

**Massachusetts Board of Registration in Embalming and Funeral Directing  
Public Session Minutes  
Meeting of 1/19/16**

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

**Board Members Present:**

Carolyn Lindsay  
Thomas O'Donnell  
Peter Stefan

**Board Members Absent:**

Patrick Driscoll  
Paul Phaneuf

**Staff Members Present:**

Michael Hawley, Executive Director  
Shara Benedetti, Associate Executive Director  
Charles Kilb, Board Counsel  
Robert Williams, Investigator

**Others Present:**

Michael Antonellis  
Deitra Belanger  
William Belanger  
Ryan Cameron  
Kathy Cartmell-Sirrico  
Anthony Conte  
Robert Corliss  
Dennis Cunningham  
Dennis Dufresne  
George Faggar  
Brett Farrell  
Frank Feger  
Robert Frost  
Bridget Groth  
Cheryl Hanson  
Neil Hardy  
Paul Hardy  
Marc Hebbelink  
Donald Hill  
Dennis Hoffer  
Richard Holland

Adam Holdaway  
Jerome Jozak  
Dean Laurendeau  
Marc Lopes  
Katherine Moriarty  
Robert Norton  
Joshua Rogers  
Alan Rosemond  
Richard T. Saunders, Jr.  
William Saunders  
Joseph Soares  
Douglas Stone  
Douglas Tersoni  
Jolene Tonello  
Robert Tonello  
Charles Warnock  
Joseph Warnock  
Fred Wobrock

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#### **Call to Order**

Mr. O'Donnell called the meeting to order at 10:25 a.m. Board staff reviewed building evacuation procedures and noted the location of restrooms.

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

Mr. O'Donnell moved to suspend the open meeting and enter into investigative conference closed session pursuant to M.G.L. c. 112, § 65C, seconded by Mr. Stefan. The motion passed unanimously.

Upon returning to open session, the Board reported the following:

The Board was updated regarding the status of pending investigations, however, no decisions were made at this time.

#### **Quasi-Judicial Session: [Closed session pursuant to M.G.L. c. 30 A §18]**

Mr. Stefan moved to suspend the open meeting and enter into quasi-judicial session pursuant to M.G.L. c. 30 A §18, 5(d) for the purpose of making a decision required in an adjudicatory proceeding, seconded by Ms. Lindsay. The motion passed unanimously.

Upon returning to open session, the Board reported the following:

Docket No. EM-15-019 - A written final decision and order will be issued.

### **Executive Session pursuant to M.G.L c. 30A § 21(a)(1)**

At 10:30 a.m., a motion was made by Ms. Lindsay, seconded by Mr. Stefan, to exit the deliberative session and go into executive session for the purpose of discussing an applicant's character versus professional competence.

A roll call vote was taken:

Members in favor: Mr. Stefan, aye, Ms. Lindsay, aye, Mr. O'Donnell, aye.

Members opposed: none

The chair announced that the Board would return to open session in approximately thirty minutes.

See separate executive session minutes

At 10:45 a.m. the Board returned to open session.

### **Review of Minutes**

The Board reviewed the minutes of the meetings held on December 15, 2015 and January 6, 2016.

Mr. Stefan moved to accept the minutes of meetings held on December 15, 2015 and January 6, 2016, seconded by Ms. Lindsay.

**Motion passed unanimously.**

### **Schedule Next Board Meeting**

The Board considered whether or not it would begin to hold meetings once per month. After discussion, the Board decided to hold one meeting during the month of February. The Board will revisit the issue of whether or not to schedule meetings once per month in the future at a later date. The Board scheduled the next board meeting for February 16, 2016. The meeting previously scheduled for February 2, 2016 is cancelled.

### **Correspondence**

- Letter from John L. McDonough of McDonough Funeral Home, Dated December 1, 2015

The Board reviewed the letter and decided it would take Mr. McDonough's concerns and suggestions under advisement, staff will send a letter thanking

Mr. McDonough. The Board discussed that currently, cemeteries and crematories are beyond the scope of its regulation. No vote necessary

- Letter from Funeral Consumers Alliance, Dated December 2015

The Board appreciated the suggestion from Funeral Consumers Alliance, no response necessary.

- Letter from International Conference of Examining Boards, Dated November 18, 2015

The Board reviewed the letter and decided it was not necessary for the Board to attend the Conference. Staff will send a letter thanking the Conference for inviting the Board, no vote necessary.

### **Report from Executive Director Michael Hawley**

Mr. Hawley reported that he hopes to finish compiling the results of the exam questions previously reviewed by the Board by the end of the week and send them to PCS.

Mr. Hawley reported that there appears to be approximately 140 apprentice registrations issued more than six years ago which expired in 2015 for which the registrants have not yet taken any action.

### **Report from Legal Counsel, Charles Kilb**

Mr. Kilb reported to the Board that he is still waiting for approval of the new regulations. Mr. Kilb reviewed with the Board its current policies, which pre-date the regulation changes of 2012. The Board reviewed each policy as follows:

- 1) Policy #08-001: Regarding Registered Embalmers who have allowed their license to lapse for more than (1) year

The Board reviewed the existing policy and decided it would remain in effect, but would change the title of the policy to include Registered Funeral Directors and Embalmers so that it is consistent with the 2012 regulation changes.

Mr. O'Donnell moved to accept the above noted non-substantive change to the policy, seconded by Ms. Lindsay. Motion passed unanimously.

**Motion passed unanimously.**

2) Policy #08-002: Regarding Funeral Establishments Operating with Invalid Establishment Certificates

The Board reviewed the existing policy to see if any amendments were necessary. It was noted that the policy allows for a 30-day grace period to allow a funeral establishment with an invalid establishment certificate to apply and obtain a new certificate. After the 30-day period, the establishment would be subject to more penalties. The Board indicated that the 30-day grace period was sufficient. After review, the Board decided that this policy would remain in effect. The Board did, however, amend the phrase "lapsed establishment certificate" to "invalid establishment certificate" because it was noted that establishment certificates do not lapse, but rather may become invalid.

Mr. O'Donnell moved to accept the above noted non-substantive change to the policy, seconded by Ms. Lindsay.

**Motion passed unanimously.**

3) Policy #08-003: Regarding Accessibility of Funeral Establishments

The Board reviewed the existing policy to see if it would remain in effect. After review, the Board decided to eliminate this policy as it is redundant with current regulations and is unnecessary.

Mr. O'Donnell moved to eliminate the policy, seconded by Ms. Lindsay.

**Motion passed unanimously.**

4) Policy #08-004: Regarding Temporary Coverage

The Board reviewed the existing policy to see if any amendments were necessary. After review, the Board decided that this policy would remain in effect. No formal action taken.

5) Policy #08-005: Regarding Funeral Establishment Name Changes

The Board reviewed the existing policy to see if it would remain in effect. After review, the Board decided to eliminate this policy as it is redundant with current regulations and is unnecessary.

Ms. Lindsay moved to eliminate the policy, seconded by Mr. Stefan.

**Motion passed unanimously.**

6) Policy #10-001: Regarding Conditions Requiring a Funeral Establishment to Obtain a New Establishment Certificate

The Board reviewed the existing policy to see if any amendments were necessary. It was noted that the policy discussed the effect of a disciplinary action against a funeral director when that funeral director holds more than 50% of an establishment, but the policy didn't address the following:

1) Situations where a disciplined funeral director held less than 50% of the funeral establishment, but as a result of their discipline, more than 50% of the establishment is held by a non-registrant; and

2) The effect of disciplinary actions where non-disciplined original owners may be available to rectify the loss of registration of a co-owning funeral director.

Legal Counsel will draft amendments for future Board review. No formal action taken.

Appointment of Successor Trustee for Preneed Trust Funds

Mr. Kilb presented to the Board a request for an advisory in regards to appointment of a successor trustee for preneed trusts. Specifically, the question before the Board was whether a funeral establishment changing the trustee constitutes an amendment requiring notification or approval by the consumer who entered into the preneed contract. After discussion, a motion was made by Mr. Stefan, seconded by Ms. Lindsay to advise the following:

Changing the trustee holding trust funds related to a Pre-Need Funeral Contract as defined in 239 CMR 4.01 constitutes an amendment of that contract. Accordingly, the procedures contained in 239 CMR 4.04 apply.

**Motion passed unanimously.**

Report from Christopher Carroll, Chief Investigator

Mr. Carroll had nothing to report. No formal action taken.

At 1:00 p.m. Ms. Lindsay moved to adjourn for lunch, seconded by Mr. Stefan. **Motion passed unanimously.** Mr. O'Donnell announced the Board would return in one hour.

Public session resumed.

#### **Type 6 – Review and vote on application**

The Board met with Ryan J. Cameron of Joyce Funeral Home.

Ms. Lindsay moved to accept the above applicant. Mr. Stefan seconded.

**Motion passed unanimously.**

#### **Apprentices – Review and vote on applications**

The Board met with the following funeral apprentice applicants:

Michael P. Antonellis of Stone Ladeau Funeral Home;  
Brett E. Farrell of John Everett & Sons Funeral Home;  
Cheryl C. Hanson of Gillooly Funeral Home and;  
Katherine A. Moriarty of Messier Funeral Home.

Mr. Stefan moved to accept the above applicants. Ms. Lindsay seconded.  
**Motion passed unanimously.**

#### **Transition from a Type 3 to Type 6- Review and vote on application**

The Board met with Joseph M. Soares.

Ms. Lindsay moved to accept the above applicant. Mr. Stefan seconded.

**Motion passed unanimously.**

#### **Funeral Assistants, First Time - Review and vote on applications**

The Board met with the following funeral assistant applicants:

Neil Hardy of Blake Funeral Home;  
Adam Holdaway of Blake Funeral Home;  
Robert Norton of Norton Funeral Home, Inc.; and  
Joseph Warnock of Cartmell Funeral Service, Inc.

Mr. Stefan moved to accept the above applicants. Ms. Lindsay seconded.

**Motion passed unanimously.**

**Funeral Assistants (Transition from Apprentice)**

The Board met with the following Funeral Assistant Applicants:

Deitra Belanger of Belanger Bullard Funeral Home;  
Dennis Dufresne of Conte Funeral Homes;  
Frank Feger of Cartmell Funeral Service, Inc.;  
Robert Frost of Paul C. Rogers & Sons, Inc.;  
Marc Hebbelink of Boles Memorial-Baron-McAuliffe-Yameen Funeral Home;  
Donald Hill of Cartmell Funeral Service, Inc.;  
Dennis Hoffer of Cartmell Funeral Service, Inc.;  
Richard Holland of Cartmell Funeral Service, Inc.;  
Marc Lopes of Nadworny Funeral Home;  
Alan Rosemond of Sweeny Memorial Funeral Home, Inc.;  
Jolene Tonello of Blanchard Funeral Chapel, Inc.; and  
Charles Warnock of Cartmell Funeral Home, Inc.

Mr. Stefan moved to accept the above applicants. Ms. Lindsay seconded.  
**Motion passed unanimously.**

**Establishment Certificate Applications:**

The Board reviewed the following establishment applications:

Russell & Pica Funeral Home; and  
Richard T. Saunders Funeral Home.

Mr. O'Donnell moved to accept the above establishment applications, seconded  
by Mr. Stefan.

**Motion passed unanimously.**

**Wall Certificates**

Robert Porter, Whittier-Porter Funeral Home, Inc.  
Richard Stanton, Stanton Funeral Service, Inc.  
Charles Keefe, Keefe Funeral Home  
David A. Pickering Westborough Funeral Home  
Cuffe-McGinn Funeral Home

**All wall certificates were signed.**

## **CEU Provider Applications**

### **NFDA**

What to Say and What to Do: Critical Ways to Connect with the World's Most Powerful Consumer

NFDA Certified Preplanning Consultant (CPC) Program Correspondence Option

NFDA 2016 Online Learning Courses

New Campaign Tools to Inspire Families to Have the talk of a Lifetime  
Building Superior Customer Relationships through Online Marketing

### **International Order of the Golden Rule**

All you need to know to reach your families-Creating a Facebook Business Page

Maintaining Quality and Productive Personnel

Do's and Don't's: A Closer Look at Room Prep Safety

### **R.P.M. Training Services**

American Heart Association CPR, AED training

American Heart Association Blood Borne Pathogens

Fire Safety for the Funeral Director

American Heart Association First Aide

Funeral Director and Hospice Care Facilities

Ms. Lindsay moved to accept the above CEU provider applications, seconded by Mr. Stefan.

**Motion passed unanimously.**

### **1:54 p.m. Adjournment**

Mr. O'Donnell moved to adjourn the meeting. Mr. Stefan seconded.

**Motion passed unanimously.**

Respectfully submitted,



Shara Benedetti  
Associate Executive Director

**List of Documents used at the meeting:**

Agenda for meeting held on January 19, 2016;  
Minutes from meetings held on December 15, 2015 and on January 6, 2016;  
Letter from John L. McDonough of McDonough Funeral Home, dated December 1, 2015;  
Letter from Funeral Consumers Alliance, dated December 2015;  
Letter from International Conference of Funeral Examining Boards, dated November 18, 2015;  
Copy of Board Policies;  
Applications:

Michael P. Antonellis;  
Deitra Belanger;  
Ryan J. Cameron;  
Dennis Dufresne;  
Brett E. Farrell;  
Cheryl C. Hanson;  
Frank Feger;  
Robert Frost;  
Neil Hardy;  
Marc Hebbelink;  
Donald Hill;  
Dennis Hoffer;  
Adam Holdaway;  
Richard Holland;  
Marc Lopes;  
Katherine A. Moriarty;  
Robert Norton;  
Alan Rosemond;  
Joseph M. Soares;  
Jolene Tonello;  
Charles Warnock; and  
Joseph Warnock.

Establishment Applications:

Russell & Pica Funeral Home; and  
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Funeral Director and Hospice Care Facilities