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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF FUNERAL DIRECTORS

TIME: 10:34 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

December 7, 2022

1 State Board of Funeral Directors
2 December 7, 2022

3
4
5 BOARD MEMBERS:
6

7 Arion Claggett, Acting Commissioner, Bureau of
8 Professional and Occupational Affairs
9 Milian E. Rodriguez, Vice Chairperson, Professional
10 Member
11 Carmella M. Imburgia, Secretary, Professional
12 Member
13 Kenneth C. DuPree, Professional Member
14 Francis McCusker, Public Member - Absent
15 Jennifer Jane Kirk, Esquire, Senior Deputy Attorney
16 General, Antitrust Section, Consumer Protection
17 Representative
18
19

20 BUREAU PERSONNEL:
21

22 Dean F. Picarella, Esquire, Senior Board Counsel
23 Shawn J. Jayman, Esquire, Board Counsel
24 Carolyn DeLaurentis, Deputy Chief Counsel,
25 Prosecution
26 Division
27 Ray Michalowski, Esquire, Senior Board Prosecution
28 Liaison
29 Timothy A. Fritsch, Esquire, Board Prosecution
30 Liaison
31 Kristel Hennessy Hemler, Board Administrator
32 Andrew LaFratte, MPA, Executive Policy Specialist,
33 Department of State
34 Danie Bendesky, Director of Intergovernmental
35 Affairs, Department of State
36
37

38 ALSO PRESENT:
39

40 Kathleen K. Ryan, Esquire, Pennsylvania Funeral
41 Directors Association
42 James Erikson, CAE, Assistant Executive Director and
43 Chief Operations Officer, Pennsylvania Funeral
44 Directors Association
45 Jennifer Smeltz, Republican Executive Director,
46 Senate Consumer Protection & Professional Licensure
47 Committee
48 Ernie Heffner, President, Heffner Funeral Chapel
49 & Crematory, Inc.
50

State Board of Funeral Directors
December 7, 2022

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ALSO PRESENT: (cont.)

Jason Benion, Esquire, Shareholder and Chair of the
Death Care Group, Saxton & Stump, LLC
Antoine Turay, Owner, Turay Memorial Chapel
Eric Ruggeri
Michael Anderson

1 ***

2 State Board of Funeral Directors

3 December 7, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Shawn J. Jayman, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations on
9 a number of matters currently pending before the
10 Board and to receive the advice of counsel. The
11 Board entered into public session at 10:30 a.m.]

12 ***

13 [Shawn J. Jayman, Esquire, Board Counsel, informed
14 everyone that the meeting was being recorded and
15 voluntary participation constituted consent to be
16 recorded.

17 Mr. Jayman also noted the Board entered into
18 Executive Session for the purpose of conducting
19 quasi-judicial deliberations on a number of matters
20 currently pending before the Board and to receive the
21 advice of counsel.]

22 ***

23 The regularly scheduled meeting of the State
24 Board of Funeral Directors was held on Wednesday,
25 December 7, 2022. Milian E. Rodriguez, Vice

1 Chairperson, Professional Member, called the meeting
2 to order at 10:34 a.m.

3 ***

4 Roll Call/Introduction of Attendees

5 [Milian E. Rodriguez, Vice Chairperson, Professional
6 Member, requested a roll call of Board members and
7 attendees.]

8 ***

9 Approval of minutes of the October 26, 2022 meeting

10 VICE CHAIR RODRIGUEZ:

11 After reviewing the minutes of the last
12 meeting in October, does any Board
13 member have a question?

14 MR. DUPREE:

15 I move that the minutes from October
16 26, 2022, be approved as written.

17 VICE CHAIR RODRIGUEZ:

18 Second?

19 [The Board discussed corrections to the minutes.]

20 MR. JAYMAN:

21 Would you entertain a motion to approve
22 minutes to reflect Jennifer Kirk is a
23 Board member and not also present at
24 the October 26, 2022 Board Meeting?

25 MR. DUPREE:

1 So moved.

2 VICE CHAIR RODRIGUEZ:

3 It has been moved. Do we have a
4 second?

5 MS. KIRK:

6 I'll second.

7 VICE CHAIR RODRIGUEZ:

8 We have a correction. The motion
9 moves.

10

11 Arion Claggett, aye; Milian Rodriguez,
12 aye; Carmella Imburgia, aye; Kenneth
13 DuPree, aye; Jennifer Kirk, aye.

14 [The motion carried unanimously.]

15

16 Matters for Discussion - Election of Officers

17 MR. JAYMAN:

18 At this point, would any Board member
19 like to nominate somebody to be
20 Chairperson?

21 MS. KIRK:

22 I'd like to nominate Carmella Imburgia
23 as Chairperson. I believe she'll do an
24 excellent job.

25 VICE CHAIR RODRIGUEZ:

1 Do we have a second?

2 MR. DUPREE:

3 I second the motion.

4 MS. HEMLER:

5 We'll do a roll call vote on that.
6 this is for Carmella Imburgia to be
7 Chairperson of the State Board of
8 Funeral Directors.

9
10 Arion Claggett, aye; Milian Rodriguez,
11 aye; Carmella Imburgia, aye; Kenneth
12 DuPree, aye; Jennifer Kirk, aye.

13 [The motion carried unanimously.]

14 ***

15 MR. JAYMAN:

16 We will move on to the Vice
17 Chairperson.

18 MS. KIRK:

19 I'd like to nominate Kenneth DuPree. I
20 believe he will also do an excellent
21 job as a member of the Board as the
22 Vice Chairman.

23 ACTING COMMISSIONER CLAGGETT:

24 I second that.

25 VICE CHAIR RODRIGUEZ:

1 We have a first and a second. We are
2 going to have the roll call.

3
4 Arion Claggett, aye; Milian Rodriguez,
5 aye; Carmella Imburgia, aye; Kenneth
6 DuPree, aye; Jennifer Kirk, aye.

7 [The motion carried unanimously.]

8 ***

9 MR. JAYMAN:

10 Is there a nomination for secretary?

11 MS. KIRK:

12 I'd like to nominate Milian Rodriguez.

13 I think she has done an awesome job
14 already on the Board. I think it's
15 clear she is of great value. I
16 definitely recommend her for secretary
17 and nominate her.

18 MS. IMBURGIA:

19 I'll second.

20 MS. HEMLER:

21 Roll call vote.

22
23 Arion Claggett, aye; Milian Rodriguez,
24 aye; Carmella Imburgia, aye; Kenneth
25 DuPree, aye; Jennifer Kirk, aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Prosecutorial Division

4 [Timothy A. Fritsch, Esquire, Board Prosecution

5 Liaison, had nothing to present from prosecution but

6 offered to answer any questions.]

7 ***

8 Report of Board Counsel - Miscellaneous

9 MR. JAYMAN:

10 Regarding agenda item 2, based upon
11 discussions in Executive Session, the
12 Board would entertain a motion to table
13 the Matter of BPOA v. Antoine M. Turay,
14 Case No. 21-48-0008683.

15 ACTING COMMISSIONER CLAGGETT:

16 So moved.

17 MS. KIRK:

18 I'll second.

19 MS. HEMLER:

20 We'll do the roll call vote.

21

22 Arion Claggett, aye; Milian Rodriguez,

23 aye; Carmella Imburgia, aye; Kenneth

24 DuPree, recuse; Jennifer Kirk, aye.

25 [The motion carried. Kenneth DuPree recused himself

1 from deliberations and voting on the motion.]

2 ***

3 Report of Board Counsel - Miscellaneous

4 [Shawn J. Jayman, Esquire, Board Counsel, provided a
5 Caseload Report for the Board's review and informed
6 Board members of 12 cases at the current time.

7 Mr. Jayman informed Board members that House Bill
8 2916 regarding the addition of a definition for
9 "cremation" was sponsored and introduced.]

10 ***

11 Report of Acting Commissioner - No Report

12 ***

13 Report of Board Chairman - No Report

14 ***

15 Report of Board Administrator

16 [Kristel Hennessy Hemler, Board Administrator,
17 presented the State Board of Funeral Directors
18 Biyearly Newsletter to Board members for content
19 review.]

20 ***

21 Matters for Discussion - FTC Seeks to Improve the

22 American Public's Access to Funeral Service Prices
23 Online

24 [Shawn J. Jayman, Esquire, Board Counsel, informed
25 Board members that the Federal Trade Commission (FTC)

1 seeks to improve the American public's access to
2 funeral service prices and information available on
3 websites and other electronic means. He noted the
4 deadline for any comments is January 3, 2023.

5 Ms. Kirk asked whether there were any specific
6 websites the pricing information would need to be
7 posted and whether a funeral director or business
8 would be able to provide the information on Facebook
9 pages versus the actual business websites.

10 Mr. Jayman was unaware of specifics other than by
11 electronic means but may impact Facebook. He again
12 referred to the January 3, 2023 deadline for any
13 comments.]

14 ***

15 Matters for Discussion - Regulation § 13.184 Prompt
16 Disposal of a Deceased Body (10-Day Hold Requests)
17 [Kristel Hennessy Hemler, Board Administrator,
18 addressed § 13.184 regarding the prompt disposal of a
19 deceased body. She noted the regulations currently
20 state that it must be 10 days from the day the
21 establishment receives the deceased body until the
22 anticipated day of burial. She informed everyone
23 that a waiver during COVID extended that period to 30
24 days but has reverted back to the regulations now
25 that the waivers have expired.

1 Mr. DuPree commented that the time should be
2 increased to maybe 20 days instead of 10. He noted
3 the waiting time for a military burial for someone to
4 get into a military cemetery is always more than 10
5 days. He addressed the issue of family readiness,
6 where some families want to wait until after a
7 vacation.

8 Mr. DuPree addressed the importance of families
9 having time to prepare for the cost of a full-service
10 funeral with a burial. He believed that an increase
11 in time would reduce the administrative burden and
12 provide funeral directors with more flexibilities in
13 terms of serving families and not forcing families to
14 execute a funeral service they do not want because of
15 a time constraint.

16 Kathleen K. Ryan, Esquire, Pennsylvania Funeral
17 Directors Association, addressed a case where a
18 family cannot make a decision regarding an autopsy
19 and have been unable to resolve it through counsel,
20 although none of them have moved to get any kind of
21 court intervention.

22 Ms. Ryan explained that the funeral director has
23 had the body since November 21 and requested a 10-day
24 extension. She believed extensions were open-ended
25 but requested but requested Board information

1 concerning the extensions.

2 Ms. Imburgia explained that funeral directors
3 must provide an anticipated specific date, and if
4 they do not follow through with that date, they have
5 to reapply and the Board could deny that request.

6 Ms. Ryan requested more information concerning
7 criteria on whether or not the requests are granted.

8 Ms. Imburgia explained that most cases are
9 approved because of military reasons or the family
10 has traveled. She commented that funeral directors
11 do not have any recourse because the Board said, by
12 law, they have to bury, but how is that enforced.

13 Mr. DuPree expressed concern regarding applying
14 for a military burial, where the person is in
15 verification and the funeral director does not know
16 when the military is going to respond to the
17 verification process and cannot give an anticipated
18 date because not only do they not know when the
19 military will respond but even when and if they
20 approve of the burial, a funeral director does not
21 know when a date would be available in Washington.

22 Mr. DuPree addressed the importance of having
23 recourse if the application is denied because the
24 funeral director still cannot make this decision. He
25 mentioned the funeral director cannot bury or cremate

1 that person without the consent of the family if a
2 family wants an autopsy. He commented that the
3 funeral director has to side with the family if the
4 Board says we deny your 10-day extension but the
5 family is not ready to proceed with the final
6 disposition.

7 Ms. Ryan commented that the Board should consider
8 whether or not the remains are involved and whether
9 or not there is refrigeration available in terms of
10 timing.

11 Mr. Jayman suggested Board members have another
12 discussion at an upcoming meeting to address this
13 matter further.

14 Ms. Hemler noted receiving an email from a
15 funeral director regarding form changes. She
16 referred to the wording "condition of body" and
17 suggested it be changed to "treatment of remains"
18 because the Board wants to know whether the deceased
19 body was embalmed, sealed, and well refrigerated but
20 is receiving other words in the form. Board members
21 agreed with the new language.

22 Ms. Ryan referred to House Bill 2916 and informed
23 Board members that the FTC is contemplating amending
24 their definition of cremation to include alternative
25 forms, such as alkaline hydrolysis and natural

1 organic reduction.]

2 ***

3 Legislative Initiatives - No Report

4 ***

5 Continuing Education Report - No Report

6 ***

7 Requests for Review

8 MR. JAYMAN:

9 Agenda item 9. Based on discussions in
10 Executive Session, it is my
11 understanding the Board would entertain
12 a motion to table the matter of Dana
13 Law, Application AA0004199576.

14 MR. DUPREE:

15 So moved.

16 MS. KIRK:

17 Second.

18 MS. HEMLER:

19 Roll call.

20
21 Arion Claggett, aye; Milian Rodriguez,
22 aye; Carmella Imburgia, aye; Kenneth
23 DuPree, aye; Jennifer Kirk, aye.

24 [The motion carried unanimously.]

25 ***

1 MR. JAYMAN:

2 Agenda item 10, Michaele Johnson,
3 FI022001. Based on discussions in
4 Executive Session, it is my
5 understanding the Board had would
6 entertain a motion to approve Ms.
7 Johnson's request.

8 MR. DUPREE:

9 So moved.

10 MS. KIRK:

11 Second.

12 MS. HEMLER:

13 Roll call.

14

15 Arion Claggett, aye; Milian Rodriguez,
16 aye; Carmella Imburgia, aye; Kenneth
17 DuPree, aye; Jennifer Kirk, aye.

18 [The motion carried unanimously.]

19

20 Requests for Review - Ratifications

21 MR. JAYMAN:

22 Agenda item 11, Morgan Sky Snyder.
23 Based on discussions in Executive
24 Session, it is my understanding the
25 Board would entertain a motion to

1 approve Application.

2 MR. DUPREE:

3 So moved.

4 MS. KIRK:

5 Second.

6 MS. HEMLER:

7 Roll call.

8

9 Arion Claggett, aye; Milian Rodriguez,
10 aye; Carmella Imburgia, aye; Kenneth
11 DuPree, aye; Jennifer Kirk, aye.

12 [The motion carried unanimously.]

13

14 MR. JAYMAN:

15 Agenda item 12. Based upon discussions
16 in Executive Session, it is my
17 understanding the Board would entertain
18 a motion to approve Ratification for an
19 Extension of a Funeral Supervisor
20 Temporary License in the Matter of
21 Charles B. Freeberg Jr., FST000140.

22 MR. DUPREE:

23 So moved.

24 VICE CHAIRPERSON RODRIGUEZ:

25 Second?

1 MS. KIRK:

2 I second.

3 MS. HEMLER:

4 Roll call.

5

6 Arion Claggett, aye; Milian Rodriguez,
7 aye; Carmella Imburgia, aye; Kenneth
8 DuPree, aye; Jennifer Kirk, aye.

9 [The motion carried unanimously.]

10

11 MR. JAYMAN:

12 Agenda item 13. Based upon discussions
13 in Executive Session, it is my
14 understanding the Board would entertain
15 a motion to approve Ratification for an
16 Extension of a Funeral Supervisor
17 Temporary License in the Matter of
18 Timothy W. McAllister, FST000141.

19 VICE CHAIRPERSON RODRIGUEZ:

20 Do we have a motion?

21 ACTING COMMISSIONER CLAGGETT:

22 So moved.

23 MR. DUPREE:

24 Second.

25 VICE CHAIRPERSON RODRIGUEZ:

1 Roll call, please.

2

3 Arion Claggett, aye; Milian Rodriguez,
4 aye; Carmella Imburgia, aye; Kenneth
5 DuPree, aye; Jennifer Kirk, aye.

6 [The motion carried unanimously.]

7

8 Public Comment

9 [Antoine Turay, Owner, Turay Memorial Chapel,
10 requested a definition of tabling from Board members.
11 He mentioned that other things have been submitted
12 and there is a quorum.

13 Mr. Jayman explained that the Board needs five
14 Board members to constitute a quorum and there is one
15 recusal in his case, which is the reason his case has
16 been tabled.

17 Mr. Turay commented that the Board does not have
18 enough members to move with a recusal but asked
19 whether other situations do not dictate a full
20 quorum.

21 Acting Commissioner Claggett explained that there
22 are differences in things being tabled. He further
23 explained that the Board has a quorum for his
24 specific case but have one member who is recusing
25 from the case, which does not count toward the

1 quorum. He stated the Board was able to vote on
2 other items because there were no recusals in those
3 other tabled items.

4 Acting Commissioner Claggett apologized but
5 explained that the intention is to have a quorum for
6 a vote on the matter and have it back on the agenda
7 for the next meeting.

8 Ernie Heffner, President, Heffner Funeral Chapel
9 & Crematory, asked whether the Board had a position
10 on House Bill 2916 or whether it was just an FYI.

11 Mr. Jayman informed Mr. Heffner that it was just
12 information for the Board.]

13 ***

14 Adjournment

15 VICE CHAIRPERSON RODRIGUEZ:

16 With no further comments, I would like
17 to call this meeting to be adjourned.

18 Do I have a motion?

19 MR. DUPREE:

20 So moved.

21 VICE CHAIRPERSON RODRIGUEZ:

22 Do I have a second?

23 MS. KIRK:

24 I second.

25 VICE CHAIRPERSON RODRIGUEZ:

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Thank you very much for your participation. Our next meeting will be held on January 11.

[There being no further business, the State Board of Funeral Directors Meeting adjourned at 11:12 a.m.]

CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Funeral Directors meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Funeral Directors meeting.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX

December 7, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
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7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:34	Official Call to Order
13		
14	10:34	Roll Call/Introduction of Attendees
15		
16	10:38	Approval of Minutes
17		
18	10:40	Matters for Discussion
19		
20	10:44	Report of Board Counsel
21		
22	10:48	Report of Board Administrator
23		
24	10:49	Matters for Discussion (cont.)
25		
26	11:04	Requests for Review
27		
28	11:08	Public Comment
29		
30	11:12	Adjournment
31		
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