

STATE BOARD OF FUNERAL AND CEMETERY SERVICE
BOARD MEETING
THURSDAY DECEMBER 1, 2011
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204

MINUTES OF THE MEETING

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

BOARD MEMBER ABSENT: Anne M. Patterson

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

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

**MINUTE NO. 11-72
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. 11-73
ADOPTION OF THE DECEMBER 1, 2011 AGENDA**

S. Frain moved to adopt the December 1, 2011 agenda. P. St. Pierre seconded the motion. Motion carried.

**MINUTE NO. 11-74
ADOPTION OF THE MINUTES OF OCTOBER 6, 2011 MEETING OF THE BOARD**

J. Gerlach moved to adopt the minutes of the October 6, 2011 meeting of the board. R. Cutter seconded the motion. Motion carried.

MINUTE NO. 11-75

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

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

MINUTE NO. 11-76

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

S. Frain moved to issue a Notice of Proposed Default in the matter of Jeffrey Nathan Sachs, FD29800086, SBFCS 11-13. J. Todd seconded the motion. Motion carried.

S. Frain moved to institute IC 25-15-8-2, IC 25-1-11-5(a)(3), and IC 25-1-11-12 in Count I of the complaint rather than what is indicated. D. McComb seconded the motion. Motion carried.

MINUTE NO. 11-77

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

S. Frain moved to accept the change of statute in paragraph 1 to indicate IC 25-1-11-5 (a)(3) and IC 30-2-13-33 and change in statute in paragraph 2 to indicate IC 25-1-11-18 in the Recommended Findings of Fact, Conclusions of Law and Order in the matter of David Culberson, FD01001594, SBFCS 11-12. D. McComb seconded the motion. Motion carried.

M. Drury moved to reject the Recommended Findings of Fact, Conclusions of Law and Order in the matter of David Culberson, FD01001594, SBFCS 11-12. S. Frain seconded the motion. Motion carried.

MINUTE NO. 11-78

INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS 2012 ANNUAL DUES

M. Drury moved to approve payment for the 2012 International Conference of Funeral Service Examining Boards Annual Dues from the funeral education fund in the amount of \$250.00. P. St. Pierre seconded the motion. Motion carried.

MINUTE NO. 11-79

CONSIDERATION OF APPLICATION FOR RENEWAL OF FUNERAL DIRECTOR LICENSE

S. Frain moved to require Michael J. Clark, FD29800056 obtain twenty (20) hours of continuing education above and beyond what he has already taken. Only 10 hours may be from online sources. E. Kellam seconded the motion. Motion carried.

MINUTE NO. 11-80

CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR LICENSE

P. St. Pierre moved to approve the application for funeral director license in the matter of Marsha J. Winn. J. Todd seconded the motion. Motion carried.

MINUTE NO. 11-81

CONSIDERATION OF APPLICATIONS FOR FUNERAL DIRECTOR INTERN LICENSE

J. Todd moved to approve the application for funeral director intern license in the matter of Tina L. Arellanes. M. Drury seconded the motion. Motion carried.

P. St. Pierre moved to approve the application for funeral director intern license in the matter of Karolee Ann Gregerson. J. Todd seconded the motion. Motion carried.

**MINUTE NO. 11-82
VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER
PROTECTION FUND**

- A. Bryon Heath Center for Betty Joyce Burns**
Re: Northeast Indiana Cremation Society, CR30000006

J. Gerlach moved to approve the request. T. Mau seconded the motion. Motion carried.

- B. Leroy Omo Jr. for Leroy Omo Sr.**
Re: Northeast Indiana Cremation Society, CR30000006

J. Gerlach moved to approve the request. P. St. Pierre seconded the motion. Motion carried.

- C. Kathleen Forte and Janet Vawter for Emma Olsen Hobbs**
Re: McMullan Funeral Home, FH83007194

J. Gerlach moved to approve the request. P. St. Pierre seconded the motion. Motion carried.

- D. Steinke Funeral Home for Garnita Webb**
Re: Lang Funeral Home, FH19300014

- E. Steinke Funeral Home for Margaret Allen**
Re: Lang Funeral Home, FH19300014

S. Frain moved to table pending proof of payment and clarification of the statement that Steinke bought the business as indicted on the form. The board would like to know if they bought the business or just the building. P. St. Pierre seconded the motion. Motion carried.

- F. William Gatheridge for Rowena Gatheridge**
Re: R.D. Pyke Funeral Home, FH89200005

J. Todd moved to table pending proof of payment. J. Todd indicated he has the file in his office will bring it to the next board meeting. P. St. Pierre seconded the motion. Motion carried.

- G. Debra McClure for James William Brunson**
Re: Kellogg Funeral Home, FH83004170

S. Frain moved to table pending proof of payment. P. St. Pierre seconded the motion. Motion carried.

**MINUTE NO. 11-83
MIDWEST CREMATION SOCIETY, CR30800004**

The board demanded that Midwest Cremation Society, CR30800004, cease using the telephone number that was previously utilized by the former Northeast Indiana Cremation Society. The use of the telephone number leads the public to believe that Northeast Indiana Cremation Society is now Midwest Cremation Society.

**MINUTE NO. 11-84
GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW
JUDGE**

P. St. Pierre moved to grant the petition for review and appoint S. Frain as the Administrative Law Judge in the matter of Glenn Newnum. E. Kellam seconded the motion. Motion carried.

**MINUTE NO. 11-85
RULES DISCUSSION**

R. Cutter moved to approve the proposed rule draft with the amendments to 832 IAC 7-2-6 regarding duplicate contracts and 832 IAC 7-2-13 regarding unlawful inducement. M. Drury seconded the motion. Motion carried.

**MINUTE NO. 11-86
REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

M. Drury moved to approve the Continuing Education as follows. R. Cutter seconded the motion. Motion carried.

APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Chamberlain-Huckriede Funeral Home, 920 North Cable Road, Lima, OH 45805

- Deodorization-Neutralizing Odor, November 17, 2011, 2 ceu
- Dayton National Cemetery, November 17, 2011, 2 ceu
- Retirement Planning For Funeral Directors, November 17, 2011, 2 ceu
- Funeral Service Issues/Haiti Earthquake Response, November 17, 2011, 2 ceu
- New Opportunities For Funeral Service Stationary and Merchandising, November 17, 2011, 2 ceu

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Batesville Casket Company

- A Better Way to Assist Today's Value Driven Consumer, Ongoing, 2 ceu
- The Zero Turn LawnMower and Your Website, Ongoing, 2 ceu
- "Googled... The Internet: My Frequent Friend and Occasional Enemy", Ongoing, 2 ceu
- Research to Results – Unlocking the Value of Funeral Services and Products, Ongoing, 2 ceu
- "Communicating with Families – Making More Effective Arrangements", Ongoing, 3 ceu
- Remaining Bullish in a Bear Market – Assisting The Value-Driven Consumer, Ongoing, 2 ceu
- "Acting On Cremation Challenges Together, ACT By Options", Ongoing, 2 ceu
- Seven Secrets Families Don't Share, Ongoing, 3 ceu
- Plant Tour and Product Knowledge, Ongoing, 2 ceu
- Creating Value for Families Through Meaningful Funeral Experiences, Ongoing, 3 ceu
- Getting to Know the Cremation Consumer – An Initial Action Plan, Ongoing, 2 ceu
- Using E-Business to Create a Meaningful Funeral Experiences, Ongoing, 2 ceu
- Understanding and Meeting the Needs and Challenges of Our Changing Families, Ongoing, 9 ceu

Homesteaders Life Company

- Making Ethical Insurance Decisions, June 12, September 25, and October 23, 2012, 6 ceu
- Insurance Operations and Administration, June 13, September 26, and October 24, 2012, 6 ceu

**MINUTE NO. 11-87
APPOINTMENT OF LEGISLATIVE COMMITTEE**

P. St. Pierre moved to appoint S. Frain and J. Gerlach to the legislative committee. M. Drury seconded the motion. Motion carried. The board views the committee as a conduit to the Indiana Funeral Directors Association to give input and support of legislative matters so that the association may lobby for proposed legislation.

MINUTE NO. 11-88

REVIEW OF THE PRENEED CONSUMER PROTECTION FUND AND THE CONSUMER PROTECTION FUND FOR CEMETERY MAINTENANCE

J. Gerlach moved to continue collecting money for the preneed consumer protection fund due to the fact that the fund balance is less than \$2,500,000.00. M. Drury seconded the motion. Motion carried.

J. Gerlach moved to suspend collection of money for the consumer protection fund for cemetery maintenance due to the fact that balance is more than \$250,000.00. M. Drury seconded the motion. Motion carried.

MINUTE NO. 11-89

ELECTION OF OFFICERS AND COMPLAINT LIAISONS FOR 2012 & 2013

S. Frain moved to nominate P. St. Pierre as Chairman for 2012 and 2013. T. Mau seconded the motion. Motion carried.

S. Frain moved to elect P. St. Pierre as Chairman for 2012 and 2013. T. Mau seconded the motion. Motion carried.

M. Drury moved to nominate D. McComb as Vice Chairman for 2012 and 2013. J. Gerlach seconded the motion. Motion carried.

M. Drury moved to elect D. McComb as Vice Chairman for 2012 and 2013. J. Gerlach seconded the motion. Motion carried.

T. Mau moved to appoint J. Gerlach as the cemetery complaint liaison to the Office of the Attorney General. P. St. Pierre seconded the motion. Motion carried.

P. St. Pierre moved to appoint M. Drury as the funeral complaint liaison to the Office of the Attorney General. S. Frain seconded the motion. Motion carried.

MINUTE NO. 11-90

OFFICE OF THE ATTORNEY GENERAL REPORT

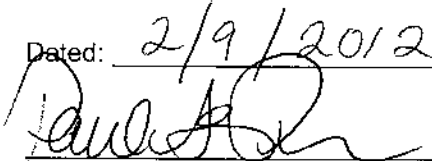
The board reviewed the report of complaints from the Office of the Attorney General. It was the consensus of the board to request that the board liaison be more involved in the complaint review process and to request Gabrielle Owens, Consumer Protection Division Director, attend the February 9, 2012 board meeting to discuss the complaint process. Deputy Attorney William Lawson will express the board's concern and invitation to Gabrielle Owens.

MINUTE NO. 11-91

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 1:35 p.m.

Dated: 2/9/2012



Paul St. Pierre,
Chairman

Attest: 

Rae Harman, Assistant Board Director