

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING  
THURSDAY, AUGUST 3, 2017  
INDIANA GOVERNMENT CENTER SOUTH  
402 W WASHINGTON STREET, ROOM W064  
INDIANAPOLIS, IN 46204**

**CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by Thomas Sproles, 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:**

Thomas Sproles, Chairman  
Christopher Cooke, Vice Chairman  
Donald Alford (left at 1:45 p.m.)  
Robert Loose  
Frank Downing  
Theodore Mau  
Roland Cutter (left at 3:35 p.m.)  
Tasha Smith, State Department of Health

**STATE OFFICIALS PRESENT:**

Tracy Hicks, Board Director  
Jennifer Broadbent, Assistant Board Director  
Donald Hannah, Deputy Attorney General

**ADOPTION OF THE AGENDA**

The agenda was adopted.

T. Mau/R. Cutter  
8/0/0  
Motion carried.

**ADOPTION OF THE MINUTES OF THE JUNE 1, 2017, MEETING OF THE BOARD**

A motion was made and seconded to approve the minutes of the June 1, 2017 meeting.

R. Loose/D. Alford  
8/0/0  
Motion carried.

**PRESENTATION BY DON SNEMIS, ICE MILLER, REGARDING THE ROLE OF THE WHITE KNIGHT IN THE TURN-AROUND OF DISTRESSED CEMETERIES AND FUNERAL HOMES 11:00 A.M. TO 11:30 A.M.**

Mr. Snemis explained numerous reasons a cemetery falls in distress and provided ways to determine potential failure before it actually happens, such as consumer complaints and cemetery audits. Situation must be stabilized and determine short term and long term solutions. Stabilize funds, employees, partners, vendors, etc. Deal with preneed contract holders and deal with the public relations. Appointment of a receiver helps. Bringing in the White Knight (a purchaser for the property) concept also helps. Receivership is not an easy thing to get appointed from the court. The courts must have extensive documentation. Recovery of losses is important if the receiver is not able to marshall all of the assets. The receiver can bring claims against the previous owners to recover assets. The White Knight will stabilize the trust funds. Monitoring and trying to avoid failures is the first line of stopping the failure of cemeteries.

**ADMINISTRATIVE HEARINGS**

1. Administrative Hearing in the matter of Charles DeWayne Rox, FD20900039, 2014 SBFCS 0013

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

R. Loose/R. Cutter  
6/0/0  
Motion carried.

2. Administrative Hearing in the matter of Thomas Oswalt, FD21000044. 2016 SBFCS 0025

A motion was made and seconded that the violation occurred.

R. Loose/F. Downing  
6/0/0  
Motion carried.

A motion was made and seconded to issue a letter of reprimand, impose a fine of \$1000.00, and the license shall remain on probation with no right to petition for withdrawal for one year from the date of the Order. Voting in favor: R. Cotter, D. Alford, and T. Smith. Voting against: R. Loose, T. Sproles and F. Downing.

R. Cutter/R. Loose  
3/3/0  
Motion failed.

A motion was made and seconded to issue a letter of reprimand, impose a fine of \$1000.00, suspend the license until Sept. 30<sup>th</sup> then change the status to remain on probation with no right to petition for withdrawal for one year from the date of the Order. He must provide verification of successful completion of criminal probation.

R. Loose/R. Cutter  
6/0/0  
Motion carried.

A motion was made to correct the previous motion to impose indefinite suspension with no right to petition for reinstatement until September 30, 2017. All other sanctions of Respondent's license not affected by this motion shall remain in full force and effect.

F. Downing/T. Smith  
6/0/0  
Motion carried.

3. Administrative Hearing in the matter of Chad A. Campbell, FD29600122, 2017 SBFCS 0011

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

D. Alford/R. Loose  
6/0/0  
Motion carried.

4. Administrative Hearing in the matter of Peggy C. Wesley-Fitzthum, FD29700014, 2017 SBFCS 0012

A motion was made and seconded that she is in violation of count 1.

D. Alford/T. Smith  
6/0/0  
Motion carried.

A motion was made and seconded that she is in violation of count 2.

R. Loose/R. Cutter  
6/0/0  
Motion carried.

A motion was made and seconded that she is in violation of count 3.

R. Cutter/R. Loose  
6/0/0  
Motion carried.

A motion was made and seconded to impose a fine of \$500 for count 1, issue a letter of reprimand for counts 2 and 3, within 6 months require the IFDA crash course to be completed in addition to the regular CE requirements, and to place the license on indefinite probation once the license is reinstated with no right to petition for removal for one year.

R. Loose/F. Downing  
6/0/0  
Motion carried.

5. Administrative Show Cause Hearing in the matter of Matthew Fitzthum, FD29700015, 2014 SBFCS 0003

A motion was made and seconded that he is in violation of count 1.

F. Downing/R. Loose  
6/0/0  
Motion carried.

Letter of reprimand, \$1000 fine for count 1, crash course in addition to normal CE requirements within 6 months. Indefinite probation extended once the license is reinstated with no right to petition for removal for one year.

R. Loose/F. Downing  
6/0/0  
Motion carried.

6. Administrative Show Cause Hearing in the matter of Fitzthum Mortuary LLC, FH11100016, 2014 SBFCS 0002

A motion was made and seconded that the funeral home failed to pay fines and costs.

F. Downing/R. Loose  
6/0/0  
Motion carried.

A motion was made and seconded to permanently revoke the license and issue an additional civil penalty of \$1,000.00.

F. Downing/R. Loose  
6/0/0  
Motion carried.

7. Administrative Show Cause Hearing in the matter of Bonnie Tuggles, FD09200084, 2016 SBFCS 0024

A motion was made and seconded to impose no sanctions because he complied with the Final Order after the notice to show cause was issued.

R. Loose/F. Downing  
6/0/0

Motion carried.

**OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT**

Written report provided.

**PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE**

1. Russell Beckner

A motion was made and seconded to approve the application for license with the confirmation of completion of the 21 month program from IVY Tech already filed.

F. Downing/T. Smith  
6/0/0  
Motion carried.

**PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR REINSTATEMENT OF LICENSE**

1. Thomas Oswalt, FD21000044

A motion was made and seconded to deny the application for reinstatement because his license has just been suspended.

R. Loose/D. Alford  
6/0/0  
Motion carried.

**PERSONAL APPEARANCE FOR COMPLIANCE WITH THE FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

1. Ridgelawn-Mount Mercy Cemetery, CM40000002, CA09100095, 2016 SBFCS 0023

A representative of Ridgelawn-Mount Mercy Cemetery appeared and provided a letter from the HICKO CPA Group requesting an extension to complete the work of preparing an audit report for the preneed accounts. They plan to submit the report by September 1, 2017.

**CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE**

2. Shane Williams

A motion was made and seconded to approve the application for license with the confirmation of completion of the 21 month program from IVY Tech already filed.

F. Downing/T. Smith  
6/0/0  
Motion carried.

**CORRESPONDENCE FROM ATLANTIC COAST LIFE INSURANCE**

A motion was made and seconded that they are not in compliance but we appreciate them sending the forms to the board.

T. Mau/C. Cooke  
7/0/0  
Motion carried.

**VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

**A. Angelo Logan for Barbara Logan**

Re: Clark O'Neal Funeral Home, FH10400018 (Closed)

A motion was made and seconded to approve the request in the amount of \$5105.00 plus interest not to exceed the cost of the at-need contract.

F. Downing/T. Mau  
6/0/0  
Motion carried.

**B. Dorita Jennings for Cora Washington**

Re: Clark O'Neal Funeral Home, FH10400018 (Closed)

A motion was made and seconded to approve the request in the amount of \$1165.20 plus interest not to exceed the cost of the at-need contract.

F. Downing/T. Mau  
6/0/0  
Motion carried.

**CONSIDERATION OF CONTINUING EDUCATION AUDIT FILES**

1. John Deitloff, FD20100073

A motion was made and seconded to not accept the surrender and to suspend the license for failure to pay the fine for non-compliance.

R. Loose/F. Downing  
4/0/0  
Motion carried.

2. Roger Rullman, FD01008156

A motion was made and seconded to suspend the license for failure to pay the fine for non-compliance.

R. Loose/T. Smith  
4/0/0  
Motion carried.

3. Charlie Tyanne Zellars, FD21300080

A motion was made and seconded to suspend the license for failure to pay the fine for non-compliance.

F. Downing/R. Loose  
4/0/0  
Motion carried.

4. Dana Clause, FD21100050

A motion was made and seconded to suspend the license for failure to pay the fine for non-compliance.

R. Loose/F. Downing  
4/0/0

Motion carried.

5. Dennis McClure, FD01029653

A motion was made and seconded to suspend the license for failure to pay the fine for non-compliance.

R. Loose/T. Smith  
4/0/0  
Motion carried.

6. Larry Williams, FD09100023

A motion was made and seconded to suspend the license for failure to pay the fine for non-compliance.

F. Downing/R. Loose  
4/0/0  
Motion carried.

### **REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES**

A motion was made and seconded to accept the report below noting the submission from the University of Michigan was not approved.

F. Downing/R. Loose  
4/0/0  
Motion carried.

### **COURSES FOR APPROVAL – No Indiana Law Courses**

#### **Batesville Casket Company, CE10800652**

- InsideOut Coaching, Ongoing, 6 CEUs

#### **The Dodge Institute for Advanced Mortuary Studies/The Dodge Company, CE10800694&CE10800649**

- 2017 Dodge Wreaths across America Project, 12/14/17 – 12/16/17, 7 CEUs

#### **Funeral-smart.com, NEW SPONSOR**

- Business Identity, Ongoing, 3 CEUs
- Can't Fake Authenticity, Ongoing 3 CEUs
- The Shopper, Ongoing, 3 CEUs
- Religious Neutrality, Ongoing, 3 CEUs
- Habits of Effective Embalmers, Ongoing, 3 CEUs
- World Religions, Ongoing, 3 CEUs

#### **Graystone Associates, Inc., CE21100027**

- Quick Start, Ongoing, 7 CEUs
- IPS, Ongoing 7 CEUs
- Telephone Skills, Ongoing, 7 CEUs
- Funeral Director Skills, Ongoing, 7 CEUs

#### **Kates-Boylston Publications, CE21100028**

- Cremation Innovations Summit, December 15, 2017, 6 CEUs

#### **The North American Division of the British Institute of Embalmers, CE10800630**

- There's Always A Way, 9/15/17, 6 CEUs

#### **Ohio Funeral Directors Association District 1, CE20800910**

- "Glass Whisper—Cremated Remains and Glass Blowing," August 23, 2017, 2 CEUs

**Selected Independent Funeral Homes, CE10800819**

- Opening Session & Keynote Address, 9/11/17, 2 CEUs
- Social Media: When “It” Hits the Fan, 9/11/17-9/12/17, 1 CEU
- Serving the Hispanic Market, 9/11/17, 1 CEU
- Succession Planning: Take One, 9/11/17, 1 CEU
- What consumers want: A look at preeminent trends, 9/12/17, 1 CEU
- Succession Planning: Take Two, 9/12/17, 1 CEU
- Improv: Discover a New Way of Thinking About Work, 9/12/17, 2 CEUs
- Membership Business Session, 9/13/17, 1 CEU
- Back to the Future: Best Practices Then and Now, 9/13/17, 1 CEU

**University of Michigan Management, NEW SPONSOR**

- 2017 U-M Management Conference: Developing Leaders and the Best SEC1702 (Previously Denied)

**ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 3:55 p.m.