

STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING

DECEMBER 8, 2021

Via Telephone Conference Pursuant to Executive Order 20-09

Access the meeting online or via telephone at:

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CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Frank Downing, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

BOARD MEMBERS PRESENT:

Frank Downing, Chairman
Kathleen Matuszak, Vice Chairperson
Thomas Sproles
Christopher Cooke

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Colette Ritter, Assistant Board Director
Clarence Leatherbury, Deputy Attorney General

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

Cooke/Sproles

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

ADOPTION OF THE MINUTES FROM THE OCTOBER 7, 2021, MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the October 7, 2021, meeting.

Matuszak/ Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written and verbal report provided.

ADMINISTRATIVE HEARING

1. Administrative Default Hearing in the matter of Mark A. Ferree, FD20600082, 2019 SBFCS 0011

A motion was made and seconded to find Respondent in Default.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

A motion was made and seconded to revoke the license.

Matuszak/Sproles

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENTS

1. Culberson Funeral Home, FH83002762 CA09100426, 2021 SBFCS 0009

A motion was made and seconded to accept the proposed settlement agreement.

Cooke/Matuszak

3/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, and Christopher Cooke

Abstaining: Thomas Sproles

Motion carried.

2. Richard Culberson, FD01004283, 2021 SBFCS 0010

A motion was made and seconded to accept the proposed settlement agreement.

Cooke/Matuszak

3/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, and Christopher Cooke

Abstaining: Thomas Sproles

Motion carried.

3. Siler Funeral Service, FH10400004, CA20700034, 2021 SBFCS 0019

A motion was made and seconded to accept the proposed settlement agreement.

Cooke/Matuszak

3/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, and Christopher Cooke

Abstaining: Thomas Sproles

Motion carried.

4. Stephen Siler, FD08900022, 2021 SBFCS 0020

A motion was made and seconded to accept the proposed settlement agreement.

Cooke/Matuszak

3/0/1

Voting in Favor: Frank Downing, Kathleen Matuszak, and Christopher Cooke

Abstaining: Thomas Sproles

Motion carried.

CONSIDERATION OF MOTION TO CONSOLIDATE ACTIONS

1. Cresthaven Memorial Gardens, CM41000007, and John C. Sherrill, FD29500085

A motion was made and seconded to approve the motion.

Sproles/Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR FUNERAL HOME LICENSE AND CERTIFICATE OF AUTHORITY

1. Brown Services LLC, 2361 Broad Ripple Ave., Indianapolis

After discussion with owner Lisa Brown, it was determined that revoked funeral director Trevor Bradley will not have any involvement with the funeral home. Ms. Brown indicated she has filed a revised certificate of authority application listing seller's agents on the form. A motion was made and seconded to approve the funeral home and certificate of authority application.

Sproles/Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

RECONSIDERATION OF A NEW BOARD MEMBER ELECTRONIC MEETING POLICY

A motion was made and seconded to revise the policy to indicate at least two (2) members must be present at a meeting.

Cooke/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

1. Rees Funeral Home for Beverly J. Conner

Re: Kraft Funeral and Crematory, Inc., FH10000005 (Closed)

A motion was made and seconded to approve \$1095.00 plus statutory interest and notify Rees Funeral Home that their at-need contract is not compliant with statutory requirements.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

2. Rees Funeral Home for Mildred McKay

Re: Kraft Funeral and Crematory, Inc., FH10000005 (Closed)

A motion was made and seconded to approve \$1895.00 plus statutory interest and notify Rees Funeral Home that their at-need contract is not compliant with statutory requirements.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

3. Carol Turner for Betty Jean Turner (In addition to her June 2021 Request)

Re: Long Funeral Home, FH83001732 (Closed)

A motion was made and seconded to approve \$353.00 with no interest.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

4. Taylor & Cowan Funeral Home for Neal Curry

Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve \$945.00 plus statutory interest.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

5. Taylor & Cowan Funeral Home for Hoyt Henshaw
Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve \$1995.25 plus statutory interest and notify Taylor & Cowan Funeral Home that their at-need contract is not compliant with statutory requirements.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

6. Taylor & Cowan Funeral Home for Linda Martin
Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve \$4316.20 plus statutory interest and notify Taylor & Cowan Funeral Home that their at-need contract is not compliant with statutory requirements.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

7. Taylor & Cowan Funeral Home for Shirley Crawford
Re: Porter Funeral Home, FH83006732 (Closed)

A motion was made and seconded to approve \$4300.70 plus statutory interest.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

8. Palmer Funeral Homes for Thomas Edward Taylor
Re: Clark O'Neal Funeral Home, FH10400018

A motion was made and seconded to approve \$4677.00 plus statutory interest.

Sproles/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

ANNUAL REVIEW OF CEMETERY MAINTENANCE CONSUMER PROTECTION FUND BALANCE FOR CONTRACTS SOLD IN 2022.

A motion was made and seconded that payment will not be required for sales in the calendar year 2022.

Cooke/Sproles

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke
Motion carried.

ANNUAL REVIEW OF PRENEED CONSUMER PROTECTION FUND BALANCE FOR CONTRACTS SOLD IN 2022 TO BE PAID INTO THE FUND 3/1/23.

A motion was made and seconded that payment will be required for sales in the calendar year 2022 to be paid my March 1, 2023.

Cooke/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

ELECTION OF OFFICERS FOR 2022-2023

A motion was made and seconded to elect Kathleen Matuszak as Chairperson of the Board for 2022-2023.

Sproles /Cooke

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

A motion was made and seconded to elect Thomas Sproles as Vice Chairman of the Board for 2022-2023.

Cooke/Matuszak

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the following courses offered by Funeral Directors Life Insurance, CE21100035.

1. Building a Culture of Joy with Coach Dre Scott – 11.5.21 – 1 CEU
2. Reignite Summit – The Power of One – 9.21.21 – 1 CEU
3. Reignite Summit – The Heart-Led Leader – 9.22.21 – 1 CEU

Cooke/Matuszak

3/0/1

Voting in Favor: Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Abstaining: Frank Downing

Motion carried.

A motion was made and seconded to approve the following CE report.

Matuszak/ Sproles

4/0/0

Voting in Favor: Frank Downing, Thomas Sproles, Kathleen Matuszak, and Christopher Cooke

Motion carried.

Courses For Approval

Wilbert Funeral Services, Inc- CE21500018

1. What is Probate court and how does it impact Funeral Service – 12.16.2021 – 1 CEU
2. Call Etiquette for Death Care Professional – 1.20.2022 – 1 CEU
3. Funeral Ethics and Law for the Death Care Professional – 12.2.2021 – 1 CEU
4. Self-Connect to Reconnect – 11.18.2021 – 1 CEU

5. The Importance of Graveside Services – 11.4.2021- 1 CEU

International Cemetery, Cremation & Funeral Association – CE10800864

1. DEAD Talk Sales Conference 2022 – The Pre-need Conversation 1.12.2022 – 1.14.2022 – 10 CEU

National Funeral Director's & Morticians Association District IV – CE21500007

1. “What This Generation of Funeral Director is Looking For” – 9.19.21 – 1 CEU
2. “Does This Family Need Legal Advice” – 9.19.21 – 1 CEU Law
3. “Embalmers Roundtable” – 9.19.21 – 2 CEU Law
4. “Managing The Family Funeral Home” – 9.19.21 – 2 CEU

Vermilion County Funeral Directors Association – CE10800843

1. A Day in the Life of a Tomb Guard– 12.9.21- 1 CEU
2. Mission K9 Warrior – PTSD Dogs – Rites and Ceremonies – 12.9.21 – 1 CEU

Cremation Association of North America – CE21200016

1. 2022 CANA Symposium – 2.9 – 2.11.22 – 7 CEU

New Course Provider Request

Live Oak Bank

1. How to Make a Profitable Business Decision – 2.17.22 – 1 CEU
2. How to Get More Calls in 2022 – 3.17.22 – 1 CEU
3. Communication Elevation: Strategies for taking your communication to the next level- 4.21.22 – 1 CEU
4. HR in the Workplace: Boost Performance, Mitigate Risk and Build your Brand – 5.19.22 – 1 CEU
5. Cost vs. Value: It's About More Than Pricing – 6.23.22 – 1 CEU
6. Succession Solved: How to Sell a Business – 7.21.22 – 1 CEU
7. Metris all Business Owners Need to Know – 8.18.22 – 1 CEU
8. Options for Expansions: Debt vs Equity – 9.22.22 – 1 CEU
9. How to Maximize the Value of Your Business – 10.20.2022-1 CEU
10. Funeral Business Financing: How to Avoid Costly Mistakes – 11.17.22 – 1 CEU

ADJOURNMENT

The meeting was adjourned at 10:41 a.m.

Chairman

Date