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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
VIA VIDEOCONFERENCE**

TIME: 10:48 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

September 15, 2021

1 State Board of Funeral Directors
2 September 15, 2021

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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 Carmella M. Imburgia, Secretary, Professional Member
11 K. Kalonji Johnson, Commissioner, Bureau of
12 Professional and Occupational Affairs
13 Kenneth C. DuPree, Professional Member
14 Thomas G. Kukuchka, CFSP, Professional Member
15 Francis McCusker, Public Member
16 Jennifer Jane Kirk, Esquire, Senior Deputy Attorney
17 General, Antitrust Section, Office of Attorney
18 General
19

20
21 BUREAU PERSONNEL:

22
23 Jaime D. Black, Esquire, Board Counsel
24 Dean F. Picarella, Esquire, Senior Board Counsel
25 Timothy A. Fritsch, Esquire, Board Prosecution
26 Liaison
27 Cynthia K. Montgomery, Esquire, Deputy Chief
28 Counsel/Regulatory Counsel, Department of State
29 Kristel Hennessy Hemler, Board Administrator
30 Andrew LaFratte, MPA, Executive Policy Specialist,
31 Department of State
32

33
34 ALSO PRESENT:

35
36 James Eirkson, Pennsylvania Funeral Directors
37 Association
38 Jen Smeltz, Republican Executive Director, Senate
39 Consumer Protection & Professional Licensure
40 Committee
41 Jason G. Benion, Esquire, Saxton & Stump
42 Kathleen K. Ryan, Esquire, Pennsylvania Funeral
43 Directors Association
44 Lauren Thomas, Member Services Manager, International
45 Conference of Funeral Services Examining Boards
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2 State Board of Funeral Directors

3 September 15, 2021

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5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Board entered into Executive Session
7 with Jaime D. Black, Esquire, Board Counsel, to have
8 attorney-client consultation and for the purpose of
9 conducting quasi-judicial deliberations on items on
10 the agenda that are currently pending before the Board
11 and to receive advice of counsel. The Board entered
12 into public session at 10:30 a.m.]

13 ***

14 Meeting Instructions

15 [Kristel Hennessy Hemler, Board Administrator,
16 provided instructions to be followed during the
17 virtual meeting.]

18 ***

19 [Jaime D. Black, Esquire, Board Counsel, informed
20 everyone that the Board met in executive session to
21 conduct quasi-judicial deliberations on items on the
22 agenda that are currently pending before the Board and
23 to receive advice of counsel. She noted the Board
24 discussed items 2 through 6 and 10 through 12.]

25 ***

1 ***

2 Report of Prosecutorial Division

3 [Timothy A. Fritsch, Esquire, Board Prosecution

4 Liaison, presented the Consent Agreement for Case No.

5 21-48-003781 & 21-48-003898.]

6
7 Regulatory Issues

8 [Cynthia K. Montgomery, Esquire, Deputy Chief

9 Counsel/Regulatory Counsel, Department of State,

10 referred final-form rulemaking for 16A-4824 regarding

11 child abuse reporting requirements. She noted prior

12 Board discussion and suggested responses regarding the

13 comments from the Independent Regulatory Review

14 Commission (IRRC) at the last meeting.

15 Ms. Montgomery requested a vote to approve the

16 final-form rulemaking and to direct her to promulgate

17 it through the regulatory review process. She noted

18 making all of the changes discussed at the last

19 meeting, along with drafting the preamble.]

20 CHAIRMAN HARRIS:

21 I entertain a motion to accept, at this

22 time, Act 31.

23 MR. KUKUCHKA:

24 I make a motion.

25 COMMISSIONER JOHNSON:

1 Second.

2 CHAIRMAN HARRIS:

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

6 [The motion carried unanimously.]

7 ***

8 [Jaime D. Black, Esquire, Board Counsel, noted agenda
9 item 1 did not have an actual vote by the Board and
10 provided a redo of item 1 for clarity.]

11 MS. BLACK:

12 I believe the Board would entertain a
13 motion to approve, as final, the minutes
14 of the June 23, 2021 Board meeting.

15 CHAIRMAN HARRIS:

16 I'll make a motion that we approve
17 number 1, the Board minutes of the last
18 meeting.

19 MS. IMBURGIA:

20 I'll second the motion.

21 MS. BLACK:

22 All in favor? Opposed? Any recusals?
23 Any abstentions?

24 [The motion carried unanimously.]

25 ***

1 Report of Board Counsel

2 [Jaime D. Black, Esquire, Board Counsel, referred to
3 Act 65 of 2021 regarding notice requirement amendments
4 to the Sunshine Act for the Board's information. She
5 stated the amendments strengthen the Sunshine Act to
6 require meeting agendas be available to the public and
7 prohibits official acts on any items not listed on the
8 agenda.

9 Ms. Black stated that effective August 29, 2021,
10 agendas must be posted 24 hours prior to the start of
11 a meeting and no changes to the agenda can then be
12 made. She noted that any item needing a vote during a
13 Board meeting and not on the agenda would require the
14 Board to make a motion to amend the agenda to include
15 that item before the Board could actually vote.

16 Ms. Black explained that any amended agenda would
17 have to be posted within 24 hours of the Board
18 meeting. She mentioned that anything discussed that
19 is not on the agenda would have to be de minimis, like
20 an edit to a name or misspelling, and anything that
21 requires the Board to spend money, such as going to
22 conferences, would have to be on the agenda first.

23 Ms. Black commented that the Board generally
24 follows these rules already but told the Board to
25 contact her if they had any questions.]

1 ***

2 MOTIONS

3 MS. BLACK:

4 I believe the Board would entertain a
5 motion to approve the Consent Agreement
6 at item 2, Case Nos. 21-48-003781 & 21-
7 48-003898.

8 CHAIRMAN HARRIS:

9 Do I have a motion on number 2?

10 MS. IMBURGIA:

11 I motion.

12 MS. RODRIGUEZ:

13 I 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. Ms. Kirk recused herself from
19 deliberations and voting on the motion.]

20 ***

21 MS. BLACK:

22 I believe the Board would entertain a
23 motion to approve, as final, the
24 Adjudication and Order for item 3, John
25 F. Harrison, F.D., F.S., Case No. 20-48-

1 007235.

2 MR. DUPREE:

3 I move for final adjudication.

4 CHAIRMAN HARRIS:

5 We have a motion and I'll second. All
6 in favor, signify by saying aye. Anyone
7 opposed?

8 [The motion carried unanimously.]

9 ***

10 MS. BLACK:

11 Moving on to item 4. I believe the
12 Board would entertain a motion to grant
13 the Motion to Deem Facts Admitted and
14 Enter Default and direct Board counsel
15 to draft an Adjudication and Order in
16 accordance with discussions in Executive
17 Session for Keene & Carney Funeral Home,
18 Inc., Case No. 20-48-007624.

19 CHAIRMAN HARRIS:

20 Do I have a motion on that case?

21 MS. RODRIGUEZ:

22 Motion.

23 MS. IMBURGIA:

24 I'll second.

25 CHAIRMAN HARRIS:

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

5 [The motion carried. Mr. DuPree recused himself from
6 deliberations and voting on the motion.]

7 ***

8 MS. BLACK:

9 Moving on to item 5, Antoine M. Turay,
10 Case No. 21-48-008683.

11 I believe the Board would entertain
12 a motion to deny the motion filed by
13 Respondent's counsel seeking Board
14 consent to represent the Petitioner.

15 Is there a motion?

16 MS. KIRK:

17 So moved.

18 MR. MCCUSKER:

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. Mr. DuPree recused himself from
25 deliberations and voting on the motion.]

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2 MS. BLACK:

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I believe the Board would entertain a motion to ratify the Funeral Intern Extension Request for Joyce Adams.

6 CHAIRMAN HARRIS:

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8

I will make that motion. Do we have a second?

9 MS. RODRIGUEZ:

10

Second.

11 CHAIRMAN HARRIS:

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

15 [The motion carried unanimously.]

16

17 MS. BLACK:

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Regarding item 10, I believe the Board would entertain a motion to approve the request of David Miller, Supervisor Application with Additional Employment.

22 CHAIRMAN HARRIS:

23

Do we have a motion on number 10?

24 MS. RODRIGUEZ:

25

I make a motion. So moved.

1 MS. IMBURGIA:

2 Second.

3 CHAIRMAN HARRIS:

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

8 [The motion carried unanimously.]

9 ***

10 MS. BLACK:

11 Moving on to item 11, I believe the
12 Board would entertain a motion to
13 approve the request of Richard James
14 McFillin, Other Employment.

15 MR. DUPREE:

16 Motion to approve.

17 MR. MCCUSKER:

18 Second.

19 CHAIRMAN HARRIS:

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

23 [The motion carried unanimously.]

24 ***

25 MS. BLACK:

1 masks and observe the Centers for Disease Control and
2 Prevention (CDC) guidelines.

3 Commissioner Johnson announced the ban on
4 physical travel has been lifted and requests for
5 regional or national conferences are being accepted.
6 He encouraged Board members to submit paperwork early
7 due to staffing shortages. He mentioned the allowance
8 of two members for physical travel but encouraged
9 virtual attendance. He reminded everyone that a
10 formal motion and vote needs to be on the record as
11 part of the Sunshine requirements.

12 Chairman Harris thanked Commissioner Johnson for
13 his presentation.]

14

15 Report of Board Chairperson

16 [William G. Harris, Chairman, Professional Member,
17 announced Scott Custead resigned because of health
18 issues and asked Board members to keep him in their
19 thoughts and prayers.]

20

21 Report of Board Administrator - No Report

22

23 Public Comment

24 [Jason G. Benion, Saxton & Stump, asked Commissioner
25 Johnson whether in-person meetings resuming next month

1 would also include remote options.

2 Commissioner Johnson explained that one of the
3 dual-edged virtues of the virtual platform is that it
4 is sort of an all or nothing platform. He noted
5 working on a hybrid platform to provide a streaming
6 option for members of the public with the ability to
7 have some type of synchronous audiovisual component,
8 but as it currently stands, everyone should plan on
9 returning to the physical location.

10 Ms. Kirk questioned whether there would be room
11 or space for members to be 3 or 6 feet apart.

12 Commissioner Johnson stated those conditions are
13 being worked out as well. He mentioned there would be
14 fewer people in the board rooms and breakout rooms
15 that would be established, so stakeholders and members
16 of the public physically attending would be afforded
17 the same social distancing benefits. He informed
18 everyone that there would be a limit on the number of
19 members of the public they could accommodate due to
20 space constraints and physical limitations.

21 Lauren Thomas, Member Services Manager,
22 International Conference of Funeral Services Examining
23 Boards, recognized Mr. DuPree, who has volunteered to
24 serve on their Model Disposition Guidelines Committee,
25 and to make the Board aware that Pennsylvania is

1 getting representation with Mr. DuPree. She thanked
2 Mr. DuPree for serving and volunteering his time.

3 Ms. Thomas noted the conference will be awarding
4 one delegate grant to each member board as a
5 conference membership to attend the 118th Annual
6 Meeting in Houston in February 2022 and invited
7 everyone to attend.

8 James Eirkson, Pennsylvania Funeral Directors
9 Association, requested clarification that the waivers
10 related to the funeral Board were expiring on
11 September 30 because he was under the impression that
12 they already expired on August 17.

13 Commissioner Johnson commented that he was
14 speaking globally and that any remaining waivers would
15 expire on September 30, noting the functional effect
16 was that many suspensions did occur prior to the
17 September 30 date.]

18 ***

19 Adjournment

20 CHAIRMAN HARRIS:

21 If there is nothing else for the good of
22 the agenda or the meeting today, then we
23 will close this meeting at 11:21 a.m. on
24 September 15.

25 Thank you so much. Have a good

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day.

[There being no further business, the State Board of
Funeral Directors Meeting adjourned at 11:21 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

September 15, 2021

	TIME	AGENDA
1		
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3		
4		
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7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:48	Official Call to Order
13		
14	10:49	Pledge of Allegiance
15		
16	10:49	Roll Call
17		
18	10:51	Approval of Minutes
19		
20	10:52	Report of Prosecutorial Division
21		
22	10:55	Regulatory Issues
23		
24	10:55	Report of Board Counsel
25		
26	11:01	Motions
27		
28	11:07	Report of Commissioner
29		
30	11:12	Report of Board Chair
31		
32	11:14	Public Comment
33		
34	11:21	Adjournment
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