



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
Jack Peterson, Public Member * Kristina Dyrri, Public Member

MINUTES
REGULAR SESSION

Board Meeting Held On:
Tuesday, January 21, 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 January 21, 2020.

Members Present:	Samuel Bueler	Chairman/Professional Member
	James Ahearne	Secretary/Professional Member
	Harold Adair	Professional Member
	Amie Gazda	Professional Member
	Jack Peterson	Public Member
	Kristina Dyrri	Public Member
	Vacancy	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	Assistant Attorney General (AAG)
	Carrie Smith	Assistant Attorney General (AAG)

2. STATEMENT OF PURPOSE

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

3. DECLARATION OF CONFLICTS OF INTEREST

Board Chairman Samuel Bueler stated he will recuse himself from the formal hearing matter.

4. MINUTES

Board member James Ahearne moved to approve the minutes of the December 17, 2019 Board meeting. Board member Jack Peterson seconded this motion. Motion passed unanimously 6-0.

Board member James Ahearne moved to approve the minutes from the first Executive Session at the December 17, 2019 Board meeting. Board member Harold Adair seconded this motion. Motion passed unanimously 6-0.

Board member James Ahearne moved to approve the minutes from the second Executive Session at the December 17, 2019 Board meeting. Board member Harold Adair seconded this motion. Motion passed unanimously 6-0.

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:

EXECUTIVE SESSION (third 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 with AAG Marc Harris at 1:40 p.m.

OPEN MEETING: The Board returned to open session at 1:57 p.m.

NAME	TYPE OF LICENSE	ACTION	MOTION BY	SECOND BY
Linda Backes	Funeral Director- Universal Recognition	Approved 6-0	Ahearne	Dyrr
Jeffrey Payne	Funeral Director	Approved 6-0	Ahearne	Adair
Hunter McKnight	Funeral Director	Approved 6-0	Peterson	Dyrr
Rebecca Deconcini	Embalmer	Approved 6-0	Dyrr	Ahearne
Menke Funeral & Cremation Center	Sales Endorsement	Approved 6-0	Peterson	Ahearne
Carrillo's Tucson Mortuary Inc.	Crematory	Approved 6-0	Ahearne	Dyrr

Board Chairman Samuel Bueler recused himself from the formal hearing matter.

7. FORMAL HEARING:

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 2020-FDE-0022 – Martin Shea

EXECUTIVE SESSION (first session):

Board member Jack Peterson moved to enter into executive session for legal advice. This motioned was seconded by Board member Harold Adair and carried 5-0. The Board entered into executive session for legal advice with AAG Carrie Smith at 10:43 a.m.

OPEN MEETING: The Board returned to open session at 11:02 a.m.

Following some discussion, deliberation and testimony, Board Secretary James Ahearne moved to add all Exhibits; one through seven presented by the prosecuting attorney and accept the findings of fact. Mr. Shea provided additional statements into evidence. State

prosecuting Assistant Attorney General Marc Harris request they are not admitted into evidence. Board Secretary James Ahearne chooses to admit the new statements from Mr. Shea. AAG Marc Harris requested the price sheet be admitted as exhibit number 8. Board member Ahearne said no, however, Board members Dyrr, Gazda, Peterson and Adair all wanted to admit this document as exhibit number 8. This motion was seconded by Board member Harold Adair and carried 5-0.

EXECUTIVE SESSION (second session):

Board member Harold Adair moved to enter into executive session for legal advice. This motion was seconded by Board member Kristina Dyrr and carried 5-0. The Board entered into executive session for legal advice with AAG Carrie Smith at 12:59 p.m.

OPEN MEETING: The Board returned to open session at 1:21 p.m.

After all discussion, deliberation and testimony concluded, Board members established that the state met its burden of proof and findings of fact. Board member Kristina Dyrr moved to accept the findings of fact, paragraphs 1-3. Board member Jack Peterson seconded this motion which carried 5-0.

Board member Kristina Dyrr moved to accept and adopt all conclusions of law as stated in paragraphs 1-5. This motion was seconded by Board member Harold Adair and carried 5-0.

For the Board order, Board member James Ahearne moved to suspend Mr. Shea's Salesperson license SLP-000591 for 90 calendar days. This motion was seconded by Board member Jack Peterson and carried 5-0.

**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).**

A. Docket 2020-FDE-0032 Sonoran Skies Mortuary

Oren Cox, Responsible Funeral Director and Candy Greff, owner of Sonoran Skies Mortuary were present on behalf of the funeral establishment. The complainant was not present. Following discussion, Board member James Ahearne moved to issue a non-disciplinary Letter of Concern, addressing the need for timely shipping of decedent's cremated remains. This motion was seconded by Board member Jack Peterson and carried 5-1 with Board member Kristina Dyrr voting "nay".

B. Docket 2019-FDE-0035 and 2019-FDE-0046 – A Legacy Funeral Home Mesa

Responsible Funeral Director and owner of A Legacy Funeral Home Mesa (Legacy) Todd Allen was present on behalf of the funeral establishment. Also present was funeral director and employee of Legacy, Selena Velasquez. The complainant was not present. Following discussion Board member Kristina Dyr moved to dismiss the matter. This motion was seconded by Board member James Ahearne and carried 6-0.

9. 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. HB 2179 Reference Title: alkaline hydrolysis facilities; licensure
- B. HB 2180 Reference Title: funeral directors board; appropriation; investigator
- C. HB 2181 Reference Title: animal crematories; licensure; funeral board
- D. HB 2183 Reference Title: funeral escorts; funeral board licensure
- E. HB 2249 Reference Title: personal representatives; funeral directors; prohibition
- F. SB1136 Reference Title: apprenticeships; funeral directors; embalmers; cremationists
- G. SB1142 Reference Title: non-health professions; occupations; regulations

10. 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. New Investigator, Brandon Eaden was introduced to the Board members.

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. Board members were made aware of a Board appointment to fill the public member vacancy left by William O. Smith (1/1/2017 through 1/1/2021). The new public Board member is Mr. Joe Hornat. Mr. Hornat may begin to serve upon completion of his Loyalty Oath of Office.

12. 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).

- A. Executive Director Judith Stapley provided a recognition of service for public Board member, Jack Peterson, thanking him for his service.

13. 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.

14. FUTURE AGENDA ITEMS

- A. Due to Board member Jack Peterson leaving Board service, a new Board liaison for the Continuing Education Advisory Committee will need to be approved at the next Board meeting.

15. REVIEW OF SCHEDULED BOARD MEETINGS:

2019 BOARD MEETING SCHEDULE

February 18, 2020	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	

SUBJECT TO APPROPRIATE NOTICE THE BOARD RESERVES THE RIGHT TO CHANGE MEETING DATES

16. ADJOURNMENT

Board member James Ahearne moved to adjourn the meeting. This motion was seconded by Board member Amie Gazda and carried 6-0. The Board adjourned at 2:44 p.m.

Judith Stapley
Executive Director