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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: 10:32 A.M.

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

August 15, 2018

1 ***

2 State Board of Funeral Directors

3 August 15, 2018

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:30 a.m. the Board entered into Executive Session
7 with Wesley J. Rish, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations and
9 to receive legal advice. The Board exited Executive
10 Session at 10:05 a.m.]

11 ***

12 The regularly scheduled meeting of the State
13 Board of Funeral Directors was held on Wednesday,
14 August 15, 2018. William G. Harris, Chairman,
15 Professional Member, called the meeting to order at
16 10:32 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 Report of Board Counsel

24 [Wesley J. Rish, Esquire, Board Counsel, noted matters
25 discussed during Executive Session from 9:30 a.m. to

1 10:05 a.m. and quasi-judicial deliberations regarding
2 items 2 and 3, 5, and 7. He also discussed the status
3 of appeals.]

4 ***

5 Approval of Minutes of the July 5, 2018 meeting

6 CHAIRMAN HARRIS:

7 I think the Board has had a chance to
8 look through them. If there are no
9 changes or additions, I would look for a
10 motion to approve the minutes.

11 MR. NEELY:

12 So moved.

13 CHAIRMAN HARRIS:

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

15 MS. RODRIGUEZ:

16 Second.

17 CHAIRMAN HARRIS:

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

20 [The motion carried unanimously.]

21 ***

22 Report of Prosecutorial Division

23 [Timothy A. Fritsch, Esquire, Board Prosecutor,
24 presented the Consent Agreements and Orders for File
25 No. 17-48-06532 and File No. 17-48-06533.]

1 ***

2 MOTIONS

3 MR. RISH:

4 The first matter I would direct the
5 Board's attention to is Item No. 2 on
6 the Board's agenda. It's the Consent
7 Agreement and Order at File No. 17-48-
8 06532.

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

13 CHAIRMAN HARRIS:

14 Do we have a motion on that item?

15 MS. RODRIGUEZ:

16 So moved.

17 CHAIRMAN HARRIS:

18 Do we have a second?

19 MS. MAITLAND:

20 Second.

21 CHAIRMAN HARRIS:

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

25 [The motion carried unanimously. That matter involved

1 Edward W. Lloyd, F.D.]

2

3 MR. RISH:

4

The next matter is Item No. 3 on the

5

Board's agenda. It's the Consent

6

Agreement and Order at File No. 17-48-

7

06533.

8

Based upon discussions in Executive

9

Session, I understand the Board would

10

entertain a motion approving the Consent

11

Agreement and Order.

12 CHAIRMAN HARRIS:

13

Do I hear a motion on that item?

14 MR. NEELY:

15

So moved.

16 CHAIRMAN HARRIS:

17

Second?

18 MR. MCCUSKER:

19

Second.

20 CHAIRMAN HARRIS:

21

We have a motion and a second. All

22

those in favor, signify by saying aye.

23

Any opposed?

24 [The motion carried unanimously.]

25

1 MR. RISH:

2 The next matter is Item No. 4. For the
3 Board's information, I have a status of
4 cases attached to the agenda. As the
5 Board is aware, the Board currently has
6 three appeals pending before the
7 Commonwealth Court. Michael McCleary,
8 F.D.; Leychawne Johns and Johns Funeral
9 Services has appealed the three
10 decisions that the Board previously
11 issued. What I would note is that Mr.
12 Johns had asked to stay the Board's
13 order, and I argued that on behalf of
14 the Board before the Commonwealth Court
15 on July 31, and then on August 2, the
16 Court denied the stay. The petitioners
17 had filed their consolidated brief on
18 Monday. The Board's brief, which I will
19 file on behalf of the Board, is due
20 September 17.

21 I would note that we have plans to
22 discuss regulations immediately
23 following the end of the public meeting
24 today. Of course, the public is invited
25 to attend and encouraged to attend the

1 meeting to discuss regulations. The
2 Board also has a hearing that they will
3 be conducting at 11:00 a.m.

4 The last matter I had for the Board
5 is a Motion to Deem Facts Admitted at
6 Item No. 5 in the Matter of BPOA vs.
7 Vincent Frank Maletta at File No. 18-48-
8 03478.

9 Based upon discussions in Executive
10 Session, I understand that the Board
11 would entertain a motion granting the
12 Motion to Deem Facts Admitted.

13 CHAIRMAN HARRIS:

14 Do I have a motion on Item 5?

15 MS. MAITLAND:

16 So moved.

17 CHAIRMAN HARRIS:

18 Do I have a second?.

19 MS. RODRIGUEZ:

20 Second.

21 CHAIRMAN HARRIS:

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

25 [The motion carried unanimously.]

1 ***

2 Report of Commissioner - No Report

3 ***

4 Report of Board Chairman - No Report

5 ***

6 [Chairman Harris welcomed the new Board members.
7 Francis McCusker provided a brief summary of his
8 educational and professional background. Scott
9 Custead also provided a brief summary of his
10 educational and professional background.]

11 ***

12 Report of Board Administrator

13 [Heidy M. Weirich, Board Administrator, requested
14 Board approval for herself and Milian Rodriguez to
15 attend the 2019 Annual Meeting of The Conference in
16 San Diego, CA, February 27-28, 2019.]

17 CHAIRMAN HARRIS:

18 Do we have a motion for that approval?

19 MS. MAITLAND:

20 So moved.

21 CHAIRMAN HARRIS:

22 Do we have a second?

23 MR. MCCUSKER:

24 Second.

25 CHAIRMAN HARRIS:

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

4 [The motion carried unanimously.]

5 ***

6 Continuing Education Report

7 [Chairman Harris noted applications for continuing
8 education from Flanner Buchanan and Marywood
9 University.]

10 CHAIRMAN HARRIS:

11 Professional members have looked at
12 those applications, and I would make a
13 motion now that the Board approve those
14 for continuing ed.

15 I'll make the motion. I need a
16 second. Do we have a second?

17 MR. NEELY:

18 Second.

19 CHAIRMAN HARRIS:

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

22 [The motion carried unanimously.]

23 ***

24 CHAIRMAN HARRIS:

25 I am going to entertain a motion to

1 adjourn the meeting.

2 MR. MCCUSKER:

3 So moved.

4 CHAIRMAN HARRIS:

5 We have a motion, and I'll second that.

6 We are adjourned from this part of the

7 meeting. Thank you.

8 ***

9 [There being no further business, the State Board of
10 Funeral Directors Meeting adjourned at 10:48 a.m.]

11 ***

12 [The Board recessed from 10:48 a.m. until 11:02 a.m.]

13 ***

14 [A Formal Hearing was held from 11:02 a.m. until
15 12:03 p.m. in the matter of the Commonwealth of
16 Pennsylvania Bureau of Professional and Occupational
17 Affairs vs. Theodore F. Hawkins Jr. and Catherine B.
18 Laws Funeral Home, Inc.; File No. 17-48-01922 and File
19 No. 17-48-01923.]

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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
August 15, 2018

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:30	Executive Session
8	10:05	Return to Open Session
9		
10	10:05	Recess
11	10:32	Return to Open Session
12		
13	10:32	Official Call to Order/Pledge of
14		Allegiance
15		
16	10:33	Roll Call
17		
18	10:35	Approval of Minutes
19		
20	10:35	Report of Prosecutorial Division
21		
22	10:38	Report of Board Counsel
23		
24	10:38	Motions
25		
26	10:45	Report of Board Administrator
27		
28	10:48	Adjournment
29		
30	10:48	Recess
31	11:02	Return to Open Session
32		
33	11:02	Formal Hearing - Theodore F.
34	12:03	Hawkins Jr. and Catherine B. Laws
35		Funeral Home, Inc.
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