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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: 10:39 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
BOARD ROOM C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

February 28, 2018

1 State Board of Funeral Directors
2 February 28, 2018

3
4 BOARD MEMBERS:

5
6 William G. Harris, Professional Member, Chairman
7 Milian E. Rodriguez, Professional Member, Vice
8 Chairperson
9 Robert E. Neely, Professional Member, Secretary
10 Katelin Lambert, Director of Operations, Bureau of
11 Professional and Occupational Affairs, on behalf
12 Ian J. Harlow, Commissioner of Professional and
13 Occupational Affairs
14 Gregory T. Burrell, Professional Member - Absent
15 Sharon K. Maitland, Esquire, Office of Attorney
16 General, Bureau of Consumer Protection
17 Representative
18 Thomas Kukuchka, Professional Member - Absent
19
20

21 BUREAU PERSONNEL:

22
23 Wesley J. Rish, Esquire, Board Counsel
24 Timothy A. Fritsch, Esquire, Board Prosecution
25 Liaison
26 Heidy M. Weirich, Board Administrator
27
28

29 ALSO PRESENT:

30
31 Ernie Heffner, Heffner Funeral Chapel & Crematory
32 Kathleen K. Ryan, Esquire, Pennsylvania Funeral
33 Directors Association
34 James Erikson, Pennsylvania Funeral Directors
35 Association
36 Harry C. Neel, Jefferson Memorial Funeral Home
37 Angela Pinke, Jefferson Memorial Funeral Home
38 Jason G. Benion, Post & Schell
39 Charles J. Hartwell, Esquire, Dethlefs-Pykosh Law
40 Group, LLC
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1 State Board of Funeral Directors

2 February 28, 2018

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:30 a.m. the Board entered into Executive Session
6 with Wesley J. Rish, Esquire, Board Counsel, for the
7 purpose of conducting quasi-judicial deliberations and
8 to receive legal advice. The Board entered into
9 public session at 10:30 a.m.]

10 ***

11 The regularly scheduled meeting of the State
12 Board of Funeral Directors was held on Wednesday,
13 February 28, 2018. William G. Harris, Professional
14 Member, Chairman, called the meeting to order at 10:39
15 a.m. The Pledge of Allegiance was recited. Roll call
16 was taken. A quorum was noted to be present.

17 ***

18 [Heidy M. Weirich, Board Administrator, reviewed the
19 emergency evacuation procedures for One Penn Center.]

20 ***

21 MR. RISH:

22 From 9:30 a.m. until approximately 10:20
23 a.m. this morning, the State Board of
24 Funeral Directors held an Executive
25 Session to conduct quasi-judicial

1 deliberations under the Sunshine Act for
2 Item Nos. 2 through 6 on the Board's
3 agenda; 9, 10, and 11; Item No. 13; and
4 Items 14 through 16.

5 ***

6 Approval of Minutes of the January 17, 2018 meeting

7 CHAIRMAN HARRIS:

8 We need approval of the minutes.

9 [The Board discussed changes to the minutes.]

10 I will need a motion of approval.

11 MR. NEELY:

12 So moved.

13 CHAIRMAN HARRIS:

14 We have a motion. Do we have a second?

15 MS. MAITLAND:

16 Second.

17 CHAIRMAN HARRIS:

18 We have a motion and a second. All in
19 favor, signify by saying aye? Any
20 opposed?

21 [The motion carried unanimously.]

22 ***

23 Report of Prosecutorial Division

24 [Timothy A. Fritsch, Esquire, Board Prosecution

25 Liaison, noted Items 2 through 5 on the agenda and

1 presented the Consent Agreement for File No. 12-48-
2 08591.

3 Mr. Fritsch noted the Consent Agreement for File
4 No. 17-48-11067 had been withdrawn.]

5 ***

6 MOTIONS:

7 MR. RISH:

8 Based upon discussions in Executive
9 Session, I understand that the Board
10 would entertain a motion approving the
11 Consent Agreement and Order.

12 CHAIRMAN HARRIS:

13 Do I have a motion?

14 MS. RODRIGUEZ:

15 So moved?

16 CHAIRMAN HARRIS:

17 Do we have a second?

18 MR. NEELY:

19 Second.

20 CHAIRMAN HARRIS:

21 We have a motion and a second. All in
22 favor, signify by saying aye? Any
23 opposed?

24 [The motion carried unanimously. That matter involved
25 John N. Bauer, F.D.]

1 ***

2 [Mr. Fritsch presented the Consent Agreement for File
3 No. 17-48-12295.]

4 MR. RISH:

5 Based on discussions in Executive
6 Session, I understand that the Board
7 would entertain a motion approving the
8 Consent Agreement and Order.

9 CHAIRMAN HARRIS:

10 Do I hear a motion?

11 MR. NEELY:

12 So moved?

13 CHAIRMAN HARRIS:

14 Do I have a second?

15 MS. MAITLAND:

16 Second.

17 CHAIRMAN HARRIS:

18 We have a motion and a second. All in
19 favor, signify by saying aye? Any
20 opposed?

21 [The motion carried unanimously. That matter involved
22 Scott Michael Nelson, F.D.]

23 ***

24 [Mr. Fritsch presented the Consent Agreement for File
25 No. 16-48-07760 & File No. 16-48-12396.]

1 MR. RISH:

2 Based on discussions in Executive
3 Session, I understand that the Board
4 would entertain a motion approving the
5 Consent Agreement and Order.

6 CHAIRMAN HARRIS:

7 Do we have a motion on that?

8 MS. MAITLAND:

9 So moved?

10 CHAIRMAN HARRIS:

11 We have a motion. Do we have a second?

12 MR. NEELY:

13 Second.

14 CHAIRMAN HARRIS:

15 We have a motion and a second. All in
16 favor, signify by saying aye? Anyone
17 oppose that motion?

18 [The motion carried unanimously. That matter involved
19 Stephen E. Kezmarsky III, F.D. & Kezmarsky Funeral
20 Home.]

21 ***

22 [Mr. Fritsch presented the Consent Agreement for File
23 No. 17-48-14057.]

24 MR. RISH:

25 Based upon discussions in Executive

1 Session, I understand that the Board
2 would entertain a motion approving the
3 Consent Agreement and Order.

4 CHAIRMAN HARRIS:

5 Do we have a motion?

6 MS. RODRIGUEZ:

7 So moved?

8 CHAIRMAN HARRIS:

9 We have a motion. Do we have a second?

10 MR. NEELY:

11 Second.

12 CHAIRMAN HARRIS:

13 We have a motion and a second. All in
14 favor, signify by saying aye? Opposed?

15 [The motion carried unanimously. That matter involved
16 Lantz Funeral Home, Inc.]

17 ***

18 Report of Board Counsel

19 [Wesley J. Rish, Esquire, Board Counsel, noted the
20 February 2018 Status of Cases and February 2018 Status
21 of Regulations.]

22 MR. RISH:

23 The next matter is Item No. 9. It is in
24 the matter of the Application for a
25 Funeral Trainee License of Leychawne D.

1 Johns, File No. 16-48-14418.

2 Based upon discussions in Executive
3 Session, I understand that the Board
4 would entertain a motion directing Board
5 Counsel to draft a Final Adjudication
6 and Order in accordance with the Board's
7 instructions and addressing Applicant's
8 exceptions.

9 CHAIRMAN HARRIS:

10 Do we have a motion on that matter?

11 MR. NEELY:

12 So moved?

13 CHAIRMAN HARRIS:

14 Do we have a second?

15 MS. MAITLAND:

16 Second.

17 CHAIRMAN HARRIS:

18 We have a motion and a second. All in
19 favor, signify by saying aye? Any
20 opposed?

21 [The motion carried unanimously.]

22 ***

23 MR. RISH:

24 The next matter is Item No. 10 on the
25 Board's agenda. It is the Bureau of

1 Professional and Occupational Affairs
2 vs. Leychawne D. Johns & Johns Funeral
3 Home, LLC.

4 Based upon discussions in Executive
5 Session, I understand that the Board
6 would entertain a motion directing
7 Counsel to draft an Adjudication and
8 Order in accordance with the Board's
9 instructions and addressing Respondent's
10 exceptions.

11 CHAIRMAN HARRIS:

12 Do we have a motion on that matter?

13 MS. RODRIGUEZ:

14 So moved?

15 CHAIRMAN HARRIS:

16 We have a motion. Do we have a second?

17 MS. MAITLAND:

18 Second.

19 CHAIRMAN HARRIS:

20 We have a motion and a second. All in
21 favor, signify by saying aye? Any
22 opposed?

23 [The motion carried unanimously.]

24 ***

25 MR. RISH:

1 The next matter is Item No. 11 on the
2 Board's agenda. It is the Bureau of
3 Professional and Occupational Affairs
4 vs. Michael George McCleary, F.D.

5 Based upon discussions in Executive
6 Session, I understand the Board would
7 entertain a motion directing Counsel to
8 draft a final Adjudication and Order in
9 accordance with the Board's instructions
10 and addressing Respondent's exceptions.

11 CHAIRMAN HARRIS:

12 Do we have a motion on that matter?

13 MR. NEELY:

14 So moved?

15 CHAIRMAN HARRIS:

16 We have a motion. Do we have a second?

17 MS. RODRIGUEZ:

18 Second.

19 CHAIRMAN HARRIS:

20 We have a motion and a second. All in
21 favor, signify by saying aye? Any
22 opposed?

23 [The motion carried unanimously.]

24 ***

25 MR. RISH:

1 Item No 12 is just the record for Items
2 9, 10, and 11.

3 The next matter for the Board's
4 consideration is Item No. 13 on the
5 Board's agenda. It is the Bureau of
6 Professional and Occupational Affairs
7 vs. Robert C. Klimke, F.D., File No. 17-
8 48-06534.

9 Based upon discussions in Executive
10 Session, I understand the Board would
11 entertain a motion approving the final
12 Adjudication and Order.

13 CHAIRMAN HARRIS:

14 Do we have a motion on that matter?

15 MR. NEELY:

16 So moved?

17 CHAIRMAN HARRIS:

18 We have a motion. Do we have a second?

19 MS. RODRIGUEZ:

20 Second.

21 CHAIRMAN HARRIS:

22 We have a motion and a second. All in
23 favor, signify by saying aye? Any
24 opposed?

25 [The motion carried unanimously.]

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Report of Commissioner

[Katelin Lambert, Director of Operations, Bureau of Professional and Occupational Affairs, on behalf of Ian J. Harlow, Commissioner, updated the Board on the Pennsylvania Licensing System (PALS). Ms. Lambert informed the Board that PALS was 83.5 percent complete by the end of 2017. She discussed the Bureau transitioning to PALS for all functionality relating to initial applications, verification, and renewals.

Ms. Lambert stated the Funeral renewals were approximately 92 percent complete with 25 establishments and 183 directors who have not yet filed.]

Report of Board Chairman

[Chairman Harris discussed difficulties with PALS and urged Board members to offer assistance with the system when requested.

Chairman Harris noted the 2018 Funeral Board Meeting dates and the need for possible changes.]

Report of Board Administrator - No Report

Items for Discussion

1 [Wesley J. Rish, Esquire, Board Counsel, discussed
2 correspondence received from the New York Board of
3 Funeral directors inquiring as to an interest in the
4 Pennsylvania State Board and granting reciprocal
5 licensure. Mr. Rish stated Section 9(b) of the
6 Funeral Director Law permits the Pennsylvania Board of
7 Funeral Directors to grant licenses in a reciprocal
8 fashion if the other state has similar qualifications
9 as the state of Pennsylvania.

10 Mr. Rish stated New York does not have the
11 equivalent qualifications.]

12 MR. RISH: My understanding is that the Board would
13 entertain a motion directing Counsel to
14 enter into discussions with the state of
15 New York Board of Funeral Directors
16 regarding an agreement to grant a
17 limited license.

18 CHAIRMAN HARRIS:

19 I will make a motion that we enter into
20 that discussion, and I need a second.

21 MR. NEELY:

22 Second?

23 CHAIRMAN HARRIS:

24 We have a motion and a second. All in
25 favor, signify by saying aye? Any

1 opposed?

2 [The motion carried unanimously.]

3 ***

4 MR. RISH:

5 The next matter is Item No. 15. It is
6 an Application for Extension of
7 Internship of Nicole Dubyne.

8 Based upon discussions in Executive
9 Session, I understand that the Board
10 would entertain a motion approving the
11 request.

12 MS. MAITLAND:

13 So moved.

14 CHAIRMAN HARRIS:

15 We have a motion. Do we have a second?

16 MR. NEELY:

17 Second.

18 CHAIRMAN HARRIS:

19 We have a motion and a second. All in
20 favor, signify by saying aye? Any
21 opposed?

22 [The motion carried unanimously.]

23 ***

24 MR. RISH:

25 The next matter is Item No. 16. It is

1 an Application for a Funeral Director
2 License of Steven Rogowski.

3 Based upon discussions in Executive
4 Session, I understand that the Board
5 would entertain a motion approving the
6 application.

7 CHAIRMAN HARRIS:

8 Do we have a motion?

9 MR. NEELY:

10 So moved.

11 CHAIRMAN HARRIS:

12 We have a motion. Do we have a second?

13 MS. MAITLAND:

14 Second.

15 CHAIRMAN HARRIS:

16 We have a motion and a second. All in
17 favor, signify by saying aye? Any
18 opposed to that?

19 [The motion carried unanimously.]

20 ***

21 Legislative Initiatives - No Report

22 ***

23 Cremation Regulation Task Force - No Report

24 ***

25 Continuing Education

1 [Chairman Harris noted continuing education
2 applications received from New Jersey Funeral Service
3 Education Corporation, Pennsylvania Funeral Directors
4 Association, National Funeral Directors Association,
5 International Order of the Golden Rule, Pittsburgh
6 Institute of Mortuary Science, Inc., and the Western
7 Pennsylvania Funeral Directors Association.]

8 CHAIRMAN HARRIS:

9 I would make a motion that we approve
10 the applications for continuing
11 education. Do we have a second?

12 MS. RODRIGUEZ:

13 Second.

14 CHAIRMAN HARRIS:

15 We have a motion and a second. All in
16 favor, signify by saying aye? Any
17 opposed?

18 [The motion carried unanimously.]

19 ***

20 Public Session

21 [Ernie Heffner, Heffner Funeral Chapel & Crematory,
22 thanked Ms. Weirich for her patience through the
23 licensing renewal process.

24 Mr. Heffner questioned whether it was a violation
25 to not report a preneed to the Board if the funeral

1 home never received funds. Mr. Rish directed Mr.
2 Heffner to the regulations.

3 Mr. Benion requested contact information with
4 regard to obtaining prior routine inspection reports.
5 Mr. Rish agreed to review the matter if Mr. Benion
6 emailed him the particulars.]

7 ***

8 [The Board recessed from 11:11 a.m. until 11:30 a.m.]

9 ***

10 [A Formal Hearing was held from 11:30 a.m. until 12:19
11 p.m. In the Matter of the Funeral Intern Application
12 of Michael L. Shuman; File No. 18-48-01086, Docket No.
13 0269-48-2018.]

14 ***

15 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
16 12:19 p.m. the Board entered into Executive Session
17 with Wesley J. Rish, Esquire, Board Counsel, for the
18 purpose of conducting quasi-judicial deliberations and
19 to receive legal advice regarding the preceding
20 hearing involving File No. 18-48-01086. The Board
21 adjourned their meeting following the conclusion of
22 the Executive Session.]

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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.



Haley J. Neumeister,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX
February 28, 2018

| | TIME | AGENDA |
|----|-------|------------------------------------|
| 1 | | |
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| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | 9:30 | Executive Session |
| 8 | 10:30 | Return to Open Session |
| 9 | | |
| 10 | 10:39 | Official Call to Order/Pledge of |
| 11 | | Allegiance |
| 12 | | |
| 13 | 10:40 | Evacuation Announcement |
| 14 | | |
| 15 | 10:41 | Approval of Minutes |
| 16 | | |
| 17 | 10:41 | Report of Prosecutorial Division |
| 18 | | |
| 19 | 10:53 | Report of Board Counsel |
| 20 | | |
| 21 | 10:56 | Report of Commissioner |
| 22 | | |
| 23 | 10:58 | Report of Board Chairman |
| 24 | | |
| 25 | 10:59 | Items for Discussion |
| 26 | | |
| 27 | 11:05 | Continuing Education |
| 28 | | |
| 29 | 11:10 | Public Session |
| 30 | | |
| 31 | 11:11 | Recess |
| 32 | 11:30 | Return to Open Session |
| 33 | | |
| 34 | 11:30 | Formal Hearing - Michael L. Shuman |
| 35 | | |
| 36 | 12:19 | Executive Session/Adjournment |
| 37 | | |
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