



**ARIZONA STATE BOARD OF
FUNERAL DIRECTORS AND EMBALMERS**

Natasha Culbertson Executive Director
www.funeralboard.az.gov

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Douglas A. Ducey
Governor

Samuel Bueler, Chairman/Industry Member * Amie Gazda, Secretary/Industry Member
Harold Adair, Industry Member * Joe Hornat, Public Member
Helene Bergeon, Public Member * Lemuel D. Cannon, Public Member

**MINUTES
REGULAR SESSION**

**Board Meeting Held On:
Tuesday, September 21, 2021 • 9:00 a.m. • 1st Floor Conference Room “C”
1740 West Adams Street • Phoenix, AZ 85007**

1) CALL TO ORDER

Board Chairman Samuel Bueler called the Board Meeting to order at 9:00 a.m.

Members Present:	Samuel Bueler	Chairman/Industry Member
	Amie Gazda	Secretary/Industry Member
	Lemuel Cannon	Public Member
	Helene Bergeon	Public Member

Members Not Present:	Joe Hornat	Public Member
	Harold Adair	Industry Member

Board Staff Present:	Natasha Culbertson	Executive Director
	Brandon Eaden	Investigator
	Marisa Zavala	Licensing Administrator

Attorney General’s Office Present:	Justin Larson	Assistant Attorney General
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2) STATEMENT OF PURPOSE

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

3) DECLARATION OF CONFLICTS OF INTEREST- A.R.S. § 38-503

Board member Amie Gazda recused herself from agenda item 5(F)(1), Multiple Funeral Director license application for David J. Long.

Board member Helene Bergeon recused herself from agenda item 5(A)(2), Funeral Director license application for Cheryl M. Tipton.

4) REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING APPROVAL OF BOARD MEETING MINUTES

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.

Board member Amie Gazda moved to approve the minutes of the August 17, 2021 Board meeting. Board member Lemuel Cannon seconded this motion. Motion passed unanimously 4-0.

5) REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING APPLICANTS

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.

NAME	TYPE OF LICENSE	ACTION	MOTION BY	SECOND BY
Michael R McNeil	Funeral Director Embalmer (Universal Recognition)	Approved 4-0	Gazda	Bergeon
Cheryl M. Tipton	Funeral Director	Tabled due to no quorum		
Matthew Asta	Funeral Director Embalmer	Approved 4-0	Gazda	Cannon
Kimberly Rose Limber	Intern	Approved 4-0	Gazda	Bergeon
Sirrien N. Homan	Embalmer (Incorrectly agendized as application for Intern)	Approved 4-0	Cannon	Bergeon
Mariah Jordan Moreno	Intern	Approved 4-0	Bergeon	Cannon
Elizabeth M. Curry	Intern	Approved 4-0	Gazda	Bergeon
Jasmin Laura Vargas	Salesperson	Approved 4-0	Bergeon	Cannon
Luis Alberto Palencia Velasco	Salesperson	Approved 4-0	Gazda	Bergeon
Davian Morales	Salesperson	Approved 4-0	Bergeon	Cannon
Michael Navarro	Salesperson	Approved 4-0	Cannon	Bergeon
Chad Davis	Salesperson	Approved 4-0	Gazda	Bergeon
Craig Butler	Salesperson	Approved 4-0	Cannon	Bergeon
Kimberly LeAnn Araujo	Salesperson	Approved 4-0	Bergeon	Cannon
Adam Christopher Sevada	Cremationist	Approved 4-0	Gazda	Bergeon
Kristina Beller	Cremationist	Approved 4-0	Bergeon	Cannon
David J. Long	Multiple Funeral Director	Tabled due to no quorum		
Mohave Memorial Crematory	Crematory	Approved 4-0	Bergeon	Cannon

6) REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING INVESTIGATION FILES

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-0026 Angels in Waiting Cremation and Burial Services

1. Continued from July 20, 2021 Board meeting - Board will review and consider adopting draft consent agreement with findings of fact and conclusions of law, and if adopted, consider potential disciplinary order to be included in the consent agreement. Board will also consider additional information received by Board staff since last investigative review.

Appearing in-person on behalf of Angels in Waiting Cremation and Burial Services for the continued discussion and review of this docket was Responsible Funeral Director (RFD) Chastity Mueller.

After further review of the additional requested training materials and drafted Consent Agreement and Letter of Concern, Board member Amie Gazda motioned to adopt the Findings of Fact (FOF) and Conclusions of Law (COL) presented in the Consent Agreement and issue the Letter of Concern to Ms. Mueller. The motion was seconded by Board member Lemuel Cannon and carried unanimously 4-0. The FOF and COL demonstrated that a violation had occurred in reference to A.R.S. § 32-1382(A)(3) and Arizona Administrative Code (A.A.C.) R4-12-301(1) and (2).

After the FOF and COL presented in the Consent Agreement were adopted, the Board discussed the Disciplinary Order to be included in the Consent Agreement. Board member Amie Gazda motioned to include a \$500.00 civil penalty, collect \$250.00 in administrative costs, and issue a Letter of Reprimand to be included in the Consent Agreement. The motion was seconded by Board member Lemuel Cannon and carried unanimously 4-0. Board staff was instructed to add the Disciplinary Order into the previously drafted Consent Agreement, which would then be presented to Harold Marcus, the owner of Angels in Waiting Cremation and Burial Services.

Board Chairman Samuel Bueler motioned to move the docket to an informal interview if the Consent Agreement is not accepted by Mr. Marcus on behalf of the establishment. The motion was seconded by Board member Amie Gazda and carried unanimously 4-0.

B. Docket 2020-FDE-0060 Bring's Broadway Chapel

1. Continued from July 20, 2021 Board meeting - Board will review and consider adopting draft consent agreement with findings of fact and conclusions of law, and if adopted, consider potential disciplinary order to be included in the consent agreement.

Appearing telephonically on behalf of Bring's Broadway Chapel for the continued discussion and review of this docket was Responsible Funeral Director (RFD) Allan Nibert and the Complainant, Deborah Fisher.

After further discussion and review of the drafted Consent Agreement, Board member Amie Gazda motioned to adopt the Findings of Fact (FOF) and Conclusions of Law (COL) presented in the Consent Agreement for both licensees and to split the Consent Agreement into two separate agreements for clarity of the disciplinary actions. The motion was seconded by Board member Lemuel Cannon and carried unanimously 4-0. The FOF and COL demonstrated that a violation had occurred in reference to A.R.S. §§ 32-1365.02, 36-325(A), 36-321(B), and A.A.C. R4-12-301(A).

Executive Session:

After the FOF and COL presented in the Consent Agreement were adopted, Board Chairman Samuel Bueler moved to go into Executive Session to receive legal advice regarding the Disciplinary Orders to be included in the Consent Agreements. The motion was seconded by Board member Amie Gazda and carried unanimously 4-0. The open session meeting recessed at 9:48 a.m. for Board members to go into Executive Session.

Open Session:

Board members returned to open session at 10:21 a.m.

After further discussion of the possible Disciplinary Order, Board member Amie Gazda motioned to rescind her previous motion of adopting the FOF and COL presented in the Consent Agreement for both licensees and instead moved to issue a Letter of Concern to the RFD, Mr. Nibert and to only present a Consent Agreement to Mr. Neville. The motion was seconded by Board member Lemuel Cannon and carried unanimously 4-0.

Board member Amie Gazda motioned for the Disciplinary Order of the Consent Agreement to include \$4,000.00 in civil penalties (one \$1,000.00 penalty for each violation) and for Mr. Neville to pay the required exam fee and retake and pass the State Law exam within 60 days of the Consent Agreement being executed. Mr. Neville's license would be on probation until he passed the State Law exam. The motion was seconded by Board member Lemuel Cannon and carried unanimously 4-0.

7) CONSENT AGENDA ITEM - REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING DISMISSAL OF CEMETERY DOCKETS

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 2021-FDE-0005 Paradise Memorial Gardens Cemetery
- B. Docket 2021-FDE-0030 Greenwood Memory Lawn Mortuary & Cemetery

No one was present for the discussion and review of these dockets.

Board Chairman Samuel Bueler moved to dismiss these complaints since they do not fall under the jurisdiction of this Board. The motion was seconded by Board member Amie Gazda and carried unanimously 4-0.

8) REVIEW, DISCUSSION, AND POSSIBLE ACTION REGARDING CRIMINAL HISTORY PETITION FORM FROM KATIE LACKEY

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.

Katie Lackey appeared in-person for the review and discussion of her Criminal History Petition.

After a review of all documentation and discussion, Board member Amie Gazda motioned that Ms. Lackey's criminal history, as presented today, would not disqualify her to apply for licensure in the future. The motion was seconded by Board member Lemuel Cannon and carried unanimously 4-0.

The Board will issue a written response with their determination to Ms. Lackey.

9) ASSISTANT ATTORNEY GENERAL LEGAL TRAINING FOR BOARD MEMBERS AND STAFF (REVIEW AND DISCUSSION)

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. Disciplinary Actions

Assistant Attorney General Justin Larson provided a detailed training regarding the substance and procedure of disciplinary actions before the Board. Mr. Larson summarized the attorney-client memo which he provided to the Board prior to the meeting and explained that the materials were intended not only for this training but also to guide the Board members in future disciplinary cases.

10) REVIEW AND DISCUSSION REGARDING THIRD QUARTER INSPECTION UPDATE

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.

During the third quarter of 2021, fifteen inspections were completed. Of those fifteen inspections, three were for new establishments and one was for a new crematory. To date, there have been eighty inspections completed in 2021. Currently there are fifty-six (56) licensed crematories and one-hundred and eighty-two (182) licensed funeral establishments. In total, there are two-hundred-and-thirty-eight (283) establishments.

11) CALL TO THE PUBLIC

Public input is encouraged. Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during this time to a reasonable number on any public comment matter. In addition, each person wishing to address the Board will be given five (5) minutes to do so. Pursuant to A.R.S. § 38-431.02(H), the Board can only take action on matters listed on the agenda. Action on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or to schedule the matter for further review at a later date.

Cassandra Casey-Khneiger, Responsible Funeral Director for All Options Funeral Home came forward to voice her concerns regarding her staffs' inability to obtain burial permits in a timely manner due to after hour support for the DAVE System being unavailable, specifically during the weekends and holidays. Toni Miller, Policy Manager & Community Partner Liaison for the Arizona Department of Health Services (ADHS) Bureau of Vital Records (BVR) advised Ms. Casey-Khneiger to write a letter to Bureau Chief Krystal Colburn outlining her concerns.

James Ahearne, Chief Operating Officer for Messinger Indian School Mortuary ("Messinger"), came forward on behalf of Michelle Horton, the Responsible Funeral Director for Messinger, to speak about the permanent chronological log of cremations. He discussed how Messinger does not currently maintain a chronological log of cremations and that it would not be practical to do so since cremations are not performed on the mortuary's property. He asked that the Board review this requirement since it no longer makes sense to require mortuaries to maintain a permanent log when the establishment is not performing cremations on site and staff does not have easy access to the required information.

12) EXECUTIVE REPORT (REVIEW, DISCUSSION)

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. Update regarding appointment of Public Board Member

Director Culbertson provided the Board with an update she received from Gabriella Lepore, the Deputy Director for the Boards and Commissions, regarding the appointment of a new public member. According to Ms. Lepore, the Governor's Office is working to fill the vacancy and an update will be provided to Board staff as soon as possible.

13) FUTURE AGENDA ITEMS

Based on the topic brought up in the Call to the Public by Mr. Ahearne, the Board requested that a discussion regarding permanent chronological log of cremations be placed on the October agenda.

14) REVIEW OF SCHEDULED BOARD MEETINGS

OCTOBER 19, 2021 NOVEMBER 16, 2021 DECEMBER 21, 2021

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

15) ADJOURNMENT

Board member Helene Bergeon moved to adjourn the meeting. This motion was seconded by Board member Amie Gazda and carried unanimously 4-0. The Board adjourned at 11:45 a.m.