

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
JUNE 6, 2019
INDIANA GOVERNMENT CENTER SOUTH, ROOM W064
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
Donald Alford, Vice Chairman
Thomas Sproles
Frank Downing
Theodore Mau
Roland Cutter

BOARD MEMBERS ABSENT: Tasha Smith, State Department of Health

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Shawna Ajeigbe, Assistant Board Director
Donald Hannah, Deputy Attorney General
Courtney Calvert, Compliance Officer

ADOPTION OF THE AGENDA

The agenda was adopted.

Sproles/Mau
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, Ted Mau, Christopher Cooke, and Roland Cutter.
Motion carried.

ADOPTION OF THE MINUTES OF THE APRIL 4, 2019, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes of the April 4, 2019 meeting.

Mau/Alford
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, Ted Mau, Christopher Cooke, and Roland Cutter.
Motion carried.

LEGISLATIVE UPDATE

Meredith Lizza reported on the 2019 Legislative Session.

ADMINISTRATIVE HEARING

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

A motion was made and seconded to grant the Respondent's oral motion to continue.

Sproles/Downing
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

2. Administrative Appeal Hearing in the matter of Charles Kraft, FD29800112, 2019 SBFCS 0005

A motion was made and seconded to accept the additional hour of continuing education and find Mr. Kraft in compliance with the 2018 continuing education audit.

Sproles/Cutter
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

3. Administrative Extension of Summary Suspension Hearing in the matter of Todd A. Burns, FD29400002, 2019SBFCS0003

A motion was made and seconded to extend the summary suspension for 90 days.

Sproles/Downing
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

4. Administrative Hearing in the matter of Matthew J. Fitzthum, FD29700015, 2018 SBFCS 0004

A motion was made and seconded to default Respondent.

Sproles/Downing
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

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

Sproles/Cutter
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

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

Downing/Sproles
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

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

Sproles/Cutter
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

A motion was made and seconded that Respondent is in violation of count 4.

Sproles/Downing
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

A motion was made and seconded that Respondent is in violation of count 5.

Downing/Sproles

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

A motion was made and seconded that Respondent is in violation of count 6.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

A motion was made and seconded to revoke the license, impose a fine of \$1000 for each of the six violations for a total of \$6000, and impose the \$5.00 fee to the health records and personal identifying information protection trust fund.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

5. Administrative Hearing in the matter of John Brazzell, FD20200067, 2018 SBFCs 0003

A motion was made and seconded to issue a notice of proposed default.

Downing/Sproles

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

6. Administrative Extension of Summary Suspension Hearing in the matter of John Brazzell, FD20200067, 2018 SBFCs 0003

A motion was made and seconded to extend the summary suspension for 90 days.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

7. Administrative Hearing in the matter of Mark Genda, FD08600254, 2019 SBFCs 0004

A motion was made and seconded to reinstate the license to active status.

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report was provided.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE

- 1. Colleen Abston

A motion was made and seconded to approve the application for licensure.

Downing/Alford
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

APPLICATION FOR FUNERAL BRANCH LICENSE

- 1. Advantage Funeral and Cremation Services

A motion was made and seconded to deny the application because they do not have a facility built for the branch and have no definite timeline to break ground

Downing/Sproles
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

APPLICATION FOR FUNERAL DIRECTOR LICENSE BY RECIPROCITY

- 1. Michael R. Veg

A motion was made and seconded to deny the application due to failure to meet the requirements.

Sproles/Alford
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

READOPTION OF 832 IAC 2 THROUGH 8, LSA DOCUMENT 19-184

A motion was made and seconded to readopt the rules.

Sproles/Cutter
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, Ted Mau, Christopher Cooke, and Roland Cutter.
Motion carried.

REQUEST FOR FUNDS FOR EMERGENCY CEMETERY MAINTENANCE

- 2. Grandview Cemetery

The matter was tabled due to lack of a quorum to vote on the matter.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

- A. Stitz-Clapper Funeral Home for Ruth Hall (second request)

Re: McMullan-Stitz Funeral Home, FH83003768 (Closed) and H. Robert Lang, FD08600644 (Revoked)

A motion was made and seconded to approve restitution in the amount of \$3149.59 plus interest up to the cost of the at-need contract.

Sproles/Cutter
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, Ted Mau, Christopher Cooke, and Roland Cutter.

Motion carried.

B. Palmer Funeral Home – West Chapel for Dorothy Jones-Baskin

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

A motion was made and seconded to approve restitution in the amount of \$3064.00 plus interest up to the cost of the at-need contract.

Sproles/Mau
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, Ted Mau, Christopher Cooke, and Roland Cutter.

Motion carried.

C. Palmer Funeral Home – West Chapel for Lucille Davis

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

A motion was made and seconded to approve restitution in the amount of \$2981.70 plus interest up to the cost of the at-need contract.

Downing/Sproles
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, Ted Mau, Christopher Cooke, and Roland Cutter.

Motion carried.

D. Calumet Park Funeral Chapel for Hannah Crisman

Re: Kraft Funeral Home, FH10000005 (Revoked)

A motion was made and seconded to approve restitution in the amount of \$3200.00 with no interest.

Sproles/Cutter
6/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, Ted Mau, Christopher Cooke, and Roland Cutter.

Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

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

Downing/Sproles
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

GENERAL CE

Cremation Association of North America – CE21200016 - approved

- Creation is__ Understanding Cremation Motivations...08/01/2019 – 1 CEU
- Presentation without Preservation...08/01/2019 – 1 CEU
- Dispelling Myths: Cremation in the Curriculum...08/01/2019 – 1 CEU
- Cremation Fundamentals...08/01/2019 – 1 CEU
- Defusing Conflicts in the Arrangement Conference...08/01/2019

- Cemeteries are dying: One Bold Response...08/01/2019 – 1 CEU
- The Art of Story...08/01/2019 – 1 CEU

FuneralCE - CE10800715 – approved

- OSHA Emergency Action Plans for Funeral Homes...Ongoing – 2 CEU

Funeral Service Academy - CE21400012- approved

- Today's Funerals: What's New? ...Ongoing – 3 CEU

Indiana State Coroner's Board – CE10800754 – approved

- 2019 Dr. David Avolt In-service Training...06/13/19 – 06/15/19 - 19 CEU

International Cemetery, Cremation & Funeral Association – CE10800864 – approved

- 2018 ICCFA University (College of 21st Century)...07/19/19– 07/24/19 - 25 CEU
- 2018 ICCFA University (College of Cremation)...07/19/19– 07/24/19 - 25 CEU
- 2018 ICCFA University (College of Funeral Home Mgmt.)...07/19/19– 07/24/19 - 25 CEU
- 2018 ICCFA University (College of Hospitality)...07/19/19– 07/24/19 - 25 CEU
- 2018 ICCFA University (College of Leadership Admin. And Mgmt.)...07/19/19– 07/24/19 - 25 CEU
- 2018 ICCFA University (College of International Studies)...07/19/19– 07/24/19 - 25 CEU
- 2018 ICCFA University (College of Land Mgmt. and Grounds Operation)...07/19/19– 07/24/19 - 25 CEU
- 2018 ICCFA University (College of Sales)...07/19/19– 07/24/19 - 25 CEU

International Order of the Golden Rule – CE108000865 – approved

- Educating the Families You Serve about the "WHY" of the Funeral... 10/25/19 – 10/26/19 – 8 CEU

INDIANA LAW COURSES

Minnick Services – CE10800889 – approved

- Cremation Liability- Is Anyone really Getting Sued?... 10/15/19 – 10/16/19 - 2 CEU (law category 3)
- Navigating the Cemetery and Funeral Home Relationship... 10/15/19 – 10/16/19 - 2 CEU (law category 4)

CE AUDIT REPORT

A motion was made and seconded to suspend Ralph Sommerfeld for non-payment of the fine imposed in his Notice of Noncompliance.

Sproles/Downing

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

A motion was made and seconded to issue notice of non-compliance in the matter of the following licensees for failure to comply with the continuing education requirement and to impose a \$1000 fine.

Debra Claybrooks, FD21500021

Savanah Starr Light, FD21200035

Sproles/Cutter

4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.

Motion carried.

A motion was made and seconded to issue notice of non-compliance in the matter of the following licensees for failure to respond to the two continuing education audit notices and to impose a \$5000 fine.

Cynthia Dickmader, FD21500008
Hans P. Schafer, FD01001120
John S. Pruzen, FD01007231
Joey L. Coomer, FD21000007

Sproles/Cutter
4/0/0

Voting in Favor: Thomas Sproles, Frank Downing, Donald Alford, and Roland Cutter.
Motion carried.

ADJOURNMENT

The meeting was adjourned at 1:19 pm.

Chairman



Date

8/1/2019

