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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
CONDUCTED VIA TELECONFERENCE**

TIME: 10:31 A.M.

October 28, 2020

1 State Board of Funeral Directors
2 October 28, 2020

3
4 BOARD MEMBERS:
5

6 William G. Harris, Chairman, Professional Member
7 Milan Rodriguez, Vice Chairman, Professional Member
8 K. Kalonji Johnson, Commissioner of
9 Professional and Occupational Affairs
10 Scott Custead, Public Member - Absent
11 Kenneth Dupree, Professional Member
12 Carmella Imburgia, Professional Member
13 Jennifer Kirk, Esquire, Office of Attorney General
14 Bureau of Consumer Protection Representative
15 Thomas Kukuchka, Professional Member
16 Francis McCusker, Public Member
17
18

19 BUREAU PERSONNEL:
20

21 Jaime Black, Esquire, Board Counsel
22 Cynthia Montgomery, Esquire, Deputy Chief Counsel
23 Timothy Fritsch, Esquire, Board Prosecution Liaison
24 Heidy M. Weirich, Board Administrator
25
26 Ted Stauffer, Executive Assistant, Pennsylvania
27 Department of State
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1 State Board of Funeral Directors

2 October 28, 2020

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4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
5 9:00 a.m. the Board entered into Executive Session
6 with Jaime D. Black, Esquire, Board Counsel, to have
7 attorney-client consultations and for the purpose of
8 conducting quasi-judicial deliberations regarding the
9 matters on today's agenda. The Board returned to
10 public session at 10:30 a.m.]

11 ***

12 The regularly scheduled meeting of the State Board
13 of Funeral Directors was held Wednesday, October 28,
14 2020. William Harris, Chairman, Professional Member,
15 called the meeting to order at 10:31 a.m. The Pledge
16 of Allegiance was recited. Roll call was taken.

17 K. Kalonji Johnson, Commissioner of Professional
18 and Occupational Affairs, was not present at the
19 commencement of the meeting.

20 ***

21 [Ms. Black noted the meeting was being recorded and
22 that presence in the meeting would be giving consent
23 to being recorded.]

24 ***

25 Approval of Board Minutes of July 29, 2020

1 CHAIRMAN HARRIS:

2 Let's begin with approval of the Minutes
3 of the last meeting. I will make a
4 motion to accept those. Do we have a
5 second?

6 MR. KUKUCHKA:

7 I'll second the motion.

8 CHAIRMAN HARRIS:

9 We have a motion and second. All in
10 favor signify by saying aye? Opposed?
11 Recused?

12 [The motion carried unanimously.]

13 ***

14 Report of Board Prosecution Liaison

15 [Timothy Fritsch, Esquire, had no presentations to
16 provide but would answer any questions from Board
17 members.]

18 ***

19 MOTIONS

20 MS. BLACK:

21 Today I have two Motions to Deem Facts
22 Admitted and Entry of Default for the
23 Board's consideration. As I said
24 earlier, these matters were reviewed and
25 discussed during Executive Session.

1 The first is Item No. 2. Would the
2 Board entertain a motion to grant the
3 Motion to Deem Facts Admitted and direct
4 Board Counsel to draft an Adjudication
5 and Order in due course for Bureau of
6 Professional and Occupational Affairs vs.
7 Andrew T. Scheid, FD, Andrew T. Scheid
8 Funeral Home, Case Nos. 20-48-000949 and
9 20-48002632?

10 MS. KIRK:

11 So moved.

12 CHAIRMAN HARRIS:

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

14 MS. IMBURGIA:

15 I'll second.

16 CHAIRMAN HARRIS:

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

20 [The motion carried unanimously.]

21 ***

22 MS. BLACK:

23 Item No. 3, would the Board entertain a
24 motion to grant the Motion to Deem Facts
25 Admitted and direct Board Counsel to

1 draft and Adjudication and Order in due
2 course for Commonwealth of Pennsylvania,
3 Bureau of Professional and Occupational
4 Affairs vs. Elnora Brickus Chikaka, FD,
5 and BKG/Brickus Funeral Home and
6 Cremation, Inc., Case Nos. 18-48-010021
7 and 18-48-010022?

8 CHAIRMAN HARRIS:

9 Can we have a motion on that?

10 MS. RODRIGUEZ:

11 So moved.

12 CHAIRMAN HARRIS:

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

14 MR. KUKUCHKA:

15 Second.

16 CHAIRMAN HARRIS:

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

20 [The motion carried. Mr. Dupree recused from
21 deliberations and voting on the motion.]

22 ***

23 Items for Discussion

24 Application for Supervisor - Andrew J. Tyliniski -
25 outside employment

1 MS. BLACK:

2 Would the Board entertain a motion to
3 approve the application of Andrew J.
4 Tylinski for Supervisor?

5 MR. DUPREE:

6 I move to approve.

7 CHAIRMAN HARRIS:

8 Do we have a second?

9 MS. RODRIGUEZ:

10 Second.

11 CHAIRMAN HARRIS:

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

15 [The motion carried unanimously.]

16 ***

17 Effect of the Pandemic and the Ability of Funeral
18 Directors to Access CEUs.

19 [Kenneth Dupree, Professional Member, noted that this
20 was an issue that would be seen a year from now when
21 it would be time for renewals, and the in-person
22 meetings that the Board was accustomed to were
23 cancelled. Mr. Dupree further noted that the virtual
24 platform was not uniformly effective for all
25 licensees. Mr. Dupree discussed others ghost-sitting

1 for funeral directors at virtual meetings, which
2 undermined the principle of the CEU. A funeral
3 director's computer assistant could simply do the CEUs
4 for that director. Ms. Black noted that CE provider
5 used certain mechanisms or checkpoints built into a
6 course to combat those concerns.

7 There was an inquiry as to whether or not there
8 were CEUs that should be performed in person.

9 Mr. Dupree commented that, when he recently logged
10 onto a virtual platform, there was no indication which
11 CEUs were approved in Pennsylvania and which ones were
12 not. Mr. Dupree commented that he did not know what
13 others had experienced during this pandemic, but
14 stated, with regard to his involvement, it had been
15 "absolutely horrific." He was concerned about his
16 colleagues that were not computer literate.

17 Ms. Black explained the Board's responsibility to
18 ensure that licensees adhere to licensure
19 requirements, including the CEU requirements. She
20 noted that the pandemic prevent in-person learning
21 but that on-line and virtual learning was permitted
22 even prior to the pandemic. The pandemic and
23 prohibition on gatherings expanded how many CEs could
24 be attained virutally.

25 Ms. Montgomery explained a provision in the

1 Funeral Law at Section 479.10 that permits the Board
2 to waive all or a portion of Continuing Education for
3 any licensee who demonstrates to the satisfaction of
4 the Board that he or she was unable to complete the
5 requirements due to serious illness, military service,
6 or other demonstrated hardship.

7 Ms. Rodriguez discussed a correspondence course
8 where materials are sent for review, the individual
9 answers the questions and then sends them back. After
10 which, a certificate is issued that the individual
11 complied with that continuing education. Counsel
12 commented the Continuing Education Committee would
13 need to review and approve such a course.]

14 ***

15 [K. Kalonji Johnson, Commissioner, Bureau of
16 Professional and Occupational Affairs, entered the
17 meeting at 11:00 a.m.]

18 ***

19 Items for Discussion (Continued)

20 [Mr. Dupree stated the CEUs on the Board's website
21 were approved for in-person training. He asked if the
22 Board could make available all of the virtual CEUs
23 that were available and approved by Pennsylvania. Ms.
24 Weirich noted the courses are listed on the website
25 and she and her staff were in the process of updating

1 the list.

2 Mr. Kukuchka stated he did not feel that access to
3 virtual CEs was an issue for licensees completing
4 their requirements at this time.

5 Chairman Harris noted the matter of virtual CEs
6 would continue to be addressed at future meetings as
7 needed with regard to the availability and content of
8 CEs offered virtually.]

9 ***

10 Report of Commissioner

11 [K. Kalonji Johnson, Commissioner, Bureau of
12 Professional and Occupational Affairs, thanked the
13 Board for its continued patience while navigating the
14 virtual space.]

15 ***

16 Report of Board Administrator - No Report.

17 ***

18 Public Comment - None

19 ***

20 Appointment - Act 53 of 2020

21 [K. Kalonji Johnson, Commissioner, Bureau of
22 Professional and Occupational Affairs, thanked the
23 Board for the opportunity to present the list of
24 criminal offenses for consideration. He noted that
25 Act 53 was signed into law in June of 2020, a

1 comprehensive criminal reform measure that amended
2 what is known as the Criminal History Record
3 Information Act or CHRIA, the statutory provision that
4 provides for the Department of State and the Board to
5 limit the use of criminal history in making licensure
6 determinations, whether for discipline or whether to
7 grant or deny licensure.

8 Commissioner Johnson noted that one of the
9 directives of the Act was for him as Commissioner to
10 publish a schedule of the criminal offenses and the
11 other was to provide for public discussion with
12 members of the business community with regard to the
13 various occupations and professions under the auspices
14 of the Department and the Bureau.

15 He stated public forums were required so that the
16 Board and the public and stakeholders could provide
17 feedback, ask questions, and discuss the tentative
18 list. He thanked Counsel and the Chief Deputy Counsel
19 for their hard work regarding the matter.

20 Commissioner Johnson asked that the Board be
21 prepared to approve this list as a starting point as
22 it moves through the regulatory process.]

23 ***

24 [Cynthia Montgomery, Esquire, Deputy Chief Counsel,
25 presented the list of crimes as noted in the agenda.

1 Offenses directly related to the funeral director
2 profession, and a list of violent crimes were referred
3 to for further discussion. She noted that Section
4 3113 of Act 53 lists a series of criteria that the
5 Board would be looking at to determine whether
6 licensure of the individual would pose a substantial
7 risk. She noted that offenses against public order
8 and decency, abuse of a corpse is actually Section
9 5510, which would need to be corrected.

10 Ms. Montgomery stated violent crimes are on the
11 list as they may constitute grounds for licensure
12 refusal by any of the Boards under this section. That
13 Section 3113 (e) provides that an individual is
14 convicted of one of these crimes may be granted a
15 license and listed those requirements. Ms. Montgomery
16 noted the criteria listed under 3113 (c) of the Act.

17 Counsel noted this criminal information would be
18 put out to the public, published, placed on the
19 Board's website, and made a part of the application
20 process and the types of criteria that the Board would
21 be considering.

22 The Board was asked to review the list. She
23 stated the Commissioner would consult with Board
24 members, stakeholders, and members of the business
25 community with knowledge of the funeral director

1 profession prior to publication of the list. Counsel
2 asked Board members if there were any offenses on the
3 list that it believed were not directly related to the
4 funeral profession.

5 Mr. Dupree asked Counsel to clarify 7310,
6 furnishing free insurance as an inducement for
7 purchases. Mr. Fritsch explained that some funeral
8 directors were also licensed insurance agents, who can
9 offer both funeral services as well as sell a life
10 insurance policy to a customer in order to finance
11 future bills. There was further discussion regarding
12 the matter.

13 No audience members made public comment on the
14 list.]

15 CHAIRMAN HARRIS:

16 Can we vote on that right now?

17 MS. KIRK:

18 I'd like to make a motion to give the
19 Commissioner authorization to move
20 forward and publish the list by December
21 26, 2020 in the Pennsylvania Bulletin and
22 to promulgate it as proposed rulemaking
23 for all 29 licensing Boards.

24 MS. RODRIGUEZ:

25 I would like to second.

1 CHAIRMAN HARRIS:

2 We have a motion and a second. All in
3 favor signify by saying aye? Is there
4 anybody opposed to this at this time?

5 [The motion carried unanimously.]

6 ***

7 Adjournment

8 MS. RODRIGUEZ:

9 I make a motion to adjourn the meeting.

10 COMMISSIONER JOHNSON:

11 I second that motion.

12 ***

13 [There being no further business, the State Board of
14 Funeral Directors Meeting adjourned at 11:28 a.m.]

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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 by supervision, and that the minutes accurately summarize the substance of the State Board of Funeral Directors meeting.



Kelly Gallick,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Meeting called to order
10:31	Pledge of Allegiance
10:31	Roll Call
10:32	Approval of Minutes
10:34	Motions
10:39	Items for Discussion
11:00	Report of Commissioner
11:06	Appointment - Act 53 of 2020
11:28	Adjournment