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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: 10:16 A.M.

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

August 29, 2019

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 9:30 a.m. the Board entered into Executive Session
4 with C. William Fritz II, Esquire, Board Counsel, for
5 the purpose of conducting quasi-judicial deliberations
6 and to receive legal advice. The Board entered into
7 public session at 10:16 a.m.]

8 ***

9 State Board of Funeral Directors

10 August 29, 2019

11 ***

12 The regularly scheduled meeting of the State
13 Board of Funeral Directors was held on Thursday,
14 August 29, 2019. William G. Harris, Chairman,
15 Professional Member, called the meeting to order at
16 10:16 a.m. The Pledge of Allegiance was recited.
17 Roll call was taken. A quorum was noted to be
18 present.

19 ***

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

22 ***

23 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
24 Chief Counsel, Prosecution Division Presentation
25 [Carolyn A. DeLaurentis, Esquire, Deputy Chief

1 Counsel, Prosecution Division, introduced herself and
2 provided a brief summary of her professional
3 background. Ms. DeLaurentis commended the Board
4 prosecutors for their work.

5 Ms. DeLaurentis provided information for the
6 Pennsylvania State Board of Funeral Directors for
7 FY 2018-2019, noting that 186 files were opened with
8 210 open files as of July 1, 2019.

9 Ms. DeLaurentis noted 50 warning letters, 4
10 suspensions, 2 reprimands, and 3 voluntary surrenders,
11 2 probations, and 9 revocations during FY 2018-2019
12 were issued.

13 Ms. DeLaurentis noted that the Department of
14 State as a whole for FY 2018-2019 had 69 immediate
15 temporary suspensions. She stated the petitions go to
16 the Bureau of Enforcement and Investigation (BEI) once
17 filed, commending BEI for making every attempt to
18 serve those the same day. She noted 11,359 open cases
19 as of July 1, 2019. She reviewed the last fiscal
20 year, noting that 14,030 cases were opened, which was
21 an increase from 12,604 the prior year. She also
22 noted 13,270 closed files the last fiscal year.

23 Ms. DeLaurentis discussed the Office of General
24 Counsel's Mediation Program, which is at no cost to
25 the respondent or the Board. She stated the case

1 essentially goes before a third party to provide
2 guidance on resolving the matter. She mentioned the
3 consent agreement would reflect whether the case was
4 resolved through mediation.

5 Ms. DeLaurentis addressed the Pennsylvania
6 Justice Network (JNET), where the prosecution division
7 receives an alert when licensees from all of the
8 Boards and Commissions are charged with a crime.

9 Ms. DeLaurentis noted complaints could remain
10 anonymous even if filed online through pals.pa.gov.]

11 ***

12 Regulatory Process Presentation

13 [Cynthia K. Montgomery, Esquire, Deputy Chief
14 Counsel, discussed being responsible for the counsel
15 division attorneys who provide all of the services to
16 the 29 Boards and Commissions.

17 Ms. Montgomery provided an overview of the eight
18 basic steps to the regulatory process. She noted the
19 initial drafting of the regulation, internal
20 prepublication review, regulation publishing, and
21 public comment period, after which the Legislative
22 Committee and the Independent Regulatory Review
23 Commission (IRRC) review it. She stated the
24 regulation then goes back to the Board for revision of
25 the final rulemaking and post-publication review,

1 reviewed by the Legislative Committee and the IRRC
2 again, and ultimately gets published.

3 Ms. Montgomery addressed Executive Order 1996-1,
4 where regulations shall be drafted and promulgated
5 with early and meaningful input. She discussed
6 exposure drafts, informal comments, Sunshine Act,
7 revisions, preamble, regulatory analysis form,
8 internal review, Office of General Counsel, Governor's
9 Office of Policy and Planning, the Governor's Budget
10 Office, Office of Attorney General, delivery process,
11 Commonwealth Documents Law, Regulatory Review Act,
12 statutory authority, final-form regulation, IRRC
13 review, and public comment.

14 Ms. Montgomery provided three options if IRRC
15 disapproves a final regulation: Withdrawal of the
16 regulation from consideration; submission of the
17 regulation with revisions along with a report
18 detailing the revisions made within 40 days of IRRC's
19 disapproval letter; or submission of the regulation
20 unchanged with a report as to why the Board considered
21 IRRC's disapproval letter, their objections, and why
22 the Board was proceeding with the rulemaking anyway.
23 She noted no situation where IRRC disapproved
24 rulemaking a second time.

25 Ms. Montgomery noted circumstances where the

1 proposed path of the process may be omitted and
2 referred to the Commonwealth Documents Law Section
3 204(1)(i) military affairs; (ii) agency, organization,
4 management, or personnel; (iii) agency procedure or
5 practice; (iv) Commonwealth property, loans, grants,
6 benefits, or contracts; or (v) the interpretation of a
7 self-executing act or administrative regulation.

8 Ms. Montgomery referred to Section 204(2) where
9 final-omitted rulemaking is acceptable if all persons
10 subject to the regulation are either personally served
11 with notice of the proposed promulgation, amendment,
12 or repeal, or have otherwise had actual notice
13 thereof.

14 Ms. Montgomery also referred to Section 204(3)
15 where an agency for good cause finds and incorporates
16 the finding and a brief statement of the reasons
17 therefor in their order that the procedures are
18 impractical, unnecessary, or contrary to the public
19 interest.

20 Ms. Montgomery discussed Sine Die, which is the
21 final adjournment of a two-year legislative session.
22 She stated Sine Die can impact the regulation, because
23 regulations can be delivered to IRRC and LRB during
24 Sine Die adjournment but not to the committees. She
25 noted that regulatory activity is often suspended

1 during that period of time and final rulemaking may
2 not be delivered at all during the Sine Die
3 adjournment.

4 Ms. Montgomery provided information from a New
5 York University study of all US jurisdictions in the
6 regulatory process, where Pennsylvania received one of
7 the best grades with a B+ because of Pennsylvania's
8 review process.]

9 ***
10 [The Board recessed from 11:06 a.m. until 11:14 a.m.]

11 ***
12 [A Formal Hearing was held from 11:14 a.m. until
13 11:50 a.m. in the case of the Commonwealth of
14 Pennsylvania Bureau of Professional and Occupational
15 Affairs vs. Robert Kenneth Cutright, F.D., Case No.
16 16-48-00984.]

17 ***
18 Approval of minutes of the June 14, 2019 meeting
19 CHAIRMAN HARRIS:
20 Approval of the minutes from June 14. I
21 would ask for a motion to approve them
22 unless they need amended or changed.
23 MS. RODRIGUEZ:
24 I would like to make a motion to approve
25 with corrections.

1 [The Board discussed corrections to the minutes.]

2 CHAIRMAN HARRIS:

3 We have a motion with those corrections.

4 Do we have a second?

5 MS. IMBURGIA:

6 I second.

7 CHAIRMAN HARRIS:

8 We have a motion and a second. All in

9 favor, signify by saying aye. Any

10 opposed?

11 [The motion carried unanimously.]

12 ***

13 Report of Prosecutorial Division

14 [Timothy Fritsch, Esquire, Board Prosecution Liaison,

15 presented the Consent Agreement for Case Nos. 18-48-

16 010404 & 18-48-010405.

17 Mr. Fritsch, on behalf of James R. E. Ostman,

18 Esquire, Board Prosecution Liaison, presented the

19 Consent Agreement for File No. 16-48-07129.]

20 ***

21 Report of Board Counsel

22 MOTIONS

23 MR. FRITZ:

24 The Board would entertain a motion

25 directing Board counsel to delegate the

1 following matter to a hearing examiner
2 for a hearing and drafting a proposed
3 Adjudication and Order for BPOA vs.
4 Antonio M. Pitts and Pitts Funeral Home
5 and Cremation Services, File Nos. 19-48-
6 007360 & 17-48-01780.

7 CHAIRMAN HARRIS:

8 Do we have a motion on that?

9 MS. KIRK:

10 So moved.

11 CHAIRMAN HARRIS:

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

13 MS. IMBURGIA:

14 Second.

15 CHAIRMAN HARRIS:

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

19 [The motion carried unanimously.]

20 ***

21 MR. FRITZ:

22 The Board would entertain a motion
23 directing Board counsel to schedule a
24 hearing before the Board in the
25 following matter of BPOA vs. Sam

1 MR. NEELY:

2 I move.

3 CHAIRMAN HARRIS:

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

5 MS. IMBURGIA:

6 I second.

7 CHAIRMAN HARRIS:

8 We have a motion and a second. All in
9 favor, signify by saying aye. Any
10 opposed?

11 [The motion carried. Ms. Rodriguez recused herself
12 from deliberations and voting on the motion.]

13 ***

14 MR. FRITZ:

15 The Board would entertain a motion
16 approving the following Adjudication and
17 Orders of BPOA vs. David Thomas &
18 Bednarski & Thomas Funeral Home, Case
19 Nos. 17-48-04299 & 17-48-04300.

20 CHAIRMAN HARRIS:

21 Do we have a motion?

22 MS. RODRIGUEZ:

23 So moved.

24 CHAIRMAN HARRIS:

25 Second?

1 MR. NEELY:

2 Second.

3 CHAIRMAN HARRIS:

4 We have a motion and a second. All in
5 favor, signify by saying aye. Any
6 opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. FRITZ:

10 The Board would entertain a motion
11 approving the Adjudication and Order of
12 BPOA vs. Dennis N. Heath Jr., F.D., Case
13 No. 15-48-09745.

14 CHAIRMAN HARRIS:

15 Do we have a motion on No. 8?

16 MS. KIRK:

17 So moved.

18 CHAIRMAN HARRIS:

19 Do we have a second?

20 MS. IMBURGIA:

21 Second.

22 CHAIRMAN HARRIS:

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

1 [The motion carried unanimously.]

2 ***

3 MR. FRITZ:

4 Item No. 12, we discussed, and the Board
5 would entertain a motion approving the
6 Request for an Intern Extension of Jared
7 Donelson.

8 MR. NEELY:

9 So moved.

10 CHAIRMAN HARRIS:

11 We have a motion. 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 Report of Deputy Commissioner

21 [Katelin Lambert, Deputy Commissioner, Bureau of
22 Professional and Occupational Affairs, on behalf of
23 Acting Commissioner, K. Kalonji Johnson, announced
24 that Act 41 was in effect and would be online through
25 the Pennsylvania Licensing System (PALS). She noted

1 updates and adjustments to survey questions. She
2 discussed the application process, where the applicant
3 may apply online, evaluated for Act 41, and then
4 directed to the application committee for their
5 recommendation.

6 Mr. Fritz addressed the Act 41 process for anyone
7 seeking licensure with the Board who is already
8 licensed in another state. He will draft a shell of a
9 regulation for the next Board meeting, and the Board
10 will need to consider what is substantially equivalent
11 as opposed to equivalent licensure requirements.

12 Mr. Fritz stated it is important to consider
13 experience and competency of the applicant coming from
14 the other state, noting if the individual does not
15 qualify for direct licensure by endorsement or
16 reciprocity, then the individual may be eligible for a
17 provisional license. He mentioned that individuals
18 granted a provisional license would then have an
19 official license after obtaining all of the
20 requirements set by the Board.

21 Mr. Fritz commented that the Board has 18 months
22 to develop their version of the Funeral Board
23 regulation that is going to support Act 41 and will be
24 discussed at the next meeting. He noted again that
25 Act 41 was in effect and requested the Board

1 administrator send the applications to him for a
2 better understanding of the numbers. Then the
3 applications will be distributed to the committee
4 members for their review.]

5 ***

6 Report of Board Chairman

7 [William G. Harris, Chairman, Professional Member,
8 thanked Ms. Lambert for attending the meeting. He
9 commented on the amount of work the Department of
10 State has with 1 million licenses in Pennsylvania.]

11 ***

12 Report of Board Administrator

13 [Heidy M. Weirich, Board Administrator, referred to
14 the invitation for the International Conference of
15 Funeral Services Examining Boards February 19-20,
16 2020, in Palm Coast, FL. She mentioned attending a
17 prior conference with Ms. Rodriguez and requested
18 Board approval for herself and another Board member to
19 attend.]

20 ***

21 CHAIRMAN HARRIS:

22 I would make a motion that we allow our
23 Board members to go. I think it helps
24 in our education to keep up on those
25 things.

1 I would make a motion. Do I have a
2 second?

3 MS. RODRIGUEZ:

4 Second.

5 CHAIRMAN HARRIS:

6 We have a motion and a second. All in
7 favor, signify by saying aye. Any
8 opposed?

9 [The motion carried unanimously.]

10 ***

11 [Heidy M. Weirich, Board Administrator, referred to
12 the tentative 2020 Board meeting dates with changes.
13 Chairman Harris commented that the Board will make any
14 changes to the dates with appropriate notice in the
15 future.]

16 ***

17 CHAIRMAN HARRIS:

18 I will make a motion that we approve the
19 meeting dates as such and could change
20 that if we need to later.

21 I need a second.

22 MR. NEELY:

23 Second.

24 CHAIRMAN HARRIS:

25 We have a motion and a second. All in

1 favor, signify by saying aye.

2 [The motion carried unanimously.]

3 ***

4 [Heidy M. Weirich, Board Administrator, reminded
5 everyone that the next scheduled meeting would be held
6 at the Pittsburgh Institute of Mortuary Science (PIMS)
7 on October 9, 2019, and requested all Board members
8 inform her of their ability to attend as soon as
9 possible.]

10 ***

11 Continuing Education Report

12 CHAIRMAN HARRIS:

13 Numbers 13 through 18 were applications
14 for continuing education. I and the
15 other professional members have looked
16 through that.

17 I would make a motion that we
18 accept them. Is there a second?

19 MS. RODRIGUEZ:

20 I second.

21 CHAIRMAN HARRIS:

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

24 [The motion carried unanimously.]

25 ***

1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
2 12:13 p.m. the Board entered into Executive Session
3 with C. William Fritz II, Esquire, Board Counsel, for
4 the purpose of conducting quasi-judicial deliberations
5 and to receive legal advice. The Board entered into
6 public session at 12:33 p.m.]

7 ***

8 MOTIONS

9 MR. FRITZ:

10 The Board met in executive session and
11 conducted quasi-judicial deliberations
12 in following matters:

13 The Board would entertain a motion
14 to approve the Consent Agreement at Case
15 Nos. 18-48-010404 & 18-48-010405.

16 CHAIRMAN HARRIS:

17 Do we have a motion?

18 MR. NEELY:

19 So moved.

20 CHAIRMAN HARRIS:

21 Do we have a second?

22 MS. IMBURGIA:

23 Second.

24 CHAIRMAN HARRIS:

25 We have a motion and a second. All in

1 favor, signify by saying aye. Any
2 opposed?

3 [The motion carried unanimously. The Respondent's
4 name is H. Merritt Hughes, F.D. & H. Merritt Hughes
5 Funeral Home, Inc.]

6 ***

7 MR. FRITZ:

8 The Board would entertain a motion to
9 approve the following Consent Agreement
10 at Case No. 16-48-07129.

11 CHAIRMAN HARRIS:

12 Do we have a motion on that?

13 MS. IMBURGIA:

14 I motion.

15 CHAIRMAN HARRIS:

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

17 MR. CUSTEAD:

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. Ms. Kirk opposed the motion.
24 The Respondent's name is Frank David Debor, F.D.]

25 ***

1 MR. FRITZ:

2 The Board would entertain a motion
3 directing Board counsel to draft an
4 Adjudication and Order in the following
5 matter of BPOA vs. Robert Kenneth
6 Cutright, F.D., Case No. 16-48-00984.

7 CHAIRMAN HARRIS:

8 Do we have a motion?

9 MR. NEELY:

10 So moved.

11 CHAIRMAN HARRIS:

12 Do we have a second?

13 MS. IMBURGIA:

14 Second.

15 CHAIRMAN HARRIS:

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

19 [The motion carried unanimously.]

20 ***

21 Adjournment

22 CHAIRMAN HARRIS:

23 Do we have a motion to adjourn?

24 MR. NEELY:

25 So moved.

1 CHAIRMAN HARRIS:

2 We are adjourned.

3 [The motion carried unanimously.]

4 ***

5 [There being no further business, the State Board of
6 Funeral Directors Meeting adjourned at 12:35 p.m.]

7 ***

8

9 CERTIFICATE

10

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

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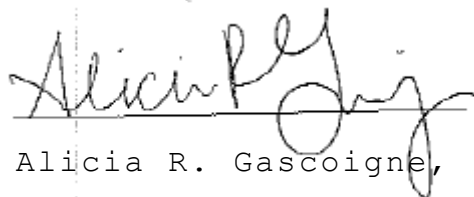
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Alicia R. Gascoigne,

Minute Clerk

Sargent's Court Reporting

Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX

August 29, 2019

	TIME	AGENDA
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7		
8		
9	9:30	Executive Session
10	10:16	Return to Open Session
11		
12	10:16	Official Call to Order
13		
14	10:16	Pledge of Allegiance
15		
16	10:17	Roll Call
17		
18	10:18	Appointment - Carolyn A. DeLaurentis,
19		Deputy Chief Counsel, Prosecution
20		Division Presentation
21		
22	10:29	Cynthia K. Montgomery, Esquire, Deputy
23		Chief Counsel, Regulatory Process
24		Presentation
25		
26	11:06	Recess
27	11:14	Return to Open Session
28		
29	11:14	Formal Hearing - Robert Kenneth
30		Cutright, F.D.
31		
32	11:51	Approval of Minutes
33		
34	11:52	Report of Prosecutorial Division
35		
36	11:52	Motions
37		
38	11:57	Report of Board Counsel
39		
40	12:01	Report of Deputy Commissioner
41		
42	12:08	Report of Board Chair
43		
44	12:09	Report of Board Administrator
45		
46	12:12	Continuing Education Report
47		
48	12:13	Executive Session
49	12:33	Return to Open Session
50		

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STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX

August 29, 2019
(Continued)

TIME	AGENDA
12:33	Motions
12:35	Adjournment