



**ARIZONA STATE BOARD OF
FUNERAL DIRECTORS AND EMBALMERS**

Natasha Culbertson Executive Director
www.funeralboard.az.gov

1740 West Adams Street, Suite 3006
Phoenix, Arizona 85007
Phone: (602) 542-3095

Douglas A. Ducey
Governor

Samuel Bueler, Chairman/Industry Member * Amie Gazda, Secretary/Industry Member
Joe Hornat, Public Member * Helene Bergeon, Public Member * Lemuel D. Cannon, Public Member

**MINUTES
REGULAR SESSION**

**Board Meeting Held On:
Tuesday, May 17, 2022 • 9:00 a.m. • 1st Floor Conference Room “C”
1740 West Adams Street • Phoenix, AZ 85007**

1) CALL TO ORDER

Board Chairman Samuel Bueler called the Board Meeting to order at 9:00 a.m.

Members Present: Samuel Bueler Chairman/Industry Member
Lemuel Cannon Public Member

Members Telephonically Present: Helene Bergeon Public Member
Amie Gazda Secretary/Industry Member

Members Not Present: Joe Hornat Public Member

Board Staff Present: Natasha Culbertson Executive Director
Tracie Smith Investigations Manager
Marisa Zavala Licensing Administrator

Attorney General’s Office Present: Justin Larson Assistant Attorney General

2) STATEMENT OF PURPOSE

Board Chairman Samuel Bueler read the Board's Statement of Purpose.

3) DECLARATION OF CONFLICTS OF INTEREST- A.R.S. § 38-503

Board Chairman Samuel Bueler recused himself from agenda item 5(D), Establishment license application for Wyman Cremation & Burial Chapel.

4) REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING APPROVAL OF BOARD MEETING MINUTES

The Board may vote to go into executive session pursuant to A.R.S. § 32-431.03(A)(2) to discuss confidential information or A.R.S. § 38-431.03(A)(3) to receive legal advice.

A. Board Meeting Minutes of April 19, 2022

Board Member Lemuel Cannon moved to approve the minutes of the April 19, 2022 Board meeting. Board Member Helene Bergeon seconded this motion. Motion passed unanimously 4-0.

5) CONSENT AGENDA: REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR LICENSURE DETERMINED TO BE ADMINISTRATIVELY COMPLETE BY BOARD STAFF

Consent agenda items may be considered for approval as a single action unless a Board member or interested party wishes to remove an item for separate consideration, discussion, and possible action. The Board may vote to go into executive session pursuant to A.R.S. § 32-431.03(A)(2) to discuss confidential information or A.R.S. § 38-431.03(A)(3) to receive legal advice.

NAME	TYPE OF LICENSE	ACTION	MOTION BY	SECOND BY
James Earl Cordell	Cremationist	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Garrett Lyle Freeman	Cremationist	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Stefanie Marie Garcia	Cremationist	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Wendy Jo Greer	Cremationist	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Cynthia Hall	Cremationist	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Paul Najera Jimenez	Cremationist	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Coryell Marie Parsons	Cremationist	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Chrystle M Strippelman	Cremationist	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Lizette Noelia Cantu	Intern	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
Vicki Rochelle Kreutzer	Salesperson	Consent Agenda Motion - Approved 4-0	Cannon	Bergeon
* Wyman Cremation & Burial Chapel	Establishment	Approved 4-0 Samuel Bueler recused himself.	Hornat	Cannon

* Agenda item 5(D) was removed from the Consent Agenda due to Board Chairman Samuel Bueler recusing himself from the agenda item. Board Member Joe Hornat joined the Board meeting at 11:27 a.m. to allow for a quorum and was present for the motion and voting to grant the Establishment license for Wyman Cremation & Burial Chapel. Board Member Joe Hornat excused himself from the Board meeting after the vote at 11:29 a.m.

6) REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR LICENSURE THROUGH UNIVERSAL RECOGNITION

The Board may vote to go into executive session pursuant to A.R.S. § 32-431.03(A)(2) to discuss confidential information or A.R.S. § 38-431.03(A)(3) to receive legal advice.

A. Funeral Director:

1. Nesika Louise Fenton (Universal Recognition)

Board Member Helene Bergeon motioned to grant the Funeral Director license to Nesika Louise Fenton. The motion was seconded by Board Member Lemuel Cannon and carried unanimously 4-0.

7) REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING INVESTIGATION FILES

The Board may vote to go into executive session pursuant to A.R.S. § 32-431.03(A)(2) to discuss confidential information or A.R.S. § 38-431.03(A)(3) to receive legal advice.

- A. Docket 2021-FDE-0029 Best Funeral Services Inc.- North Central Chapel and Double Butte Cemetery

Appearing in-person on behalf of Best Funeral Services Inc.- North Central Chapel for the discussion and review of this docket was Responsible Funeral Director Raymond Perlman. The Complainant Cheryl Jones was not present.

After a review of all the documentation and discussion, Board Member Helene Bergeon moved to dismiss the complaint since the Board does not have jurisdiction over Double Butte Cemetery. The motion was seconded by Board Member Amie Gazda and carried unanimously 4-0.

- B. Docket 2022-FDE-0002 Desert Lawn Memorial Chapel and Funeral Home

* This agenda item was heard after agenda item 7(D).

Appearing in-person on behalf of Desert Lawn Memorial Chapel and Funeral Home for the discussion and review of this docket was owner John Hasset. The Complainant Angela Leroy was telephonically present.

After a review of all the documentation and discussion, Board Member Helene Bergeon moved to dismiss the complaint since no violation was found. The motion was seconded by Board Member Lemuel Cannon and carried unanimously 4-0.

C. Docket 2022-FDE-0005 Advantage Funeral & Cremation Services-Maryvale

Appearing in-person on behalf of Advantage Funeral & Cremation Services-Maryvale for the discussion and review of this docket was Responsible Funeral Director (RFD) Graciela Diaz and Office Manager Mickie Chanley. The Complainant Mirna Tobar was telephonically present.

After a review of all the documentation and discussion, several Board Members voiced their concerns regarding how the legal next of kin, Mirna Tobar, was not contacted to finalize the arrangements for the decedent, or sign the required contracts and authorizations. It was also noted that the Ms. Tobar was not listed on the death certificate.

Board Member Helene Bergeon motioned to issue a non-disciplinary Letter of Concern to Advantage Funeral & Cremation Services-Maryvale for a potential violation of A.R.S. § 32-1365.02(B). There was no second and Ms. Bergeon rescinded her motion after the members returned from executive session.

Executive Session:

Board Member Lemuel Cannon moved to go into executive session to receive legal advice regarding this matter. The motion was seconded by Board Chairman Samuel Bueler and carried unanimously 4-0. The open session meeting recessed at 10:18 a.m. for Board Members to go into executive session. Board Members Helene Bergeon and Amie Gazda were telephonically present.

Open Session:

Board Members returned to open session at 10:49 a.m.

After additional discussion, Board Member Lemuel Cannon motioned to issue a non-disciplinary Letter of Concern to Advantage Funeral & Cremation Services-Maryvale and RFD Graciela Diaz, citing a potential violation of A.R.S. § 32-1365.02(B) and A.A.C. R4-12-301(A)(2). The motion was seconded by Board Member Helene Bergeon and carried unanimously 4-0.

D. Docket 2022-FDE-0008 Best Funeral Services

* This agenda item was heard out of order as the representatives for Best Funeral Services were already present before the Board for the discussion of agenda item 7(A). This item was addressed after agenda item 7(A).

Appearing in-person on behalf of Best Funeral Services for the discussion and review of this docket were Responsible Funeral Director Kevin Lane, and Funeral Directors Raymond Perlman and Andrew Perea Hernandez. The Complainant Rachel Eldridge was not present.

After a review of all the documentation and discussion, Board Member Amie Gazda moved to dismiss the complaint as the establishment and staff had done everything in their power to

assist the families they were serving and communicate with all involved parties. The motion was seconded by Board Member Helene Bergeon and carried unanimously 4-0.

8) REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING DEVELOPING A COMMITTEE TO REVIEW AND DISCUSS STATUTES AND RULES

The Board may vote to go into executive session pursuant to A.R.S. § 32-431.03(A)(2) to discuss confidential information or A.R.S. § 38-431.03(A)(3) to receive legal advice.

This item was placed on the agenda at the request of Board Member Lemuel Cannon. The purpose of creating this committee would be to assist the Executive Director in her review of the Board's rules while preparing the agency's Five Year Rule Review Report. Executive Director Natasha Culbertson explained that she thought it would be beneficial to have industry member input while reviewing the Board's rules since she does not have firsthand knowledge of how the rules affect the industry and licensees.

Assistant Attorney General Justin Larson explained what constitutes a sub-committee and what Open Meeting Law requirements would need to be met. Mr. Larson also explained that the sub-committee was not required to have a quorum as the committee would only be able to make recommendations and any matters the sub-committee wished to take action taken on, would require a vote by the Board.

Board Member Lemuel Cannon motioned to create a sub-committee to review the Board's rules. The motion was seconded by Board Member Amie Gazda and carried unanimously 4-0.

Board Member Amie Gazda nominated Board Member Lemuel Cannon to be a member of the sub-committee. Board Member Lemuel Cannon accepted the nomination.

Board Chairman Samuel Bueler motioned to appoint Board Member Lemuel Cannon to the sub-committee. The motion was seconded by Board Member Amie Gazda and carried unanimously 3-0.

Board Member Lemuel Cannon nominated Board Chairman Samuel Bueler to be a member of the sub-committee. Board Chairman Samuel Bueler accepted the nomination.

Board Member Lemuel Cannon motioned to appoint Board Chairman Samuel Bueler to the sub-committee. The motion was seconded by Board Member Amie Gazda and carried unanimously 3-0.

Board Member Lemuel Cannon nominated Board Member Helene Bergeon to be a member of the sub-committee. Board Member Helene Bergeon accepted the nomination.

Board Member Lemuel Cannon motioned to appoint Board Member Helene Bergeon to the sub-committee. The motion was seconded by Board Chairman Samuel Bueler and carried unanimously 3-0.

9) MULTIPLE FUNERAL DIRECTOR LICENSE LEGAL TRAINING PRESENTED BY ASSISTANT ATTORNEY GENERAL JUSTIN LARSON

The Board may vote to go into executive session pursuant to A.R.S. § 32-431.03(A)(2) to discuss confidential information or A.R.S. § 38-431.03(A)(3) to receive legal advice.

Assistant Attorney General Justin Larson provided a training memorandum to the Board Members regarding Multiple Funeral Director licenses and applications and discussed the memorandum with the members. This training had been requested by the Board Members at the March Board meeting.

10) CALL TO THE PUBLIC

Public input is encouraged. Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during this time to a reasonable number on any public comment matter. In addition, each person wishing to address the Board will be given five (5) minutes to do so. Pursuant to A.R.S. § 38-431.02(H), the Board can only take action on matters listed on the agenda. Action on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or to schedule the matter for further review at a later date.

No one came forward to speak.

11) EXECUTIVE REPORT (REVIEW, DISCUSSION)

The Board may vote to go into executive session pursuant to A.R.S. § 32-431.03(A)(2) to discuss confidential information or A.R.S. § 38-431.03(A)(3) to receive legal advice.

1. Annual Trust Report Update

Executive Director Natasha Culbertson provided an update to the Board Members regarding the 2022 Annual Trust Report submissions. Currently the Board has 38 establishments with a sales endorsement attached to their license. All 38 establishments successfully submitted their required Annual Trust Reports and Director Culbertson and Licensing Administrator Marisa Zavala reviewed each report to verify that the reports were completed and the surety bond amounts met Board requirements. There are no outstanding deficiencies and all submitted reports have been approved.

2. License Renewals

Executive Director Natasha Culbertson provided Board Members with an update regarding received renewal applications. This update was provided at the request of Board Member Lemuel Cannon, who asked if updates could be provided throughout the 2022 renewal period. Director Culbertson agreed and said she would provide monthly updates from May until August regarding received renewal applications and their various statuses.

The Board's renewal period started on May 4th and licensees can renew now until July 1st without a late fee and from July 2nd until August 1st with a late fee. There are approximately 1,500 active licenses that are eligible to be renewed this year.

As of May 17th, Board staff had received a total of 162 renewal applications. Out of those 162 applications, 88 applications were currently waiting to be reviewed by Board staff; 67 applications had been approved and seven applications were deficient. The main reason for an application to be marked deficient was due to the licensee failing to upload proof of the required continuing education hours.

Director Culbertson reminded licensees of the 30 day timeframe Board staff has to review their renewal applications. She respectfully asked that licensees allow Board staff time to process their applications before reaching out and asking for an update; Board staff's time can either be spent reviewing renewal applications or responding to emails and phone calls regarding application statuses. Director Culbertson also asked that if licensees have questions, they either call or email Board staff and wait for a response before continually contacting the Board office.

12) FUTURE AGENDA ITEMS

Executive Director Natasha Culbertson discussed with Board Members that the continuing education providers who are currently waiting to have their programs reviewed and potentially approved to be offered in Arizona would be placed on a later meeting date.

13) REVIEW OF SCHEDULED BOARD MEETINGS

2022 BOARD MEETING SCHEDULE

JUNE 21, 2022	JULY 19, 2022	AUGUST 16, 2022	SEPTEMBER 20, 2022
OCTOBER 18, 2022	NOVEMBER 15, 2022	DECEMBER 20, 2022	

Subject to appropriate notice, the Board reserves the right to change meeting dates.

14) ADJOURNMENT

Board Member Lemuel Cannon moved to adjourn the meeting. The motion was seconded by Board Member Helene Bergeon and carried unanimously 4-0. The Board adjourned at 12:13 p.m.