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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: 10:36 A.M.

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

February 6, 2019

State Board of Funeral Directors
February 6, 2019

BOARD MEMBERS:

William G. Harris, Chairman, Professional Member
Milian E. Rodriguez, Vice Chairperson, Professional Member
Robert E. Neely, Secretary, Professional Member
Ian J. Harlow, Commissioner of Professional and Occupational Affairs - Absent
Gregory T. Burrell, Professional Member - Absent
Merna T. Hoffman, Esquire, Deputy Attorney General, Office of Attorney General, Bureau of Consumer Protection Representative
Thomas G. Kukuchka, CFSP, Professional Member
Scott Custead, Public Member - Absent
Francis McCusker, Public Member - Absent

BUREAU PERSONNEL:

C. William Fritz II, Esquire, Board Counsel
Timothy A. Fritsch, Esquire, Board Prosecution Liaison
Heidy M. Weirich, Board Administrator

ALSO PRESENT:

Wesley J. Rish, Esquire, Board Counsel
Debbie Harris, Spouse of Chairman Harris
Trisha Nash, Quaker State Funeral Directors Association
Lisa Edwards, LFD, Quaker State Funeral Directors Association
Kenneth C. DuPree, Quaker State Funeral Directors Association
Kathleen K. Ryan, Esquire, Pennsylvania Funeral Directors Association
Jason G. Benion, Esquire, Post & Schell
Kimberly Adams, Chief of Fiscal Management, Bureau of Finance and Operations
Shannon Boop, Fiscal Management Specialist, Bureau of Finance and Operations
Amanda Richards, Fiscal Management Specialist, Bureau of Finance and Operations

State Board of Funeral Directors
February 6, 2019

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ALSO PRESENT: (Continued)

- Patrick T. Lanigan, FD, Patrick T. Lanigan Funeral Home and Crematory, Inc.
- Harry C. Neel, Jefferson Memorial Cemetery, Funeral Home, Crematory, and Arboretum
- Nathan A. Bitner, Hetrick-Bitner Funeral Home, Inc.
- Ernie Heffner, President, Heffner Funeral Chapel & Crematory, Inc.
- Jessica Rosado, Jefferson Memorial Cemetery, Funeral Home, Crematory, and Arboretum

1 ***

2 State Board of Funeral Directors

3 February 6, 2019

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 C. William Fritz II, Esquire, Board Counsel, for
8 the purpose of conducting quasi-judicial deliberations
9 and to receive legal advice. The Board entered into
10 public session at 10:30 a.m.]

11 ***

12 The regularly scheduled meeting of the State
13 Board of Funeral Directors was held on Wednesday,
14 February 6, 2019. William G. Harris, Chairman,
15 Professional Member, called the meeting to order at
16 10:37 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 [C. William Fritz II, Esquire, Board Counsel, noted
25 that the Board met in executive session prior to open

1 session and conducted quasi-judicial deliberation on
2 matters to be voted on later in the meeting.]

3

4 Approval of Minutes of the December 19, 2018 meeting

5 CHAIRMAN HARRIS:

6 At this time, we will vote for approval
7 of the December 19 minutes.

8 Are there any corrections or
9 anything on the minutes for that date?

10 [The Board discussed corrections to the minutes.]

11 CHAIRMAN HARRIS:

12 At this time, we are going to ask for a
13 motion to amend and approve the minutes
14 of December 19.

15 MR. NEELY:

16 So moved.

17 CHAIRMAN HARRIS:

18 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. Any
24 opposed?

25 [The motion carried unanimously.]

1 ***

2 [William G. Harris, Chairman, Professional Member,
3 announced and welcomed Mr. Fritz as new Counsel for
4 the state Boards.]

5 ***

6 Appointment - Bureau of Finance and Operations
7 Presentation

8 [Kimberly Adams, Chief of Fiscal Management, Bureau of
9 Finance and Operations, introduced herself; Shannon
10 Boop, Fiscal Management Specialist; and Amanda
11 Richards, Fiscal Management Specialist.

12 Ms. Adams addressed the licensee population from
13 a revenue standpoint. She stated the licensee count
14 at 6,131 was down 39 from the previous biennial period
15 in FY 2016-17, but was at 6,143 that morning with 12
16 additional members.

17 Ms. Adams stated 96% of revenue was from renewals
18 and applications with the current biennial total at
19 \$2,414,916.52. She noted the different revenue
20 sources and current fee structure, which had been the
21 same since 2014.

22 Ms. Adams reviewed the categorical breakdown of
23 administrative and legal expenses for FY 2016-17 and
24 FY 2017-18, budget, and expenses as of January 17,
25 2019. She commented that expenses were incurred from

1 timesheet-based charges, licensee-based charges, and
2 direct cost.

3 Ms. Adams reviewed revenue and expenses related
4 to the budget for FY 2018-19. She noted growth in
5 this area as long as the population continued to
6 increase.

7 Ms. Adams addressed the breakdown of Board member
8 expenses for FY 2018-19 as of January 16, 2019. She
9 stated the Board was well within the budget and had a
10 balance to carry towards FY 2019-20 as well.

11 Ms. Adams commented that any excess that was not
12 spent goes back to the Board.

13 Chairman Harris discussed Board costs, where
14 Board members receive \$60 per day for attending
15 meetings and representing the funeral profession,
16 noting that professional members would be losing money
17 by not being at home. He stated Board members are
18 reimbursed for expenses. He also noted that the cost
19 of enforcement and investigation had increased over
20 the past few years.

21 Chairman Harris discussed the Board not lowering
22 the cost of licenses a few years back, noting problems
23 in some of the areas of the state, especially with the
24 Board increasing investigators in the Philadelphia
25 area. He commented that the Board had been commended

1 for keeping the State Board of Funeral Directors
2 expenses under control while still protecting the
3 public in the state of Pennsylvania.]

4 ***

5 Report of Board Counsel

6 [C. William Fritz II, Esquire, Board Counsel, noted
7 the matters discussed during executive session.]

8 ***

9 MOTIONS

10 MR. FRITZ:

11 The Board would entertain a motion to
12 delegate the following matter to the
13 hearing examiner for issuance of the
14 proposed adjudication, BPOA vs. Kelly L.
15 Corridoni, F.D., File No. 16-48-05644.

16 CHAIRMAN HARRIS:

17 Do we have a motion on No. 2?

18 MS. RODRIGUEZ:

19 So moved.

20 CHAIRMAN HARRIS:

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

22 MR. NEELY:

23 Second.

24 CHAIRMAN HARRIS:

25 We have a motion and a second. All in

1 favor, signify by saying aye. No
2 opposed.

3 [The motion carried unanimously.]

4 ***

5 MR. FRITZ:

6 The Board would entertain a motion to
7 delegate the following matter to the
8 hearing examiner for issuance of
9 proposed Adjudication and Order, BPOA
10 vs. Keystone Cremation Alliance LCC,
11 File No. 18-48-010241.

12 CHAIRMAN HARRIS:

13 Do we have a motion?

14 MR. KUKUCHKA:

15 So moved.

16 CHAIRMAN HARRIS:

17 Do we have a second?

18 MS. HOFFMAN:

19 Second.

20 CHAIRMAN HARRIS:

21 We have a motion and a second. All in
22 favor, signify by saying aye. No
23 opposed.

24 [The motion carried unanimously.]

25 ***

1 MR. FRITZ:

2 The Board would entertain a motion to
3 delegate the following matter to the
4 hearing examiner for issuance of the
5 proposed Adjudication and Order, BPOA
6 vs. Frank David Debor, F.D., File No.
7 16-48-07129.

8 CHAIRMAN HARRIS:

9 I am going to make that motion. Do we
10 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. No
16 opposed.

17 [The motion carried unanimously.]

18 ***

19 MR. FRITZ:

20 The Board would entertain a motion to
21 approve the following Adjudications and
22 Orders: BPOA vs. Pennsylvania Cremation
23 Society, LLC, File No. 15-48-11962; BPOA
24 vs. Pennsylvania Cremation Society, LLC,
25 File No. 15-48-11963; BPOA vs. Brian

1 Arthur Strauch, F.D., File No. 15-48-
2 11972.

3 CHAIRMAN HARRIS:

4 Okay, No. 5, No. 6, and No. 7. Do we
5 have a motion for approval of those
6 things?

7 MS. RODRIGUEZ:

8 So moved.

9 CHAIRMAN HARRIS:

10 Milian gave a motion. Do we have a
11 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. Opposed,
17 anybody?

18 [The motion carried unanimously.]

19 ***

20 MR. FRITZ:

21 The Board would entertain a motion to
22 approve the following Adjudication and
23 Order, BPOA vs. Milton E. Hamel, F.D. &
24 Milton E. Hamel Mortuary, Inc., File No.
25 16-48-00121 and 18-48-00162.

1 CHAIRMAN HARRIS:

2 I would make a motion for approval of
3 that motion. Do we have a second?

4 MS. HOFFMAN:

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 MR. FRITZ:

13 The Board would entertain a motion to
14 approve the following Adjudication and
15 Order, BPOA vs. Theodore F. Hawkins Jr.
16 and Catherine B. Laws, Inc., File No.
17 17-48-01922 and File No. 17-48-01923.

18 CHAIRMAN HARRIS:

19 Do we have a motion?

20 MS. RODRIGUEZ:

21 So moved.

22 CHAIRMAN HARRIS:

23 Do we have a second?

24 MR. NEELY:

25 Second.

1 CHAIRMAN HARRIS:

2 We have a motion and a second. All in
3 favor, signify by saying aye. No
4 opposed.

5 [The motion carried unanimously.]

6 ***

7 MR. FRITZ:

8 The Board would entertain a motion to
9 approve the following Adjudication and
10 Order, BPOA vs. David W. Faust, F.D.,
11 File No. 17-48-04237.

12 CHAIRMAN HARRIS:

13 I will make a motion for approval. Do
14 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 unanimously.]

22 ***

23 Report of Board Counsel - Miscellaneous (Continued)
24 [William G. Harris, Chairman, Professional Member,
25 discussed correspondence regarding regulation on food

1 in funeral establishments. He noted a policy
2 statement regarding the matter was being drafted and a
3 regulation was in the works that will clearly outline
4 the Board's position.

5 Chairman Harris commented that, in place of
6 having a Regulations Committee at the end of the
7 meeting, those wanting to address the issue would be
8 given an opportunity to speak.]

9 ***

10 Report of Commissioner - No Report

11 ***

12 Report of Board Chairman - No Report

13 ***

14 Report of Board Administrator - No Report

15 ***

16 Items for Discussion - Election of Officers

17 MR. FRITZ:

18 Right now, open for nomination is Board
19 Chair.

20 MR. NEELY:

21 I nominate Bill Harris.

22 MR. KUKUCHKA:

23 I second that.

24 CHAIRMAN HARRIS:

25 All those in favor, say aye.

1 [The motion carried. Chairman Harris abstained from
2 voting on the motion.]

3 ***

4 MR. FRITZ:

5 Any nominations for Vice Chair?

6 CHAIRMAN HARRIS:

7 I make a nomination that we keep Milian
8 Rodriguez if she is willing to serve as
9 the Vice Chair this year.

10 MR. KUKUCHKA:

11 Second.

12 CHAIRMAN HARRIS:

13 We have a motion and a second. All in
14 favor to approve Milian Rodriguez for
15 Vice Chair will now take a vote on that.
16 Everybody agree to that? Anybody oppose
17 that?

18 [The motion carried unanimously.]

19 ***

20 CHAIRMAN HARRIS:

21 We also need a Secretary. Do we hear
22 any nominations for that?

23 MR. KUKUCHKA:

24 Mr. Neely.

25 CHAIRMAN HARRIS:

1 We have a nomination to have Mr. Neely
2 as our Secretary.

3 Is there a second?

4 MS. RODRIGUEZ:

5 I'll second.

6 CHAIRMAN HARRIS:

7 All in favor, signify by saying aye.
8 Opposed?

9 [The motion carried unanimously.]

10 ***

11 [William G. Harris, Chairman, Professional Member,
12 thanked the Board for their confidence in him, stating
13 that he would serve the public and funeral directors
14 on the state Board to the best of his ability.]

15 ***

16 MR. FRITZ:

17 The Board would entertain a motion to
18 approve the Request for Intern Extension
19 of Joshua A. Keith.

20 MR. NEELY:

21 So moved.

22 CHAIRMAN HARRIS:

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

24 MS. HOFFMAN:

25 Second.

1 CHAIRMAN HARRIS:

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

5 [The motion carried unanimously.]

6 ***

7 Continuing Education Report Applications for Review

8 CHAIRMAN HARRIS:

9 The professional members here generally
10 look at the Applications for Continuing
11 Education to review and approve those.
12 At this time, we have looked at all of
13 these. We shared them between
14 professional members. We will approve
15 those applications submitted to date.
16 Matthews International, Pennsylvania
17 Funeral Directors Association, Cremation
18 Association of North America,
19 FrontRunner Professional, and MKJ
20 Marketing are approved.

21 I will make a motion to approve
22 them. Do we have a second?

23 MS. RODRIGUEZ:

24 Second.

25 CHAIRMAN HARRIS:

1 We have a motion and a second. All in
2 favor, signify by saying aye.

3 [The motion carried unanimously.]

4 ***

5 Public Comments

6 [Ernie Heffner, President, Heffner Funeral Chapel &
7 Crematory, Inc., questioned the basis for an intern
8 extension when 12 months of uninterrupted internship
9 was required.

10 Chairman Harris clarified that the intern works
11 in a very small-volume place that did not have
12 adequate bodies to qualify for an internship and was
13 given a year to meet his requirements.

14 Patrick T. Lanigan, F.D., Patrick T. Lanigan
15 Funeral Home & Crematory, Inc., addressed the issue of
16 food in funeral homes. Mr. Lanigan discussed the
17 Board's decision in the Slater food case, noting an
18 unlevelled playing field for funeral homes. He noted
19 ambiguity and uncertainty in the interpretation of the
20 no food in the funeral home argument.

21 Mr. Lanigan opposed the argument and supported
22 food in the funeral home. He noted the definition of
23 funeral home in § 13.94 regarding requirements for
24 funeral establishments. He stated a separate room to
25 act as a dining room or food room was not part of the

1 funeral establishment, which easily could determine
2 that the state Board has no jurisdiction over the use
3 of that room.

4 Mr. Lanigan referred to § 13.183 regarding food
5 and beverages, where it stated food may not be served
6 to the public in any part of a food establishment. He
7 discussed ambiguities with this section and the
8 keyword being "served." He commented that there was
9 no specific prohibition of a family bringing in food
10 and was clear that the prohibition is in the serving
11 of the food.

12 Mr. Lanigan reviewed unfair interpretation of
13 sections of the law and practical reasons for this
14 stance. He commented that there was no public health
15 reason for not allowing food in the funeral home,
16 especially when there was nobody present due to
17 cremation or family preference. He stated certain
18 ethnic groups and religious practices use food in
19 their funerary traditions, questioning whether those
20 folks would be banned from funeral homes.

21 Mr. Lanigan commented that Pennsylvania was the
22 only state in the nation that interpreted that a food
23 ban exists. He mentioned that family, neighbors, and
24 coworkers bring food to the funeral home as a memorial
25 gift. He commented that the word "home" should not be

1 used in its title if food were not allowed in funeral
2 homes, arguing that food was permitted in just about
3 every public place.

4 Mr. Lanigan stated that it was unconscionable to
5 allow staff to eat in a funeral home but not the folks
6 who financially support all of our employment. He
7 proposed and suggested that the state Board clear the
8 ambiguity and misguided interpretation of no food in
9 the funeral home, imploring the state Board to side
10 with families and funeral homes who wish to completely
11 serve those who are bereaved.

12 Mr. Lanigan noted that it was the 21st Century
13 and having food in the funeral home would benefit all
14 without sacrificing the public welfare, which the
15 state Board protects well.

16 Chairman Harris commented that it was the Board's
17 intention to clear up the ambiguity and past
18 misinterpretation of that law.

19 Jason G. Benion, Esquire, Post & Schell,
20 discussed the issue from a lawyer's perspective,
21 citing background regarding the course of that
22 litigation and the Board's interpretation of the food
23 provision of the statute that would interpret the law
24 to allow food service in a separate segregated area of
25 the funeral home apart from where the body was

1 prepared or displayed for a funeral service.

2 Mr. Benion suggested drafting a statement of
3 policy in order to address the ambiguity and because
4 the Board had previously used statements of policy to
5 memorialize litigation decisions.]

6 ***

7 Adjournment

8 CHAIRMAN HARRIS:

9 Do I have a motion to close the meeting?

10 MR. NEELY:

11 So moved.

12 MR. KUKUCHKA:

13 Second.

14 CHAIRMAN HARRIS:

15 We have a motion and a second. All in
16 favor?

17 [The motion carried unanimously.]

18 ***

19 [There being no further business, the State Board of
20 Funeral Directors Meeting adjourned at 11:19 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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX

February 6, 2019

	TIME	AGENDA
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7		
8		
9	9:30	Executive Session
10	10:30	Return to Open Session
11		
12	10:36	Official Call to Order
13		
14	10:37	Pledge of Allegiance
15		
16	10:37	Roll Call
17		
18	10:38	Report of Board Counsel
19		
20	10:39	Approval of Minutes
21		
22	10:40	Appointment - Bureau of Finance and
23		Operations Presentation
24		
25	10:56	Report of Board Counsel (cont.)
26		
27	10:56	Motions
28		
29	10:59	Items for Discussion
30		
31	11:02	Continuing Education Report
32		
33	11:03	Public Comments
34		
35	11:19	Adjournment
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