

STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING

August 7, 2025, at 11:00 a.m.

**Indiana Government Center South, Room W064
402 West Washington Street, Indianapolis, Indiana**

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
Frank Downing
Kathleen Matuszak

BOARD MEMBER PRESENT ELECTRONICALLY:

Christopher Cooke, Vice Chairman

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Ruth Hashu Roorda, Assistant Board Director
Clarence Leatherbury, Deputy Attorney General
Zaneta Nunnally, Compliance Director
Courtney Calvert, Compliance Officer

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the amended agenda.

Matuszak/Downing
4/0/0

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

ADOPTION OF THE MINUTES FROM THE JUNE 26, 2025, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes.

Cooke/Matuszak
4/0/0

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

OFFICE OF THE ATTORNEY GENERAL REPORT

Verbal and written report provided.

There are 80 open investigative files, some may be duplicate complainants against one facility, however. There are 6 active litigation files. The length of investigation can extend the average time indicated in the written report.

LITIGATING CASES DISCUSSION

Chairman Sproles expressed his concerns regarding consumer complaints being closed without conferring with the Board Liaison. Chairman Sproles is not clear why that has happened. He feels the Office of the Attorney General Consumer Division (AG) wants to keep the board in the dark to close complaints or just send warning letters. He indicated the Board members are the experts and should be consulted with every complaint. The AG has some knowledge, however the Board are the experts and should be consulted. The Board does agree with the AG about 90% of the time but should still be consulted because violations could have occurred that the AG did not realize. Excluding the Board creates a lack of trust. Board Members know complaints are filed but they never come to the board or the liaison. Public contacts the Board Members about complaints and are immediately referred to the AGs office to file a consumer complaint. The Board is

aware of problems in the industry, however 95% do the right thing. The bad actors not following statutes and rules give the industry a black eye. Chairman Sproles is concerned consumers are not being cared for properly by the AGs office. He knows that is a strong allegation, but he does not know because the Board Liaison does not see cases anymore. He would like to know what has changed. Why was the Board Liaison removed from the process and how does that benefit funeral service & the AGs office. Chairman Sproles wants to know what changed in the process and why are fewer cases litigated.

Deputy Attorney General Ian Mathew responded as follows:

Over 1 or 2 years ago, the AG decided to change how they submit cases for liaison input for all boards. Previously all cases were submitted regardless of facts, etc. The liaison input was not valuable in some cases, i.e. they would be closed anyway based on lack of evidence. They would know what the Board Liaison would say because of the clear violation(s). The procedure now is to contact the Board Liaison if there is a technical issue that AG staff would not know (practice knowledge). That happened by design for all boards. There was an emphasis to get through cases faster. Waiting on the Board Liaison on a case that would be closed anyway took more time, so they stopped the practice. Relevant: provisions of law; and confidentiality limit what they can provide to the Board Liaison. The Administrative Orders and Procedures Act (AOPA) concerns about disqualification of board members can be a factor in the decision not to involve the Board Liaison. They do not want to enter into a case with a procedural issue. AOPA rules must be followed.

Chairman Sproles asked, "Doesn't law provide for ALJ to determine what they should and should not recuse themselves from? He can say every complaint brought before him was never shared with anyone else and there was zero impropriety. Ian Mathews indicated that there can be an appearance of impropriety, causing the Respondent to frustrate litigation in this case.

Mr. Mathew indicated that there is no standing order to file less admin cases and the AG has the authority to issue warning letters rather than disciplinary charges.

Board member Matuszak asked if Mr. Mathew could provide a percentage of how many warning letters are sent out between each meeting. Mr. Mathew indicated that it is hard for him to guess. The numbers are on the smaller side and there are many reasons to do it. The dispute could be remediated, correction of a technical violation, such as a funeral home did not have their funeral director employee roster up to date with the Board and it was corrected, a consumer complaint about a particular arrangement, maybe the certificate of authority expired, etc; all of this could warrant a warning letter. When there are underlying merits to complaints that can be substantiated, those cases come before the Board. Any cases that do not result in an Administrative Complaint are not public record so the Board could not know about them.

Board member Matuszak indicated that, coming from law enforcement background, attorneys discuss whether or not the case can be won. Has that discussion ever come up at AGs office? Mr. Mathew has not had a discussion like that; however, every attorney discusses evidence and determines if they feel they can win. In the case where evidence is not clear, they have to make a determination whether to file an Administrative Complaint or not. Some attorneys file everything hoping they can get the case over the line to win, others only file when they feel they can prove the allegations. The AG does have prosecutor discretion. The evidence is reviewed, a determination is made as to what testimony will they have, is the witness reliable, do they think the witness can convince the board, etc.

Board member Matuszak asked if there is anything the AG needs to do their job more effectively. Mr. Mathew is satisfied their investigators are knowledgeable and use all the tools at their disposal. The AG staff has taken the Indiana Funeral Directors Indiana law crash review course. There are multiple statutes they have to use in their investigation besides funeral and cemetery statutes and rules. Investigators do make recommendations to the Deputy Attorney General (DAG) assigned to the consumer complaint. The DAG can add charges they think are warranted with the facts above and beyond what the investigator recommends. The License Enforcement section is more or less at full staff. They do have a new Section Chief that took over this year. Once they get one more investigator, they will be full staff.

Chairman Sproles indicated he still has concerns about removing Board Liaison participation. Clear cases with no Board Liaison input can miss things that a Board Liaison can identify. In an effort to speed up the process, he thinks there are some violations that are not being caught. Since removing Board Liaison participation, have you written more warning letters? Mr. Mathew indicated he was not sure. The AG has changed how the complaints are processed. Before, there was not enough information to determine violations, etc. Now there is more screening on consumer complaints and if there is no merit, they will be closed. Mr. Mathew indicated he will go back and find out when they changed that process for the entire Consumer Division. The new consumer complaint screening process allows for direction to other divisions that do not go through licensing enforcement for various reasons. This screening process to improve the system could be contributing to more warning letters & closing complaints. Hopefully licensees see cases before the board and awareness is raised on licensees to do better.

Board member Matuszak asked are complaints on intake reviewed by one individual or a group. Mr. Mathew indicated he is not sure because he does not work in that division, however he explained the general initial screening process. There are various reasons complaints can take longer to investigate, such as an ongoing criminal case, out of state disciplinary matters, etc. Many factors come into play when investigating complaints that can take longer than normal to conclude. Investigators may flag a consumer complaint if there may be a need for potential summary suspension that would send the case directly to a DAG for review. At times, a motion for summary suspension can happen when the AG is not long into their investigation that could cause a need for more time to file an administrative complaint with the board. In some cases, it requires outside players that can result in taking more time to investigate and comply with discovery, etc.

Board member Downing indicated that he is of the opinion the Board Liaison can be helpful in the cases the AG thinks should just be a letter of warning. It questions what the board is doing here and what the AG is doing here. The board has filed against Crown Cremations, but it has not been brought before the board in the last two meetings. Mr. Mathew did say it is still under investigation, and they are collecting evidence on it. He spoke to the investigator assigned to this earlier, but he is not fully abreast of the case. He hopes to bring it before the board at the next meeting. Mr. Mathew again indicated that if something is easily remediated, it will not be filed as an administrative complaint.

Board member Matuszak asked if the AG can share with the Board the warning letters issued. Mr. Mathew indicated confidentiality laws prohibit sharing them because an administrative complaint is not filed in those cases. Chairman Sproles asked if the warning letter on their license record. Mr. Mathews indicated they are not unless an administrative complaint is filed.

Board member Matuszak asked if the AG can let Board know how many warning letters are issued and when? Mr. Mathew will check to see if they can share this information.

Inspector Calvert asked that if/when she files a consumer complaint asking for a summary suspension, is it automatically flagged for a Motion for Summary Suspension or is it exclusively up to the AG to make that determination. Mr. Mathews indicated that it could, however it still goes through their screening process rather than being directly forwarded to a DAG without screening.

Chairman Sproles asked is complaints filed by Indiana Professional Licensing (IPLA) or the Board given any priority. Mr. Mathew indicated that he thinks so but it depends what they are. An example would be law enforcement filings are given priority because the investigators do not have to do much investigating at all. Other cases, depending on what is needed, can take longer. Chairman Sproles asked the question again because the Board and IPLA staff are the experts, which would warrant action ASAP. Mr. Mathew thinks it is, however, it still depends. Chairman Sproles feels they don't get priority at all and wants complaints filed by the Board or IPLA to be given priority. Doing so would increase the trust a bit more. Chairman Sproles has no problem recusing himself if he were to file a consumer complaint or participate as a Board Liaison and trusts the board with the making a determination on the matter. Chairman Sproles is leery of all the layers consumers have to go through in the process while the consumer is being hurt. The board is the laughingstock among the industry. Violations keep going on in the state while administrative complaints are not being filed. This sends a signal to the public and industry. Chairman Sproles wants some of the layers cut to get these law breakers charged and considered by the board.

Board member Cooke indicated he has been the cemetery Board Liaison for most of his term on the board. He asked his mentor what his number one job as a board member would be. He was told to protect the public. He agrees with everything the other board members have said today. To protect the consumers of death care, the Board Liaison needs a seat at the table on the consumer complaints. He would feel a little bit better if the board would at least know how many warning letters are sent.

Board member Matuszak wrapped up with indicating that the Board is very passionate about the industry and knows the AG is passionate also. We have to think about what if it was your family. She requested Mr. Mathew take this back to his team.

Scott Barnhart, Director & Chief Counsel of the Consumer Protection Division, joined Mr. Mathews. He indicated he was watching the meeting through ZOOM and wanted to come to the meeting to let the board know they are aware there are loved ones at the end of these cases, and they take them very seriously. The changes the AG made may need to be revisited. He wanted to be clear that the Board is being heard, and they will discuss what can be improved.

Chairman Sproles appreciates Mr. Barnhart and Mr. Mathew attending the meeting to discuss these matters.

IPLA COMPLIANCE DIVISION REPORT.

Inspector Calvert provided written and verbal report. She indicated, since the last meeting, eight (8) funeral home branches and six (6) funeral homes were inspected above and beyond the new facility inspections. They issued one (1) correction action plan, three (3) passing inspections, one (1) failure, and one (1) out of business confirmation.

Violations are indicated on written report. Most violations stemmed from having no embalming room. These are typical violations she sees. The Compliance Division will have a monthly and quarterly goal for inspections to include funeral homes that have not been inspected in several years. This will be done in addition to their normal inspection duties. They have a spreadsheet to prioritize the duties with this project and can be manipulated. The spreadsheet will be sent to the Board to review. Inspector Calvert has been communicating with certificate of authority holders separate from the spreadsheet to determine if their expired certificate of authority needs to be renewed or not. If they are still selling and serving preneed contracts, they will need to renew. Inspector Calvert indicated she chooses preneed/at-need files herself rather than letting the funeral home choose them during an inspection. Chairman Sproles suggested searching the vehicles on property for any files that should be inside the funeral home. All funeral compliance staff will be utilized to manage this project.

ADMINISTRATIVE HEARING; CEASE AND DESIST

1. Cloverdale Cemetery Association - **CONTINUED**
Cause No.: 202504-FCB-0003
2. Lancaster Cemetery Association - **CONTINUED**
Cause No.: 202504-FCB-0004

ADMINISTRATIVE HEARING: FINAL HEARING

1. Fountain Square Cremation and Funeral Services, FH11600001, CA21600005 and Judith Lipps, FD21300063, FI21200063
Cause No.: 202411-FCB-0021 - **CONTINUED**

ADMINISTRATIVE HEARING: ORDER TO SHOW CAUSE

1. Marion Cemetery Corp. Dba Estates of Serenity, CM41800006
Cause No.: 2023SBFCS0020

Mr. Mathew read the e-mail from Respondent's attorney indicating, "Recently, we had a trial where Mr. Jeffrey and the board lost control of the Marion Cemetery as that is now in control of the Trustee, Deborah Cain. As of now, Mr. Jeffrey does not have employment and does not have the funds or transportation to attend the hearing tomorrow. I am in a week-long trial in Allen County and cannot attend the hearing. As with the cemetery in control of the Trustee, we believe that all questions concerning the status of the cemetery can now be best addressed and answered by Ms. Cain.

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

Downing/Matuszak
4/0/0

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

ADMINISTRATIVE HEARING DELIBERATION: CEASE AND DESIST

1. Hobart Cemetery Association, Edward Klug
Cause No.: 202408-FCB-0018
Hearing Date: October 3, 2024

A motion was made and seconded to issue the Order to Cease and Desist. Kathleen is concerned about the consumers of this cemetery, however issuance of the Order would likely move along the process to the township trustee.

Cooke/Downing
4/0/0

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

PERSONAL APPEARANCE AND CONSIDERATION OF FUNERAL BRANCH LICENSE APPLICATION

1. After.com Cremation Services
Dallin Preece
3815 River Crossing Pkwy
Indianapolis, IN 46240

After.com is based in Utah and is applying as a funeral branch of Aaron Ruben Nelson (ARN). After.com has co-ownership with ARN. Since ARN is not the sole owner, the branch would not qualify for licensure. After.com does not own a funeral home in Indiana in the same or adjoining county so they do not qualify for a branch license.

After.com conducts online arrangements and online marketing. To facility folks who do not live in the state of the decedent, they do online arrangements. Chairman Sproles indicated the no one can practice in Indiana without a license.

A motion was made and seconded to deny the application.

Matuszak/Downing
4/0/0

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

APPLICATION FOR CEMETERY REGISTRATION

1. Cloverdale Cemetery Association
1000 S
Cloverdale, IN 46120

A motion was made and seconded to approve the application.

Cook/Matuszak
4/0/0

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

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

1. Timothy Borden, Collins Funeral Home, LLC for Terry Ames
Re: R D Pyke Funeral Service, FH89200005 (closed)

A motion was made and seconded to approve the application in the amount of \$2000.00 plus statutory interest.

Cooke/Matuszak
4/0/0

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

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the continuing education courses as follows.

Cooke/Matuszak
4/0/0

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

- A. Real Stories, Real Trust: The Power of Video in funeral Service, 10/16/2025, 1 CEU, non-law
- B. The Heart of Service: Emotional Intelligence in Funeral Care, 10/30/2025, 1 CEU, non-law
- C. Upper Extremity Graft Recovery and donor Care for Funeral Professionals, 11/13/2025, 1 CEU, non-law
- D. Embalming Ethics, 12/4/2025, 1 CEU, non-law

Indiana Donors Network: CE21600014

- A. 2025 Funeral Director Symposium, 10/21/2025, 6 CEU, non-law
- B. Donation Education Library modules: 2025 Funeral Director Symposium, ongoing, 2 CEU, non-law

The Independent Funeral Group: CE22500007

- A. Crematory Operator Certification, 9/9/2025, 8 CEU, 5 CEU Non-Law per the Board
- B. The Science of Separation, 9/10/2025, 2 CEU, 2 CEU Non-Law per the Board
- C. From Elevated Jars to Modern Mortuary, 9/10/2025, 1 CEU, 1 CEU Non-Law per the Board

FuneralVision.com: CE22400005

- A. Tech Turbocharge: Digital Tools to Elevate Deathcare, 12/11/2025, 5 CEU Non-Law per the Board

Cremation Association of North America: CE21200016

- A. 2025 CANA Convention, 8/6/2025-8/8/2025, 6 CEU, non-law

Select Independent Funeral Homes: CE10800819

- A. Building an Effective Professional Community Outreach Strategy, 9/10/2025, 2 CEU, non-law
- B. Harnessing Data Analytics and Artificial Intelligence in Funeral Service, 9/10/2025, 1 CEU, non-law
- C. Beyond the Call: Using Analytics, Learning and AI to Elevate the Customer Experience, 9/10/2025, 1 CEU, non-law

Funeral Directors of Association of the Falls Cities: CE10800717

- A. Stock Yards Funeral Trust Update and Social Security Basics, 9/4/2025, 1 CEU, non-law

Vermilion County Funeral Directors Association: CE10800843

- A. The Preneed Act, Ongoing, 1 CEU, Law #1
- B. The Practice Act, Ongoing, 1 CEU, Law #2
- C. OSHA, Ongoing, 1 CEU, non-law
- D. Embalming in the Wild, 10/8/2025, 2 CEU, non-law
- E. Life of a Coroner, 10/8/2025, 1 CEU, non-law
- F. Wilbert Vault Tour, 10/8/2025, 2 CEU, non-law

ADJOURNMENT

The meeting adjourned at 1:06 p.m.