



Douglas A. Ducey – Governor

Arizona State Board of Funeral Directors and Embalmers

1740 West Adams Street, Suite 3006, Phoenix, Arizona 85007

Samuel Bueler, Chairman/Professional Member * Amie Gazda, Secretary
Harold Adair, Professional Member * Joe Hornat, Public Member * Robert Hockensmith, Public Member
* Helene Bergeon, Public Member * Lemuel D. Cannon, Public Member

MINUTES REGULAR SESSION

Board Meeting Held On:
Tuesday, April 20, 2021 • 9:00 a.m. • 1st Floor Conference Room “C”
1740 West Adams Street • Phoenix, AZ 85007

1. CALL TO ORDER:

Board Chair Samuel Bueler called the Board Meeting to order at 9:03 a.m.

Members Present:	Samuel Bueler	Chairman/Industry Member
	Amie Gazda	Secretary/Industry Member
	Lemuel Cannon	Public Member
	Helene Bergeon	Public Member
	Joe Hornat	Public Member

Present Telephonically:	Harold Adair	Industry Member
--------------------------------	--------------	-----------------

Members Absent:	Robert Hockensmith	Public Member
------------------------	--------------------	---------------

Board Staff Present:	Judith Stapley	Executive Director
	Brandon Eaden	Investigator
	Yazmin Bustamante	Administrative Assistant

Attorney General’s Office:		
Present Telephonically:	Scott Donald	Assistant Attorney General

2. STATEMENT OF PURPOSE:

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

3. DECLARATION OF CONFLICTS OF INTEREST:

Board member Amie Gazda recused herself for agenda item 5 (B) (3). Board member Hank Adair recused himself for agenda item 5 (B) (2) and 5 (D) (2).

4. MINUTES:

Board member Amie Gazda moved to approve the minutes of the March 16, 2021 Board meeting. Board member Helene Bergeon seconded this motion. Motion passed unanimously 5-0.

Board member Amie Gazda moved to approve the minutes of the executive session during the March 16, 2021 Board meeting. Board member Helene Bergeon seconded this motion. Motion passed unanimously 5-0.

Board member Amie Gazda moved to approve the minutes of the April 8, 2021 Board meeting. Board member Lemuel Cannon seconded this motion. Motion passed unanimously 4-0.

Board member Amie Gazda moved to approve the minutes of the April 14, 2021 Board meeting. Board member Lemuel Cannon seconded this motion. Motion passed unanimously 5-0.

5. LICENSING:

By motion and second, and motion carrying, the following actions occurred relative to applications for licensure subject to the conditions noted:

NAME	TYPE OF LICENSE	ACTION	MOTION BY	SECOND BY
John Shearer	Embalmer	Approved 6-0	Gazda	Bergeon
Nathian Hunter	Cremationist	Approved 6-0	Gazda	Bergeon
Tyler Parker	Cremationist	Approved 5-0 Harold Adair recused	Gazda	Bergeon
Sarah Granados	Cremationist	Approved 5-0 Amie Gazda recused	Hornat	Bergeon
Kennedy Rae Theabold	Cremationist	Approved 6-0	Cannon	Bergeon
Hermann	Cremationist	Approved 6-0	Bergeon	Cannon
Justin Brown	Cremationist	Approved 6-0	Bergeon	Cannon
John Soza	Salesperson	Approved 6-0	Bergeon	Cannon
Caleb Klein	Multiple Funeral Director	Denied 4-2 Board members Amie Gazda & Lemuel Cannon voting "nay"	Hornat	Adair
Darryl Foster	Multiple Funeral Director	Denied 5-0 Harold Adair recused	Gazda	Bergeon
Horizon Funeral Care	Funeral Establishment	Approved 6-0	Bergeon	Cannon
Funeraria del Angel University <i>*Name Change Only</i>	Funeral Establishment	Approved 6-0	Bergeon	Gazda

6. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:

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).

Docket 2020-FDE-0019 Mohave Memorial Funeral & Cremation Services (*continued from March 16, 2021 Board meeting*)

Present telephonically on behalf of Mohave Memorial Funeral & Cremation Services (Mohave) was owner and responsible funeral director Jerome Miratsky (FDL-001581, MFD-01661, EMB-001753, CRM-000582, EST-000801). The compliant Nancy Besier was also present telephonically.

EXECUTIVE SESSION:

Samuel Bueler moved to enter in to an executive session at 10:02 a.m. This motion was seconded by Amie Gazda and carried 6-0.

OPEN MEETING:

The Board returned to open session at 11:59 a.m.

After further review and discussion regarding the alleged miscommunication that took place between the complaint and the unlicensed funeral arranger, Board member Joe Hornat suggested there be a consent agreement offered based on violations of A.R.S. § 32-1382 (A) (3) and A.R.S. § 32-1373 (E). The consent would include a disciplinary letter of reprimand, a twelve-month probation that may be terminated early at the Board's discretion. Additionally, Board staff must conduct at least one unannounced inspection to check that all contracts are meeting statutory requirements. If accepted, failure to comply with the agreement shall be a violation of the order. The consent includes any administrative costs incurred by the Board. This motion was seconded by Board member Amie Gazda and carried 6-0.

7. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:

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).

Executive director Stapley provided an update regarding the status of the Board sunset audit review. Board members were advised the six-month follow up report was being prepared to submit to the Office of the Auditor General by April 29, 2021. Most items noted for needing correction had been completed. Board staff will continue to work on items needing implementation including cremation rules. Board members discussed of licensing fees. Executive director Stapley advised the Board that the current fees for the funeral director license are 50% below the national average. The current fees for Embalmer are 48% below national averages and the current fees for a Cremationist license are 46% below national averages. Because the fees are in statute and have not been changed in at least 22 years, there is no ability to change the fees without a statutory change.

8. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:

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).

Beginning April 26, 2021, formerly retired Board Investigator Gary Hendrix will be brought back into active duty to perform virtual inspections. The Board is currently out of statutory compliance with the required inspections.

9. EXECUTIVE DIRECTOR POSITION:

The Board has authorized the current executive director Judith Stapley to direct hire a new executive director. If an interim executive director is needed Ms. Stapley will call another Board meeting to offer possible suggestions for that position.

10. CALL TO THE PUBLIC:

No one came forward.

11. EXECUTIVE REPORT:

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).

Executive Director Stapley reported that Board staff notified all funeral establishments of the funeral assistance being offered by FEMA. This funeral assistance is available for consumers to apply for if they qualify.

For 2021, looks to be highly anomalous with 4-5 thousand deaths per month as the norm. January 2021 indicates in excess of 9,000 deaths and February was 7,000 or greater. March totals are indicative of more normalizing averages. March data showed significant stabilization with 5,300 total certified deaths in the month. Interesting note: In 2019, there was a typical 27% difference between births and deaths (more births). In 2020 there was an unprecedented 2.7% difference (slightly more births making it closest to a null or flip in Arizona history). April continues to be stable. There have been 2,364 certified deaths as of Friday April 16, 2021, averaging 150 deaths each day. The projection is for approximately 4700 deaths this month. (4-5 thousand monthly is within conventional monthly values)

Since making the change from all paper to online processes, Board staff have continued to mail a courtesy letter as reminders for annual reports and renewals. Beginning this year all communication will be done via email.

Executive Director Stapley reported as a follow up that Board staff received a response from the Washington State Funeral and Cemetery Board. They received the investigation sent by Board staff, which involved one of their licensed funeral establishments. After they reviewed the investigation they felt there was no need for any further action and have closed the matter.

12. FUTURE AGENDA ITEMS:

No Items

13. REVIEW OF SCHEDULED BOARD MEETINGS:

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

2021 BOARD MEETING SCHEDULE

MAY 18, 2021	JUNE 15, 2021	JULY 20, 2021	AUGUST 17, 2021
SEPTEMBER 21, 2021	OCTOBER 19, 2021	NOVEMBER 16, 2021	DECEMBER 21, 2021

14. ADJOURNMENT:

Board member Harold Adair moved to adjourn the meeting. This motion was seconded by Board member Amie Gazda and carried 6-0.

Natasha Culbertson
Executive Director