

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

BOARD MEETING MINUTES

October 9, 2008, 10:00 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 October 9, 2008, at the Department of 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 10:02 a.m.

Present:	David Akins Thomas Lynch Thomas L. Starks Christine S. Daggett Stephen R. Kemp John Desmond Father Russell Kohler Ida I. DeHaas	Chairperson Professional Member Professional Member Professional Member Professional Member Professional Member Public Member Public Member
Absent:	Dr. Donald J. Duford	Vice-Chairperson
Staff:	Ann Millben Lori Porubsky Angela Diro Barrington Carr Stephen Gobbo Barb Shutler Ann Paruk Jim Nelson Allison Cosgrove Stacie Bayes	Licensing Administrator Assistant Licensing Administrator Secretary Acting Enforcement Director Cemetery Commissioner Compliance/Legal Unit Technical Support, Enforcement Compliance Manager Assistant Licensing Administrator Assistant Licensing Administrator
Visitors:	Rodney Wakeman Elizabeth Smalley	Wakeman Funeral Home Michigan Funeral Directors Association

ADDITIONS TO OR DELETIONS FROM AGENDA

Ms. Millben suggested introductions of new Board members and staff.

APPROVAL OF MINUTES FROM MEETING HELD MARCH 6, 2008

MOTION: After review and discussion, Mr. Kemp moved to approve the March 6, 2008 Board Meeting minutes. Mr. Starks seconded and the motion passed unanimously.

PETITION

William Faircloth, Mortuary Science Resident Trainee applicant, Alpena

The Board reviewed the Notice of Denial for Mortuary Science Resident Trainee license. Mr. Faircloth was not present.

MOTION: After review and discussion, Mr. Kemp moved to overturn the Department's denial and issue Mr. Faircloth a Mortuary Science Resident Trainee license due to evidence of rehabilitation. Mr. Desmond seconded and the motion passed unanimously.

STIPULATIONS

Borek Jennings Funeral Home & Cremation Service, Lamb Chapel, Funeral Establishment License No. 4502-003481, Complaint No 301127

MOTION: After discussion, Mr. Desmond moved to reject the Stipulation which would have required that (1) Respondent shall pay a \$500 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) Respondent shall attempt to correct any misimpressions regarding the relationship of Francis M George with the Respondent by mailing the letter that is attached to this stipulation to the persons to whom the letter referenced in paragraph 7 of the Complaints was sent and (3) failure to comply with the terms set forth in this Stipulation shall result in a suspension 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 compliance. In rejecting the Stipulation Mr. Desmond recommends that the fine should be increased to \$5,000 and suggested changes to the letter. Ms. DeHaas seconded and the motion passed. Mr. Lynch abstained.

Borek Jennings Funeral Home & Cremation Service, Lamb Chapel, Establishment License No. 4502-003481, Complaint No. 299633

MOTION: After discussion, Mr. Desmond moved to reject the Stipulation which would have required that (1) Respondent shall pay a \$500 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) Respondent shall attempt to correct any misimpressions regarding the relationship of Francis M George with the Respondent by mailing the letter that is attached to this stipulation to the persons to whom the letter referenced in paragraph 7 of the Complaints was sent and (3) failure to comply with the terms set forth in this Stipulation shall result in a suspension 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 compliance. In rejecting the Stipulation Mr. Desmond recommends that the fine should be increased to \$5,000 and suggested changes to the letter. Ms. DeHaas seconded and the motion passed. Mr. Lynch abstained.

Anderson Funeral Home, License No. 4502-003700, Complaint No. 308394

MOTION: After discussion, Mr. Desmond moved to accept the Stipulation which states that (1) Respondent shall pay a fine of \$1,000 to the Department within sixty days of the date of the mailing of the Final Order and (2) failure to comply with the terms set forth in this Stipulation shall result in a suspension 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 compliance. Mr. Kemp seconded and the motion passed. Ms. Daggett abstained.

HEARING REPORT

Arthur A. McNabb, Mortuary Science License No. 4501-006555, Complaint No. 302021

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

MOTION: After discussion, Mr. Desmond moved to accept the Administrative Law Judge Recommendation that (1) Respondent's license shall be revoked immediately. Mr. Lynch seconded and the motion passed unanimously.

Emery M. Varrie I & Family Funeral Services LLC, Complaint No. 300189

Information regarding the Administrative Hearing was provided to the Board was for informational purposes concerning the Cease and Desist Order only, no action needed by Board.

MINIMUM SANCTIONS

Ms. Millben asked the Board Members to review the current suggested minimum sanctions document and to e-mail her with any suggestions for changes. When Mr. Desmond asked for a time frame, Ms. Millben requested a response within 30 days.

STAFF REPORTS

Statistics

Ms. Millben referenced a handout containing statistics regarding the number of new applicants, both individual and establishment licensees, relicensure applications and the number of open and closed complaints. This information had been requested by Chairperson Akins.

Cemetery Commissioner

Commissioner Gobbo introduced himself to the Board and gave a brief biography. He noted that he is unable to comment on any pending active investigations. He also mentioned that there are Senate and House Bills pending that could impact the Cemetery Act, if passed. Mr. Gobbo continued with pointing out that, although there is some overlap between Mortuary science and Cemeteries, there are statutory differences between the two. Mortuary Science regulation utilizes an advisory Board, while Cemetery regulation regulates with a Commissioner and is a separate statute.

Mr. Lynch requested that Board Members be privy to information before reading about it in the news, referencing the Norm Sinclair article. With the Mortuary Science Board only meeting twice a year, the Board may not receive information in a timely manner. Mr. Gobbo said that he would keep the other Directors in the Bureau up-to-date on issues and that they may wish to share non-confidential information with the Board.

Father Kohler asked if cemetery complaints are taken seriously. Mr. Gobbo responded that when they receive complaints or calls about cemeteries each situation is actively looked into; more information is obtained now than was previously. Mr. Gobbo stated that he and the Enforcement Division will work with police departments and the Attorney General's Office on any criminal investigation; however, if investigations lead to a dead end for any number of reasons, the complaint cannot be taken any further.

Mr. Lynch inquired on the status of the Resolution that was recommended by the Board at the last meeting. Mr. Gobbo stated that Ms. Millben would need to present the Resolution to the Director of Licensing who would make a distribution determination upward on the chain of command.

Education Clarification

Ms. Cosgrove asked the Board to consider a situation that has been routinely presented regarding the interpretation of the education requirements. Currently, applicants without a Bachelor's Degree must take courses required by Rules 21(1)(a) & (3) outside of their Mortuary Science program – regardless of those same classes being completed within their program. Ms. Cosgrove asked the Board to make a decision on the interpretation as to whether the classes could be accepted from the Mortuary School, or if they should be taken separately.

MOTION: Mr. Desmond moved to accept the Rule 21(1) cited courses offered as a part of Mortuary Science School as meeting the rule's requirements. Mr. Kemp seconded and the motion passed unanimously.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

Mr. Kemp asked staff if on-line classes are accepted for the requirements for Mortuary Science Resident Trainee applicants. Ms. Cosgrove stated that on-line classes are accepted.

MOTION: After discussion, Ms. Daggett moved that the number of times the Board meets should be increased from 2 to 3 times a year (every 4 months). To improve communication, faster awareness, impart more knowledge of current issues and to handle resolution of Enforcement actions in a timely manner. Mr. Desmond seconded and the motion passed unanimously.

ELECTION OF OFFICERS

MOTION: Mr. Lynch moved to postpone the election of officers for 2009 to the next meeting. And that Mr. Akins remains the Chairperson and Dr. Duford remains Vice-Chairperson until that election takes place. Mr. Desmond seconded and the motion passed unanimously.

2009 MEETING DATES

It was requested by the Board that they meet 3 times a year or every 4 months. Dates for the 2009 Board Meetings have yet to be determined.

