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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: 10:55 A.M.

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

December 19, 2018

1 State Board of Funeral Directors
2 December 19, 2018

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5 BOARD MEMBERS:

6
7 William G. Harris, Chairman, Professional Member
8 Milian E. Rodriguez, Vice Chairperson, Professional
9 Member
10 Robert E. Neely, Secretary, Professional Member
11 Katelin Lambert, Deputy Commissioner, Bureau of
12 Professional and Occupational Affairs
13 Gregory T. Burrell, Professional Member - Absent
14 Thomas G. Kukuchka, CFSP, Professional Member - Absent
15 Scott Custead, Public Member
16 Merna T. Hoffman, Esquire, Deputy Attorney General,
17 Office of Attorney General, Bureau of Consumer
18 Protection Representative
19 Francis McCusker, Public Member
20

21
22 BUREAU PERSONNEL:

23
24 Kenneth J. Suter, Esquire, Board Counsel
25 Wesley J. Rish, Esquire, Board Counsel
26 Peter D. Kovach, Esquire, Senior Prosecutor-in-Charge
27 Timothy A. Fritsch, Esquire, Board Prosecution
28 Liaison
29 Heidy M. Weirich, Board Administrator
30

31
32 ALSO PRESENT:

33
34 Kathleen K. Ryan, Esquire, Pennsylvania Funeral
35 Directors Association
36 James Eirkson, Pennsylvania Funeral Directors
37 Association
38 Trisha Nash, Quaker State Funeral Directors
39 Association
40 Lisa Edwards, LFD, Quaker State Funeral Directors
41 Association
42 Harry C. Neel, Jefferson Memorial Cemetery, Funeral
43 Home, Crematory, and Arboretum
44 Jason G. Benion, Esquire, Post & Schell
45 Ernie Heffner, Heffner Funeral Chapel & Crematory
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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 Kenneth J. Suter, Esquire, Board Counsel, for the
5 purpose of conducting quasi-judicial deliberations and
6 to receive legal advice. The Board entered into
7 public session at 10:46 a.m.]

8 ***

9 State Board of Funeral Directors

10 December 19, 2018

11 ***

12 The regularly scheduled meeting of the State
13 Board of Funeral Directors was held on Wednesday,
14 December 19, 2018. William G. Harris, Chairman,
15 Professional Member, called the meeting to order at
16 10:55 a.m. The Pledge of Allegiance was recited.
17 Roll call was taken. A quorum was noted to be
18 present.

19 ***

20 Report of Board Counsel

21 [Kenneth J. Suter, Esquire, Board Counsel, announced
22 that William Fritz, Esquire, will be the new Board
23 Counsel. Mr. Suter noted a number of matters where he
24 has recused himself and not participated in
25 deliberations in Executive Session. He stated Peter

1 Kovach, Esquire, Senior Prosecutor-in-Charge, handled
2 the matters.]

3

4 Report of Prosecutorial Division

5 [Timothy A. Fritsch, Esquire, Board Prosecution

6 Liaison, presented the Consent Agreement for File No.

7 17-48-08769.]

8 MR. SUTER:

9 As a result of discussions in Executive
10 Session, the Board will entertain a
11 motion to approve Item No. 2 on the
12 agenda, File No. 17-48-08769.

13 CHAIRMAN HARRIS:

14 Do we hear a motion on that?

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. Anybody
24 opposed?

25 [The motion carried unanimously. The Respondent's

1 name is Stephen W. Ullrich, F.D.]

2 ***

3 [Timothy A. Fritsch, Esquire, Board Prosecution
4 Liaison, presented the Consent Agreement for File No.
5 18-48-04193.]

6 MR. SUTER:

7 As a result of discussions in Executive
8 Session, I understand the Board will
9 entertain a motion to approve the
10 Consent Agreement for File No. 18-48-
11 04193.

12 CHAIRMAN HARRIS:

13 Do we hear a motion on that No. 3
14 Consent Agreement and Order?

15 MR. MCCUSKER:

16 So moved.

17 CHAIRMAN HARRIS:

18 Do we have a second?

19 MR. CUSTEAD:

20 Second.

21 CHAIRMAN HARRIS:

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

25 [The motion carried unanimously. The Respondent's

1 name is Turay Memorial Funeral Chapel, Inc.]

2 ***

3 Approval of Minutes of the October 4, 2018 meeting

4 CHAIRMAN HARRIS:

5 We are going to approve the minutes for
6 October 4, 2018. I would entertain a
7 motion to approve those minutes.

8 MR. NEELY:

9 So moved.

10 CHAIRMAN HARRIS:

11 Do I have a second?

12 MR. MCCUSKER:

13 Second.

14 CHAIRMAN HARRIS:

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

17 [The motion carried unanimously.]

18 ***

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

21 ***

22 MR. SUTER:

23 As a result of discussions in Executive
24 Session, I understand the Board will
25 entertain a motion regarding Item No. 4

1 on the agenda. It is BPOA v. Karl
2 Jackson, F.D., File No. 18-48-004560.

3 The motion would delegate this
4 matter to the hearing examiner's office
5 for a proposed Adjudication and Order.

6 CHAIRMAN HARRIS:

7 Do we have a motion on No. 4?

8 MS. HOFFMAN:

9 So moved.

10 CHAIRMAN HARRIS:

11 Do I 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.

17 [The motion carried unanimously.]

18 ***

19 MR. KOVACH:

20 The next matter on the agenda is Item
21 No. 5.

22 Based on the Board's discussions in
23 Executive Session, I believe the Board
24 Chair would accept a motion directing
25 Counsel to issue an Order scheduling a

1 formal hearing before the Board in the
2 matter of the Commonwealth of
3 Pennsylvania Bureau of Professional and
4 Occupational Affairs v. Robert Kenneth
5 Cutright, F.D., File No. 16-48-00984.

6 CHAIRMAN HARRIS:

7 The motion is to have a hearing. Do I
8 hear a motion on that?

9 MR. NEELY:

10 So moved.

11 CHAIRMAN HARRIS:

12 Do we have a second?

13 MS. RODRIGUEZ:

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. Mr. Suter recused
20 himself from deliberations on the matter.]

21 ***

22 MR. SUTER:

23 The next item is Item No. 6 on the
24 agenda. It is BPOA v. David W. Faust,
25 File No. 17-48-04237. I understand the

1 motion in this case will be to grant the
2 Motion to Deem Facts Admitted and Entry
3 of Default and direct Board Counsel to
4 draft an Adjudication and Order.

5 CHAIRMAN HARRIS:

6 Do we hear a motion on that?

7 MR. NEELY:

8 So moved.

9 CHAIRMAN HARRIS:

10 I will make a second on that. All in
11 favor, signify by saying aye. Any
12 opposed?

13 [The motion carried unanimously.]

14 ***

15 MR. KOVACH:

16 Number 7 on the agenda is the next
17 matter.

18 Based on the Board's discussions in
19 Executive Session, I believe the Board
20 Chair would accept the motion granting
21 the Motion to Enter Default and Deem
22 Facts Admitted and direct Board Counsel
23 to draft an Adjudication and Order in
24 accordance with the Board's discussions
25 in Executive Session in the matter of

1 Adjudication and Order in this matter.

2 CHAIRMAN HARRIS:

3 Do we have a motion on No. 8?

4 MS. RODRIGUEZ:

5 So moved.

6 CHAIRMAN HARRIS:

7 Do we have a second?

8 MR. MCCUSKER:

9 Second.

10 CHAIRMAN HARRIS:

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

14 [The motion carried unanimously.]

15 ***

16 MR. KOVACH:

17 The next matter is No. 9 on the agenda.

18 Based on discussions in Executive
19 Session, I believe the Board Chair would
20 accept a motion directing Counsel to
21 draft final Adjudications and Orders
22 consistent with the Board's discussions
23 in the matter of the Commonwealth of
24 Pennsylvania Bureau of Professional and
25 Occupational Affairs v. Theodore F.

1 CHAIRMAN HARRIS:

2 The motion is to ratify what we did to
3 dismiss that prosecution case. We are
4 going to agree to ratify that.

5 Do I hear a motion to do that?

6 MS. RODRIGUEZ:

7 So moved.

8 CHAIRMAN HARRIS:

9 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.

15 [The motion carried unanimously. Mr. Suter recused
16 himself from deliberations on the matter.]

17 ***

18 [Peter D. Kovach, Esquire, Board Counsel, stated that,
19 while the Board ordered specific facts in that case,
20 the Board will provide the profession with a
21 clarification on that topic in the near future.]

22 ***

23 Report of Deputy Commissioner

24 [Katelin Lambert, Deputy Commissioner, Bureau of
25 Professional and Occupational Affairs, updated the

1 Board regarding improvements to the Pennsylvania
2 Licensing System (PALS). She specifically reviewed
3 the improvements to streamline the processes for the
4 support center for faster responses. She also
5 commented on the improvements to the application
6 process and the addition of a section for Act 69,
7 which is related to the PA Veterans Registry.]

8 ***

9 Report of Board Chairman

10 [William G. Harris, Chairman, Professional Member, on
11 behalf of the Board, thanked Mr. Rish for his service
12 to the Board and wished him the best of luck.]

13 ***

14 Items for Discussion

15 MR. SUTER:

16 Mr. Chairman, based upon discussions in
17 Executive Session, Item No. 11 is the
18 Application for Supervisor of Megan
19 Sibum. I understand the Board will
20 entertain a motion to approve the
21 application.

22 CHAIRMAN HARRIS:

23 Do we have a motion, as such, to approve
24 that?

25 MS. RODRIGUEZ:

1 So moved.

2 CHAIRMAN HARRIS:

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

4 MR. CUSTEAD:

5 I'll second.

6 CHAIRMAN HARRIS:

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

10 [The motion carried unanimously.]

11 ***

12 MR. SUTER:

13 Item 12 is an Application for Supervisor
14 by John Rothermel. I understand based
15 upon discussions in Executive Session
16 the Board will entertain a motion to
17 provisionally deny this application.

18 CHAIRMAN HARRIS:

19 Do we have a motion to deny that?

20 MR. NEELY:

21 So moved.

22 CHAIRMAN HARRIS:

23 Do we have a second?

24 MR. MCCUSKER:

25 Second.

1 CHAIRMAN HARRIS:

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

5 [The motion carried unanimously.]

6 ***

7 MR. SUTER:

8 The next item is Item 13 on the agenda.
9 It is an Application for Funeral Trainee
10 by Michael J. Loney.

11 Based upon discussions in Executive
12 Session, I understand the Board will
13 entertain a motion to provisionally deny
14 this application.

15 CHAIRMAN HARRIS:

16 Do I have a motion to deny?

17 MR. NEELY:

18 So moved.

19 CHAIRMAN HARRIS:

20 Second?

21 MR. MCCUSKER:

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 Continuing Education Report

5 MR. SUTER:

6 The next items we'll take as a group.

7 These are all continuing education

8 approvals for providers of courses.

9 Items 14 through 21 involve the

10 Pennsylvania Funeral Directors

11 Association, MKJ Marketing, VNA Hospice

12 Home Health of Lackawanna County,

13 Express Funeral Funding, Anita Grant,

14 Hospice & Community Care's Pathways

15 Center for Grief & Loss, Kates-Boylston

16 Publications, and International Order of

17 the Golden Rule.

18 Based upon discussions in Executive

19 Session, I understand the Board will

20 entertain a motion to approve all of

21 these continuing education provider

22 courses.

23 CHAIRMAN HARRIS:

24 I'll make that motion to approve these.

25 Do we have a 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.

6 [The motion carried unanimously.]

7 ***

8 2019 Board Meeting Dates

9 [William G. Harris, Chairman, Professional Member,
10 noted the 2019 Board meeting dates.]

11 ***

12 Public Session

13 [Jason G. Benion, Esquire, Post & Schell, questioned
14 whether the Board as to the form the clarification
15 might take regarding William Slater II Funeral Service
16 matter.]

17 Mr. Kovach stated the clarification will likely
18 be a part of the discussion. He discussed providing
19 clarification through a regulation or a statement of
20 policy, but a statement of policy would not be as
21 binding as a regulation.]

22 ***

23 Adjournment

24 [William G. Harris, Chairman, Professional Member,
25 wished everybody a Merry Christmas and Happy New Year

1 and thanked everyone for their attendance.]

2

3 [There being no further business, the State Board of
4 Funeral Directors Meeting adjourned at 11:23 a.m.]

5

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8

CERTIFICATE

9

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

16

17



18

19

Amber Garbinski,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

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25

STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX

December 19, 2018

	TIME	AGENDA
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6		
7		
8		
9	9:30	Executive Session
10	10:46	Return to Open Session
11		
12	10:55	Official Call to Order
13		
14	10:55	Pledge of Allegiance
15		
16	10:56	Roll Call
17		
18	10:57	Report of Board Counsel
19		
20	10:59	Report of Prosecutorial Division
21		
22	11:05	Approval of Minutes
23		
24	11:06	Motions
25		
26	11:16	Report of Deputy Commissioner
27		
28	11:17	Report of Board Chairman
29		
30	11:17	Items for Discussion
31		
32	11:20	Continuing Education Report
33		
34	11:22	Public Session
35		
36	11:23	Adjournment
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