

**Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
Meeting of 4/12/16**

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

Board Members Present:

Patrick Driscoll
Thomas O'Donnell
Paul Phaneuf
Peter Stefan

Board Members Absent:

Carolyn Lindsay

Staff Members Present:

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

Others Present:

Brian Rousseau	Karen Lee Saldana
TJ Conte	Phil Cota
Martin Silva	John Celli
Amy Rigtrup	Steven Patrie
Nicole Terceira	Eva Givner
Glenn Campbell	Brian McKinney
Augustave Sabia	Anthony Conte
Laurie Downes	Dane Scherling
James Sylvester	Scott Cartwright
John Goldrick	Meghan Ellis
Brian Beale	James Corcoran
James O'Donnell, Jr.	Desarai Gazaille
John Paciorek	Stephen Giamberardino

Call to Order

Mr. O'Donnell called the meeting to order at 10:02 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. Driscoll moved to suspend the open meeting and enter into investigative conference closed session pursuant to M.G.L. c. 112, § 65C, seconded by Mr. Phaneuf. The motion passed unanimously.

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

The Board was updated regarding the status of pending investigations. The Board took the following actions:

Docket No. EM-16-017: Referred to prosecutions.

Docket No. EM-16-012: Referred to prosecutions.

Docket No. FE-16-021: Referred to prosecutions.

Executive Session- Candidate Interviews [(Closed Session Pursuant to M.G.L. c. 30A, § 21(a)(1)]

At 11:24 a.m., Mr. Stefan, seconded by Mr. Driscoll moved to exit the investigative session and enter into executive session for the purpose of discussing an applicant's character versus professional competence. The chair estimated the Board would return to public session in twenty minutes.

A roll call vote was taken:

Members in Favor: Mr. Phaneuf, aye; Mr. Driscoll, aye; Mr. O'Donnell, aye; Mr. Stefan.

Members Opposed: None.

At 11:47 a.m. Mr. Driscoll moved, seconded by Mr. Phaneuf, to exit the executive session and re-enter investigative session.

A roll call vote was taken:

Members in Favor: Mr. Stefan, aye; Mr. Phaneuf, aye; Mr. Driscoll, aye; Mr. O'Donnell, aye.

Members Opposed: None.

At 12:17 p.m. Mr. Phaneuf moved to exit the investigative session and adjourn for lunch, seconded by Mr. Stefan. **Motion passed unanimously.** Mr. O'Donnell announced the Board would return in approximately one (1) hour.

Lunch Break

At 1:14 p.m. the public session resumed.

Application Review

Type 3- Review and vote on application

The Board met with the following applicant:

- Amy Rigtrup

Mr. Phaneuf moved to accept the above applicant, seconded by Mr. Stefan.

Motion passed unanimously.

Type 6- Review and vote on application

The Board met with the following applicant:

- Brian Beale

Mr. Phaneuf moved to accept the above applicant, seconded by Mr. Stefan.

Motion passed unanimously.

Transition from a Type 3 to Type 6- Review and vote on applications

The Board met with the following applicants:

- Laurie Downes
- Augustave Sabia, Jr.

Mr. Phaneuf moved to accept the above applicant, seconded by Mr. Driscoll.

Motion passed unanimously.

Apprentices – Review and vote on applications

The Board met with the following funeral apprentice applicants:

- Meghan Ellis
- Desarai Gazaille
- Karen Lee Saldana-Martinez
- Nicole Terceira

Mr. Stefan moved to accept the above applicants, seconded by Mr. Phaneuf.

Motion passed unanimously.

Funeral Assistants, First Time - Review and vote on applications

The Board met with the following applicants:

- John Goldrick
- Steven Patrie
- James Sylvester

Mr. Stefan moved to accept the above applicant, seconded by Mr. Driscoll.

Motion passed unanimously.

Funeral Assistants (Transition from Apprentice)- Review and vote on applications

The Board met with the following Funeral Assistant Applicants:

- John Celli
- James Corcoran
- Eva Givner

Mr. Phaneuf moved to accept the above applicants, seconded by Mr. Driscoll.

Motion passed unanimously.

Establishment Certificate Applications

The Board reviewed the following establishment applications:

- McCarthy, McKinney and Lawler Funeral Home, LLC- Extension request for conditional license

The Board met with Brian McKinney. Mr. McKinney updated the Board on the construction progress of his funeral establishment for the purpose of complying with accessibility requirements.

Mr. Phaneuf moved, seconded by Mr. Stefan to grant a four (4) month extension of the establishment license until August 12, 2016. The extension is effective only after the funeral establishment executes and signs an amended Conditional Licensure Agreement.

Motion passed unanimously.

- Conte-Roberts and Giamberardino Funeral Home, LLC- Conditional Licensure Agreement

The Board met with TJ Conte and Stephen Giamberardino. Mr. Conte and Mr. Giamberardino explained to the Board that they are currently seeking a contractor to complete the work needed to meet accessibility requirements.

Mr. Phaneuf moved, seconded by Mr. Driscoll to grant the funeral establishment a conditional license with the following conditions:

1. The funeral establishment must notify the Board by letter that they have executed a contract to complete the work within one (1) month.
2. The funeral establishment has no more than six (6) months to complete the construction and comply with ADA requirements.
3. The conditional license is effective only after the funeral establishment executes and signs a Conditional Licensure Agreement.

Motion passed unanimously.

Wall Certificates

- Greely Funeral Home & Cremation Service, d/b/a Greely Funeral Service
- Westfield Funeral Home and Cremation, LLC
- ECB, Inc. d/b/a Brandon Funeral Home
- McGaffigan Funeral Homes, LLC
- Dirsal-Morin Funeral Home
- Berube-Comeau Funeral Home

All wall certificates were signed.

CEU Provider Applications

MFDA

- Game Plan for Community Care: Why Funeral Directors Must be Grief Experts in Their Communities
- Game Plan for OSHA Compliance: 2016 OSHA Training
- Game Plan for Prosperity: Reducing Your Cremation Liability

NFDA

- NFDA Business Conference
- NFDA Arranger Program, Brookfield, WI
- NFDA Certified Preplanning Consultant

- Relationship Marketing Your “Secret Weapon” to Dramatically Increase Profitability

The Dodge Technical Institute

- 2016 Technical Seminar: Atlantic City, New Jersey
- 2016 Technical Seminar: Las Vegas, Nevada

Mr. Phaneuf moved to accept the above CEU provider applications, seconded by Mr. Driscoll.

Motion passed unanimously.

Review of Minutes

The Board reviewed the minutes of the meeting held on March 15, 2016.

Mr. Phaneuf moved, seconded by Mr. Driscoll, to accept the minutes of the meeting held on March 15, 2016.

Motion passed unanimously.

Schedule Next Board Meeting

After discussion, the Board decided to hold one meeting during the month of May. 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 May 17, 2016. The meeting previously scheduled for May 3, 2016 is cancelled.

Correspondence

The Board reviewed the letter sent by Funeral Director Peter Masuzzo. The Board indicated that it will take Mr. Masuzzo’s suggestions under advisement. The Board instructed staff to send Mr. Masuzzo a letter thanking him for his correspondence.

The Board also reviewed the notice sent by the National Conference.

Report from Executive Director Michael Hawley

Mr. Hawley reported that the Agency is unsure of the implementation date of E-Licensing, but he expects it will be implemented no earlier than October, 2016. Mr. Hawley indicated that he will be speaking at a conference for the MFDA regarding licensing procedures at DPL.

Report from Legal Counsel, Charles Kilb

Mr. Kilb reported that the new regulations have not yet been approved, but he is hopeful they will be approved this month. Mr. Kilb also reported that Executive Order 567, made in response to the recent decision in the case of North Carolina State Board of Dental Examiners v. the FTC, has been executed. Mr. Kilb indicated that he is waiting for further instructions on how to interpret the Executive Order.

Mr. Kilb also announced that former Board Counsel Rachael Pauze will not be returning to DPL. The Board thanked Ms. Pauze for her service.

Report from Christopher Carroll, Chief Investigator

Mr. Carroll had nothing to report during the public session. No formal action taken.

Websites

The Board wished to discuss what type of advertising is permissible on funeral establishment websites and expressed a desire to make a website policy. Mr. Kilb advised the Board that although it can regulate advertising such as mandating certain information, such as funeral establishment numbers, it can't directly bar truthful advertising. No formal action taken.

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

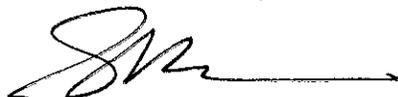
Nothing discussed.

3:08 p.m. Adjournment

Mr. Driscoll 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 April 12, 2016

Minutes from meeting held on March 15, 2016

Applications:

Type 3

- Amy Rigtrup

Type 6

- Brian Beale

Type 6 (Type 3 to Type 6)

- Laurie Downes
- Augustave Sabia, Jr.

Apprentices

- Brendan Clocher
- Meghan Ellis
- Desarai Gazaille
- Karen Lee Saldana-Martinez
- Mackenzie Reid
- Sharon Stacy
- Nicole Terceira

Funeral Assistants (1st time)

- Brian Carey
- John Goldrick
- John Lorrett
- Timothy McNamara
- Steven Patrie
- James Sylvester

Funeral Assistants (transition from Apprentice)

- John Celli
- James Corcoran

- Eva Givner

Establishments:

- McCarthy, McKinney and Lawler Funeral Home, LLC- Extension Request for Conditional License
- Conte- Roberts and Giamberardino Funeral Home- Possible Conditional Licensure Agreement

Wall Certificates:

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