

Public Meeting Minutes

Board Members Present:

Dahria Williams-Fernandes
Peter Stefan (arrived at 10:29)
Paul Phaneuf
Carolyn Lindsay
Thomas O'Donnell

Staff Members Present:

Colleen Cavanaugh, Associate Executive Director
Rachael Pauze, Board Counsel
Robert Williams, Investigator
Christopher Carroll, Chief Investigator

Others Present:

John McDonough
Richard Demers
Robert Tonello
Wayne Carroll
Charles Breen
Lisa Breen
Eric Berube
Daniel Jeffrey
Russell Lanoue
Marguerite Gustafson
Kevin Wade
Leonard F. Rose Jr.
Jay McKenna
John Faidell
Karyn Cheney
Mark Cedarfield
Linda Caouette
Andrew Mortimer
Robert McNally
Jim Buma
John F. Zimmerman
Paul E. Santos

Brendan Fahy
Alan Borneman
Christopher McDonald
Brian T. Anderson
Bryan Givner
John Grzyb
Robert Lucier Jr.
Glenn D. Burlamachi
Fred Dello Russo Jr.
John C. Cardile
Trent Alexis
Vincent Giovenelli III
Brianna Bennett
Anthony C. O'Donnell
Kathy Cartmell-Sirrico
Jeffrey E. Megna
John E. McCarthy
Eugene McCarthy
William Lawler
Robert Lawler
Brian McKinney

Call to Order

Ms. Williams-Fernandes called the meeting to order at 10:05 a.m. Associate Executive Director reviewed building evacuation procedures and noted the location of restrooms.

Board Business:

- Review and approve previous meeting minutes –Tabled until a future board meeting.

10:06 am: Investigative Session Case, Investigative Conferences, Settlement Offers: Closed session pursuant to M.G.L. c. 112, § 65C

Ms. Lindsay moved to enter Investigative Conference [Closed session pursuant to M.G.L. c. 112, § 65C] to consider disciplinary cases and settlement offers. The motion was seconded by Mr. Phaneuf. Motion passed unanimously.

At the end of the closed session the public meeting resumed.

During the Investigative Conference the Board voted to take following actions:

- EM-15-007 – Provide Guidance to prosecutor
- EM-15-012 – Provide Guidance to prosecutor
- EM-15-002/FE-15-001 - Provide Guidance to prosecutor
- FE-14-002/EM-015/017/018 – Provide Guidance to prosecutor (Mr. Stefan recused)
- EM-16-002 – Table
- EM-16-003 – Dismiss
- EM-16-001 – Table
- EM-16-007 - Table

11:17 am: Closed – Executive Session pursuant to M.G.L. c. 30A, § 21(a) (1)

The Board members noted that several applicants had issues requiring review in Executive Session. The Board would enter Executive Session as necessary. However, it was acknowledged that, due to these issues just being discovered, the Board could only go into Executive Session if the applicants waived notice. A waiver was provided where applicable.

Ms. Lindsay moved to enter executive session [pursuant M.G.L. c. 30A, § 21(a) (1)] for the purpose of discussing an applicant's character rather than professional competence. Mr. Phaneuf seconded the motion. A roll call vote was taken:

Members in favor: Mr. Stefan, aye, Mr. Phaneuf, aye, Ms. Lindsay, aye, Ms. Williams-Fernandes, aye.

Members opposed: none

The chair announced that the Board would enter in executive session for the purpose of discussing character rather than competence of an applicant and that she expected the open meeting to resume in 20 minutes.

At the end of the closed session, the open meeting resumed.

Report from Executive Director, Michael Hawley

Mr. Hawley not present due to other obligations – no report.

Report from Legal Counsel, Rachael Pauze

No report.

Tentative Schedule of 2016 Board Meetings:

The Board approved the following meeting dates, subject to possible changes in the future:

Tuesday, January 5, 2016	Tuesday, July 5, 2016
Tuesday, January 19, 2016	Tuesday, July 19, 2016
Tuesday, February 2, 2016	Tuesday, August 2, 2016
Tuesday, February 16, 2016	Tuesday, August 16, 2016
Tuesday, March 1, 2016	Tuesday, September 6, 2016
Tuesday, March 15, 2016	Tuesday, September 20, 2016
Tuesday, April 5, 2016	Tuesday, October 4, 2016
Tuesday, April 19, 2016	Tuesday, October 18, 2016
Tuesday, May 3, 2016	Tuesday, November 1, 2016
Tuesday, May 17, 2016	Tuesday, November 15, 2016
Tuesday, June 7, 2016	Tuesday, December 6, 2016
Tuesday, June 21, 2016	Tuesday, December 20, 2016

The Board also discussed the availability of a call-in option for members who cannot be present. Board counsel advised that this is allowable but the board will need to review the requirements. The requirements will be presented to the board at a future meeting.

Regulation Review

The board discussed regulations briefly but, because of time constraints further discussion was tabled until the October meeting.

11:51 Lunch Break

12:53pm,

Type 3 – Review and vote on application

The Board met with

- T. Eric Berube

**Mr. O'Donnell moved to approve the above applicant. Mr. Stefan seconded.
Motion passed unanimously.**

Type 6 – Review and vote on application

The Board met with:

- Daniel B. Jeffrey – Unaffiliated
- John Grzyb – Paradis Givner funeral home

**Mr. O'Donnell moved to approve the above applicants. Ms. Lindsay seconded.
Motion passed unanimously with Mr. Stefan recused from the vote.**

New Type 6 licensees were sworn in.

Apprentices – Review and vote on applications

The Board met with:

- Brianna N. Bennett of Henry J O'Donnell & Sons Funeral Home
- Christopher J. McDonnell of Cartmell Funeral Home
- John F. Zimmerman of Buma Funeral Home

Ms. Lindsay moved to accept the above three applicants. Mr. Phaneuf seconded. Motion passed unanimously with Mr. O'Donnell recused.

The Board also met with:

- Brendan M. Fahey of Copeland McKinnon Funeral Home

Mr. Fahey has already held a license as an apprentice embalmer. The license expired in 2014 after ten years of licensure. Since this is beyond the six year limit for apprentices, the board did not approve his reinstatement as an apprentice.

Mr. O'Donnell moved to require Mr. Fahy to submit an application for licensure as a Funeral Assistant and to delegate to board staff the authority to approve the application

and issue the license without requiring Mr. Fahy to appear before the Board again. Ms. Lindsay seconded. Motion passed unanimously.

Funeral Assistants - Review and vote on applications

The Board met with the following new applicants for Funeral Assistant Licenses:

- Alan H. Borneman of Louis M. Isabelle Funeral Home
- Linda L. Caouette of Sherman and Jackson Funeral Home
- Andrew T. Mortimer of McNally and Watson Funeral Home
- Russell V. Lanoue of Richardson Gaffey Funeral Home
- Karyn M. Cheney of Dahlborg McNevin Funeral Home
- Vincent J. Giovenelli III of Dello Russo Funeral Home
- Robert W. Lucier Jr. of McKenna Ouellette Funeral Home
- Leonard F. Rose Jr. of O'Keefe Wade Funeral Home

Mr. Phaneuf moved to accept the above eight applicants. Ms. Lindsay seconded. Motion passed unanimously.

The Board also met with the following Apprentice Embalmers who are transitioning to Funeral Assistants:

- Trent S. Alexis of Dello Russo Funeral Home
- John C. Cardile of Dello Russo Funeral Home

Mr. O'Donnell moved to accept the above two applicants. Ms. Lindsay seconded. Motion passed unanimously.

- Lisa M. Breen of John Breen Memorial Funeral Home

Mr. O'Donnell moved to accept the above applicant. Mr. Phaneuf seconded. Motion passed unanimously.

Mr. James F. Scott was also scheduled to appear as a candidate for licensure as a funeral assistant. However he did not appear. No action was taken on his application.

Establishment Updates:

- E & J Memorial Services Inc. dba Perez Funeral and Cremation Services – Board staff updated the board on Mr. Perez progress on meeting the conditions for licensure.

Establishment Certificate Applications:

- McCarthy, McKinney, and Lawler Funeral Home, LLC
 - Type 3 - Brian C. McKinney

Board Counsel briefed the Board on the establishment certificate application. The application is pursuant to a sale of the Eugene J. McCarthy Funeral Home. The closing of the sale is contingent

upon the board's approval of the Funeral Establishment and Type 3 licensee. Mr. John McCarthy and Mr. Eugene McCarthy plan to continue working at the new establishment as non-owners.

Ms. Lindsay moved to accept this funeral establishment application and to accept Brian McKinney as a type 3 licensee. Mr. O'Donnell seconded. Motion passed unanimously

Mr. O'Donnell moved to require that Mr. McKinney provide written updates to Board staff every three months and complete the documentation within six months. Ms. Lindsay seconded. Motion passed unanimously.

Mr. O'Donnell moved to delegate to staff permission to approve the applications of Mr. John McCarthy and Mr. Eugene McCarthy for licensure as Type 6 embalmers and funeral directors once they are submitted and complete. These two applicants will not be required to meet with the Board again prior to licensure as Type 6 embalmers and funeral directors. Ms. Lindsay seconded. Motion passed unanimously

- Jeffrey E. Megna, LLC d/b/a F.S. Roberts and Sons Funeral Home
 - Type 3 – Jeffrey E. Megna

Board Counsel briefed the Board on the establishment certificate application. The application is pursuant to a sale of the F.S. Roberts and Sons Funeral Home to Jeffrey E. Megna. The application has an outstanding issue having to do with a 1000 gallon holding tank. One other outstanding issued has to do with a deficiency in the letter to holders of the preneed accounts with the previous establishment.

Ms. Lindsay moved to accept the above funeral establishment and Type 3 embalmer and funeral director applications with the condition that they resolve the issues with the holding tank and the preneed letter. Mr. O'Donnell seconded. Motion passed unanimously.

Wall Certificates

Certificates for the following establishment licenses were signed by the board:

- FE-506
- FE-203
- FE-831

CEU Provider Applications

Aurora Casket Co.

- The Aurora Casket Plant Tour

New Jersey Funeral Service Education Corporation

- SHE Commerce: How Woman Shop and What Motivate Them to Buy
- The 6.5 Strange and contradictory Things Funeral Home are Doing to Survive and Win
- The Final Touch
- Online Engagement: Tech Terms and Tools Made Easy

Board of Registration in Embalming and Funeral Directing
1000 Washington Street 1st Floor Room 1D, Boston, MA 02118

Date: September 22, 2015 Time: 10:00 am

- A Funeral Service Trifecta: Ethics, Morals and Values
- Getting to the Heart of Customer Satisfaction
- Youth Suicide: The Prevention and Post-Vention Roll of the Funeral Director
- When Death Sabotages a Holiday
- Massive Trauma with Airbrush Demonstration

NFDA

- Interactive Seminar (same seminar offered on two different days) Nov.3rd or Nov.4th

Ms. Lindsay moved to approve all of the above courses. Mr. O'Donnell seconded. Motion passed unanimously.

Open session for topics not reasonably anticipated 48 hours in advance of meeting:

- Board discussed the idea of reinstating a practical exam. Board counsel informed the board that the option to have a practical exam exists in the statute and is not ruled out in the regulation. The exam was discontinued years ago reportedly due to unavailability of eligible corpses. Board members opined that there were plenty of bodies available and the test ought to be reinstated.
- Board chair discussed possible meetings with other state agencies.
- Board expressed desire for former board counsel, Charles Kilb, to attend next board meeting in anticipation of his filling in for current board counsel during her upcoming leave.
- Board request that staff redistribute to board members a current red-lined copy of the proposed regulations.
- Board expressed desire to solicit comments regarding the regulations from other state agencies. Board Counsel informed the Board that this was the purpose of the public hearing(s) that will be held prior to promulgation of the changes.
- The Board discussed potential dates for added meetings to discuss regulatory changes pursuant to executive order 562. Board staff will coordinate and reach out to board members regarding addition meetings.

Adjournment:

At 4:14 pm Ms. Lindsay moved that the meeting adjourn. Mr. Phaneuf seconded. Motion passed unanimously.

Respectfully submitted,



Michael Hawley
Executive Director

Board of Registration in Embalming and Funeral Directing
1000 Washington Street 1st Floor Room 1D, Boston, MA 02118

Date: September 22, 2015 Time: 10:00 am

List of Documents used at the meeting:

Agenda for the September 22, 2015 meeting

Tentative schedule of Board meetings for 2016

Applications for CE approval of the following courses:

Aurora Casket Co.

- The Aurora Casket Plant Tour

New Jersey Funeral Service Education Corporation

- SHE Commerce: How Woman Shop and What Motivate Them to Buy
- The 6.5 Strange and contradictory Things Funeral Home are Doing to Survive and Win
- The Final Touch
- Online Engagement: Tech Terms and Tools Made Easy
- A Funeral Service Trifecta: Ethics, Morals and Values
- Getting to the Heart of Customer Satisfaction
- Youth Suicide: The Prevention and Post-Vention Roll of the Funeral Director
- When Death Sabotages a Holiday
- Massive Trauma with Airbrush Demonstration

NFDA

- Interactive Seminar (same seminar offered on two different days) Nov.3rd or Nov.4th

Applications for the following applicants:

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| <ul style="list-style-type: none">• T Eric Berube• Daniel B. Jeffrey• John Grzyb• Amanda Leonhardt• Brianna N. Bennett• Christopher J. McDonnell• John F. Zimmerman• Brendan M. Fahy• James F. Scott• Alan H. Borneman• Linda L. Caouette• Andrew T. Mortimer• Russell V. Lanoue | <ul style="list-style-type: none">• Lisa M. Breen• Karyn M. Cheney• Vincent J. Giovenelli III• Robert W. Lucier Jr.• Leonard F. Rose Jr.• Trent S. Alexis• John C. Cardile• McCarthy, McKinney, and Lawler
Funeral Home, LLC<ul style="list-style-type: none">○ Type 3 - Brian C. McKinney• Jeffrey E. Megna, LLC d/b/a F.S. Roberts
and Sons Funeral Home<ul style="list-style-type: none">○ Type 3 – Jeffrey E. Megna |
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Wall Certificates for the following establishments

- FE-506
- FE-203
- FE-831