

**STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
BUREAU OF COMMERCIAL SERVICES LICENSING DIVISION  
BOARD OF EXAMINERS IN MORTUARY SCIENCE**

**BOARD MEETING MINUTES**

March 5, 2009, 10:15 a.m.

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Examiners in Mortuary Science met in Regular Session on March 5, 2009, at the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Room 1, Okemos, Michigan.

**CALL TO ORDER**

The regularly scheduled meeting for the Board of Examiners in Mortuary Science was called to order by Chairperson Akins at 10:15 a.m.

Present:	David Akins	Chairperson
	Dr. Donald J. Duford	Vice-Chairperson
	Thomas Lynch	Professional Member
	Thomas L. Starks	Professional Member
	Christine S. Daggett	Professional Member
	Stephen R. Kemp	Professional Member
	Ida I. DeHaas	Public Member
	John E. Desmond	Professional Member
	Father Russell Kohler	Public Member
Staff:	Ann Millben	Licensing Administrator
	Allison Cosgrove	Assistant Licensing Administrator
	Angie Diro	Secretary
	Barrington Carr	Director of Enforcement
	Barb Shutler	Compliance/Legal Unit
	William Wilhelm	Compliance/Legal Unit
	Ann Paruk	Enforcement Division
	Jim Nelson	Compliance Manager
	Conrad Tatnall	Compliance/Legal Unit
	Jim Farhat	Policy Specialist
Visitors:	Elizabeth Smalley	Michigan Funeral Directors Association

### **ADDITIONS TO OR DELETIONS FROM AGENDA**

Ms. Millben brought to the Board's attention the amended agenda and items 5F, 5G and 6A.

Mr. Starks stated he would like placed under Items for Consideration from Board Members regarding the question if A funeral director is convicted of a felony would his/her license be revoked immediately.

Mr. Akins requested that Public Comments be moved to the end of the agenda, just before #8, Minimum Sanctions, so that the Board could accommodate those who want to make public comment but may not be present at the beginning of the meeting.

### **APPROVAL OF MINUTES FROM MEETING HELD OCTOBER 9, 2008**

Mr. Desmond requested clarification on Emery M. Varrie I & Family Funeral Services LLC on page 4, stating that they were advised at the October 9<sup>th</sup> meeting that they were not operating due to the Cease & Desist Order but he later learned that they were granted a license and are operational. Mr. Carr stated that Family Funeral Services were not operational but Family Funeral Home LLC which is owned by Mr. Varrie was granted a license and is operational.

MOTION: After review and discussion, Mr. Desmond moved to approve the October 9, 2008 Board meeting minutes. Dr. Duford seconded and the motion passed unanimously.

### **STIPULATIONS**

#### **Patricia Barry Hamilton, Mortuary Science License No. 4501-006766, Complaint No 307482**

MOTION: After discussion, Mr. Desmond moved to accept the Stipulation which states that (1) Respondent shall pay a \$500.00 fine to the Department within 60 days of the date of the mailing of the Final Order and (2) failure to comply with the terms and conditions set forth in this Stipulations shall result in the suspension of Respondent's Mortuary Science License No. 4501-006766 until full compliance. Mr. Lynch seconded and the motion passed. Mr. Akins abstained.

#### **Wm. R. Hamilton Co. – Groesbeck Chapel, Establishment License No. 4502-002390, Complaint No. 309426**

MOTION: After discussion, Mr. Desmond moved to accept the Stipulation which states that (1) Respondent shall pay a \$1,000.00 fine to the Department within 60 days of the date of the mailing of the Final Order and (2) failure

to comply with the terms and conditions set forth in this Stipulations shall result in the suspension of the licensure of this Mortuary Science Establishment until full compliance. Mr. Lynch seconded and the motion passed. Mr. Akins abstained.

**Buehler Funeral Home Inc., Establishment License No. 4502-002937, Complaint No. 307519**

MOTION: After discussion, Mr. Desmond moved to accept the Stipulation which states that (1) Respondent shall pay a \$2,000.00 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) Respondent shall be placed on probation for a period of three (3) years from the mailing date of the Final Order, subject to the following conditions: if Respondent Buehler Funeral Home, Inc., Stipulates or is determined, through formal proceedings before an administrative law judge, to be in violation of MCL 339.1809(2); MCL 339.1809(1); MCL 339.601(1), 1991 AACS, R 339.18941 (5), upon the basis of any Statement of Complaint or referral, within three (3) years from the mailing date of the Final Order issued by the Board adopting this Stipulation Agreement, a fine of five thousand dollars (\$5,000.00) and a one (1) year suspension shall be imposed upon Respondent, effective the mailing date of the Final Order of the Board issued at that time, even if that mailing date is after this three (3) year probationary period and (3) failure to comply with the terms and conditions set forth in this Stipulations shall result in the suspension of the licensure of this Mortuary Science Establishment until full compliance. Mr. Lynch seconded and the motion passed.

**John L. Collins, Mortuary Science License No. 4501-401611, Complaint No. 302843**

MOTION: After discussion, Mr. Lynch moved to accept the Stipulation which states that (1) Respondent shall pay \$6,895.00 restitution to Corine Hytche within six (6) months of September 22, 2008, and pay a \$500.00 fine to the Department by the same date and (2) if for any reason Respondent Collins fails to provide the above restitution to Ms. Hytche or pay the fine to the Department stated above, he agrees to pay a \$7,000.00 fine to the Department and to have the above license permanently revoked. Mr. Starks seconded and the motion passed.

**Gorsline Runciman Funeral Home, Establishment License No. 4502-003550, Complaint No. 306240**

MOTION: After discussion, Mr. Kemp moved to accept the Stipulation which states that (1) Respondent shall pay a \$500.00 fine to the Department within 60

days of the date of the mailing of the Final Order and (2) failure to comply with the terms and conditions set forth in this Stipulations shall result in the suspension of the licensure of this Mortuary Science Establishment until full compliance. Dr. Duford seconded and the motion passed. Mr. Akins and Mr. Desmond abstained.

**Thompson Funeral Home Inc., Establishment License No. 4502-002894, Complaint No. 308654**

MOTION: After discussion, Mr. Kemp moved to accept the Stipulation which states that (1) Respondent shall pay a \$3,000.00 fine to the Department within 60 days of the date of the mailing of the Final Order and (2) failure to comply with the terms and conditions set forth in this Stipulation shall result in the revocation or continued revocation of all licenses or registrations of Respondent or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until full compliance. Ms. Daggett seconded and the motion passed. Mr. Akins and Mr. Lynch abstained.

**Ronald S. Coleman, Mortuary Science License No. 4501-004996, Complaint No. 308655**

MOTION: After discussion, Mr. Kemp moved to accept the Stipulation which states that (1) Respondent shall pay a \$3,000.00 fine to the Department within 60 days of the date of the mailing of the Final Order and (2) failure to comply with the terms and conditions set forth in this Stipulation shall result in the revocation or continued revocation of all licenses or registrations of Respondent or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until full compliance. Ms. Daggett seconded and the motion passed. Mr. Akins and Mr. Lynch abstained.

**HEARING REPORT**

**Terry Langenberg, Mortuary Science License No. 4501-005654, Complaint No. 308781, Docket No. 2008-1651**

MOTION: Mr. Desmond moved to receive the Hearing Report. Mr. Lynch seconded and the motion passed unanimously. Mr. Kemp abstained.

MOTION: After discussion, Mr. Desmond moved that (1) Respondent shall pay a \$20,000.00 fine to the Department within sixty (60) days of the mailing date of the Final Order and (2) Respondent's license shall be revoked immediately. Mr. Lynch seconded and the motion passed unanimously. Mr. Kemp abstained.

## **STAFF REPORTS**

### **Legislative Update**

Ms. Millben introduced Mr. Farhat to the Board as the Department's Policy Specialist replacing Amy Shell. Mr. Farhat presented brief information to the Board regarding House Bill No. 4276.

### **Licensee Statistics**

Ms. Millben presented the statistics for licensing: 2 licensed funeral directors, 746 funeral establishments, 2,118 mortuary science licensees and 87 resident trainees. Applications received: 13 mortuary science, 16 resident trainees and 5 funeral establishments. Also presented to the Board were the statistics for complaints filed with the Enforcement Division: 74 opened complaints, 30 closed complaints and 101 pending complaints. These counts are as of March 4, 2009.

Ms. Millben reported to the Board that the Mr. Lynch's Resolution from the previous Board meeting was directed to the Director of Licensing Joyce Karr. Also that the Department had reviewed the request of the Board to meet three times a year and the conclusion is that the Board will continue to meet twice a year. However, if a need for an additional meeting arises, the Department will revisit the issue.

## **PUBLIC COMMENTS**

None.

## **MINIMUM SANCTIONS**

Ms. Cosgrove presented to the Board a revised draft of the Minimum Sanctions document with the recommendations that Mr. Desmond had submitted and asked the Board to review the document. She stated that the Minimum Sanctions document is just a suggested sanction not an absolute that each case is to be reviewed individually. Ms. Millben stated it has been nine years since the Board has reviewed this document. She also requested that the Board Members review the document and submit any comments or suggestions to either Ms. Cosgrove or Ms. Diro.

## **ITEMS FOR CONSIDERATION FROM BOARD MEMBERS**

Mr. Starks asked if A licensed Funeral Director is convicted of a felony is his/her license immediately revoked/suspended? He is aware of a Funeral Director who is in jail for two felonies. Mr. Wilhelm stated that the licensee is entitled to due process. If a complaint has been filed the matter would be investigated. Ms. Millben stated that if there is a threat to public safety a suspension summary can be considered.

Mr. Lynch and Ms. Daggett requested a report of all pending and open complaints. Mr. Carr and Ms. Millben stated they would look into what the Department could provide Board Members regarding open and pending complaints.

Mr. Lynch asked at what point in the process of investigating a complaint does a Board Member become involved in the process? Mr. Carr stated that at any point in the investigation the Enforcement Division may contact a professional Board Member to give opinion of violation based upon the Board Member's expertise in the practice of the profession. Mr. Lynch asked if a Board Member could call with the intention to be involved in an investigation? Mr. Carr responded no. Mr. Lynch expressed his frustration with the process stating the number of incident's seem to be going up and the public perception of the industry is going down. He suggested that any complaint opened should be appraised by both a professional and public member.

**MOTION:** After discussion, Mr. Lynch moved that upon receipt of a complaint, staff will notify the Chairperson, who will assign both a professional and public member to assist in the investigation. Board Members can make decision on how much they wish to be involved in the investigation. Dr. Duford seconded and the motion passed unanimously.

Father Kohler stated that he has received three calls regarding a licensee who has been putting prepaid funds into personal bills. Mr. Wilhelm informed Father Kohler that a complaint should be filed and anyone has the right to file the complaint anonymously.

Mr. Kemp questioned the removal of unlicensed activity from the minimum sanctions document. Mr. Carr stated the Department can take action against a licensee whose license has lapsed/expired. A Cease & Desist Order can be issued and complaints are also be referred to local authorities as unlicensed practice is a misdemeanor.

### **ELECTION OF OFFICERS**

Ms. Millben opened the floor to accept the nominations for the office of Board Chairperson.

**MOTION:** Mr. Lynch moved to nominate Mr. David Akins as Board Chairperson. Mr. Desmond seconded and the motion passed unanimously.

New Chairperson Akins opened the floor to accept the nominations for the office of Vice-Chairperson.

**MOTION:** Mr. Lynch moved to nominate Dr. Donald Duford as Board Vice-Chairperson. Mr. Desmond seconded and the motion passed unanimously.

