

STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
April 6, 2023, at 11:00 a.m.
Indiana Government Center South
402 West Washington Street, Room W064, Indianapolis, Indiana

CALL TO ORDER

The meeting was called to order at 11:00 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

A motion was made and seconded to adopt 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 FEBRUARY 2, 2023, MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes.

Cooke/Sproles

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.

IPLA Compliance Division Report.

Courtney Calvert reported that she has participated in the majority of the inspections and found that the main problem she has found is that funeral homes are not applying for a funeral branch license when they remove their embalming room and funeral branches are not applying for a funeral home license when they add an embalming room. She also found that preneed and at-need records for facilities with multiple locations are not kept at each location.

Administrative Hearings

1. Peggy Wesley-Fitzthum, FD29700014, 2017SBFCS0012

A motion was made and seconded to remove probation.

Sproles/Cooke

4/0/0

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

2. Mara Stuart, FD01022538, 2020SBFCS0002

A motion was made and seconded to reinstate the license on active status providing she pays the \$5 OAG fee and provides proof of completion of the IFDA Crash Review course.

Downing/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. James Holt, FD01006382

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for reinstatement for a period of one year, complete the IFDA Crash Review course, and provide proof of payment of all court costs.

Downing/Cooke

4/0/0

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

Motion carried.

2. Matthew Ratliff, FD22100037

A motion was made and seconded to approve on indefinite probation with no right to petition for reinstatement for a period of one year and complete the IFDA Crash Review course.

Sproles/Cooke

4/0/0

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

Motion carried.

3. Alford's Mortuary, FH19900032

Donald Alford Sr. indicated his son, Donald Alford Jr. signs contracts on his behalf and it is okay because he has the same name.

A motion was made and seconded to impose the following:

1. The Applicant's license as a Funeral Home will be renewed on Indefinite Probation. The Applicant may petition to come off probation two (2) years from the date of this Order. However, if Applicant completes the conditions of its probation and complies with all statutes and rules governing the Applicant's profession to the satisfaction of the Board the Applicant may petition for withdraw of probation one (1) year from the date of this Order.
2. The Applicant shall make quarterly personal appearances before the board.
3. The Applicant shall submit a quarterly report to the licensing board no later than one (1) week prior to each scheduled board meeting. The report shall be submitted to IPLA Board Director Tracy Hicks. The report shall detail the required information and events that have taken place at the Funeral Home between the dates of the previous State Board of Funeral and Cemetery Service meeting and the upcoming board meeting. The following disclosures are required in the report:
 - a. The funeral home shall disclose to the regulatory body the name of the deceased, the date of the service, and the name and contact information of the family members who arranged the service.
 - b. The funeral home shall disclose to the board the name of the deceased person who was embalmed and the name of the embalmer.
 - c. The funeral home shall disclose to the board the name of the funeral director who coordinated and directed each specific funeral service.
 - d. The funeral home shall provide the board with a copy of all embalming reports for deceased persons the funeral home served.

- e. The funeral home shall disclose to the board a copy of all death certificates that were filed on behalf of the deceased persons the funeral home served.
 - f. The funeral home shall provide the board with a copy of every preneed contract entered into by the funeral home, including the statement of goods and services attached to each contract.
 - g. The funeral home shall provide the board with a copy of every at-need contract entered into by the funeral home, including the statement of goods and services attached to each contract.
 - h. The funeral home shall provide the board with documentation evidencing that all pre-need funds collected by the funeral home were properly deposited.
4. As a condition of probation, the funeral home shall pass an IPLA inspection. The IPLA inspection shall be completed before the next board meeting.
 5. The failure of the Applicant to comply with the terms of this decision may subject it to a show cause hearing before the Board and the imposition of further sanctions.

Downing/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 Reinstatement

1. Donald Alford, FD01015193

Donald Alford Sr. indicated his son, Donald Alford Jr. signs contracts on his behalf and it is okay because he has the same name.

A motion was made and seconded to impose the following:

1. The Applicant's license as a Funeral Director will be renewed on Indefinite Probation. The Applicant may petition to come off probation two (2) years from the date of this Order. However, if Applicant completes the conditions of his probation and complies with all statutes and rules governing the Applicant's profession to the satisfaction of the Board the Applicant may petition for withdraw of probation one (1) year from the date of this Order.
2. The Applicant shall make quarterly personal appearances before the board.
3. The Applicant shall submit a quarterly report to the licensing board no later than one (1) week prior to each scheduled board meeting. The report shall be submitted to IPLA Board Director Tracy Hicks. The report shall detail the required information and events that have taken place at the Funeral Home between the dates of the previous State Board of Funeral and Cemetery Service meeting and the upcoming board meeting. The following disclosures are required in the report:
 - a. The funeral home shall disclose to the regulatory body the name of the deceased, the date of the service, and the name and contact information of the family members who arranged the service.
 - b. The funeral home shall disclose to the board the name of the deceased person who was embalmed and the name of the embalmer.
 - c. The funeral home shall disclose to the board the name of the funeral director who coordinated and directed each specific funeral service.
 - d. The funeral home shall provide the board with a copy of all embalming reports for deceased persons the funeral home served.
 - e. The funeral home shall disclose to the licensing board a copy of all death certificates that were filed on behalf of the deceased persons the funeral home served.
 - f. The funeral home shall provide the licensing board with a copy of every preneed contract entered into by the funeral home, including the statement of goods and services attached to each contract.
 - g. The funeral home shall provide the funeral board with a copy of every at-need contract entered into by the funeral home, including the statement of goods and services attached to each contract.
 - h. The funeral home shall provide the licensing board with documentation evidencing that all pre-need funds collected by the funeral home were properly deposited.
4. As a condition of probation, the funeral home shall pass an IPLA inspection. The IPLA inspection shall be completed before the next board meeting.

The failure of the Applicant to comply with the terms of this decision may subject him to a show cause hearing before the Board and the imposition of further sanctions.

Downing/Cooke

4/0/0

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

2. Brown Funeral Home LLC, FH12100023

A motion was made and seconded to impose the following:

1. The Applicant's license as a Funeral Home will be renewed on Indefinite Probation. The Applicant may petition to come off probation two (2) years from the date of this Order. However, if Applicant completes the conditions of its probation and complies with all statutes and rules governing the Applicant's profession to the satisfaction of the Board the Applicant may petition for withdraw of probation one (1) year from the date of this Order.
2. Trevor Bradley shall not have any association with the funeral home.
3. Before petitioning for removal of probation, Lisa Brown shall complete the four-hour Indiana Funeral Director Association's Crash Review Course scheduled for May 17, 2023. Applicant shall provide proof of compliance to the Board. The documentation may be submitted to the Indiana Professional Licensing Board Director Tracy Hicks at the email pla12@pla.in.gov.
4. The Applicant shall submit a quarterly report to the licensing board no later than one (1) week prior to each scheduled board meeting. The report shall detail the required information and events that have taken place at the Funeral Home between the dates of the previous State Board of Funeral and Cemetery Service meeting and the upcoming board meeting. The following disclosures are required in the report:
 - a. The funeral home shall disclose to the regulatory body the name of the deceased, the date of the service, and the name and contact information of the family members who arranged the service.
 - b. The funeral home shall disclose to the board the name of the deceased person who was embalmed and the name of the embalmer.
 - c. The funeral home shall disclose to the board the name of the funeral director who coordinated and directed each specific funeral service.
 - d. The funeral home shall provide the board with a copy of all embalming reports for deceased persons the funeral home served.
 - e. The funeral home shall disclose to the licensing board a copy of all death certificates that were filed on behalf of the deceased persons the funeral home served.
 - f. The funeral home shall provide the licensing board with a copy of every preneed contract entered into by the funeral home, including the statement of goods and services attached to each contract.
 - g. The funeral home shall provide the funeral board with a copy of every at-need contract entered into by the funeral home, including the statement of goods and services attached to each contract.
 - h. The funeral home shall provide the licensing board with documentation evidencing that all pre-need funds collected by the funeral home were properly deposited.
5. As a condition of probation, the funeral home shall pass an IPLA inspection. The IPLA inspection shall be completed before the next board meeting.

The failure of the Applicant to comply with the terms of this decision may subject it to a show cause hearing before the Board and the imposition of further sanctions.

Sproles/Downing

4/0/0

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

Personal Appearance and Consideration of Application for Funeral Home License and Certificate of Authority

1. Ellis Mortuary, Inc., 4445 N. Shadeland Avenue, Indianapolis

A motion was made and seconded to issue the license active.

Downing/Cooke

4/0/0

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

Consideration of Notice of Proposed Dismissal

1. Culberson Funeral Home, FH83002762, CA09100426, 2021 SBFCS 0009 and Richard L. Culberson, FD01004283, 2021 SBFCS 0010

A motion was made and seconded to dismiss their motion to remove probation.

Sproles/Cooke

4/0/0

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

Discussion of Possible Reinstatement

1. Mike Dooley, FD08700183 – This matter was tabled until the next meeting.

Verified Complaints Requesting Restitution from the Preeed Consumer Protection Fund

1. Mary Ann Shonske for George Shonske
Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve restitution in the amount of \$1822.00 plus interest not to exceed the cost of the at-need contract.

Sproles/Cooke

4/0/0

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

2. Denise Talcott for Delores A. Robb
Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve restitution in the amount of \$3700.00 plus interest not to exceed the cost of the at-need contract. The amount granted is for half of the check written to Kraft Funeral Home for both husband and wife.

Sproles/Cooke

4/0/0

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

Review of Cemetery Registration Application

Chris Cooke indicated he would like to see the website instructions updated and to put the statute references on the application. Thomas Sproles will forward the statutes to IPLA to add to the application.

Compliance Report

The Board acknowledged the reports.

1. Jacob Rhodes, FD22100007, 2023SBFCS0006
2. Eilers Mortuary-Sunset Memory Garden Chapel, FH89200009, 2021SBFCS0018

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve all courses below except Selected Education Trust, CE22200008, which is denied because eight (8) hours is excessive for the material they provided.

Downing/Cooke

4/0/0

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

Motion carried.

ALL STAR TRAINING, INC., CE10800643

Indiana Funeral 5 Hour Course – online/continuous, 5 CEU, non-law

THE DODGE COMPANY, CE10800649

2023 Dodge Technical Seminar - Nov. 9, 2023, 6 CEU, non-law

2023 Dodge Technical Seminar – Nov. 10, 2023, 3 CEU, non-law

FUNERAL DIRECTORS ASSOCIATION OF THE FALLS CITIES, CE10800717

Funeral Trust Operations, Management & Economic Update, May 16, 2023, 1 CEU, non-law

GRAYSTONE ASSOCIATES, INC., CE21100027

Team Building – ongoing, 7 CEU, (approved for general hours only)

MADISON COUNTY FUNERAL DIRECTORS ASSOCIATION, CE10800768

Caring for Traumatic Deaths - February 28, 2023, 1 CEU, non-law

Merchandising for New Cremation Generation - April 11, 2023, 1 CEU, non-law

D.O. McCOMB & SONS FUNERAL HOMES, CE10800689

Filling Your Cup: Self-Care for Professionals & Clients - May 3, 2023, 5 CEUs, non-law

NATIONAL FUNERAL DIRECTORS AND MORTICIANS ASSOCIATION, INC., CE10800785

Caring for the Undertakers - April 23, 2023, 1 CEU, non-law

FTC Funeral Rule Review - April 23, 2023, 2 CEU, non-law

VERMILION COUNTY FUNERAL DIRECTORS ASSOCIATION, CE10800843

1. Tips for Trade Service Embalming – May 3, 2023, 2 CEU, non-law

2. Embalm Better – May 3, 2023, 2 CEU, non-law

3. OSHA Rules and Regulations – May 3, 2023, 1 CEU, non-law

4. Sexual Harassment Training – May 3, 2023, 1 CEU, non-law

5. The PreNeed Act – May 3, 2023, 1 CEU, law

6. The Practice Act – May 3, 2023, 1 CEU law

WILBERT FUNERAL SERVICES, INC., CE21500018

1. Bloom Where You Are Planted – April 13, 2023, 1 CEU, non-law

2. Funeral Directors Need to KISS with Customer Experience – April 27, 2023, 1 CEU, non-law

3. Digital Marketing for Deathcare Companies – May 11, 2023, 1 CEU, non-law

4. Ritual, Community, Catharsis: Future of FS in 21st Century – May 25, 2023, 1 CEU, non-law

5. Rosenacker & Assoc. Discuss Mergers & Acquisitions – June 8, 2023, 1 CEU, non-law

6. The 8 Pillars of Wellness – October 12, 2023, 1 CEU, non-law

7. How is Hospice Changing Funeral Service – March 30, 2023, 1 CEU, non-law

8. Treating Discolorations – June, 2023, 1 CEU, non-law

APPROVED

INTERNATIONAL CEMETERY, CREMATION AND FUNERAL ASSOCIATION, CE10800864

ICCFCA Certified Cremation Operator - on-line, 7 CEU non-law

2023 Annual Convention – May 16, 2023, 14 hours, non-law

ADJOURNMENT

The meeting adjourned at 4:15 p.m.