

**Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
Meeting of 7/19/16**

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

Board Members Present:

Patrick Driscoll
Thomas O'Donnell
Paul Phaneuf
Peter Stefan

Staff Members Present:

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

Others Present:

Christopher P. Goulet, Sr.	Mark Cohen
Scott R. Hamel	Curtis Moraes
Matthew Fantasia	Linda Hirschberg
Christopher Luciano	Brian Veras
Jennifer Catalano	Jennifer Burnham
Kiersten Veroneau	Frederick Wobrock
James Lannon	Gary Toye
Darren Rankin	Michael Ahearn
Stephen A. Nelson	John Kubuskoweski
Mark Chapman	Brian Kingsley
Jessica Coulter	Brian T. Anderson
James Faulkner	Wesley Burhoe
Christopher Acres, Sr.	John Douglass
James Delaney	Christopher Chetsas
Michael Ciccarelli	Robert Margraaf
Joseph L. Ruggiero, Jr.	

Call to Order

Mr. O'Donnell called the meeting to order at 10:16 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. Phaneuf moved to suspend the open meeting and enter into investigative conference closed session pursuant to M.G.L. c. 112, § 65C, seconded by Mr. Driscoll. **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:

FE-16-020: Dismissed with advisory letter.

FE-16-024: Send to prosecutions.

FE-16-026: Tabled for August meeting. No formal action taken.

FE-16-019: Dismissed without prejudice.

EM-16-022: Dismissed without prejudice.

SA-FE-16-025: Dismissed without prejudice.

At 12:17 p.m. Mr. Phaneuf moved, seconded by Mr. Driscoll, to exit the investigative session and re-enter the public session.

Motion passed unanimously.

Reinstatement Application

The Board reviewed the petition of Joseph L. Ruggiero, Jr. to reinstate his registration which had been permanently revoked by the Board in a decision which went into effect in 2010. Legal Counsel previously advised the Board at its July 2016 meeting that it had the power to reinstate registration rights to this individual, however, to protect itself legally, it has to ensure its actions are consistent with past decisions, law, and regulations. To that effect Legal Counsel advised the Board that it should review its previous decision and then, if it desires to reinstate a revoked individual, it would utilize a consent agreement with standardized terms including, if revoked for more than a year, the Board examination as well as back continuing education. The examination requirement stems from law and is referenced in Board policy #08-01 which the Board unanimously reaffirmed in 2015. The continuing education requirement is contained in Board regulations located at 239 CMR 5.00. Board members noted that neither the examination requirement nor the continuing education requirement has a waiver provision.

After review of the Board's previous decision, the Board decided to permit Mr. Ruggiero to sign a Consent Agreement and permit him to reinstate his registration. Mr. Phaneuf moved, seconded by Mr. Driscoll, to permit Mr. Ruggiero to reinstate his registration pursuant to the terms of the Consent Agreement. All in favor. Motion passed unanimously.

Per the Consent Agreement, which was signed by Mr. Ruggiero before the Board, his registration will be reinstated upon the completion of back continuing education courses, passage of the Massachusetts written practical and jurisprudence examinations and payment of all required fees. Upon reinstatement, Mr. Ruggiero's registration will be on probation for a period of four (4) years, during which time he must comply with the terms of his Consent Agreement.

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

At 12:35 p.m. Mr. Phaneuf, seconded by Mr. Stefan moved to exit the public 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, aye.

Members Opposed: None.

Mr. Phaneuf, seconded by Mr. Driscoll moved to exit the executive session and re-enter into the public session.

A roll call vote was taken:

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

Members Opposed: None.

Application Review:

Type-3- Review and vote on applications

- Robert Marggraf

Mr. Phaneuf moved to accept the above applicant, seconded by Mr. Driscoll. All in favor. **Motion passed unanimously.**

Type-6 – Review and vote on applications

The Board met with the following Type-6 applicants:

- Gary Toye
- Brian Veras

Mr. Phaneuf moved to accept the above applicants, seconded by Mr. Driscoll. All in favor. **Motion passed unanimously.**

Apprentices – Review and vote on applications

The Board met with the following Funeral Apprentice applicants:

- Jessica Coutler
- Kiersten Veroneau

- Mark Cohen
- Jennifer Catalano
- Jennifer Burnham

Mr. Phaneuf moved to accept the above applicants, seconded by Mr. Driscoll. All in favor. **Motion passed unanimously.**

- Linda Hirschberg: Mr. Stefan recused himself from review of this application.

Mr. Phaneuf moved to accept the above applicant, seconded by Mr. Driscoll. All in favor. **Motion passed unanimously.**

Funeral Assistants, First Time - Review and vote on applications

The Board met with the following Funeral Assistant applicants:

- Stephen Nelson
- Wesley Burhoe
- James Faulkner
- Christopher Acres, Sr.

Mr. Phaneuf moved to accept the above applicants, seconded by Mr. Driscoll. All in favor. **Motion passed unanimously.**

- Anthony Dipierro: Not present. Tabled for September meeting at request of applicant.
- Christopher Davidson: Not present. Tabled for September meeting at request of applicant.

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

- James Lannon, Jr.
- Darren Rankin

Mr. Phaneuf moved to accept the above applicants, seconded by Mr. Driscoll. All in favor. **Motion passed unanimously.**

Wall Certificates

- Russell & Pica Funeral Home

All wall certificates were signed

CEU Provider Applications

NFDA

- NFDA Certified Preplanning Consultant Program, Austin, TX
- NFDA Certified Preplanning Consultant Program, Wheeling, IL
- How to comply with the New DOL Overtime Compensation Wage & Hour Regulations
- Third Party Crematory Due Diligence

Northern Craft Caskets and Kenmore Square Institute

- Casket Educational Seminar for Funeral Directors

The North American Division of the British Institute of Embalmers

- 2016 Professional Enrichment Conference of the North American Division of the British Institute of Embalmers

Mr. Phaneuf, moved, seconded by Mr. Driscoll, to accept the above CEU provider applications. All in favor. **Motion passed unanimously.**

Review of Minutes

The Board reviewed the minutes of the meeting held on June 21, 2016.

Mr. Phaneuf moved, seconded by Mr. Driscoll, to accept the minutes of the meeting held on June 21, 2016.

Motion passed unanimously.

Schedule Next Board Meeting

After discussion, the Board decided to hold one meeting during the month of August. The Board scheduled the next board meeting for August 16, 2016. The meeting previously scheduled for August 2, 2016 is cancelled.

Pre-Need Reports

The Board reviewed reports provided by Board staff of all funeral establishments who have not submitted their pre-need reports or have submitted the report late. The Board referred the list of funeral establishments who have not yet submitted their report to investigations for follow up. The Board indicated an advisory letter should be sent to those establishments who have submitted their pre-need report late.

Report from Associate Executive Director Shara Benedetti

Ms. Benedetti reported that Board staff has begun testing the converted data and has identified issues that will be corrected by E-Licensing staff. Mr. Benedetti expects the new system to be implemented on August 29, 2016.

Report from Legal Counsel, Charles Kilb

Mr. Kilb indicated that he has received a response from the Executive Office of Administration and Finance in regards to the proposed regulations. It has indicated that the Office of the Medical Examiner has concerns regarding a proposed regulation contained in 239 CMR 3.11(2)(a), which, along with another provision in 239 CMR 3.08(3), could be construed as placing an administrative burden on the Medical Examiner's Office, despite a waiver provision. Mr. Phaneuf moved, seconded by Mr. Driscoll to remove the above provisions from its proposed regulations. All in favor. Motion passed unanimously.

Mr. Kilb also indicated that the Executive Office of Administration and Finance has concerns regarding a provision contained in new subsection 239 CMR 5.03(6), which provides, "*A registrant shall be exempt from completing mandatory continuing education requirements if that registrant is an appointed member of the Board.*" Mr. Kilb noted that part of the concern was that such exemptions are generally not found in other licensing board regulations and may be unnecessarily controversial. Mr. Phaneuf moved, seconded by Mr. Driscoll to remove the provision exempting board members from the continuing education requirement from its proposed regulations. All in favor. Motion passed unanimously.

Report from Christopher Carroll, Chief Investigator

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

1:42 p.m. Adjournment

Mr. Driscoll moved to adjourn the meeting. Mr. Phaneuf seconded.

Motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shara Benedetti". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Shara Benedetti
Associate Executive Director

List of Documents used at the meeting:

Agenda for meeting held on July 19, 2016

Minutes from meeting held on June 21, 2016

Applications

Type 3

- Robert Marggraf

Type 6

- Gary Toye
- Brian Veras

Apprentices

- Jessica Coutler
- Linda Hirschberg
- Kiersten Veroneau
- Mark Cohen
- Jennifer Catalano
- Jennifer Burnham

Funeral Assistants (1st time)

- Stephen Nelson
- Wesley Burhoe
- Anthony Dipierro
- Christopher Davidson
- James Faulkner
- Christopher Acres, Sr.

Funeral Assistants (transition from Apprentice)

- James Lannon, Jr.
- Darren Rankin

Reinstatement Application

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Wall Certificates:

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