Training Board -CE21200008

1. 40- Hour Medicolegal Death Investigation Training – 9.6.2021 – 9.12.2021 – 40 CEU

Flanner Buchanan Funeral Center – CE21800040

1. Open Casket Viewing Tech Seminar – 10.7.2021 - 2 CEU
2. Open Casket Viewing Tech Seminar – 10.28.2021 – 2 CEU

Selected Independent Funeral Homes – CE108000819

1. Connecting with Your Community During and After Covid – 11.30.2021 – 1 CEU
2. Building Blocks for a Successful Funeral Business – 11.30.2021 – 1 CEU
3. Marketing and Technology Panel Forum: Your Best Marketing Plan Starts Here – 11.30.2021 – 1 CEU
4. Shifting to an Outward Mindset – 11.30.2021 – 1 CEU

Madison County Funeral Directors Association – CE10800843

1. Death Scene Professionals, Practice and Protocols - 8.17.2021- 1 CEU
2. Honor Guard Protocol for Fallen Law Enforcement – Rites and Ceremonies – 10.5.2021 – 1CEU

NEW COURSE PROVIDER REQUEST

Zebra Credit Inc.

1. Cyber Security and the Bereavement – On Going - 1 CEU
2. Senior Clients: Dealing with Death – On Going - 1 CEU
3. Social Media Guidelines – On Going - 1 CEU
4. Time Management – On Going - 1 CEU

ADJOURNMENT

The meeting was adjourned at 12:12 pm

Chairman

Date