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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: 10:10 A.M.

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

February 5, 2020

1                                    State Board of Funeral Directors  
2                                    February 5, 2020

3  
4  
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 Theodore Stauffer, Executive Assistant, Pennsylvania  
12 Department of State, on behalf of K. Kalonji  
13 Johnson, Acting Commissioner, Bureau of Professional  
14 and Occupational Affairs  
15 Scott Custead, Public Member - Absent  
16 Thomas G. Kukuchka, CFSP, Professional Member  
17 Carmella M. Imburgia, Professional Member  
18 Jennifer Jane Kirk, Esquire, Senior Deputy Attorney  
19 General, Antitrust Section, Office of Attorney  
20 General  
21 Francis McCusker, Public Member - Absent

22  
23  
24 BUREAU PERSONNEL:

25  
26 Jaime D. Black, Esquire, Board Counsel  
27 Timothy A. Fritsch, Esquire, Board Prosecution  
28 Liaison  
29 C. William Fritz II, Esquire, Board Counsel  
30 Glenn P. Masser, Esquire, Board Prosecutor  
31 Heidy M. Weirich, Board Administrator

32  
33  
34 ALSO PRESENT:

35  
36 Joseph D. Giles, Milkins Giles Funeral Home, Inc.  
37 Samantha M. Trymbiski, Milkins Giles Funeral Home,  
38 Inc.  
39 Jason G. Benion, Esquire, Saxton & Stump  
40 Melanie B. Scheid, Melanie B. Scheid Funeral Directors  
41 & Cremation Services  
42 Junior Gonzalez, LNP/Lancaster Online  
43 Gregory J. Workman, Workman Funeral Home  
44 James L. Schwartz, Daughenbaugh Funeral Home  
45 Kathleen K. Ryan, Esquire, Pennsylvania Funeral  
46 Directors Association  
47 James Eirkson, Pennsylvania Funeral Directors  
48 Association  
49 Philip W. Furman, Luzern County Funeral Directors  
50 Association, Furman Home for Funerals

State Board of Funeral Directors  
February 5, 2020

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ALSO PRESENT: (cont.)

John Katora, Heffner Funeral Chapel & Crematory, Inc.  
Harry C. Neel, Jefferson Memorial Funeral Home, Inc.

1 \*\*\*

2 State Board of Funeral Directors

3 February 5, 2020

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 Jaime D. Black, Esquire, Board Counsel, to have  
8 attorney-client consultations and for the purpose of  
9 conducting quasi-judicial deliberations regarding the  
10 matters before the Board as listed in today's agenda.  
11 The Board entered into public session at 10:00 a.m.]

12 \*\*\*

13 [The Board recessed from 10:00 a.m. until 10:10 a.m.]

14 \*\*\*

15 The regularly scheduled meeting of the State  
16 Board of Funeral Directors was held on Wednesday,  
17 February 5, 2020. William G. Harris, Chairman,  
18 Professional Member, called the meeting to order at  
19 10:10 a.m. The Pledge of Allegiance was recited.  
20 Roll call was taken. A quorum was noted to be  
21 present.

22 \*\*\*

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

25 \*\*\*

1 Approval of minutes of the December 4, 2019 meeting

2 CHAIRMAN HARRIS:

3 First on the agenda is approval of the  
4 minutes from our December 4, 2019  
5 meeting. We've read through the  
6 minutes. If there are no changes, I  
7 would make a motion to accept them. Are  
8 there any changes? If not, is there a  
9 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.]

16 \*\*\*

17 Report of Prosecutorial Division

18 [Timothy A. Fritsch, Esquire, Board Prosecution  
19 Liaison, presented the Consent Agreement for File No.  
20 19-48-006444.]

21 \*\*\*

22 CHAIRMAN HARRIS:

23 If there are no questions, does the  
24 Board want to go ahead and approve that  
25 agreement? If so, we need a motion.

1 MS. RODRIGUEZ:

2 So moved.

3 MR. NEELY:

4 Second.

5 CHAIRMAN HARRIS:

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

9 [The motion carried unanimously. The Board approved  
10 the Consent Agreement and Order for Donald Crawford  
11 t/d/b/a Crawford Funeral Home, File No. 19-48-006444.]

12 \*\*\*

13 Report of Board Counsel

14 [Jaime D. Black, Esquire, Board Counsel, addressed  
15 recusal guidelines. She explained mandatory recusal  
16 as Board members who have a prosecutorial role in the  
17 matter or a direct personal financial interest in the  
18 outcome of the matter.

19 Ms. Black stated it would be strongly suggested  
20 to recuse if a Board member has a personal affection  
21 for someone directly involved in the subject at issue,  
22 has knowledge from outside of the case that they  
23 cannot set aside in order to make a fair and unbiased  
24 determination.

25 Ms. Black stated discretionary recusal would be

1 where a Board member felt he or she could not hear and  
2 dispose of the case or participate in a decision on a  
3 subject fairly and without prejudice.

4 Ms. Black commented that Board members should not  
5 hesitate to discuss the matter with Board counsel  
6 privately by telephone, during a meeting break, or as  
7 an aside prior to the beginning of a meeting in any  
8 circumstance where a Board member was uncertain about  
9 whether or not to recuse from that matter.

10 Ms. Black referred to 16A-4826 regarding a  
11 limited liability company. She mentioned the proposed  
12 regulations address the licensing of a limited  
13 liability company as funeral establishments. She  
14 stated the Funeral Director Law specifically  
15 authorizes the Board to grant licenses to operate  
16 funeral establishments to a sole proprietor funeral  
17 director.

18 Ms. Black also explained that a partnership of  
19 funeral directors was a restricted business  
20 corporation that meets certain criteria, including a  
21 professional corporation and certain preexisting  
22 general business corporations. She stated the General  
23 Assembly enacted the Limited Liability Company Act in  
24 1994, which provided that these newly authorized  
25 entities may be organized to practice a profession.

1 Ms. Black stated, in order to permit funeral  
2 directors to take advantage of the benefits provided  
3 by an LLC within the limitation of the Funeral  
4 Director Law, the Board must amend its regulations to  
5 allow these business structures to become licensed  
6 either as a sole proprietor or partnership funeral  
7 entity.

8 Ms. Black noted that the Department of State's  
9 Regulatory Counsel was in the process of finalizing  
10 the governor's regulatory agenda, and this would be an  
11 opportunity to include this particular set of  
12 regulations in the regulatory packet.

13 Ms. Black questioned whether the annex drafted in  
14 2016 was something the Board wanted to make changes to  
15 regarding the language or proceed with submitting it  
16 to the Independent Regulatory Review Commission and  
17 move forward with adopting it.]

18 \*\*\*

19 CHAIRMAN HARRIS:

20 I am going to make a motion that Board  
21 members review this, and we will table  
22 it till the next meeting. I think we  
23 need to look at it a little better and  
24 if anybody in the public or stakeholders  
25 who want to do that too. I believe it



1 is probably going to be good the way it  
2 sits, but it does not hurt in this case  
3 to go one more month.

4 I am going to make a motion. Do we  
5 have a second?

6 MR. NEELY:

7 Second.

8 CHAIRMAN HARRIS:

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

11 [The motion carried unanimously.]

12 \*\*\*

13 Report of Board Counsel

14 [Jaime D. Black, Esquire, Board Counsel, referred to  
15 the proposed annex regarding an update of Act 41  
16 licensure by endorsement. She noted prior discussion  
17 at December's Board meeting concerning the writing of  
18 regulations for licensure of funeral directors by  
19 endorsement and how the Board would determine  
20 competency by an out-of-jurisdiction applicant.]

21 Ms. Black stated Board counsel provided a  
22 template of the regulation in order for the Board to  
23 contemplate what competencies to require through this  
24 method of licensure.]

25 \*\*\*

1 CHAIRMAN HARRIS:

2 I am going to make a motion that  
3 everybody take another good look at  
4 that, and we will decide at the next  
5 meeting. Is there a second?

6 MR. KUKUCHKA:

7 Second.

8 CHAIRMAN HARRIS:

9 We have a motion and a second. All in  
10 favor, signify by saying aye. Anybody  
11 opposed to that?

12 [The motion carried unanimously.]

13 \*\*\*

14 MS. BLACK:

15 Will the Board entertain a motion to  
16 grant the Motion to Deem Facts Admitted  
17 and direct Board counsel to draft an  
18 Adjudication and Order in the matter of  
19 BPOA v. Andrew T. Scheid, FD & Andrew T.  
20 Scheid Funeral Home, Case Nos. 16-48-  
21 08296, 16-48-13160, & 17-48-010595?

22 CHAIRMAN HARRIS:

23 I would make a motion to deem facts  
24 admitted and entry of default for that  
25 case.

1 Do I have a second?

2 MS. RODRIGUEZ:

3 Second.

4 CHAIRMAN HARRIS:

5 We have a motion and a second. All in  
6 favor, signify by saying aye. Anybody  
7 opposed to that?

8 [The motion carried unanimously.]

9 \*\*\*

10 MS. BLACK:

11 Will the Board entertain a motion to  
12 adopt the proposed Adjudication and  
13 Order in the matter of BPOA v. Tina Kay  
14 Brown, FD, Case No. 19-48-002371?

15 CHAIRMAN HARRIS:

16 Do we have a motion?

17 MR. KUKUCHKA:

18 So moved.

19 CHAIRMAN HARRIS:

20 Do we have a second?

21 MR. NEELY:

22 Second.

23 CHAIRMAN HARRIS:

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

1                   opposed?

2 [The motion carried. Ms. Kirk opposed the motion.]

3   \*\*\*

4 Report of Acting Commissioner - No Report

5   \*\*\*

6 Report of Board Chairman

7 [William G. Harris, Chairman, Professional Member,  
8 mentioned a lot of issues were coming before the  
9 Board, along with the Board moving ahead and working  
10 through a lot of past cases. He thanked Mr. Fritz for  
11 the good job he had done for the Board and was  
12 confident Ms. Black would keep things moving along  
13 also. He also praised prosecution for their work.]

14   \*\*\*

15 Report of Board Administrator

16 [Heidy M. Weirich, Board Administrator, reported that  
17 funeral renewals had been extended to February 28.  
18 She stated the printing issue had resolved and anyone  
19 who had not received funeral director, supervisor, or  
20 establishment licenses since January 21 should soon be  
21 receiving them.

22           Ms. Weirich explained that the Bureau of  
23 Enforcement and Investigation (BEI) had been made  
24 aware of the issue and would check the system for  
25 those who did not have a current license.

1 Chairman Harris advised the Board to let others  
2 in that predicament know they were not going to get in  
3 trouble with the inspectors.]

4 \*\*\*

5 MOTIONS

6 Items for Discussion

7 MS. BLACK:

8 Number 8 on the agenda is an Application  
9 for Supervisor of Kate R. Piccoletti for  
10 outside employment.

11 Will the Board entertain a motion  
12 to approve or provisionally deny the  
13 Application for Supervisor of Kate R.  
14 Piccoletti?

15 CHAIRMAN HARRIS:

16 Do we have a motion?

17 MS. RODRIGUEZ:

18 So moved.

19 CHAIRMAN HARRIS:

20 Motion to approve. Do we have a second?

21 MS. IMBURGIA:

22 Second.

23 CHAIRMAN HARRIS:

24 We have a motion and a second to  
25 approve. All in favor, signify by

1 saying aye. Anybody opposed?

2 [The motion carried unanimously.]

3 \*\*\*

4 MS. BLACK:

5 Number 9 is the Application for Student  
6 Trainee of Kathryn Grace Rudolf.

7 Will the Board entertain a motion  
8 to approve or provisionally deny the  
9 Application of Student Trainee Kathryn  
10 Grace Rudolf?

11 CHAIRMAN HARRIS:

12 Do we have a motion?

13 MS. RODRIGUEZ:

14 So moved.

15 CHAIRMAN HARRIS:

16 This is a motion to provisionally deny.  
17 We do have that motion. Do we have a  
18 second?

19 MR. STAUFFER:

20 Second.

21 CHAIRMAN HARRIS:

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

25 [The motion carried unanimously.]

1

\*\*\*

2 MS. BLACK:

3

Number 10 is the Application for  
Supervisor of David M. Alvarez.

4

5

Will the Board entertain a motion

6

to approve the Application for

7

Supervisor of David M. Alvarez?

8 CHAIRMAN HARRIS:

9

Do we have a motion?

10 MS. RODRIGUEZ:

11

So moved.

12 CHAIRMAN HARRIS:

13

We have a motion to approve. Is there a  
second?

14

15 MS. IMBURGIA:

16

Second.

17 CHAIRMAN HARRIS:

18

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

19

20

21 [The motion carried unanimously.]

22

\*\*\*

23 Continuing Education Report

24 CHAIRMAN HARRIS:

25

At this time, we have several

1 applications for continuing education to  
2 be approved by the state Board. We have  
3 the Pittsburgh Institute of Mortuary  
4 Science, Inc.; Finger Lakes Funeral  
5 Director Association; Kate Boylston; and  
6 the National Funeral Directors  
7 Association (NFDA). Professional  
8 members have looked at these. I would  
9 make a motion to approve them.

10 Do we have a second?

11 MS. RODRIGUEZ:

12 Second.

13 CHAIRMAN HARRIS:

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

16 [The motion carried unanimously.]

17 \*\*\*

18 Miscellaneous

19 [William G. Harris, Chairman, Professional Member,  
20 noted the Board was expecting some people for a  
21 hearing that had not yet arrived.

22 Ms. Black, Esquire, Board Counsel, provided a  
23 brief summary of her professional background.

24 Chairman Harris welcomed Ms. Black to the Board.]

25 \*\*\*



1 Public Session

2 [William G. Harris, Chairman, Professional Member,  
3 introduced a schoolmate from mortuary school, Joe  
4 Giles. He thanked Mr. Giles for attending and  
5 congratulated him for his long tenure and service to  
6 the public.

7 Mr. Neel questioned whether a student must wait  
8 12 months to retake a test if they do not pass it  
9 three times.

10 Ms. Weirich will check into the matter further  
11 and get back with Mr. Neel.]

12 \*\*\*

13 [The Board recessed from 10:35 a.m. until 10:46 a.m.]

14 \*\*\*

15 Appointment

16 MS. BLACK:

17 In the matter of reinstatement for Carl  
18 C. Brown Jr., Case No. 20-48-00245, we  
19 had a hearing scheduled for 10:00 a.m.  
20 and is now 10:46 a.m. Prosecution has  
21 not heard from the petitioner. Board  
22 counsel has not heard from the  
23 petitioner as well. Since the burden of  
24 proof is on the petitioner and the  
25 petitioner is not here, would the Board

1                   entertain a motion to deny the petition  
2                   for reinstatement?

3 CHAIRMAN HARRIS:

4                   Do we have a motion?

5 MS. RODRIGUEZ

6                   So moved.

7 CHAIRMAN HARRIS:

8                   Do we have a second?

9 MR. KUKUCHKA:

10                   Second.

11 CHAIRMAN HARRIS:

12                   We have a motion and a second. All in  
13                   favor, signify by saying aye. Is there  
14                   anybody opposed to that?

15 [The motion carried unanimously.]

16   \*\*\*

17 CHAIRMAN HARRIS:

18                   Based on information received recently  
19                   involving Claresta Campbell, Case No.  
20                   15-48-07903, I suggest a motion that we  
21                   pass that hearing off to the hearing  
22                   examiner. We are going to vote on  
23                   giving that to a hearing examiner. We  
24                   will still need to decide on it later,  
25                   but we will have maybe better facts to

1 deal with at that time.

2 Do I hear a motion to do that?

3 MR. NEELY:

4 So moved.

5 CHAIRMAN HARRIS:

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

7 MR. KUKUCHKA:

8 Second.

9 CHAIRMAN HARRIS:

10 We have a motion and a second. All in  
11 favor, signify by saying aye. Is there  
12 anybody opposed to that?

13 [The motion carried unanimously.]

14 \*\*\*

15 Adjournment

16 CHAIRMAN HARRIS:

17 Do we have a motion to adjourn?

18 MR. NEELY:

19 So moved.

20 CHAIRMAN HARRIS:

21 We are adjourned.

22 [The motion carried unanimously.]

23 \*\*\*

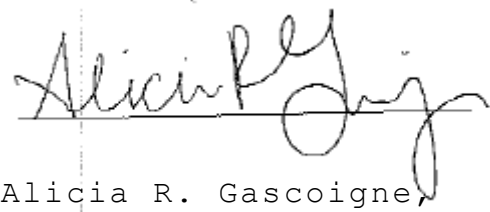
24 [There being no further business, the State Board of  
25 Funeral Directors Meeting adjourned at 10:47 a.m.]

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



Alicia R. Gascoigne,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS  
REFERENCE INDEX

February 5, 2020

	TIME	AGENDA
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6		
7		
8		
9	9:30	Executive Session
10	10:00	Return to Open Session
11		
12	10:00	Recess
13	10:10	Return to Open Session
14		
15	10:10	Official Call to Order
16		
17	10:10	Pledge of Allegiance
18		
19	10:11	Roll Call
20		
21	10:12	Approval of Minutes
22		
23	10:13	Report of Prosecutorial Division
24		
25	10:14	Report of Board Counsel
26		
27	10:23	Report of Board Chair
28		
29	10:23	Report of Board Administrator
30		
31	10:25	Motions
32		
33	10:25	Items for Discussion
34		
35	10:27	Continuing Education Report
36		
37	10:31	Miscellaneous
38		
39	10:32	Public Session
40		
41	10:35	Recess
42	10:46	Return to Open Session
43		
44	10:47	Adjournment
45		
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