



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	James Ahearne, Secretary
Harold Adair, Professional Member	Amie Gazda, Professional Member
Joe Hornat, Public Member	Kristina Dyrre, Public Member
VACANT, Public Member	

MINUTES REGULAR SESSION

**Board Meeting Held On:
Tuesday, February 18, 2020 • 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 9:00 a.m. The following Members were present for the Board Meeting on February 18, 2020.

Members Present:	Samuel Bueler	Chairman/Professional Member
	James Ahearne	Secretary/Professional Member
	Harold Adair	Professional Member
	Amie Gazda	Professional Member
	Joe Hornat	Public Member
	Kristina Dyrre	Public Member
	Vacant	Public Member

Board Staff Present:	Judith Stapley	Executive Director
	Brandon Eaden	Investigator
	Gary Hendrix	Investigator
	Evelyn Estrella	Licensing Administrator
	Yazmin Bustamante	Administrative Assistant

Attorney General's Office:

Marc Harris
Sarah Asta

Assistant Attorney General
Assistant Attorney General

2. STATEMENT OF PURPOSE

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

3. DECLARATION OF CONFLICTS OF INTEREST

James Ahearne will recuse himself from agenda item 7 (B), Palm Valley Funeral Home.
Harold Adair will recuse himself from agenda items 6 (E) 2-4, (F) 1-2 and (G) 1-2.
Joe Hornat will recuse himself from approving any minutes from January 21, 2020.

4. MINUTES

Board member Joe Hornat recused himself from this matter as he was not present at the January Board meeting.

Board member James Ahearne moved to approve the open meeting and all three Executive Sessions minutes from the January 21, 2020 Board meeting. Board member Harold Adair seconded this motion. Motion passed unanimously 5-0.

5. CALL TO THE PUBLIC

No one came forward to speak.

6. 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
Chasity Mueller	Funeral Director	Approved 6-0	Ahearne	Adair
Stephanie Woods	Funeral Director	Approved 6-0	Ahearne	Gazda
Antonio Carino	Funeral Director	Approved 6-0	Ahearne	Adair
James River	Funeral Director	Approved 6-0	Adair	Gazda
Jeffrey Smith	Funeral Director	Approved 5-1	Ahearne	Adair
Antonio Carino	Embalmer	Approved 6-0	Ahearne	Adair
James River	Embalmer	Approved 6-0	Adair	Gazda
Jeffrey Smith	Embalmer	Approved 6-0	Ahearne	Adair
Justin Moore	Embalmer	Approved 6-0	Ahearne	Gazda
Kristina Cegon	Cremationist	Approved 6-0	Ahearne	Gazda
Antonio Carino	Cremationist	Approved 6-0	Ahearne	Adair
Patty Nations	Salesperson	Approved 6-0	Ahearne	Gazda
Carmin Tronolone	Salesperson	Approved 6-0	Ahearne	Gazda
David's Desert Chapel Funeral Home	Funeral Establishment	Approved 6-0	Ahearne	Gazda
Adair Funeral Home Avalon	Funeral Establishment	Approved 5-0 Harold Adair Recused	Ahearne	Gazda
Adair Funeral Home Dodge	Funeral Establishment	Approved 5-0 Harold Adair Recused	Ahearne	Gazda
Desert Sunset Funeral Home	Funeral Establishment	Approved 5-0 Harold Adair Recused	Ahearne	Gazda
El Encanto Memorial Crematory Avalon	Crematory	Approved 5-0 Harold Adair Recused	Ahearne	Gazda
El Encanto Memorial Crematory Dodge	Crematory	Approved 5-0 Harold Adair Recused	Ahearne	Gazda

Adair Funeral Home Avalon	Sales Endorsement	Approved 5-0 Harold Adair Recused	Ahearne	Gazda
Adair Funeral Home Dodge	Sales Endorsement	Approved 5-0 Harold Adair Recused	Ahearne	Gazda

7. INFORMAL INTERVIEW:

The Board may review, discuss and vote to act on the following case pursuant to A.R.S. § 32-1367(C). The Board may also table for further investigation, postpone, and/or forward for administrative review. The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03(A) (2) In addition, the Board may hold an executive session to discuss or consult with its attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

A. Docket 2019-FDE-0025 – Myra Turner

Funeral Director, Embalmer and Responsible Funeral Director at Funeraria Azahares Myra Turner was present with her brother John Turner. The complainant Ryan Jensen was not present. Various board members expressed concern about certain ads placed by Ms. Turner for her non-Funeral Director businesses as the ads potentially could mislead the public into believing she is providing services for which she may need a different license from the Board to do so.

EXECUTIVE SESSION:

Board Chairman Samuel Bueler moved to enter into executive session for legal advice. This motioned was seconded by Board member Harold Adair and carried 6-0. The Board entered into executive session for legal advice at 10:28 a.m.

OPEN MEETING: The Board returned to open session at 10:44 a.m.

Following discussion, Board member James Ahearne moved to issue a non-disciplinary Letter of Concern to Myra Turner. The letter will advise Ms. Turner that all future advertisements must comply with applicable State laws and rules.

B. Docket 2019-FDE-0027 – Palm Valley Funeral Home

Board member James Ahearne recused himself from this matter.

Jeremy Hernandez Owner of Palm Valley Funeral Home (Palm Valley) and David Opperman Responsible Funeral Director were present on behalf of the establishment. The Complainant, Chastina Sanchez was not present. The discussion centered around

proper notification to family members of the deceased. Mr. Hernandez recapped the situation and concluded with noting the deceased's family was not charged for the services rendered by Palm Valley.

Following discussion, Board member Kristina Dyrr moved to dismiss the matter. This motion was seconded by Board member Joe Hornat and carried 5-0.

8. COMPLAINTS AND OTHER DISCIPLINARY MATTERS. 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).

- A. Docket 2019-FDE-0034 – Advantage Funeral & Cremation – Colonial
Initial review consideration and possible action regarding complaint.

This matter was heard at the outset of the meeting, just prior to Ms. Turners' matter, as Mr Shapiro was on the telephone waiting to be heard.

Responsible Funeral Director Graciela Diaz and Location Manager Mickie Chanley were present on behalf of the Advantage Funeral & Cremation (Advantage). The complainant Josh Shapiro was present telephonically. Mr. Shapiro is claiming to be kin that should have been notified of his great aunt's death. The discussion centered on his relationship to the deceased woman he claims to be his great aunt and how Mr. Shapiro might be able to prove it as he had not provided concrete proof to date. Advantage representatives noted they follow established policies on obtaining evidence from people claiming to be family members of a deceased person and did so in Mr. Shapiro's case.

EXECUTIVE SESSION:

Board member Harold Adair moved to enter into executive session for legal advice. This motioned was seconded by Board member James Ahearne and carried 6-0. The Board entered into executive session for legal advice at 9:30 a.m.

OPEN MEETING: The Board returned to open session at 9:36 a.m.

Following discussion Board member James Ahearne moved to dismiss the matter. This motion was seconded by Board member Harold Adair and carried 6-0.

9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING OPENING UP A COMPLAINT FOR FAILURE TO COMPLY WITH A BOARD ORDER:

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 2018-FDE-0023 – Thomas Brown, Funeral Director/Embalmer (FUN001467, EMB001646)

Mr. Brown failed to comply with a Board order to pay a civil penalty in a timely manner. After Mr. Brown was notified of the deficiency by Board staff, the payment was made.

Following discussion Board members decided to take no action on this matter.

10. PRESENTATION FROM DEPARTMENT OF HEALTH SERVICES, BUREAU OF VITAL RECORDS:

Educator/Quality Assurance Manager, Bianco Soto and Policy Manager/Community Partner Liaison, Toni Miller from Department of Health Services, Bureau of Vital Records presented on the following:

1. A.R.S. 36-325 Death certificate registration
2. R9-19-301 Human Remains Release Form (HRRF)
3. Proper use of the Death Registration Worksheet
4. Proper use of credentials
5. Training resource outlets

11. 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).

- A. Continuing Education Advisory Committee, Board Liaison

Board member Harold Adair moved to make Board member Amie Gazda the new Board liaison for the Continuing Education Advisory Committee. This motion was seconded by Board member James Ahearne and carried 6-0.

12. REVIEW, CONSIDERATION, AND UPDATE ON LEGISLATIVE BILLS:

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 Judith Stapley provided a brief update on the following legislation:

- A. SB 1274 Reference Title: professional regulatory boards; composition
- B. SB 1142 Reference Title: non-health professions; occupations; regulations
- C. SB 1136 Reference Title: apprenticeships; funeral directors; embalmers; cremationists
- D. HB 2249 (Amended) Reference Title: personal representatives; funeral directors; prohibition
- E. HB 2138 Reference Title: common law marriage confirmation; caregivers
- F. HB 2179 Reference Title: alkaline hydrolysis facilities; licensure
- G. HB 2180 Reference Title: funeral directors board; appropriation; investigator
- H. HB 2181 Reference Title: animal crematories; licensure; funeral board
- I. HB 2183 Reference Title: funeral escorts; funeral board licensure
- J. HB 2184 Reference Title: (Amending § 32-4302) relating to board licensure, certification and registration

13. 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 Judith Stapley informed Board members that they no longer needed to sign a copy of the Board minutes to signify approval. Board members making a motion, second and voting approval of the minutes is all that is required to ratify.

14. SUMMARY OF CURRENT EVENTS:

By law, the summary of current events is limited to summarizing recent occurrences. The Board cannot propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

No items were discussed.

15. FUTURE AGENDA ITEMS

Board Chairman Samuel Bueler asked to discuss Board member appointments at a future meeting.

16. REVIEW OF SCHEDULED BOARD MEETINGS:

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

2020 BOARD MEETING SCHEDULE

MARCH 17, 2020	APRIL 21, 2020	MAY 19, 2020
JUNE 16, 2020	JULY 21, 2020	AUGUST 18, 2020
SEPTEMBER 15, 2020	OCTOBER 20, 2020	NOVEMBER 17 2020
DECEMBER 15, 2020		

17. ADJOURNMENT

Board member James Ahearne moved to adjourn the meeting. This motion was seconded by Board member Kristina Dyr and carried 6-0. The Board adjourned at 11:49 a.m.

Judith Stapley
Executive Director