

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
DECEMBER 5, 2019
INDIANA GOVERNMENT CENTER SOUTH,
CONFERENCE CENTER, ROOM A
402 W WASHINGTON STREET
INDIANAPOLIS, IN 46204**

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Christopher Cooke, 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: Christopher Cooke, Chairman
Thomas Sproles
Frank Downing
Kathleen Matuszak
Roland Cutter

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Donald Hannah, Deputy Attorney General
Jodi Stein, Deputy Attorney General
Courtney Calvert, Compliance Officer

ADOPTION OF THE AGENDA

The agenda was adopted.

Cutter/Matuszak
4/0/0

Voting in Favor: Frank Downing, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

ADOPTION OF THE MINUTES OF THE OCTOBER 3, 2019, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes.

Cutter/Downing
4/0/0

Voting in Favor: Frank Downing, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE

1. Jacob Browning Hester

A motion was made and seconded to approve the application.

Matuszak/Cutter
4/0/0

Voting in Favor: Frank Downing, Kathleen Matuszak, Christopher Cooke, and Roland Cutter.
Motion carried.

ADMINISTRATIVE HEARINGS

1. Administrative Hearing in the matter of Cameron Vale, FD21200041, 2019 SBFCS 0001

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

Sproles/ Matuszak
5/0/0

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

Motion carried.

2. Administrative Extension of Summary Suspension Hearing in the matter of Cameron Vale, FD21200041, 2019 SBFCS 0001

A motion was made and seconded to extend the summary suspension.

Matuszak/Sproles
5/0/0

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

Motion carried.

3. Administrative Extension of Summary Suspension Hearing in the matter of Mark A. Ferree, FD20600082, 2019 SBFCS 0011

A motion was made and seconded to extend the summary suspension.

Downing/Cutter
5/0/0

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

Motion carried.

4. Administrative Summary Suspension Hearing in the matter of Bluit & Son by Nathan Bluit Jr., Inc., FH10200019 and Nathan Bluit, Jr., FD01000386, 2019 SBFCS 0015

A motion was made and seconded to summarily suspend the license.

Matuszak/Cutter
5/0/0

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

Motion carried.

5. Administrative Appeal Hearing in the matter of Hans P. Schafer, FD01001120, 2019 SBFCS 0012

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

Cutter/Downing
5/0/0

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

Motion carried.

CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

1. Danny G. Cracknell, FD20800099, 2019 SBFCS 0007

A motion was made and seconded to decline the Proposed Findings of Fact, Conclusions of Law and Order because it does not contain sufficient facts for the Board to determine if the requested disciplinary sanctions are appropriate to the admitted violation and to request the parties submit a more detailed Proposed Findings of Fact, Conclusions of Law and Order.

Downing/Matusak

3/1/1

Voting in Favor: Frank Downing, Kathleen Matuszak, and Roland Cutter.

Voting against: Christopher Cooke

Abstaining: Thomas Sproles

Motion carried.

MOTION TO VOLUNTARILY DISMISS PETITION FOR SUMMARY SUSPENSION WITHOUT PREJUDICE

1. Todd A. Burns, FD29400002, 2019SBFCS0003

A motion was made and seconded to Dismiss the matter.

Downing/Cutter

5/0/0

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

Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Report provided.

PERSONAL APPEARANCE AND APPLICATION FOR FUNERAL DIRECTOR LICENSE BY RECIPROCITY

1. Daniel Christensen

A motion was made and seconded to approve the application.

Sproles/Matuszak

5/0/0

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

Motion carried.

PERSONAL APPEARANCE AND APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE

1. Kennedy Downing

A motion was made and seconded to approve the application.

Sproles/Cutter

4/1/0

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

Voting against: Kathleen Matuszak

Motion carried.

PERSONAL APPEARANCE AND APPLICATION FOR FUNERAL DIRECTOR LICENSE

1. Peter Pflum

A motion was made and seconded to approve the application based on Mr. Pflum's comments and the fact that his supervisor made all the negative comments on his four quarterly reports dated the same day rather than as the supervision occurred.

Sproles/Matuszak

5/0/0

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

Motion carried.

APPLICATION FOR FUNERAL HOME LICENSE

1. Singleton Community Mortuary and Memorial Center

It was determined after reviewing the application that a personal appearance and board consideration was not required.

CASEY MILLER, INDIANA CEMETERY ASSOCIATION, TO PRESENT SUGGESTIONS ON HOW CEMETERY MAINTENANCE ASSISTANCE COULD BE INVESTIGATED AND PROVIDED PURSUANT TO IC 23-14-48.5

Mr. Miller recommends assigning a cemetery liaison to investigate claims filed with the board. Public safety issues can be easily determined, such as large monuments and dead trees on the verge of collapsing, collapsed vault, etc. Maintenance is a broad term, however public safety should be the reason claims should be filed rather than routine maintenance that should be covered under a cemetery perpetual care fund. Any claims for maintenance would require the cemetery to use their perpetual care fund before the consumer fund is used.

REQUEST FOR HARDSHIP WAIVER OF THE CONTINUING EDUCATION REQUIREMENT

1. Gary Storey, FD21400034

A motion was made and seconded to deny the request as he could reinstate his license in inactive status.

Sproles/Matuszak

5/0/0

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

Motion carried.

PETITION FOR REVIEW OF DENIED APPLICATION FOR RECIPROCITY FUNERAL DIRECTOR LICENSE AND PETITION UNDER IC 4-21.5-3-9(D) TO DISQUALIFY THE BOARD AS THE ADMINISTRATIVE LAW JUDGE

1. Joe Alexander Browder, Jr.

It was determined that what he filed is not a petition under IC 4-21.5-3-9(D) and that his appeal hearing will be scheduled at the next meeting.

CONSIDERATION OF PAYMENT OF INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS 2020 MEMBERSHIP DUES FROM THE FUNERAL EDUCATION FUND; \$250.00

A motion was made and seconded to approve payment.

Sproles/Matus

5/0/0

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

Motion carried.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

1. **Rees Funeral Home, FH83003069 for Lucricia Fae Price**
Re: Kraft Funeral and Crematory, Inc., FH10000005 (Revoked)

A motion was made and seconded to approve the request upon completion of the application in the amount of \$9875.00 plus statutory interest not to exceed the amount of the at-need contract.

Sproles/Matuszak
5/0/0

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

Motion carried.

2. Peggy Ward for Margaret A. Ward

Re: R.D. Pyke Funeral Service, FH89200005 (Closed)

A motion was made and seconded to approve the request in the amount of \$1912.00 plus interest not to exceed the amount of the at-need contract.

Downing/ Matuszak
5/0/0

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

Motion carried.

3. Cobb Funeral Home for Louise Blake

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

A motion was made and seconded to approve upon completion of the application in the amount of \$4201.50 plus interest not to exceed the amount of the at-need contract.

Sproles/ Matuszak
5/0/0

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

Motion carried.

ANNUAL REVIEW OF CEMETERY MAINTENANCE CONSUMER PROTECTION FUND BALANCE

A motion was made and seconded to collect statutory amount for sales in 2020.

Sproles/ Matuszak
5/0/0

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

Motion carried.

ANNUAL REVIEW OF PRENEED CONSUMER PROTECTION FUND BALANCE

A motion was made and seconded to suspend payments into the fund for 2020 because the fund currently exceeds the amount indicated in IC 30-2-13-29(i).

Sproles/Matuszak
5/0/0

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

Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the report as follows:

Downing/ Matuszak

5/0/0

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

Motion carried.

COURSES FOR APPROVAL – No Indiana Law Courses

CRaKN, LLC – CE21900035 – approved as submitted

- Paper to Cloud – Moving to Technology Based Funeral Home Mgmt. ... 11/12/2019 – 1 CEU

Flanner Buchanan - CE21800040 – approved as submitted

- Reconstruction Cases and Techniques... 12/17/2019 – 1 CEU

Selected Independent Funeral Homes – CE10800819 – approved for 8.0 hours

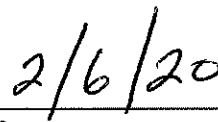
- Look on the business side and speaker unplugged... 01/27/2020 – 3 CEU
- Next Practices Exchange... 01/28/2020 – 2 CEU
- Conflict happens! Resolution through effective communication and speaker unplugged... 01/30/2020 – 3 CEU

ADJOURNMENT

The meeting was adjourned at 2:12 pm.



Chairman



Date