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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: 10:29 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

February 18, 2022

1                    State Board of Funeral Directors  
2                    February 18, 2022

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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 Carmella M. Imburgia, Secretary, Professional  
11 Member  
12 Arion Claggett, Acting Commissioner, Bureau of  
13 Professional and Occupational Affairs - Absent  
14 Kenneth C. DuPree, Professional Member  
15 Thomas G. Kukuchka, CFSP, Professional Member  
16 Francis McCusker, Public Member - Absent  
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 Andrew LaFratte, MPA, Executive Policy Specialist,  
30 Department of State  
31

32  
33 ALSO PRESENT:

34  
35 James Erikson, CAE, Assistant Executive Director and  
36 Chief Operations Officer, Pennsylvania Funeral  
37 Directors Association  
38 Jen Smeltz, Republican Executive Director, Senate  
39 Consumer Protection & Professional Licensure  
40 Committee  
41 Jerry J. Livingston, Democratic Executive Director,  
42 Senate Consumer Protection & Professional Licensure  
43 Committee  
44 Neil Devlin, Esquire, Saxton & Stump  
45  
46  
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1 \*\*\*

2 State Board of Funeral Directors

3 February 18, 2022

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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 10:29 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Funeral Directors was held on Friday,  
15 February 18, 2022. William G. Harris, Chairman,  
16 Professional Member, called the meeting to order at  
17 10:29 a.m.

18 \*\*\*

19 Roll Call

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

22 \*\*\*

23 Approval of minutes of the January 12, 2022 meeting  
24 CHAIRMAN HARRIS:

25 We need a motion to approve the January

1 12, 2022 meeting minutes.

2 Do we have a motion to approve?

3 MS. KIRK:

4 So moved.

5 CHAIRMAN HARRIS:

6 Do we have a second?

7 MS. RODRIGUEZ:

8 I second.

9 CHAIRMAN HARRIS:

10 All in favor, signify by saying aye.

11 Any opposed? Any recusals or

12 abstentions?

13 [The motion carried unanimously.]

14 \*\*\*

15 Report of Prosecutorial Division

16 [Timothy A. Fritsch, Esquire, Board Prosecution

17 Liaison, had no report from the prosecutorial division

18 but offered to answer questions from Board members.]

19 \*\*\*

20 Report of Board Counsel

21 [Jaime D. Black, Esquire, Board Counsel, stated the

22 Board met in Executive Session prior to this meeting

23 for the purpose of conducting quasi-judicial

24 deliberations on the items on the agenda.

25 Ms. Black noted the meeting was being recorded,

1 and those who continued to participate constitutes  
2 consent to being recorded.]

3 \*\*\*

4 Report of Board Counsel - Motion to Deem Facts

5 Admitted

6 MS. BLACK:

7                   Regarding item 2, I believe the Board  
8                   would entertain a motion to grant the  
9                   Motion to Deem Facts Admitted and direct  
10                  Board counsel to draft an Adjudication  
11                  in accordance with Executive Session  
12                  discussions.

13 CHAIRMAN HARRIS:

14                   Do I hear a motion on number 2?

15 MS. IMBURGIA:

16                   Motion.

17 CHAIRMAN HARRIS:

18                   Do I hear 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? Any recusals or abstentions on  
25                   that motion?

1 [The motion carried. Kenneth DuPree recused himself  
2 from deliberations and voting on the motion. Case No.  
3 17-48-13836 is BPOA v. BKG Funeral Home & Cremation,  
4 Inc.]

5 \*\*\*

6 Report of Board Counsel - Miscellaneous  
7 [Jaime D. Black, Esquire, Board Counsel, addressed  
8 Recusal Guidelines. She informed Board members that  
9 mandatory recusals could include a situation where a  
10 member would have have some sort of prosecutorial role  
11 in a matter or direct personal or financial interest  
12 in the outcome.

13 Ms. Black said that recusal might be strongly  
14 suggested recusals when there is a personal affection  
15 for someone directly involved in the subject at issue.  
16 She noted that merely knowing a person or knowing of a  
17 person who is involved in a pending matter was not  
18 enough to warrant a recusal. She also noted strongly  
19 suggested recusals would include having knowledge from  
20 outside of a case that cannot be set aside in order to  
21 make a fair and unbiased determination.

22 Ms. Black noted discretionary recusals could  
23 include a Board member not being able to hear and  
24 dispose of a case or participate in a decision on a  
25 subject fairly and without prejudice.

1 Ms. Black encouraged Board members to contact her  
2 directly in advance or at a meeting if they are  
3 uncertain whether a recusal is appropriate.]

4 \*\*\*

5 Requests for Review

6 MS. BLACK:

7 Moving on to item 4, I believe the Board  
8 would entertain a motion to approve the  
9 Request by Robert W. Moore, Adam Robert  
10 Moore, and the William A. Moore Funeral  
11 Home to have CEs that were submitted be  
12 accepted for the 2022 renewal.

13 CHAIRMAN HARRIS:

14 I will make a motion to approve those.

15 Do I hear a second?

16 MS. RODRIGUEZ:

17 Second.

18 CHAIRMAN HARRIS:

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

22 [The motion carried unanimously.]

23 \*\*\*

24 Requests for Review - Ratifications

25 MS. BLACK:

1 Moving on to item 5, I believe the Board  
2 would entertain a motion to Ratify the  
3 Additional Employment previously  
4 approved of Jeffrey Harvey, F.S.

5 CHAIRMAN HARRIS:

6 I will make a motion for that approval.

7 Do we hear a second?

8 MR. KUKUCHKA:

9 Second.

10 CHAIRMAN HARRIS:

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

15 [The motion carried unanimously.]

16 \*\*\*

17 Miscellaneous

18 MS. BLACK:

19 Regarding item 6, I believe the Board  
20 would make a motion to Ratify the  
21 Approval of Board member Kenneth DuPree  
22 as the delegate to attend the February  
23 23, 2022 Annual Conference for The  
24 Conference.

25 CHAIRMAN HARRIS:





1 [Kristel Hennessy Hemler, Board Administrator,  
2 reported completion of renewals for this biennial  
3 period, noting funeral directors were able to upload  
4 their certificates directly to their renewal  
5 application. She also reported auditing 5 percent of  
6 licensees with only 3 sent to the Professional  
7 Compliance Office for certificates that were not  
8 approved by the Board out of 139 licensees.

9 Chairman Harris thanked Ms. Hemler for being  
10 helpful to so many funeral directors.]

11 \*\*\*

#### 12 Public Comments

13 [Kenneth C. DuPree, Professional Member, requested  
14 information regarding the status of the Continuing  
15 Education Committee and their role.

16 Ms. Hemler informed Mr. DuPree that the  
17 Continuing Education Committee was formed at the last  
18 Board meeting and consists of Ms. Rodriguez, Ms.  
19 Imburgia, and Mr. Kukuchka. She explained the  
20 process, where applications are emailed to the  
21 providers pa.gov accounts, and the Continuing  
22 Education Committee reviews those applications for  
23 course approval instead of waiting for a Board meeting  
24 to make those decisions.

25 Mr. DuPree asked whether it would be possible to

1 have a meeting registration for national associations  
2 that have annual meetings and have a flat rate for  
3 approval as opposed to associations applying for all  
4 of their courses to be approved.

5 Mr. DuPree commented that some conventions go  
6 over the course of three or four days and may have 10  
7 to 13 courses, and the Pennsylvania Funeral Directors  
8 have to figure out which course is approved as opposed  
9 to allowing them to have a flat rate and just submit  
10 all of the courses. He suggested having the  
11 organizations that had been a provider the previous  
12 year be able to apply once a year for an event that  
13 would be over several days.

14 Ms. Black stated the Board would likely need a  
15 regulatory amendment in order to restructure  
16 continuing education (CE) and was a matter the Board  
17 could discuss.

18 Ms. Hemler provided an introduction of public  
19 members.]

20 \*\*\*

21 Adjournment

22 CHAIRMAN HARRIS:

23 I make a motion that we adjourn the  
24 meeting.

25 Could I have a second?

1 MR. KUKUCHKA:

2                   Second.

3 CHAIRMAN HARRIS:

4                   We have a motion and a second. All in  
5 favor, signify by saying aye. I don't  
6 think there is anybody that says no, and  
7 I don't think we have any recusals or  
8 abstentions. If so, speak up. If not,  
9 we will adjourn this meeting.

10 [The motion carried unanimously.]

11   \*\*\*

12 [There being no further business, the State Board of  
13 Funeral Directors Meeting adjourned at 10:46 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.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS  
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TIME	AGENDA
9:00	Executive Session
10:29	Return to Open Session
10:29	Official Call to Order
10:30	Roll Call
10:31	Approval of Minutes
10:32	Report of Prosecutorial Division
10:32	Report of Board Counsel
10:34	Requests for Review
10:36	Miscellaneous
10:38	Report of Board Chairman
10:39	Report of Board Administrator
10:44	Public Comments
10:46	Adjournment