

**DRAFT**

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING**

**August 4, 2022, at 11:00 a.m.  
Conference Center, Room #1  
Indiana Government Center South  
402 West Washington Street  
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 (electronically)

**STATE OFFICIALS PRESENT:** Tracy Hicks, Board Director  
Colette Ritter, Assistant Board Director  
Clarence Leatherbury, Deputy Attorney General

**ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda.

Cooke/Downing  
4/0/0

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

**ADOPTION OF THE MINUTES FROM THE JUNE 2, 2022, MEETING OF THE BOARD**

A motion was made and seconded to adopt the June 2, 2022, 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**

The Deputy Attorney General provided their report.

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

1. Jessen Funeral Home, FH19900057, FB40500016, FB41200011, and Clarence John Jessen, FD29400075, 2018 SBFCS 0006

Jessen appeared with his counsel. He reported Jessen has complied with the Order of the Board.

A motion was made and seconded to accept the Order presented by Respondent's Counsel restoring the funeral director license on September 1, 2022.

Sproles/Downing  
4/0/0

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

## **PETITIONER'S MOTION TO DISMISS**

1. Gregory Majors, FD08701773, 2022 SBFCS 0003

A motion was made and seconded to dismiss the matter.

Sproles/Downing

4/0/0

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

2. East Hill Cemetery, 2022 SBCFS 0007

A motion was made and seconded to dismiss the matter.

Cooke/Sproles

4/0/0

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

## **VOLUNTARY SUMMARY SUSPENSION AGREEMENT**

1. Randy Ray Lankford, FD21800053, 2022 SBFCS 0016

A motion was made and seconded to accept the summary suspension agreement.

Sproles/Cooke

4/0/0

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

2. Lankford Funeral Home and Family Center, FH11900011 & CA21900016, 2022 SBFCS 0017

A motion was made and seconded to accept the summary suspension agreement.

Sproles/Cooke

4/0/0

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

## **PROPOSED SETTLEMENT AGREEMENT AND DISCIPLINARY ORDER**

1. Samuel W. Hall, FD01001942, 2022 SBFCS 0001

Thomas Sproles normally recused himself however due to quorum issues, he cannot recuse himself under the rule of necessity.

A motion was made and seconded to reject the proposed settlement agreement.

Downing/Cooke

4/0/0

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

## **Consideration of Voluntary Summary Suspension Agreement**

1. Rawls Mortuary, FH11900010 & CA22000014, 2022 SBFCS 0018

A motion was made and seconded to accept the voluntary summary suspension agreement.

Downing/Cooke

4/0/0

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

2. Benjamin L. Rawls, FD21300082, 2022 SBFCS 0019

A motion was made and seconded to accept the voluntary summary suspension agreement.

Downing/Cooke

4/0/0

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

#### **ADMINISTRATIVE HEARING TO CONSIDER ORDERS TO SHOW CAUSE**

1. TMG Funeral and Cremations Services, LLC, FH11600020 & CA21600039 and Jay Dee Cree, FD01013183, 2020 SBFCS 0017

Regarding TMG Funeral and Cremations Services, LLC, a motion was made and seconded to suspend the funeral home license with no right to petition for reinstatement for six months and stay the suspension for 60 days to allow them time to apply for a branch license for violating probation by operating a branch funeral home without a license.

Sproles/Downing

4/0/0

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

Regarding Jay Dee Cree, a motion was made and seconded to Issue a letter of reprimand for failure to complete the crash review course within six months.

Sproles/Downing

4/0/0

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

2. Cresthaven Memory Gardens, CM41000007 & John C. Sherrill, FD29500085, 2021 SBFCS 0022 and 2021 SBFCS 0023

A motion was made and seconded that Respondents are not in violation of probation.

Cooke/Sproles

4/0/0

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

3. Craig Ellis, 2022 SBFCS 0005 – CONTINUED

#### **ADMINISTRATIVE HEARINGS**

1. Funeral Directors Service, DBA Russell Funeral Home, FH10900002, 2020 SBFCS 0003

A motion was made and seconded to issue a Default Order.

Downing/Sproles

4/0/0

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

A motion was made and seconded that the state proved its case in all 11 counts and to revoke the license.

Downing/Cooke  
4/0/0

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

2. Samuel W. Hall, FD01001942, 2022 SBFCS 0001

The matter was continued until the October 4, 2022, meeting.

Downing/Cooke  
4/0/0

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

3. DiAngelo R. Wragg, FD22100005, 2022 SBFCS 0004 – CONTINUED

4. Ellis Funeral Home, LLC, FH11500004 & CA21500028, 2022S SBFCS 0006 - CONTINUED

#### **ADMINISTRATIVE HEARING TO CONSIDER EXTENSION OF SUMMARY SUSPENSION**

1. Samuel W. Hall, FD01001942, 2022 SBFCS 0001

A motion was made and seconded to extend the summary suspension until the board's next meeting, October 6, 2022.

Downing/Cook  
4/0/0

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

#### **ADMINISTRATIVE APPEAL HEARINGS**

1. Marvin Boatright, 2022 SBFCS 0009

A motion was made and seconded to deny the application for license.

Downing/Sproles  
4/0/0

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

2. James A. Maguire, FD20400061, 2022 SBFCS 0010

A motion was made and seconded to require 3 law hours and reduce the fine to \$1000.

Sproles/Cooke  
4/0/0

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

3. Yolanda A. Hudson, FD20000361, 2022 SBFCS 0011

A motion was made and seconded to require 4 hours in general subject hours and reduce the amount of the fine to \$3000.

Downing/Sproles  
4/0/0

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

4. Shawnda Mae Arrowood, FD20900020, 2022 SBFCS 0012

A motion was made and seconded to reduce fine to 1000 and accept the hours submitted.

Sproles/Downing

3/1/0

Voting in Favor: Thomas Sproles, Kathleen Matuszak, Frank Downing

Voting Against: Christopher Cooke

Motion carried.

5. Gayle Shumake Graham, FD21000075, 2022 SBFCS 0013

A motion was made and seconded to reduce the fine to \$1000 and require the 4 hours of law.

Sproles/Cooke

4/0/0

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

Motion carried.

6. Louise Gohmann, FD21100015, 2022 SBFCS 0015

A motion was made and seconded that she was not in compliance with the continuing education requirement. She is required to complete one hour of law and pay the \$1000 fine.

Downing/Cooke

4/0/0

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

Motion carried.

#### **CONSIDERATION OF PETITION FOR REVIEW OF FAILED CE AUDIT**

1. Charles Mikolajczak, FD01012585

A motion was made and seconded to deny the petition for review for untimely filing.

Cooke/Downing

3/0/1

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

Voting against: Kathleen Matuszak

Motion carried.

#### **RECONSIDERATION OF NOTICE OF NONCOMPLIANCE**

1. Andrew Arvin, FD09100018

A motion was made and seconded to find him in compliance and revoke the notice of noncompliance.

Sproles/Cooke

4/0/0

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

Motion carried.

#### **REQUEST FOR WAIVER OF CE PURSUANT TO IC 25-1-4-4**

1. Hannah Duncan, FD21600005

A motion was made and seconded to grant waiver of the 10-hour requirement to renew active, 2022.

Downing/Cooke

4/0/0

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

## **REASSIGNMENT OF THE LANKFORD FUNERAL HOME AND FAMILY CENTER, FH11900011, PRENEED CONTRACTS**

A motion was made and seconded to divide them equally among the funeral homes with certificates of authority in the same county.

Cooke/Downing

4/0/0

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

## **VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

1. Lois M. York for Carlos E. York  
Re: R. D. Pyke Funeral Service, FH89200005 (Closed)

A motion was made and seconded to approve restitution in the amount of \$2805.00 plus interest.

Sproles/Cooke

4/0/0

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

2. Chad Maple for Wanda Utterback  
Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve restitution in the amount of \$1092.45 plus interest.

Sproles/Cooke

4/0/0

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

## **CORRESPONDENCE FROM JON HANLEY, FD01006332**

No action.

## **DISCUSSION OF IPLA INSPECTION POLICIES AND PROCEDURES**

The matter was table until the October meeting.

## **ANDY CLAYTON, IFDA: DISCUSSION OF THE NATIONAL EXAMINATION**

The Indiana Funeral Directors Association presented overwhelming information and statistics that support the elimination of the International Conference of Funeral Service Examining Boards examination for funeral director intern applicants.

The Board will consider a possible rule amendment to eliminate the examination.

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

A motion was made and seconded to approve all with the exception of Thomas Sproles' course.

Downing/Cooke

4/0/0

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

A motion was made and seconded to approve Thomas Sproles' course.

Downing/Cooke

3/0/1

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

Abstained: Thomas Sproles

Motion carried.

## **ADJOURNMENT**

The meeting adjourned at 4:50 p.m.