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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: 10:07 A.M.

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

December 4, 2019

1 State Board of Funeral Directors
2 December 4, 2019

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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 K. Kalonji Johnson, Acting Commissioner of
12 Professional and Occupational Affairs
13 Scott Custead, Public Member
14 Thomas G. Kukuchka, CFSP, Professional Member - Absent
15 Carmella M. Imburgia, Professional Member
16 Jennifer Jane Kirk, Esquire, Senior Deputy Attorney
17 General, Office of Attorney General
18 Bureau of Consumer Protection Representative
19 Francis McCusker, Public Member
20

21
22 BUREAU PERSONNEL:

23
24 C. William Fritz II, Esquire, Board Counsel
25 Jaime Black, Esquire, Board Counsel
26 Timothy A. Fritsch, Esquire, Board Prosecution
27 Liaison
28 Glenn P. Masser, Esquire, Board Prosecutor
29 Heidy M. Weirich, Board Administrator
30
31 Kimberly A. Mattis, Director, Bureau of Finance and
32 Operations, Department of State
33 Julie Snader, Deputy Director, Bureau of Finance and
34 Operations, Department of State
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State Board of Funeral Directors
December 4, 2019
Continued

ALSO PRESENT:

- Norman C. Shropshire, Pennsylvania Funeral Directors Association
- James Eirkson, Pennsylvania Funeral Directors Association
- Kathleen K. Ryan, Esquire, Pennsylvania Funeral Directors Association
- Norm Johnson
- Lisa Branch-Edwards, Quaker State Funeral Directors Association (QSFDA)
- Lauretta Roche, Quaker State Funeral Directors Association (QSFDA)
- Lynette Johnson, Quaker State Funeral Directors Association (QSFDA)
- Kenneth Dupree, Quaker State Funeral Directors Association (QSFDA)
- Sharon Nix, Quaker State Funeral Directors Association (QSFDA)
- Johnetta Clark, Quaker State Funeral Directors Association (QSFDA)
- Claresta Campbell, Quaker State Funeral Directors Association (QSFDA)
- Adam Campbell, Quaker State Funeral Directors Association (QSFDA)
- Jason G. Benion, Esquire, Saxton & Stump
- Ernie Heffner, Heffner Funeral Chapel & Crematory Home, Crematory, and Arboretum

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State Board of Funeral Directors

December 4, 2019

[Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:30 a.m. the Board entered into Executive Session with C. William Fritz II, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations and to receive legal advice. The Board entered into public session at 10:05 a.m.]

The regularly scheduled meeting of the State Board of Funeral Directors was held on Thursday, December 4, 2019. William G. Harris, Chairman, Professional Member, called the meeting to order at 10:07 a.m. The Pledge of Allegiance was recited. Roll call was taken. K. Kalonji Johnson, Acting Commissioner of Professional and Occupational Affairs, was not present at the commencement of the meeting. A quorum was noted to be present.

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

Approval of Minutes of the August 29, 2019 meeting
CHAIRMAN HARRIS:

1 First on the agenda is to approve the
2 minutes of the August 29, 2019. I
3 believe we've had time to review them.
4 So if there are no changes to that, I
5 would make a motion that we approve
6 those minutes from August 29th.

7 We need a second.

8 MR. NEELY:

9 I second.

10 CHAIRMAN HARRIS:

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

13 Thank you.

14 [The motion carried unanimously.]

15 ***

16 Report of Prosecutorial Division

17 [Timothy Fritsch, Esquire, Board Prosecution Liaison,
18 presented the Consent Agreements for Case Nos. 11-48-
19 04519 & 19-48-007855, Case Nos. 15-48-09412 & 15-48-
20 11145, and Case Nos. 15-48-04751, 15-48-04752 & 17-48-
21 03565.]

22 ***

23 [Glenn P. Masser, Esquire, Board Prosecutor, presented
24 the Consent Agreement for Case No. 17-48-014157.]

25 ***

1 Appointment - Bureau of Finance and Operations Budget
2 Presentation

3 [Kimberly A. Mattis, Director, Bureau of Finance and
4 Operations, introduced herself and Julie Snader,
5 Deputy Director, Bureau of Finance and Operations.

6 Ms. Mattis referred the Board to a financial
7 packet contained in the agenda. She provided
8 information regarding the Board's licensee population.
9 She noted 6,203 licensees for FY19-20 with a steady
10 increase in licensees since FY14-15.

11 Ms. Mattis referred to sources of revenue, noting
12 the biennial total for FY18-19. She noted the
13 majority of revenue was from renewals and applications
14 at 95 percent.

15 Ms. Mattis next reviewed the expenses of the
16 Board, which can be incurred from direct charges,
17 timesheet charges, and license-based charges. She
18 also referred to administrative and legal expenses.
19 She noted the expenses for FY17-18, FY18-19, as well
20 as the budgeted figures for FY19-20 and the expenses
21 as of 11/21/2019. She had no concern for the Board to
22 go over budget based on the numbers.

23 Ms. Mattis reviewed the financial status figures
24 comparing the revenue and expenses together. She
25 reviewed the beginning balances for FY17-18, FY18-19,

1 and FY19-20, and the anticipated balance at the end of
2 this fiscal year, noting a very healthy balance
3 through FY22-23.]

4

5 [K. Kalonji Johnson, Acting Commissioner, entered the
6 meeting at 10:28 a.m.]

7

8 [Ms. Mattis reviewed the Board's budget and Board
9 member expense categories. She reviewed FY17-18 and
10 FY18-19 expenses with the FY19-20 budget. She noted
11 FY19-20 expenses as of 11/21/2019, noting the Board
12 was within budget. She noted the budgeted amount for
13 FY20-21. She mentioned that any money left over at
14 the end of the fiscal year would go into a restricted
15 account.

16 Acting Commissioner Johnson added the Board
17 member expenses was roughly 10% of the actual costs of
18 administration. Ms. Mattis pointed out that this
19 Board's member expenses was a little bit lower
20 percentage. She also explained the Board's benefits,
21 such as Social Security, Medicare, et cetera.]

22

23 Report of Board Counsel

24 MOTIONS

25 MR. FRITZ:

1 Based on the items that the Board
2 discussed in Executive Session, the
3 Board would entertain a motion to
4 delegate the matter of BPOA v. Kevin
5 Duffy, FD t/d/b/a Howard J. Snowdon
6 Funeral Home, Case Nos. 18-48-008912 and
7 19-48-000275, to a hearing examiner for
8 conducting a hearing and issuance of a
9 proposed Adjudication and Order.

10 CHAIRMAN HARRIS:

11 Do we have a motion on that?

12 MS. IMBURGIA:

13 So moved.

14 CHAIRMAN HARRIS:

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

16 MR. NEELY:

17 Second.

18 CHAIRMAN HARRIS:

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

22 [The motion carried unanimously.]

23 ***

24 MR. FRITZ:

25 The Board would entertain a motion

1 delegating the following matter to a
2 hearing examiner for conducting a
3 hearing and issuance of a proposed
4 Adjudication and Order: BPOA v. Raphael
5 M. Hunt-Irving, FD, Case No. 19-48-
6 007957.

7 CHAIRMAN HARRIS:

8 Do we have a motion on that?

9 MR. KUKUCHKA:

10 So moved.

11 CHAIRMAN HARRIS:

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

13 MR. JOHNSON:

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.]

20 ***

21 MR. FRITZ:

22 The Board would entertain a motion
23 granting the Motion to Deem Facts
24 Admitted and Entry of Default and
25 directing Board Counsel to draft an

1 Adjudication and Order for BPOA v.
2 Christopher Lawrence Kelly t/d/b/a Heto
3 D'Anglo Funeral Home, Case No. 19-48-
4 004787.

5 CHAIRMAN HARRIS:

6 Do we have a motion?

7 MS. RODRIQUEZ:

8 I move.

9 CHAIRMAN HARRIS:

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

11 MS. IMBURGIA:

12 I second.

13 CHAIRMAN HARRIS:

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

17 [The motion carried unanimously.]

18 ***

19 MR. FRITZ:

20 The Board would entertain a motion
21 approving the Adjudication and Order in
22 the matter of BPOA v. Antonio Genise,
23 FD, Case No. 18-48-007899.

24 CHAIRMAN HARRIS:

25 Do we have a motion?

1 MR. NEELY:

2 So moved.

3 CHAIRMAN HARRIS:

4 Second?

5 MS. IMBURGIA:

6 Second.

7 CHAIRMAN HARRIS:

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

11 [The motion carried. Ms. Rodriguez recused from
12 deliberations and voting on the motion.]

13 ***

14 MR. FRITZ:

15 The Board would entertain a motion
16 adopting the proposed Adjudication and
17 Order in the matter of BPOA v. Karl
18 Jackson, FD, Case No. 18-48-004560.

19 CHAIRMAN HARRIS:

20 Do we have a motion?

21 MS. RODRIGUEZ:

22 So moved.

23 CHAIRMAN HARRIS:

24 Do we have a second?

25 MR. MCCUSKER:

1 Second.

2 CHAIRMAN HARRIS:

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

6 [The motion carried unanimously.]

7 ***

8 MR. FRITZ:

9 The Board would entertain a motion
10 adopting the proposed Adjudication and
11 Order in the matter of BPOA v. Robert
12 Kenneth Cutright, FD, Case No. 16-48-
13 00984.

14 CHAIRMAN HARRIS:

15 Do we have a motion?

16 MR. CUSTEAD:

17 So moved.

18 CHAIRMAN HARRIS:

19 Do we have a second?

20 MR. MCCUSKER:

21 Second.

22 CHAIRMAN HARRIS:

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

1 [The motion carried unanimously.]

2 ***

3 MR. FRITZ:

4 The Board would entertain a motion
5 approving the proposed Adjudication and
6 Order in the matter of BPOA v. William
7 H. Sweeny, Jr., FD, Case No. 17-48-
8 12297.

9 CHAIRMAN HARRIS:

10 Do we have a motion?

11 MR. MCCUSKER:

12 So moved.

13 CHAIRMAN HARRIS:

14 Do we have a second?

15 MR. NEELY:

16 Second.

17 CHAIRMAN HARRIS:

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

21 [The motion carried. Mr. Kukuchka recused from
22 deliberations and voting on the motion.]

23 ***

24 Report of Acting Commissioner

25 [K. Kalonji Johnson, Acting Commissioner, Bureau of

1 Professional and Occupational Affairs, discussed the
2 launching of the website guides designed to make the
3 application process more user friendly. He reviewed
4 the three phases of the application process.

5 Acting Commissioner Johnson reviewed the new
6 voicemail system and the expansion of the self-help
7 functions to improve customer service. He announced
8 Capitol Police will now be providing security for the
9 building to be consistent with those of the Capitol
10 Complex. The public lobby hours will be 8:30 a.m.
11 until 4:00 p.m. Badge access would be required before
12 or after the public lobby hours.]

13 ***

14 Report of Board Chairman

15 [William G. Harris, Chairman, Professional Member,
16 stated discussion related to legislation will be
17 tabled until the Board's next meeting. He looked
18 forward to entering the New Year.]

19 ***

20 Report of Board Administrator

21 [Heidy M. Weirich, Board Administrator, discussed the
22 release of renewals due to expire February 1, 2020.
23 She stated the continuing education providers renewals
24 will not be released at this time.

25 Acting Commissioner Johnson commended Ms. Weirich

1 for her hard work with getting the renewals set.]

2 ***

3 Items for Discussion

4 Applications for Review

5 ***

6 Continuing Education Report

7 Applications for Review

8 [Mr. Fritz reported the Application for Supervisor of
9 Laura Glauber would be tabled until the Board's next
10 meeting.]

11 CHAIRMAN HARRIS:

12 Can I have a motion to table that
13 please?

14 MS. KIRK:

15 So moved.

16 CHAIRMAN HARRIS:

17 Do we have a second?

18 MR. JOHNSON:

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 unanimously.]

25 ***

1 MR. FIRTZ:

2 The Board would entertain a motion
3 approving the Application for Supervisor
4 of Thomas Wiedlich.

5 CHAIRMAN HARRIS:

6 Do we have a motion to approve that?

7 MR. KUKUCHKA:

8 So moved.

9 CHAIRMAN HARRIS:

10 Do we have a second?

11 MR. JOHNSON:

12 Second.

13 CHAIRMAN HARRIS:

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

17 [The motion carried unanimously.]

18 ***

19 MR. FIRTZ:

20 The Board would entertain a motion
21 approving the Application for Supervisor
22 of James Stecker.

23 CHAIRMAN HARRIS:

24 Do we have a motion to approve that?

25 MS. IMBURGIA:

1 So moved.

2 CHAIRMAN HARRIS:

3 Do we have a second?

4 MR. JOHNSON:

5 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 Continuing Education Report

13 MR. FIRTZ:

14 The Board would entertain a motion
15 approving the following Applications for
16 Continuing Education Providers:
17 Pennsylvania Funeral Directors
18 Association (PFDA), Hospice & Community
19 Care's Pathways Center for Grief & Loss,
20 Selected Independent Funeral Homes, and
21 Pesi, Inc.

22 CHAIRMAN HARRIS:

23 Do we have a motion to approve the CEs?

24

25 MS. RODRIGUEZ:

1 So moved.

2 CHAIRMAN HARRIS:

3 Do we have a second?

4 MR. JOHNSON:

5 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 Appointment - Quaker State Funeral Directors

13 Association (QSFDA)

14 [Lisa Branch-Edwards, Legislative Chair, Quaker State
15 Funeral Directors Association (QSFDA), introduced
16 herself to the Board, as well as introduced addition
17 QSFDA members in attendance. She noted boxes of
18 cremated remains.

19 Ms. Branch-Edwards reported that urban explorers
20 or trespassers of abandoned funeral homes found
21 approximately 48 boxes of cremated remains in Baker
22 Funeral Home, which is located in Philadelphia, PA.
23 The boxes were removed by the Philadelphia Medical
24 Examiner's Office. QSFDA held an emergency meeting
25 with Mr. Baker, the prior funeral director, and met

1 with the Bureau of Enforcement regarding the matter.

2 Ms. Branch-Edwards reported on the collaborative
3 efforts between QSFDA, the Philadelphia Medical
4 Examiner's office, and Mr. Baker was instituted to
5 reunite these remains with their loved ones. Due the
6 significant number of creative remains found at the
7 Baker Funeral Home, the Philadelphia Medical
8 Examiner's office could not accept all of the remains.

9 Ms. Branch-Edwards discussed the incredible
10 endeavors to be undertaken to handle all of the
11 remains, as well as the files located at the facility.
12 She provided information of a woman from an ABC-
13 affiliated station efforts to contact this Board and
14 others regarding the remains of her loved one. Ms.
15 Branch-Edwards was able to locate these remains, but
16 the facility has been secured. The Baker Funeral Home
17 building was sold, and the new owner plans to commence
18 demolition after the new year. The new owner agreed
19 to hold the building's demolition until the remains
20 are removed.

21 Ms. Branch-Edwards requested guidance from the
22 Board on the matter.

23 Chairman Harris thank Ms. Branch-Edwards for
24 providing this information to the Board. Acting
25 Commissioner Johnson stated QSFDA had reached out to

1 the Commissioner's Office in November. He could not
2 respond to any request due to potential conflicts with
3 his adjudicatory position on the Board. The
4 information was forwarded onto the Enforcement
5 division for investigation.

6 Acting Commissioner Johnson discussed the unique
7 service of the funeral director profession, as well as
8 raising awareness of these activities to the local
9 legislators. He discussed the authority of the Board
10 governed by the legislation and its practice act. Mr.
11 Johnson expressed his hope and prayers that the
12 remains would be reunited with their loved ones.

13 Ms. Branch-Edwards appreciated the authority of
14 the Board. She discussed the dissolution of a funeral
15 home business.

16 Chairman Harris stated the Board hoped the
17 remains could be cared for or placed in a secure
18 facility to be properly memorialized. He suggested to
19 QSFDA to reach out to the local legislators, other
20 funeral directors, and cemeteries in the area to
21 assist with the matter.

22 Jennifer Kirk, Esquire, questioned Ms. Branch-
23 Edwards as to her immediate solution to the problem.
24 Ms. Branch-Edwards outlined a planned protocol to
25 reunite the remains with family. She discussed a

1 continued circumstance of cremated remains not being
2 picked up by family members and these remains are held
3 at the funeral home for an extended period of time.
4 Ms. Branch-Edwards explained the unclaimed remains
5 would be buried in a recoverable grave and the files
6 would be destroyed.

7 Acting Commissioner Johnson discussed obtaining
8 the proper ownership of the property following the
9 dissolution of a business. Ms. Branch-Edwards
10 reiterated that the new owner agreed to release the
11 remains and files to QSFDA. Acting Commissioner
12 Johnson noted the opportunities for discussion with
13 the Department of State and the Office of Legislative
14 Affairs.]

15 ***

16 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
17 11:22 p.m. the Board entered into Executive Session
18 with C. William Fritz II, Esquire, Board Counsel, and
19 Jamie Black, Esquire, Board Counsel, for the purpose
20 of conducting quasi-judicial deliberations and to
21 receive legal advice. The Board entered into public
22 session at 11:44 p.m.]

23 ***

24 MOTIONS

25 MR. FRITZ:

1 The Board met in Executive Session and
2 conducted quasi-judicial deliberations
3 in following matters:

4 The Board would entertain a motion
5 approving the Consent Agreement at Case
6 No. 11-48-04519 and 19-48-007855.

7 CHAIRMAN HARRIS:

8 Do we have a motion?

9 MS. RODRIGUEZ:

10 So moved.

11 CHAIRMAN HARRIS:

12 Do we have a second?

13 MR. MCCUSKER:

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. Mr. Kukuchka recused from
20 deliberations and voting on the motion. The
21 Respondent's name is Al T. Hughes, FD.]

22 ***

23 MR. FRITZ:

24 The Board would entertain a motion
25 approving the following Consent

1 Agreement at Case No. 15-48-09412 and
2 15-48-11145.

3 CHAIRMAN HARRIS:

4 Do we have a motion on No. 3?

5 MR. NEELY:

6 So moved.

7 CHAIRMAN HARRIS:

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

9 MR. JOHNSON:

10 Second.

11 CHAIRMAN HARRIS:

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

15 [The motion carried unanimously. The Respondent's
16 name is Mark A. Serenko, FD.]

17 ***

18 MR. FRITZ:

19 The Board would entertain a motion
20 approving the following Consent
21 Agreement at Case No. 17-48-014157.

22 CHAIRMAN HARRIS:

23 Do we have a motion on No. 4?

24 MS. IMBURGIA:

25 So moved.

1 CHAIRMAN HARRIS:

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

3 MR. JOHNSON:

4 Second.

5 CHAIRMAN HARRIS:

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

9 [The motion carried unanimously. The Respondent's
10 name is Sam Cummings, Jr., FD.]

11 ***

12 MR. FRITZ:

13 The Board would entertain a motion
14 approving the following Consent
15 Agreement at Case No. 15-48-04751, 15-
16 48-04752, and 17-48-03565.

17 CHAIRMAN HARRIS:

18 Do we have a motion on No. 5?

19 MR. CUSTEAD:

20 So moved.

21 CHAIRMAN HARRIS:

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

23 MR. JOHNSON:

24 Second.

25 CHAIRMAN HARRIS:

1 regulation of the Board. He reported that Act 41 was
2 enacted and supported by the Governor's Office in
3 October 2019. The original idea was to address
4 concerns for military personnel and spouses
5 transferring from state to state.

6 Acting Commissioner Johnson reiterated that the
7 Board has final approval on an applicant's licensure,
8 but the Board must draft the requirements for
9 licensure supporting Act 41. He noted licensure by
10 reciprocity or endorsement.

11 Chairman noted prior discussion for the formation
12 of a committee to review the matter and present a
13 draft for consideration by the whole Board. Mr. Fritz
14 discussed setting requirements to demonstrate
15 competency to the Board, such as requiring 60 college
16 credits, and implementing provisional licensure.

17 The timeline for promulgating this regulation is
18 18 months from October 2019. The Board's
19 recommendations will be reviewed at its February
20 meeting.]

21

22 [Chairman Harris wished all a Merry Christmas and safe
23 travel over the holidays.]

24

25 Adjournment

1 CHAIRMAN HARRIS:

2 Do we have a motion to adjourn?

3 MR. MCCUSKER:

4 So moved.

5 MR. NEELY:

6 Second.

7 CHAIRMAN HARRIS:

8 We are adjourned.

9 [The motion carried unanimously.]

10 ***

11 [There being no further business, the State Board of
12 Funeral Directors Meeting adjourned at 12:05 p.m.]

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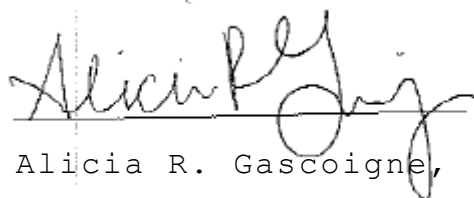
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CERTIFICATE

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

December 4, 2019

	TIME	AGENDA
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7		
8		
9	9:30	Executive Session
10	10:07	Return to Open Session
11		
12	10:07	Official Call to Order
13		
14	10:07	Pledge of Allegiance
15		
16	10:08	Roll Call
17		
18	10:09	Approval of Minutes
19		
20	10:10	Report of Prosecutorial Division
21		
22	10:24	Appointment - Kim Mattis, Director,
23		Finance and Operations
24		
25	10:36	Report of Board Counsel
26		
27	10:38	Report of Deputy Commissioner
28		
29	10:46	Report of Board Chair
30		
31	10:47	Report of Board Administrator
32		
33	10:48	Items for Discussion
34		
35	10:49	Continuing Education Report
36		
37	10:50	Appointment - Quaker State Funeral
38		Directors Association
39		
40	11:22	Executive Session
41	11:44	Return to Open Session
42		
43	11:44	Motions
44		
45	11:47	Legal Initiatives
46		
47	12:05	Adjournment
48		
49		
50		