



Douglas A. Ducey – Governor

Arizona State Board of Funeral Directors and Embalmers

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

Kristina Dyrr, Chairman * James Ahearne, Secretary * Samuel Bueler, Professional Member
Harold Adair, Professional Member * Jack Peterson, Public Member * Amie Gazda, Professional Member

MINUTES REGULAR SESSION

**Board Meeting Held On:
Tuesday, July 16, 2019 • 9:00 a.m. • 1st Floor Conference Room “C”
1740 West Adams Street • Phoenix, AZ 85007**

1. CALL TO ORDER

Board Chair Kristina Dyrr called the Board Meeting to order at 9:00 a.m. The following Members were present for the Board Meeting on July 16, 2019.

Members Present:	Kristina Dyrr	Chairman/Public Member
	James Ahearne	Secretary/Professional Member
	Harold Adair	Professional Member
	Samuel Bueler	Professional Member
	Jack Peterson	Public Member
	Amie Gazda	Professional Member
	Vacancy	Public Member

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

Attorney General’s Office:	Thomas Raine	Assistant Attorney General
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2. DECLARATION OF CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

3. MINUTES

Board Member- James Ahearne moved to approve the minutes of the June 25, 2019 Board Meeting. Board Member Amie Gazda seconded this motion. Motion passed unanimously 6-0.

4. REMEMBRANCE

Board Chairperson Kristina Dyrre presented a remembrance of former Board member, Monsignor Richard O'Keefe.

5. CALL TO THE PUBLIC

Ms. Stella Munoz came forward to speak regarding her objection to Frank Lambert's continued licensure by the Board.

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
Kristina Cegon	Funeral Director	Approved 6-0	Ahearne	Bueler
Katherine Earp	Embalmer	Approved 6-0	Ahearne	Adair
Joshua Finney	Cremationist	Approved 6-0	Bueler	Ahearne
Brandon Roan	Cremationist	Approved 6-0	Peterson	Adair
Amanda Dalton	Intern	Approved 6-0	Bueler	Ahearne
Gary Perantoni	Salesperson	Approved 6-0	Peterson	Gazda

**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).**

- A. Docket 16F-201609-FNR, Angel’s Cremation and Burial, LLC – Legal Update provided by Assistant Attorney General, Thomas Raine. Mr. Raine Advised that we are waiting for a response from the Court of Appeals.
- B. Saguaro Valley Crematory/Angels Cremation and Burial Notice of Claim – Legal Update provided by Assistant Attorney General, Thomas Raine. Mr. Raine advised that this Notice of Claim was dismissed with prejudice.

**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 16F-201506-FNR (LC2017-000061-001 DT)– Saguaro Valley Cremation Services, LLC
 - 1) Establishing one year probationary period

Board Executive Director, Judith Stapley presented five names to Board members for consideration as monitors during the one-year probationary period. Each individual presented is a licensed Funeral Director in good standing with the State of Arizona.

EXECUTIVE SESSION: Board member Sam Bueler moved to enter into executive session for legal advice. This motion was seconded by Board member James Ahearne and carried 6-0. The Board entered into executive session for legal advice at 9:19 a.m.

OPEN MEETING: The Board returned to open session at 9:28 a.m.

Following discussion, Board member James Ahearne moved to appoint Karl Koenig and Albert Asta as probationary monitors. Mr. Ahearne then amended this motion to appoint Karl Koenig and Tim Livingston as the probationary monitors. This motion was seconded by Board member Amie Gazda and carried 6-0. Board member Harold Adair moved to make the visits unannounced and at least once a month. The visits will consist of the probationary monitor ensuring all human remains are stored appropriately, both in and out of refrigeration. Additionally, the probationary monitor will ensure that the refrigeration unit is functioning properly and all human remains not currently being cremated are stored in refrigeration. 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).

B. Docket 2019-FDE-0016 – Family Burial and Cremation

EXECUTIVE SESSION: Board member James Ahearne moved to enter into executive session for legal advice. This motion was seconded by Board member Amie Gazda and carried 6-0. The Board entered into executive session for legal advice at 9:33 a.m.

OPEN MEETING: The Board returned to open session at 9:45 a.m.

Frank Lambert, owner of Family Burial and Cremation was present. Following discussion, Board member Harold Adair moved to hear this matter at a formal hearing. This motion was seconded by Board member James Ahearne and carried 6-0.

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. Docket 2019-FDE-0014-Hatfield Funeral Home

Responsible Funeral Director Ryan Jensen, Hatfield Funeral Home was present telephonically along with Melissa Watking-Bidon. Complainant Tami Frechette was also present telephonically. Toni Miller from the Arizona State Bureau of Vital Records was asked to comment on the process to amend a Death Certificate. Following discussion, Board member Jack Peterson moved to dismiss the matter. Board member James Ahearne seconded this motion that carried 6-0.

B. Docket 2019-FDE-0010-Smart Cremation of Arizona, LLC

Responsible Funeral Director Frank Kirkland Jr., was present representing Smart Cremation of Arizona (“Smart Cremation”). Additionally, present from Smart Cremation was Susan Thomas. Board staff brought this information to be investigated after receiving an anonymous letter containing information that Smart Cremation was using printed material referencing a funeral director’s license that had expired ten years ago. Following discussion, Board member James Ahearne moved to dismiss the matter. This motion was seconded by Board member Amie Gazda and carried 6-0.

C. Docket 2019-FDE-0013-Regency Mortuary

Responsible Funeral Director John Perkes was present on behalf of Regency Mortuary. The complainant, Kraig Kluge was not present. Following discussion, Board member Amie Gazda moved to dismiss the matter. This motion was seconded by Board member Sam Bueler and carried 6-0.

D. Docket 2019-FDE-0006-A Legacy Funeral Home Mesa

Responsible Funeral Director Todd Allen was present representing A Legacy Funeral Home Mesa (“Legacy”). In addition, present from Legacy was funeral arranger Jennifer Munoz. The complainant Neil Wynberg and Jennifer Winebarger were present telephonically. Following discussion Board member Harold Adair moved to bring this matter to a Formal Hearing. Mr. Adair then amended the motion to continue the matter to a later date while directing Board staff to gather additional information. This motion was seconded by Board member Jack Peterson and carried 4-2 with Board members, Kristina Dyr and James Ahearne voting, nay.

E. Docket 2019-FDE-0011-A Legacy Funeral Home Mesa

Responsible Funeral Director Todd Allen was present representing A Legacy Funeral Home Mesa (“Legacy”). The complainant Diana Johnson was not present. Following discussion Board member James Ahearne moved to dismiss the matter. This motion was seconded by Board member Amie Gazda and carried 6-0.

F. Docket 2019-FDE-0012-A Legacy Funeral Home Mesa

Responsible Funeral Director Todd Allen was present representing A Legacy Funeral Home Mesa (“Legacy”). The complainant Richard Sosland was also present.

EXECUTIVE SESSION: Board member Sam 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 12:15 p.m.

OPEN MEETING: The Board returned to open session at 12:28 p.m.

Following discussion Board member James Ahearne moved to dismiss the matter. This motion was seconded by Board member Amie Gazda and carried 4-2 with Board members Jack Peterson and Sam Bueler voting, nay.

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. Docket 2018-FDE-0025-Chad Campbell

Executive Director Judith Stapley reported to Board members that Mr. Campbell is no longer practicing in the State of Arizona due to health reasons. Additionally, Mr. Campbell notified Ms. Stapley that he will not pursue renewals on any of his active licenses.

12. 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. Discussion on A.R.S. § 32-1381 License Requirement

1. Southern Arizona Crematory Signage

Executive Director Judith Stapley reported to Board members that the signage had been corrected and is now directing consumers to a licensed funeral establishment to arrange cremations.

13. 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. Discussion on A.R.S. § 32-1337 Embalming by students enrolled in colleges of Mortuary Science; Requirements

Executive Director Judith Stapley was seeking clarity from the Board as to what requirements they would like from a Mortuary Science student permitted to assist in embalming under direct supervision. It was noted that the student should provide proof of enrollment in the program/school of Mortuary Science and a document recording all supervised embalming as well as the name of the licensed Embalmer.

14. EXECUTIVE DIRECTOR'S REPORT

A. Quarterly Report. Board Investigator Gary Hendrix performed four inspections during the second quarter. Two inspections were unannounced. The other two inspections were for new locations. There are currently 177 active funeral establishments and 60 active crematories in Arizona.

B. Ms. Stapley stated there continues to be an increase in the online presence of unlicensed funeral entities. Typically, the unlicensed business goes by the name of

“Heritage”, “Legacy” or “The Funeral Group”. Ms. Stapley pointed out there are legitimate, licensed funeral homes in the State of Arizona that also go by the names of, Heritage and Legacy. Board staff is trying to put together a package with assistance from the Board’s Assistant Attorney General, Thomas Raine, to present to the Consumer Fraud section of the Office of the Attorney General. There are efforts being made in other states to pass legislation requiring a “brick and mortar” establishment to exist in the state to be able to advertise there. Many other states are struggling with the same unlicensed business.

C. Legislative Report

- a. Ms. Stapley met with individuals from the Governor’s office to gain clarity regarding HB2569 that allows for reciprocal licensure. This bill is now referred to as “Universal Recognition”. The Board is expected to have a generous view of the language in this legislation. Board staff is pursuing necessary measures to have information for potential applicants in place prior to August 27, 2019, when this law becomes effective.
- b. SB2188 also becomes effective on August 27, 2019. This law amends the definition of “Intern”, allowing a licensed Intern to be able to pursue a Funeral Director or Embalmer license independently or simultaneously within one year rather than two.

15. 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.

16. FUTURE AGENDA ITEMS

Future agenda items were not discussed.

17. ADJOURNMENT

Board member James Ahearne moved to adjourn at 1:00 p.m. This motion was seconded by Board member Sam Bueler and carried 6-0.

2019 BOARD MEETING SCHEDULE

January 15, 2019 February 19, 2019 March 19, 2019 April 16, 2019
May 21, 2019 June 18, 2019 July 16, 2019 August 20, 2019
September 17, 2019 October 15, 2019 November 19, 2019 December 17, 2019

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

Judith Stapley
Executive Director

APPROVED BY:

Kristina Dyr, Chairman

Jack Peterson, Public Member

James Ahearne, Secretary

Harold Adair, Professional Member

Samuel Bueler, Professional Member

Amie Gazda, Professional Member