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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: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

January 12, 2022

1 State Board of Funeral Directors
2 January 12, 2022

3
4
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
11 Member
12 Arion Claggett, Acting Commissioner, Bureau of
13 Professional and Occupational Affairs
14 Kenneth C. DuPree, Professional Member - Absent
15 Thomas G. Kukuchka, CFSP, Professional Member
16 Francis McCusker, Public Member
17 Jennifer Jane Kirk, Esquire, Senior Deputy Attorney
18 General, Antitrust Section, Office of Attorney
19 General
20

21
22 BUREAU PERSONNEL:

23
24 Jaime D. Black, Esquire, Board Counsel
25 Ray Michalowski, Esquire, Senior Board Prosecutor
26 Timothy A. Fritsch, Esquire, Board Prosecution
27 Liaison
28 Kristel Hennessy Hemler, Board Administrator
29 Marc Farrell, Deputy Director, Office of Policy,
30 Department of State
31

32 ALSO PRESENT:

33
34 Ernie Heffner, President, Heffner Funeral Chapel
35 & Crematory, Inc.
36 Glenn Steiner
37 James Erikson, CAE, Assistant Executive Director and
38 Chief Operations Officer, Pennsylvania Funeral
39 Directors Association
40 Jason G. Benion, Esquire, Saxton & Stump
41 Jen Smeltz, Republican Executive Director, Senate
42 Consumer Protection & Professional Licensure
43 Committee
44 Jerry J. Livingston, Democratic Executive Director,
45 Senate Consumer Protection & Professional Licensure
46 Committee
47 Kathleen K. Ryan, Esquire, Pennsylvania Funeral
48 Directors Association
49 Dean F. Picarella, Esquire, Senior Board Counsel
50

1 ***

2 State Board of Funeral Directors

3 January 12, 2022

4 ***

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, for the
8 purpose of conducting quasi-judicial deliberations on
9 the items on today's agenda that are currently pending
10 before the Board and to receive the advice of counsel.
11 The Board entered into public session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Funeral Directors was held on Wednesday,
15 January 12, 2022. William G. Harris, Chairman,
16 Professional Member, called the meeting to order at
17 10:30 a.m.

18 ***

19 Roll Call

20 [Chairman Harris requested a roll call of Board
21 members.]

22 ***

23 Report of Prosecutorial Division

24 [Timothy A. Fritsch, Esquire, Board Prosecution
25 Liaison, presented the Consent Agreement for Case No.

1 21-48-006706 and Case Nos. 20-48-008633 & 20-48-
2 008634.

3 Wesley J. Rish, Esquire, Rish Law Office, LLC,
4 counsel for the respondent, was present and
5 participated in the discussion regarding Case Nos. 20-
6 48-008633 & 20-48-008634.

7 Ms. Kirk asked Mr. Fritsch to describe a typical
8 inspection.

9 Mr. Fritsch explained that inspectors are looking
10 for current licenses and display of the license. He
11 stated most facility checks are focused on the prep
12 room and following regulations specific to the
13 required equipment and structure, as well as
14 confirming the room is sanitary and airtight with
15 proper ventilation.

16 Mr. Fritsch also noted inspectors review the
17 preneed accounts, records, and forms to make sure they
18 are in compliance with Board requirements.]

19 ***

20 [Glenn P. Masser, Esquire, Board Prosecutor, presented
21 the Consent Agreement for Case No. 20-48-009649.]

22 ***

23 Report of Board Counsel

24 [Jaime D. Black, Esquire, Board Counsel, informed
25 everyone that the Board met in Executive Session prior

1 to today's meeting for the purpose of conducting quasi-
2 judicial deliberations on the items on today's
3 agenda.]

4

5 Approval of minutes of the November 23, 2021 meeting

6 MS. BLACK:

7

8

9

I believe the Board would entertain a
motion to approve as final the November
23, 2021 Board meeting minutes.

10 CHAIRMAN HARRIS:

11

Do we hear a motion?

12

MR. KUKUCHKA:

13

So moved.

14

MR. MCCUSKER:

15

Second.

16

CHAIRMAN HARRIS:

17

18

19

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

20 [The motion carried unanimously.]

21

22

MS. BLACK:

23

24

25

I believe the Board would entertain a
motion to approve the Consent Agreement
and Order at Case No. 21-48-006706.

1 CHAIRMAN HARRIS:

2 Do we have a motion on number 2?

3 MS. KIRK:

4 So moved.

5 MR. KUKUCHKA:

6 Second.

7 CHAIRMAN HARRIS:

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

11 [The motion carried unanimously. The Board has
12 accepted the Consent Agreement at item 2, BPOA v.
13 Frankie E. Francis, F.D., Case No. 21-48-006706.]

14 ***

15 MS. BLACK:

16 Moving on to item 3, I believe the Board
17 would entertain a motion to reject the
18 Consent Agreement at Case Nos. 20-48-
19 008633 & 20-48-008634 for being too
20 lenient.

21 CHAIRMAN HARRIS:

22 Do we hear a motion on number 3?

23 MR. KUKUCHKA:

24 So moved.

25 CHAIRMAN HARRIS:

1 Report of Board Counsel - Adjudication and Order

2 MS. BLACK:

3 Item 6. I believe the Board would
4 entertain a motion to approve as final
5 the Adjudication and Order for Keene &
6 Carney Funeral Home, Inc., Case No. 20-
7 48-007624.

8 CHAIRMAN HARRIS:

9 Do we have a motion on number 6?

10 MS. RODRIGUEZ:

11 I make a motion.

12 CHAIRMAN HARRIS:

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

14 MS. IMBURGIA:

15 I second.

16 CHAIRMAN HARRIS:

17 We have a motion and a second. All in
18 favor, signify by saying aye. Any
19 oppositions, abstentions, or recusals?

20 [The motion carried unanimously.]

21 ***

22 Requests for Review

23 MS. BLACK:

24 Item 8. I believe the Board would
25 entertain a motion to approve the

1 Application under Act 41 to Glenn
2 Steiner.

3 CHAIRMAN HARRIS:

4 Do we have a motion on number 8?

5 MS. IMBURGIA:

6 I make a motion.

7 CHAIRMAN HARRIS:

8 We have a motion. Do we have a second
9 on number 8?

10 MS. RODRIGUEZ:

11 Second.

12 CHAIRMAN HARRIS:

13 We have a motion and a second. All in
14 favor, signify by saying aye. Anybody
15 opposed? Any abstentions or recusals?

16 [The motion carried unanimously.]

17 ***

18 Appointment - Prosecution Division Annual Report
19 Presentation

20 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
21 Counsel, Prosecution Division, provided a summary of
22 the prosecution division's caseload during 2021.

23 Ms. DeLaurentis informed the Board that 157 cases
24 were opened in 2021 for the State Board of Funeral
25 Directors and is down from 185 cases in 2020. She

1 noted closing 186 cases in 2021, which is also down
2 from 2020 at 240. She noted that more cases were
3 closed than opened in the calendar year. She reported
4 92 open cases for the Board as of January 1, 2022.

5 Ms. DeLaurentis addressed enforcement actions,
6 noting 26 cases that resulted in discipline and 30
7 warning letters in 2021, which is a decrease from 60
8 in 2020.

9 Ms. Kirk requested a copy of the presentation.

10 Ms. DeLaurentis noted the prosecution division
11 opened 1,223 COVID-related cases in 2020 with 15 of
12 those cases for the Board. She noted 543 COVID-
13 related cases were opened in 2021 with 17 of those for
14 the Board.

15 Ms. DeLaurentis reported 18,363 cases were opened
16 in 2021, which is up from 2020 with 13,394. She also
17 reported closing 15,994 files for 2021 and 13,274 in
18 2020.

19 Ms. DeLaurentis noted the total number of current
20 cases for the office as of January 1, 2022, is 15,141.
21 She mentioned being very proud of the work of the
22 prosecution division and professional compliance
23 office.

24 Ms. Kirk asked whether the 15,141 for 2022 are
25 new or carried over cases.

1 Ms. DeLaurentis explained that the 15,141 cases
2 that are currently open could be cases from prior
3 years and newer cases and may be cases waiting for
4 adjudication, consent agreements, or investigation.]

5

6 Items for Discussion

7 [Jaime D. Black, Esquire, Board Counsel, addressed the
8 Probable Cause Screening Committee. She stated Board
9 Counsel was asked to update the list for each board to
10 ensure it is accurate. She noted that the Board does
11 not have a specific committee but uses officers of the
12 Board for the Probable Cause Screening Committee
13 members. She asked whether the Board wanted to
14 officially designate the officers of the Board to
15 serve in that capacity or appoint members to serve on
16 the Probable Cause Screening Committee.

17 Ms. Black reminded Board members that the
18 committee addresses cases as they arrive that involves
19 a situation that endangers the public. The Probable
20 Cause Screening Committee members make the
21 determination whether a licensee should continue to
22 have their license and act in that capacity while due
23 process occurs or if it rises to the level of needing
24 a temporary suspension on the charges.

25 Ms. Black mentioned that should a case from the

1 Probable Cause come before the Board, any individual
2 or individuals who serve on the Probable Cause
3 Screening Committee for that case would have to recuse
4 themselves.

5 Ms. Black stated the PCSC members could be any
6 members of the Board and do not have to be officers.
7 She requested an official designation of members so
8 the information can be provided to prosecution. She
9 cautioned the Board against having too many members on
10 the committee, which could cause quorum issues if the
11 matter comes before the Board. Therefore, Ms. Black
12 suggested limiting the committee to one or two
13 members.

14 Ray Michalowski, Esquire, Senior Board
15 Prosecution, noted overseeing several other boards and
16 believed having one member with an alternate member
17 would be appropriate for the size of the Board. He
18 noted cases could include temporary suspensions or
19 probation violations, and boards use one person plus
20 one alternate to avoid what Ms. Black mentioned
21 regarding recusals and no longer being able to vote or
22 participate in the matter.

23 Chairman Harris recommended designating one
24 person and an alternate. Ms. Imburgia volunteered to
25 be a member, and Ms. Rodriguez volunteered to be an

1 alternate.]

2 ***

3 CHAIRMAN HARRIS:

4 I will make a motion to that effect,
5 Carmella as the designate and Milian as
6 the alternate for the Probable Cause
7 Committee.

8 Do we have a second?

9 MS. KIRK:

10 Second.

11 CHAIRMAN HARRIS:

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

15 [The motion carried unanimously.]

16 ***

17 Report of Commissioner - No Report

18 ***

19 Report of Board Administrator

20 [Kristel Hennessy Hemler, Board Administrator,
21 informed Board members that the February Board meeting
22 was changed from Thursday, February 17 to Friday,
23 February 18, 2022.

24 Ms. Hemler reminded everyone that all renewal
25 applications have to be submitted before they can be

1 renewed. She noted that a funeral director, who has a
2 funeral supervisor license, must submit both. She
3 also noted that establishments need to submit their
4 licenses as well as a branch. She mentioned that the
5 system will continuously check to confirm all of the
6 applications have been submitted and then be renewed.

7 Ms. Hemler addressed a small issue this renewal,
8 where funeral directors think they have to get their
9 funeral director license renewed before they submit
10 the next application and is causing a backup.

11 Chairman Harris and Ms. Kirk thanked Ms. Hemler
12 for doing a wonderful job for the Board.]

13 ***

14 Public Comments

15 [Dean F. Picarella, Esquire, Senior Board Counsel,
16 commented that he audits the Board meeting to see how
17 Board counsel can best serve the Board.

18 Glenn Steiner thanked the Board for their
19 decision, noting he looks forward to being a licensed
20 funeral director in Pennsylvania.

21 James Erikson, CAE, Assistant Executive Director
22 and Chief Operations Officer, Pennsylvania Funeral
23 Directors Association, reiterated the compliments to
24 Ms. Hemler for being responsive and helpful to staff
25 at the Pennsylvania Funeral Directors Association

1 (PFDA). He also thanked Ms. Black for her assistance
2 concerning applications.

3 Jason G. Benion, Esquire, Saxton & Stump,
4 addressed House Bill 1464 regarding crematory
5 temperature, and is hopeful that there may be action
6 on that during this legislative session. He suggested
7 anyone interested in that bill keep in contact with
8 their members of the General Assembly.

9 Mr. Michalowski also complimented Mr. Fritsch,
10 Ms. Hemler, and Ms. Black for doing a great job. He
11 referred to the presentation by Ms. DeLaurentis
12 concerning COVID cases. He stated the small number of
13 cases and cooperation seen in resolving those during
14 the pandemic has been impressive and complimented the
15 entire industry, as well as the Board, given the
16 tremendous strains put on the industry during COVID.]

17 ***

18 Adjournment

19 CHAIRMAN HARRIS:

20 I make a motion to approve the
21 conclusion of the meeting.

22 Do we have a second?

23 MR. KUKUCHKA:

24 Second.

25 CHAIRMAN HARRIS:

STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call
10:31	Report of Prosecutorial Division
10:53	Approval of Minutes
10:54	Report of Board Counsel
10:58	Requests for Review
10:59	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division Annual Report Presentation
11:07	Items for Discussion
11:14	Report of Board Administrator
11:17	Public Comments
11:23	Adjournment