



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 * Robert Hockensmith Public Member * Helene Bergeon, Public Member

MINUTES REGULAR SESSION

Board Meeting Held On:
Tuesday, November 17, 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 November 17, 2020.

Members Present:	Samuel Bueler	Chairman/Industry Member
	James Ahearne	Secretary/Industry Member
	Joe Hornat	Public Member
	Harold Adair	Industry Member
	Amie Gazda	Industry Member
Members Present Telephonically:	Helene Bergeon	Public Member
Members Absent:	Robert Hockensmith	Public Member
Board Staff Present:	Judith Stapley	Executive Director
	Brandon Eaden	Investigator
	Evelyn Estrella	Licensing Administrator
Attorney General’s Office:	Scott Donald	Assistant Attorney General

2. STATEMENT OF PURPOSE

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

3. DECLARATION OF CONFLICTS OF INTEREST

Board member Sam Bueler will recuse from item #6 (F) (2). Board member James Ahearne will recuse from item #6 (C) (2), #6 (C) (3) and #6 (D) (2).

4. MINUTES

Board member James Ahearne moved to approve the minutes of the October 20, 2020 Board meeting. Board member Amie Gazda seconded this motion. Motion passed unanimously 6-0.

Board member James Ahearne moved to approve the executive session minutes- first session of the October 20, 2020 Board meeting. Board member Amie Gazda seconded this motion. Motion passed unanimously 6-0.

Board member James Ahearne moved to approve the executive session minutes- second session of the October 20, 2020 Board meeting. Board member Amie Gazda 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:

NAME	TYPE OF LICENSE	ACTION	MOTION BY	SECOND BY
Cipriana Krier	Funeral Director	Approved 6-0	Ahearne	Gazda
Cipriana Krier	Embalmer	Approved 6-0	Ahearne	Adair
Jami Lee Lomeli	Embalmer	Approved 6-0	Ahearne	Adair
Ismael Herrera	Cremationist	Approved 6-0	Ahearne	Adair
Michael Anthony Laurino	Cremationist	Approved 5-0 Board member Ahearne recused	Adair	Gazda
Yasamin Elena Dye	Cremationist	Approved 5-0 Board member Ahearne recused	Adair	Gazda
Stuart A Hansen	Intern	Approved 6-0	Ahearne	Adair
James Bradley Lincoln	Intern	Approved 5-0 Board member Ahearne recused	Adair	Gazda
Alexandria A Rico	Intern	Approved 6-0	Ahearne	Adair
John R Keating	Salesperson	Approved 6-0	Ahearne	Adair
Pamela Lembo	Salesperson	Approved 6-0	Ahearne	Adair
Desert Lawn Funeral Home Parker	Establishment	Approved 6-0	Gazda	Ahearne
Advanced Cremation Care	Establishment	Approved 5-0 Board member Bueler recused	Gazda	Bergeon

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 2020-FDE-0016 Evergreen Mortuary

Funeral Director Mark Dunn was present and accompanied by Cathy Fiorelli from Evergreen Mortuary. Board members discussed all of the proposed terms in the

consent agreement for Mr. Dunn including the civil penalty. Following further discussion Board member Joe Hornat moved to accept the consent agreement as written with the exception of lowering the civil penalties to \$1500 based on \$300 for each of the five identified violations. This motion was seconded by Board member James Ahearne and carried 5-1 with Board chair Sam Bueler voting “nay”.

B. Docket 2020-FDE-0014 Best Funeral Services Peoria

The location manager Liz Zeig and part owner Spencer Perlman were present on behalf of Best Funeral Services Peoria (Best). Also present from Best was licensed Intern Tiffany Calvillo, licensed Funeral Director and Embalmer Marissa Yannotty-Casabura, Responsible Funeral Director (RFD) at the time of the incident, Andrew Perea-Hernandez, current RFD Kevin Lane, and former Best employee, licensed Funeral Director and Embalmer Erica Gropman. The complainant Becky Orlando, daughter of the decedent, and Donna Ashton granddaughter of the decedent were also present. Board members listened to all of the previously named individuals in an effort to get a clear accounting of events that led to the decedent’s injuries after falling from a shelf in the decedent cooler as well as subsequent events after the incident.

EXECUTIVE SESSION (first session):

Board member James Ahearne 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 with AAG Scott Donald at 11:12 a.m.

OPEN MEETING: The Board returned to open session at 11:37 a.m.

Following further discussion Board member James Ahearne moved to issue a letter of concern to Best Funeral Services Establishment and Crematory license. This motion was seconded by Board member Amie Gazda and carried 6-0. Board member James Ahearne moved to issue letters of reprimand via consent agreements to licensed Intern Tiffany Calvillo, licensed Funeral Director/Embalmer Erica Gropman and RFD Andrew Perea-Hernandez. This motion was seconded by Board member Joe Hornat and carried 6-0.

Further discussion continued regarding the incident that occurred at Best.

EXECUTIVE SESSION (second session): Board chair Sam Bueler moved to enter into executive session for legal advice. This motioned was seconded by Board

member Joe Hornat and carried 6-0. The Board entered into executive session for legal advice with AAG Scott Donald at 12:38 p.m.

OPEN MEETING: The Board returned to open session at 12:55 p.m.

Board member Joe Hornat moved to rescind the original motion for Best Funeral Services and Crematory to receive a letter of concern. This motion was seconded by Harold Adair. Roll call vote tied with no majority, motion failed. Board members James Ahearne, Amie Gazda and Sam Bueler voting “nay” and Board members Harold Adair, Joe Hornat and Helene Bergeon voting “yea”.

Board chair Sam Bueler moved to have this matter moved to a formal hearing. The motion failed for lack of a second. Board chair Sam Bueler then changed this motion to move that all previous motions be rescinded. The motion failed for lack of a second. Board chair Sam Bueler then made a motion to move the matter involving the funeral establishment and crematory to a formal hearing. The motion failed for lack of a second.

Legal counsel advised that the original motion to issue letters of concern to both the funeral establishment and crematory would need to be rescinded before any further motion could be made.

Board member Harold Adair moved to rescind the motion for a letter of concern for Best Funeral Service establishment and Best Funeral Service crematory. This motion was seconded by Board member Helene Bergeon and carried 4-2 with Board members James Ahearne and Amie Gazda voting “nay”.

Board chair Sam Bueler moved that the matter go to a formal hearing. The motion was seconded by Board member Harold Adair. Roll call vote tied with no majority, motion failed. Board members Harold Adair, Joe Hornat and Sam Bueler voting “yea”, and Board members James Ahearne, Amie Gazda and Helene Bergeon voting “nay”.

Board member Helene Bergeon moved to issue a consent agreement to the funeral establishment and crematory including a letter of reprimand and civil penalties of \$500 per violation and any administrative costs incurred by the Board. Board member Joe Hornat seconded that motion, which carried 4-2 with Board members James Ahearne and Amie Gazda voting “nay”.

Board member Helene Bergeon moved to amend the motion to issue a consent agreement to the funeral establishment and crematory including a letter of reprimand

with no civil penalty. Board member Joe Hornat did not agree to an amendment. Motion stands as it was initially made by Board member Helene Bergeon.

*Board member Helene Bergeon left the meeting at 1:37 p.m.

C. Docket 2020-FDE-0024 and 0025 (0025 is a duplicate) Martinez Funeral Chapel

The Responsible Funeral Director at the time of the incident, Tomas Martinez was present telephonically on behalf of Martinez Funeral Chapel-Tucson. The complainant Martha Coronado was also present telephonically. Following discussion Board member Harold Adair moved to issue a letter of concern to the licensed funeral establishment with suggestion that they ensure all cremated remains are mailed according to the requirements of the United States Postal Service. This motion was seconded by Board member Joe Hornat and carried 5-0.

8. 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. Sunset Audit Report was published on November 5, 2020 and sent to all Board members. There will be a follow up from the Office of the Auditor General in six months.

B. Update on Board member training provided by Dale Atkins, legal counsel for the International Conference of Funeral Service Examining Board (ICFSEB) Board member Harold Adair and Board staff members, Yazmin Bustamante, Brandon Eaden and Judith Stapley all attended this training session.

9. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETINGS:

Board member Harold Adair asked for items #8 (A) and #8 (B) to be agendized at the next Board meeting for further discussion.

10. REVIEW OF SCHEDULED BOARD MEETINGS:

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

2020 BOARD MEETING SCHEDULE

DECEMBER 15, 2020

11. ADJOURNMENT

Board member James Ahearne moved to adjourn the meeting. This motion was seconded by Board member Sam Bueler and carried 5-0. The Board adjourned at 3:28 p.m.

Judith Stapley
Executive Director