

STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
February 2, 2023, at 9:00 a.m.
Indiana Government Center South
402 West Washington Street, Room W064, Indianapolis, Indiana

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Kathleen Matuszak, 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: Kathleen Matuszak, Chairperson
Thomas Sproles, Vice Chairman
Frank Downing
Christopher Cooke

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Marianna Kassenbrock, Assistant Board Director
Clarence Leatherbury, Deputy Attorney General

ADOPTION OF THE AGENDA

Cooke/Sproles

4/0/0

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

Motion carried.

ADOPTION OF THE MINUTES FROM THE DECEMBER 1, 2022, MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes.

Cooke/Downing

4/0/0

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

Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written and verbal report provided.

CONSIDERATION OF MOTION FOR RECONSIDERATION AND TO STAY THE FINAL ORDER DATED DECEMBER 5, 2022, OPPOSITION TO RESPONDENT'S MOTION FOR RECONSIDERATION AND TO STAY, AND VERIFIED REPLY BRIEF IN SUPPORT OF MOTION FOR RECONSIDERATION AND TO STAY

1. Ellis Funeral Home, LLC, FH11500004 & CA21500028, 2022SBFCS0006

A motion was made and seconded to deny respondents motion for reconsideration and stay.

Sproles/Downing

4/0/0

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

Motion carried.

ADMINISTRATIVE HEARINGS

1. Jon McDonald, FD09200024 & McDonald Funeral Home Inc., FH19900043, 2020 SBFCS 0004

A motion was made and seconded to remove the probation status.

Sproles/Cook

4/0/0

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

2. Charles DeWayne Rox, FD20900039, 2021 SBFCS 0007

A motion was made and seconded to remove probation once the \$5.00 Health Records and Identifying Information Protection Trust Fund fee is paid.

Cooke/Downing

4/0/0

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

3. Culberson Funeral Home, FH83002762, CA09100426, 2021 SBFCS 0009

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Downing/Cooke

4/0/0

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

4. Richard L. Culberson, FD01004283, 2021 SBFCS 0010

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Downing/Cooke

4/0/0

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

5. Shad Briles, FD09200070, 2021 SBFCS 0012

A motion was made and seconded to withdraw probation status.

Sproles/Cooke

4/0/0

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

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL

1. Logan Alloway, FD22200002

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until completion of the criminal obligation or one year, whichever is furthest, to require completion of the IFDA Crash Course, and to report any other criminal offence.

Sproles/Downing

4/0/0

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

2. Casey Gumberts Quinn, FD21200015

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until completion of the criminal obligation or one year, whichever is furthest, to require completion of the IFDA Crash Course, and to report any other criminal offence.

Sproles/Cooke

4/0/0

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

3. Jackson Jones, FD22100008

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until completion of the criminal obligation or one year, whichever is furthest, to require completion of the IFDA Crash Course, and to report any other criminal offence.

Sproles/Cooke

4/0/0

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

4. Jay Prewitt, FD20400053

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until completion of the criminal obligation or one year, whichever is furthest, to require completion of the IFDA Crash Course, and to report any other criminal offence.

Sproles/Cooke

4/0/0

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

5. Jacob Rhodes, FD22100007

A motion was made and seconded to require a quarterly report on how he is doing from his funeral home employer, require his funeral home employer to sign the final order and return a copy to IPLA, require two personal appearances per year, no driving in the course of practice as a funeral director, indefinite probation with no right to petition for removal until the criminal matter is complete, notify IPLA of the outcome of the last criminal case, and require completion of the IFDA crash course.

Sproles/Cooke

4/0/0

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

6. Emily Stalker, FD21900035

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until completion of the criminal obligation or one year, whichever is furthest, to require completion of the IFDA Crash Course, and to report any other criminal offence.

Sproles/Cooke

4/0/0

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

7. Jacob Stout, FD22000014

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until completion of the criminal obligation or one year, whichever is furthest, to require completion of the IFDA Crash Course, and to report any other criminal offence.

Sproles/Cooke

4/0/0

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

8. Edmond Drake, FC31500085

A motion was made and seconded to renew pending verification his KY license is active under no restriction.

Sproles/Cooke

4/0/0

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

PERSONAL APPEARANCE REGARDING OWNERSHIP AND MANAGING FUNERAL DIRECTOR

1. Siler Funeral Service, FH10400004

Mrs. Siler will apply for a new funeral home license after the passing of her husband and owner of Siler Funeral Service.

PERSONAL APPEARANCE FOR COMPLIANCE WITH FINAL ORDER ACCEPTING PROPOSED SETTLEMENT AGREEMENT

1. Stuart Mortuary, FH83003514 & Mara Stuart, FD01022538, 2020 SBFCS 0002

Mara Stuart appeared and answered questions from the board.

CONSIDERATION OF PROPOSED SETTLEMENT

1. Albertson's Metro Mortuary Services, FH11200030, CA21200041 & Tamara Albertson, FD20700093, 2022 SBFCS 0023

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

Downing/Cooke

3/0/1

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

2. Ellers Mortuary-Sunset Memory Garden Chapel and Sunset Memory Garden Cemetery, FH89200003 & CA20300010, 2021 SBFCS 0018

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

Downing/Cooke

3/0/1

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

VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

1. Vernon Christian Jr. for Billie Jean Christian
Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve the request in the amount of \$7996.00 plus statutory interest.

Sproles/Cooke

4/0/0

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

IPLA COMPLIANCE DIVISION REPORT.

Courtney Calvert provided a written and verbal report to the board.

DISCUSSION REGARDING 832 IAC 3-2-2, EXAMINATION FOR FUNERAL DIRECTOR INTERN LICENSE

A motion was made and seconded to table the matter in an attempt to find more viable solutions.

Downing/Sproles

4/0/0

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

Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the list as indicated below.

Downing/Cooke

4/0/0

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

Motion carried.

Frigid Fluid Company, CE22200019 - Approved

1. #EmbalmBetter Conference 2023 – 4/19/23 to 4/21/23 – 7 CEU (non law)

KAVOD, Independent Jewish Funeral Chapels, CE21600017 - Approved

1. Current Issues Facing Funeral Service – 4/24/23 – 2 CEU (non law)

In-Sight Books, CE10800745 (application is labeled INSIGHT INSTITUTE) - Approved

1. Funeral Celebrant Training – eight dates – 17 CEU (non law)

Allyse Reine Worland, CFSP, CE22000014 - Approved

1. Generation Inspiration: Excelling Through Collaboration – Ongoing – 1 CEU (non law)

MKJ Marketing, CE22200020 - Approved

1. 2023 MKJ Marketing Summit – 1/29/23 – 2/2/23 – 12 CEU (non-law)

Cremation Association of North America, CE21200016 - Approved

1. CANA's Crematory Operations Certification Program – six dates – 8 CEU (non law)

International Order of the Golden Rule, CE10800865

1. 2023 OGR Annual Conference – 5/2/23 to 5/4/23 – 6 CEU (non law)
2. 2023 OGR/CFSA Women's Forum – 5/2/23 – 2 CEU (non law)
3. Responding to a Major Disaster – 3/28/23 – 1 CEU (law)
4. The Transformative Power of Hospitality – 4/18/23 – 1 CEU (non law)

Graystone Associates, Inc., CE21100027 - Approved

1. GSA Summit 2023 – 2/13/23 to 2/16/23 – 15 CEU (non law)

International Cemetery, Cremation, and Funeral Association, CE10800864 – They are approved via statute so they do not need board approval.

1. DEADtalks Sales Conference 2023 – 1/11/23 to 1/13/2023 – 11 CEU (non law)

Selected Educational Trust, CE22200008 – See below.

1. Mastering the Inquiry Phone Call – Feb, April, June, Sept., 2023 – 8 CEU (non law) – Does not support the number of hours requested.
2. Making Best Impressions - Feb, April, June, Sept., 2023 – 8 CEU (non law) – Does not support the number of hours requested.
3. Life Hacks for Everyday Life - Feb, April, June, Sept., 2023 – 8 CEU (non law) – Does not support the number of hours requested.
4. Being a Successful Professional - Feb, April, June, Sept., 2023 – 8 CEU (non law) - **APPROVED**
5. Financing Fundamentals: Business Acquisition and Growth - Feb, April, June, Sept., 2023 – 8 CEU (non law) – Does not support the number of hours requested.
6. Guiding Families Toward Meaning and Healing - Feb, April, June, Sept., 2023 – 8 CEU (non law) – Does not support the number of hours requested.
7. Gaining Respect and Building Trust - Feb, April, June, Sept., 2023 – 8 CEU (non law) – Does not support the number of hours requested.

Homesteaders Life Company, CE10800737 - Approved

1. Ethics – Working with the Senior Market – various/online – 3 CEU (non law)
2. Prearranging with Preneed Insurance – various/online – 3 CEU (non law)
3. Preneed Insurance Companies – various/online – 3 CEU (non law)
4. Preneed Insurance Forms, Trends and Generational Changes – various/online – 3 CEU (non law)

Wilbert Funeral Services, Inc., CE21500018 - Approved

1. Embalming Unknowns – 2/16/23 – 1 CEU (non law)
2. V.A. Triangle – 3/2/23 – 1 CEU (non law)
3. Handling Fetal Remains in the Wake of the Dobbs Decision – 3/16/23 – 1 CEU (non law)

Flanner Buchanan Funeral Center, CE21800040 - Denied

1. Social Security Benefits – 2/7/23 – 1 CEU (non law) – Denied. It does not fall under any of the required subjects indicated in 832 IAC 4-1-1 or 832 IAC 4-1-2

ICFSEB – The Conference, CE20900918 – All denied for failure to provide course outlines. The board will allow them to resubmit and grant retroactive approval if approved.

1. Board Member Training Program – 2/28/23 – 6 CEU (non Law)
2. All Things Exam panel – 3/1/23 – 2.5 CEU (non law)
3. District Meetings – 3/1/23 – 2 CEU (non law)
4. District Reports – 3/1/23 – .5 CEU (non law)
5. Top Regulatory Cases – 3/2/23 – 1 CEU (non law)
6. Recipe for Success panel – 3/2/23 – 1 CEU (non law)
7. Babies in the Ceiling – Wait, Did I Read That Right? – 3/2/23 - .75 CEU (non law)
8. Policy Making & Body Raking – 3/2/23 - .75 CEU (non law)
9. Funeral Service Administrators Forum – 3/2/23 – 2.5 CEU
10. Conference Initiatives – 3/2/23 – 1 CEU (non law)

REVIEW OF THE PRENEED CONSUMER PROTECTION FUND CEMETERY CONSUMER PROTECTION FUND

A motion was made and seconded to change the manner in which the board reviews the consumer protection funds. Rather than reviewing and determining payment for sales before the beginning of the calendar year, the review will take place at the end of the calendar year to determine if payment will be due the following March 1st. It was further moved that the December 2021 board action to require payment for sales in 2022, based on the balance at that time, be rescinded and payment for preneed contracts sold in 2022 will not be required March 1, 2023 based on the current balance of the fund.

Downing/Cooke

4/0/0

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

Motion carried.

ADJOURNMENT

The meeting adjourned at 2:43 p.m.