

MINUTES
January 21, 2014
1400 West Washington, Basement Conference Room B-1

MEMBERS PRESENT: John Munden, President
James Ahearne, Secretary
Samuel Bueler, Member
Kristina Dyr, Member
Monsignor O'Keeffe, Member
Reverend William Smith, Member
Harold Adair, Member

STAFF PRESENT: Rodolfo Thomas, Executive Director
Gary Hendrix, Licensing Administrator
Patricia Keith, Programs & Project Specialist

ATTORNEY GENERAL'S OFFICE:
Nancy Beck, Asst. Attorney General

CALL TO ORDER

John Munden called the meeting to order at 9:00 a.m.

I. CALL TO THE PUBLIC

II. MINUTES

Samuel Bueler motioned to approve the December 17, 2013 minutes. Monsignor O'Keeffe seconded the motion. The motion passed unanimously (7-0).

III. 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
*Doug T. Ferrin	Funeral Director	Approved 7-0	Smith	O'Keeffe
*Brandy J. Mustaca	Funeral Director	Approved 7-0	Ahearne	Bueler
*Rebecca L. Fisher	Embalmer	Approved 7-0	Dyrr	Ahearne
Cheri A. Shipp	Reinstate Funeral Director, Embalmer	Approved 7-0	Ahearne	Bueler
*Brian S. Ireland	Funeral Director, Embalmer	Approved 7-0	Ahearne	Bueler
*James D. Robinson, Jr.	Embalmer	Approved 7-0	Bueler	Dyrr
*Samaritan Funeral Home	Establishment	Approved 7-0	Ahearne	Bueler
*Dennis P. Eisbach	Salesperson	Approved 7-0	Bueler	Dyrr
*Michael J. Cunningham	Salesperson	Approved 7-0	O'Keeffe	Bueler
*Fredeberto R. Sanchez	Salesperson	Approved 7-0	Bueler	Dyrr

ATTENDANCE

- *Doug T. Ferrin did not attend the Board meeting.
- *Brandy J. Mustaca appeared before the Board.
- *Rebecca L. Fisher did not attend the Board meeting.
- *Cheri A. Shipp appeared before the Board.
- *Brian S. Ireland appeared before the Board.
- *James D. Robinson, Jr. did not attend the Board meeting
- *Bryan Wilson, owner of Samaritan Funeral Home, arrived late for the Board meeting.
- *Dennis P. Eisbach did not attend the Board meeting.
- *Michael J. Cunningham appeared before the Board.
- *Fredeberto R. Sanchez did not attend the Board meeting.

IV. DOCKETS:

1. Initial Interview Docket #2013-08 Jerry Keil vs. Wyman Cremation and Burial Chapel
Complainant Jerry Keil failed to appear and Board members Sam Bueler and James
Ahearne recused themselves and were available for questioning from the Board. Following

deliberation and discussion Board Member Monsignour O' Keeffe motioned to dismiss the case with no violation. Motion seconded by Board member Kristina Dyrr. Motion passed 5-0.

2. Informal Interview Review Docket #2013-07 Michelle Logan vs. Abel Funeral Services, Inc.

Present before the Board were RFD Brian McBride, Responsible Cremationist Spencer McBride, and Cremation Lyle Brooks. The Complainant Michele Logan and Sister Yolanda Logan were also present. Following deliberation and discussion Board Member Samuel Bueler motioned to include the following conclusions of law directed to Responsible Funeral Director Brian McBride: A.R.S. 32-1376, A.R.S. 32-1399 (1.) and A.A.C. R4-12-301 (A) (1). Motion seconded by Board Member Harold Adair. Motion passed 7-0. Board Member Samuel Bueler motioned the following findings of facts directed to Responsible Funeral Director Brian McBride: The failure to provide the required General Price List and Consumer Pamphlet. Failure to provide the address of decedent as required. Failure to provide proper services for the family. As a result complainant experienced unnecessary grief when the identification numbers on the temporary urn did not properly match. Board Member Samuel Bueler motioned the following penalty: A Letter of Reprimand to be issued to the Responsible Funeral Director and a letter of apology is issued to the Complainant and family. Motion seconded by Board member Rev. Smith. Motion passed 7-0.

In regards to the Responsible Cremationist Spencer McBride, following discussion and deliberation Board member Harold Adair motioned for the following Conclusions of Law: A.R.S. 32-1399 (1), A.A.C. R4-12-301 (A.) (1.). Board member Samuel Bueler seconded. Motion passed 7-0. Board member Harold Adair motioned for the following Findings of Facts: Failure to provide address on record for decedent and failure to develop and maintain written procedure for the identification of human remains that ensures that remains can be identified from the time that a crematory accepts the delivery of the remains until the cremated remains are released to the authorizing agent. Motion seconded by Board member Samuel Bueler. Motion passed 7-0. Motion made by Board member James Ahearne to issue Letter of Reprimand to Responsible Cremationist. Motion seconded by Board member Rev. Smith. Motion passed 7-0.

In regards to Cremationist Lyle Brooks, following discussion and deliberation, Board member James Ahearne motioned for the following conclusions of law: A.R.S. 32-1399 (1), A.A.C. R4-12-301 (A.) (1.). Motion seconded by Board member Samuel Bueler. Motion passed 7-0. Motion made by Board member for the inclusion of the following Finding of Facts: Failure to provide address on record for decedent and failure to develop and maintain written procedure for the identification of human remains that ensures that remains can be identified from the time that a crematory accepts the delivery of the remains until the cremated remains are released to the authorizing agent. Motion seconded by Board member Samuel Bueler. Motion passed 7-0.

Motion made by Board member James Ahearne to issue a Letter of Reprimand seconded by Board member Rev. Smith. Motion passed 7-0.

In regards to the establishment, Abel Funeral Services, Inc. Following discussion and deliberation Board member James Ahearne motioned for the following conclusions of law: A.R.S. 32-1376 (A), A.R.S 32-1390.01 (A.) (4.) (5.) (6.), and A.A.C. R-4-12-301 (A) (1). Motion seconded by Monsignour O’Keeffe. Motion passed 7-0. Motion made by Board member Samuel Bueler for establishment to absorb the cost of the investigation. Secondly, that establishment is issued a Letter of Reprimand. Lastly, establishment is to provide staff with a copy of procedures to prevent reoccurrences of this nature. Motion seconded by Board member James Ahearne. Motion passed 7-0.

V. GENERAL

Executive Director’s Report – Executive Director Thomas informed Board of a recent trend Involving individuals who represent themselves as funeral directors licensed in other states. In some instances the individual is given a position with the establishment under the condition that he/she applies for licenses in Arizona. As time goes on and inquiries are made, the person may make the false statement that he has already applied to the board for license and is awaiting for completion by staff. In two separate situations and by the same individual, nothing had taken place. The individual was never licensed in another state and in fact his license to act as an intern or (similar to our former apprentice position in Arizona) was revoked for fraudulent misrepresentation as a licensed funeral director/embalmer. The Board is currently cooperating with the association to make licensees aware of the potentially harmful situation and to utilized extreme diligence when taking on new perspective employees.

There being no other business, James Ahearne moved to adjourn at 11:10 a.m. Monsignor O’Keeffe seconded the motion (7-0).

2014 BOARD MEETING SCHEDULE

January 21, 2014	May 20, 2014	September 16, 2014
February 18, 2014	June 17, 2014	October 21, 2014
March 18, 2014	July 15, 2014	November 18, 2014
April 15, 2014	August 19, 2014 teleconf.	December 16, 2014

Rodolfo Thomas
Executive Director

APPROVED BY:

John Munden, President

Hank Adair, Member

James Ahearne, Secretary

Samuel Bueler, Member

Kristina Dyr, Member

Rev. William Smith, Member

Monsignor O'Keeffe, Member