



Douglas A. Ducey – Governor

## Arizona State Board of Funeral Directors and Embalmers

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

Kristina Dyr, 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, May 21, 2019 • 9:00 a.m. • 1<sup>st</sup> Floor Conference Room “B”**  
**1740 West Adams Street • Phoenix, AZ 85007**

#### 1. CALL TO ORDER

Board Chair Kristina Dyr called the Board Meeting to order at 9:04 a.m. The following Members were present for the Board Meeting on May 21, 2019.

<b>MEMBERS PRESENT:</b>	Kristina Dyr	Chairman/Public Member
	James Ahearne	Secretary/Professional Member
	Samuel Bueler	Professional Member
	Amie Gazda	Professional Member
	Harold Adair	Professional Member
	Jack Peterson	Public Member
	Vacancy	Public Member
<b>STAFF PRESENT:</b>	Judith Stapley	Executive Director
	Gary Hendrix	Investigator Manager
	Evelyn Estrella	Licensing Administrator
	Yazmin Bustamante	Administrative Assistant
<b>ATTORNEY GENERAL'S OFFICE:</b>	Thomas Raine	Assistant Attorney General
	Carrie Smith	Assistant Attorney General

## **2. DECLARATION OF CONFLICTS OF INTEREST**

There were no declarations of conflicts of interest.

## **3. MINUTES**

Board Member-James Ahearn moved to approve the minutes of the April 16, 2019 Board Meeting. Board Member Sam Bueler seconded this motion. Motion passed unanimously 6-0.

## **4. CALL TO THE PUBLIC**

No member of the audience came forward to speak.

## **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
Patrick Graham	Funeral Director <b>and</b> Embalmer	Approved 6-0	Ahearne	Bueler
Mark Dunn	Cremationist	Approved 6-0	Ahearne	Gazda
Kevin Weaver	Cremationist	Approved 6-0	Peterson	Bueler
Nancy Michaud	Intern	Approved 6-0	Ahearne	Bueler
James Lincoln	Salesperson	Approved 6-0	Peterson	Ahearne
Jody Cabezas	Salesperson	Approved 6-0	Peterson	Ahearne
Joshua Chilton	Salesperson	Approved 6-0	Bueler	Ahearne
Jeffrey Lee	Salesperson	Approved 6-0	Peterson	Adair
Donna Berkery	Salesperson	Approved 6-0	Bueler	Ahearne
Heath Baldwin	Salesperson	Approved 6-0	Peterson	Bueler
Christopher Krucko	Salesperson	Approved 6-0	Peterson	Bueler
Deane Senn	Multiple Funeral Director	Approved 6-0	Ahearne	Adair

## 6. FORMAL HEARING

### A. Docket 2018-FDE-0023-Funeraria Azahares, LLC

Board member James Ahearne moved to add all Exhibits presented by the prosecuting attorney. This motion was seconded by Harold Adair and carried 6-0.

#### **EXECUTIVE SESSION:**

Board member Harold Adair moved to enter into executive session for legal advice. This motioned was seconded by Board member Sam Bueler and carried 6-0. The Board entered into executive session for legal advice at 10:14 a.m.

**OPEN MEETING:** The Board returned to open session at 10:41 a.m.

After discussion, deliberation and all testimony concluded, Board Chair Kristina Dyrr moved to accept the Factual Allegations made in the Complaint and Notice of Hearing because the allegations had been proven by a preponderance of the evidence. This motion was seconded by Board member James Ahearne and carried 6-0.

Board member James Ahearne moved to accept the Conclusions of Law in the Complaint and Notice of Hearing, as more specifically set forth on page 3, paragraphs 1 and 2. This motion was seconded by Board member Sam Bueler and carried 6-0.

Regarding the Funeral Director license of Thomas Brown, Board member Amie Gazda moved for the Board order to include a ninety day suspension. Ms. Gazda then amended her motion to also include a \$1000 civil penalty. This motion was seconded by Board member Harold Adair. Board members A. Gazda, S. Bueler, H. Adair and K. Dyrr voted “aye” while J. Peterson and J. Ahearne voted “nay”. The motion carried 4-2.

Board member Sam Bueler moved for a time period of one hundred-eighty days for Thomas Brown to pay the civil penalty, further noting that failure to comply with this order will bring a future action to the Board. This motion was seconded by Board member Jack Peterson and carried 6-0.

Regarding the Establishment license of Funeraria Azahares, LLC, Board member Sam Bueler moved that the Board assess a \$15,000 civil penalty. This motion was rescinded.

#### **EXECUTIVE SESSION:**

Board member James Ahearne moved to enter into executive session for legal advice. This motion was seconded by Board member Harold Adair and carried 6-0. The Board entered into executive session for legal advice at 11:11 a.m.

**OPEN MEETING:** The Board returned to open session at 11:23 a.m.

Regarding the Establishment license of Funeraria Azahares, LLC, Board member Sam Bueler moved that the Board assess a \$24,000 civil penalty, administrative costs incurred by the Board, and a thirty day suspension of the establishment license. This motion was seconded by Board member Jack Peterson and carried 6-0.

Board member James Ahearne moved for a time period of one year for Funeraria Azahares, LLC to pay the \$24,000 civil penalty and administrative costs. This motion was seconded by Sam Bueler 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).**

- A. Docket 16F-201506-FNR (LC2017-000061-001 DT) Saguro Valley Cremation Services, LLC, Jessie Welsh-Alexis, Franklin Lambert and Phillip Scott Warner. Legal update provided by Assistant Attorney General, Thomas Raine. Mr. Raine

advised this case was denied a petition for review by the Supreme Court of the State of Arizona on April 30, 2019. A mandate from the Court of Appeals was issued on May 20, 2019, affirming the court rendered memorandum decision previously filed.

Mr. Raine informed the Board that he had spoken to the attorney for Saguaro Valley Crematory and had been informed that Saguaro Valley's owner could have all pending cremations completed by May 24, 2019. After brief discussion, Board member James Ahearne moved that the 30 day suspension begin on May 25, 2019. The motion was seconded by Board member Jack Peterson and carried 6-0.

Mr. Raine also informed the Board that it would need to select a practice monitor to monitor the crematory for its one year probationary period. After discussion, Board member James Ahearne moved that the executive director identify possible candidates for practice monitor and that she update the Board at its next meeting. Board member Jack Peterson seconded the motion and it carried 6-0.

B. Docket 16F-201609-FNR, Angel's Cremation and Burial, LLC – Legal Update provided by Assistant Attorney General, Thomas Raine. Mr. Raine advised that oral arguments took place in the Court of Appeals on May 1, 2019.

C. Saguaro Valley Crematory/Angels Cremation and Burial Notice of Claim – Legal Update provided by Assistant Attorney General, Thomas Raine. Mr. Raine advised there have been no updates or changes to report.

#### **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 2019-FDE-0008 –National Cremation Society

Responsible Funeral Director Linda Haugen from National Cremation Society was present. The complainant did not attend and refused to participate in the proceedings after submitting the online complaint. After deliberation, Board Chair Kristina Dyrr moved to issue a Letter of Concern to the establishment. This motion was seconded by Harold Adair and carried 6-0.

Board member Harold Adair moved to open a new docket for Michael Colbert to be on the June Board meeting. This motion was seconded by James Ahearne and carried 6-0.

B. Docket 2019-FDE-0009 – Avenidas Funeral Chapel

Board member James Ahearne recused himself from this matter.

Responsible Funeral Director Scott Schaible was present from Avenidas Funeral Chapel. Additionally, funeral arranger Kyle Briggs was also present from Avenidas. The complainant, Department of Health Services was represented by Toni Miller. Following discussion, Board member Amie Gazda moved to dismiss and then rescinded her motion.

**EXECUTIVE SESSION:**

Board member Sam Bueler moved to enter into executive session for legal advice. This motion was seconded by Board member Harold Adair and carried 6-0. The Board entered into executive session for legal advice at 12:49 p.m.

**OPEN MEETING:** The Board returned to open session at 1:00 p.m.

After further discussion, Board member Amie Gazda moved to dismiss. This motion was seconded by Board member Sam Bueler and carried unanimously 6-0.

C. Docket 2019-FDE-0007 – Universal South Mountain Mortuary

Responsible Funeral Director JoAnn Miguel was present from Universal South Mountain Mortuary. Additionally, funeral arranger Pastor Cevin Griffen and owner Manuel Villilas were also present from Universal South Mountain Mortuary. The complainant, Jennifer Garcia, daughter of the decedent and David Cobble, spouse of the decedent, were present. Following discussion, Board member Sam Bueler moved the matter to a formal hearing. This motion was seconded by Harold Adair 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. Continuing Education – Graystone Associates Inc.

- 1) Quick Start- 7 hours; Category C
- 2) Interpersonal Skills- 7 hours; Category C
- 3) Telephone Skills- 7 hours; Category C
- 4) Funeral Director Skills: Module One- 7 hours; Category C
- 5) Funeral Director Skills: Module Two- 7 hours; Category C

Following discussion, Board member James Ahearne moved to accept the continuing education course provided by Graystone Associates Inc. This motion was seconded by Board member Harold Adair and carried unanimously 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. Discussion on A.R.S. 32-1381 License Requirement

Following a discussion, it was determined that no action was required unless a formal complaint was submitted.

**11. EXECUTIVE DIRECTOR'S REPORT**

A. License renewals are well under way with approximately 800 licensees having already renewed online.

B. Annual Trust Reports

- a. Out of 180 funeral establishments, 179 renewed on time. The majority of those were able to utilize the online process.
- b. There is currently over 31 million in pre-need funeral trust in the state.

C. SB 1245-Vital Records; Death Certificate-Funeral Director/Intern bill was signed by the Governor and will go into effect ninety days after the close of the legislative session.

D. Ms. Stapley and Mr. Hendrix will be speaking at the annual Arizona Funeral Cemetery and Cremation Association (AFCCA) that is taking place June 4-6.

**12. 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.**

**13. FUTURE AGENDA ITEMS**

Ms. Stapley confirmed that the Board would be meeting during both June and July as normally scheduled on the third Tuesday of the month.

**14. ADJOURNMENT**

Board member James Ahearne moved to adjourn at 2:26 p.m. This motion was seconded by Board member Amie Gazda 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 Dyrr, Chairman

---

Jack Peterson, Public Member

---

James Ahearne, Secretary

---

Harold Adair, Professional Member

---

Samuel Bueler, Professional Member

---

Amie Gazda, Professional Member