

**Massachusetts Board of Registration in Embalming and Funeral Directing
Minutes**

Meeting of 3/24/15

Held at
1000 Washington Street, Boston, MA, 02118
at 10:00 a. m.
Room 1D

Board Members Present:

Dahria Williams-Fernandes
Peter Stefan
Thomas O'Donnell
Paul Phaneuf

Staff Members Present:

Colleen Cavanaugh, Associate Executive Director
Rachael Pauze, Board Counsel
Robert Williams, Investigator
Yadi Rivera, Board Staff

Others Present:

Kathy Cartmell-Sirrico
J. Michael Dunphy
Maureen McGehan-Suppe
Joseph Davis
Jennifer Davis
Daniel Holland
John Vincent Jr
Tracy Woodfield
Eric Pinney
Bill Chapman
Daniel Cotnoir
David Cotnoir

Michael Calway
Douglas Bartlett
Brad Cartwright
Chris Luciano
Katherine Souther
Katharine Bartlett
Robert Durand
Rodney Jacques
Jean Kolling
Kim Perry
Stacy Sabia

Call to Order: Ms. Williams Fernandes called the meeting to order at 10:05 a. m. Board staff reviewed building evacuation procedures and noted the location of restrooms.

Report from Executive Director Michael Hawley

Mr. Hawley informed everyone that Mr. Paul Phaneuf was sworn in as a Board member. Mr. Hawley also informed the Board of a much more user friendly

version of the Pre-need Report that we will be able to post on the Board's website.

Mr. Hawley informed the board that the staff was working on compiling data in regards to all licenses in a disciplinary status. More information will follow.

Application review, vote, and swearing in:

Type 6s – Review and vote on applications, swearing-ins:

The Board met with Eric Pinney of Chapman, Cole, and Gleason Funeral Home and issued him a Type 6 license.

A motion was made by Mr. O'Donnell, seconded by Mr. Stefan, and it was:

Voted unanimously to accept the above referenced applicant.

Apprentices - Review and vote on applications

The board met with Katharine Bartlett of Bartlett Funeral Home, Katherine Souther of Nickerson Funeral Home, Robert Durand of Cartwright Funeral Home and issued them apprentice licenses.

A motion was made by Mr. O'Donnell, seconded by Mr. Stefan, and it was:

Voted unanimously to accept the above referenced applicants.

Paul Phaneuf recused himself in the following matter:

The Board met with Tracy Woodfield of Toomey Obrien Funeral Home and issued her an apprentice license.

A motion was made by Mr. O'Donnell, seconded by Mr. Stefan, and it was:

Voted by majority to accept the above referenced applicant.

Funeral Assistants - review and vote on applications

The Board met with Michael Calway of MacKinnon Funeral Home and issued him a funeral assistant license.

A motion was made by Mr. O'Donnell, seconded by Mr. Phaneuf, and it was:

Voted unanimously to accept the above referenced applicant.

Funeral Establishments:

Board Counsel briefed the Board on the application for Edgar J. Racicot, Inc. A motion was made by Mr. O'Donnell, seconded by Mr. Stefan to accept the application for Edgar J. Racicot, Inc.

Motion passed unanimously.

Board Counsel briefed the Board on the application for Davis Funeral & Cremation, Inc. A motion was made by Mr. O'Donnell, seconded by Mr. Phaneuf to accept the application for Davis Funeral & Cremation (2 locations in Plymouth).

Motion passed unanimously.

Board Counsel briefed the Board on the application for Stanetsky Memorial Chapels and alerted the Board that the funeral home would need a compliance plan for accessibility purposes. A motion was made by Mr. O'Donnell, seconded by Mr. Phaneuf to grant Stanetsky memorial Chapels an establishment certificate on the condition that the funeral home come into compliance with accessibility requirements by June 30, 2015.

Motion passed unanimously.

Board Counsel briefed the Board on the application for Stanetsky Hymanson Memorial Chapels. A motion was made by Mr. O'Donnell, seconded by Mr. Phaneuf to grant Stanetsky Hymanson Memorial Chapels at the Canton location an establishment certificate. **Motion passed unanimously.**

Mr. O'Donnell recused himself in the following matter:

A motion was made by Mr. Phaneuf, seconded by Mr. Stefan to grant Stanetsky Hymanson Memorial Chapels at the Salem location an establishment certificate on the condition that the funeral home come into compliance with accessibility requirements by June 30, 2015.

Motion passed by majority.

The Board met with Stacy Sabia of Stanetsky Hymanson Memorial Chapel and issued her a Type 3 license.

A motion was made by Mr. Phaneuf, seconded by Mr. Stefan, and it was:

Voted unanimously to accept the above referenced applicant

CEU Provider Applications:

ICCFA Program
NFDA
Casket Educational Seminar
International Order of the Golden Rule

A motion was made by Mr. Phaneuf, seconded by Mr. O'Donnell; and it was:

Unanimously voted to approve the above continuing education courses.

Report from Board Counsel, Rachael Pauze:

Ms. Pauze discussed the Supreme Court decision in NC State Board of Dental Examiners v Federal Trade Commission. She reviewed the decision and discussed ways in which it may affect licensing Boards in Massachusetts. There is concern that boards whose members consist primarily of practitioners of the regulated profession may be subject to personal liability for board decisions if there is not sufficient government supervision. Ms. Pauze will monitor the legal implications from the case as they develop.

Mrs. Pauze presented information regarding different business entities that operate funeral homes and the triggers for a change of ownership which require a new establishment certificate under the law.

Investigative Session Case, Investigative Conferences, Settlement Offers: Closed session pursuant to G.L. c. 112, § 65C

A motion was made by Mr. Phaneuf, seconded by Mr. Stefan and it was so

Voted: To enter Investigative Conference, Settlement Offers: Closed session pursuant to M.G.L. c. 112, § 65C at 1:37 pm.

Public Session resumed at 3:48 pm.

During the Investigative Conference, Settlement Offers the Board took the following actions:

EM-15-004 – Dismissed

EM-15-007 – Forward to prosecutions

EM-15-011 – Mr. Phaneuf recused himself and left the room. Tabled.

EM-15-012 – forward to prosecutions

EM-15-016 – Mr. Phaneuf recused himself and left the room. Forward to prosecutions

FE-15-004 – Dismiss

SA-EM-14-011 – Open complaints.

3:48 p.m. Adjournment

Mr. Stefan moved to adjourn the meeting. Motion seconded by Mr. Phaneuf. Motion passed unanimously

Respectfully submitted,

A handwritten signature in cursive script that reads "Colleen Cavanaugh".

Colleen Cavanaugh
Associate Executive Director

List of Documents used at the meeting:

Agenda for the March 24, 2015 meeting

Applications

Type 6s

Eric Pinney

Apprentices

Thomas Cole

Katherine Souther

Robert Durand

Funeral Assistants

Michael Calway

Alan Waletkus

Funeral Establishments

Edward J Racicot, Inc

Davis Funeral & Cremation

CEU Provider Applications

ICCFA Program

NFDA

Casket Educational Seminar

International Order of the Golden Rule

Correspondence:

North Carolina State Board of Dental Examiners v. Federal Trade Commission

Funeral Establishments Presentation