

**Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
Meeting of 4/16/19**

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

Board Members Present:

Patrick Driscoll
Paul Phaneuf
Janet Leombruno
Richard Gormley

Staff Members Present:

Michael Hawley, Executive Director
Thomas F. Burke, Assoc. Executive Director
Bruce Hopper, Chief Board Counsel
Robert Williams, Investigator

Board Members Absent:

David Brezniak

Members of the Public Present:

John F. Zimmerman
Marlys E. Jargtter
Cheryl A. Manahan
Jennifer Hardy
Paul Hardy, Jr.
Katie Manahan
CR Lyons
Ronald Malioneck

Michael Manahan
Timothy P. Kelleher
Colby S Roche
Carl Rogers
Joshua Rogers
Frederick J. Wobrock
Robert Nicoletti

Call to Order

Mr. Phaneuf called the meeting to order at 10:14 a.m. Board staff reviewed building evacuation procedures and noted the location of restrooms.

Review of Minutes

The Board reviewed staff prepared public session minutes of the meeting held on March 19, 2019.

Mr. Driscoll moved to accept staff prepared public session minutes of the meeting held on March 19, 2019. Mr. Gormley seconded the motion. Motion passed unanimously by those members present.

The Board reviewed staff prepared executive session minutes of the meeting held on March 19, 2019.

Ms. Leombruno moved to accept staff prepared executive session minutes of the meeting held on March 19, 2019. Mr. Gormley seconded the motion. Motion passed by all Board members present.

Report from Executive Director Michael Hawley

Mr. Hawley reported that approximately forty funeral homes have not submitted preneed reports for the 2018 calendar year. Mr. Hawley noted that board staff is reconciling duplicate copies and informed the Board that Mr. Robert Williams will contact establishments that have not complied. Board staff will craft a letter to send to funeral directors and establishments who have not submitted reports. Mr. Hawley stated that staff is meeting with Professional Credential Services (PCS) monthly to review application process and ensure applications are in order. PCS is sending monthly reports of new and incomplete applications so that Board staff may review.

Report from Chief Legal Counsel, Bruce Hopper

No report.

Application Review:

Type 6 – Review and vote on applications

- John F. Zimmerman
- Ronald Malione
- Katie Manahan

Mr. Driscoll moved to approve the above candidates for licensure. Mr. Gormley seconded. The motion passed unanimously by those members present.

The above candidates were sworn in.

Reinstatement of Revoked Registration:

- Manolito Diaz

Ms. Leombruno moved to grant reinstatement per conditional licensure agreement to Mr. Diaz. Mr. Gormley seconded. The motion passed unanimously by those members present.

Probation Termination:

- Lawrence Carnevale

Ms. Leombruno moved to grant that Mr. Carnevale come off probation. Mr. Gormley seconded. The motion passed unanimously.

Discussion:

- **Preneed Reports**

The discussion was moved to Investigative Conference.

- **Hearses**

Tabled to next Board meeting.

- **Crematory Remains**

The Board Chair, Mr. Phaneuf, addressed the recent notification from the medical examiner's office sent to funeral establishments regarding the streamlining of the process for disposing of cremated remains. Attorney Hopper noted that 239 3.10 (9) states that the funeral establishment is responsible and liable for the disposition of dead human bodies. After further discussion, the issue was tabled in order to receive more documentation and official directive from the medical examiner's office.

Executive Session: to discuss the reputation and character, rather than the professional competence of an individual, pursuant to G. L. c. 30A, § 21(a)(1)

At 11:30 a.m., Ms. Leombruno moved to go into executive session to comply with the provisions of the public record law, G. L. c. 30A, §21(a)(7); G. L. c. 66, § 10, to review reputation or character rather than professional competence of applicants, pursuant to G. L. c. 30A, § 21(a)(1). Mr. Driscoll seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: "Yes", Mr. Gormley: "Yes", Mr. Driscoll: "Yes", and Ms. Leombruno: "Yes".

At 12:40 p.m., Ms. Leombruno moved to exit executive session and enter open session. Mr. Gormley seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: "Yes", Mr. Gormley: "Yes", Mr. Driscoll: "Yes", and Ms. Leombruno: "Yes".

See Separate minutes for Executive Session actions.

Continuing Education Provider Applications:

NFDA

- 2019 All-Staff FTC Funeral Rule

Kates-Boylston Publications

- Preneed Summit – November 8, 2019
- Funeral Service Business Plan

Elite Continuing Education

- Mass Fatalities and Funeral Service

Warring-Sullivan Funeral Home

- Wise Management of Grief Seminar: Creating a Better Day for Person living with Dementia

International Order of the Golden Rule

- Educating the Families You Serve about the “WHY” of the Funeral
- 2019 Annual Conference & Solution Center – Austin, Texas

The Dodge Company

- 2019 Dodge Technical Series – Las Vegas, Nevada

Mr. Phaneuf requested provisional approval for Waring-Sullivan Funeral Home contingent that the course is open to all funeral registrants. Ms. Leombruno moved to approve and accept all of the above continuing education courses. The motion was seconded by Mr. Gormley. The motion passed unanimously.

Closed session, Investigative Conferences, Settlement Offers [Closed pursuant to M.G.L. c. 112, § 65C]

At 12:44 p.m., Ms. Leombruno moved to suspend the open meeting and enter into closed session to conduct investigative conferences to discuss disciplinary cases pursuant to M.G.L. c. 112, § 65C. The motion was seconded by Mr. Brezniak. **The motion passed unanimously.**

During the closed session, the Board took the following actions:

Investigative Conferences, Settlement Offers

- 2018-000593-IT-ENF – Provided guidance to the Prosecutor.
- 2019-000024-IT-ENF – Dismissed.

Adjournment

At 1:20 p.m. Ms. Leombruno moved to adjourn the meeting. Mr. Driscoll seconded the motion. Motion passed unanimously.

List of Documents used at the meeting:

1. Agenda

2. Minutes from previous meeting(s) where applicable
3. Applications for personal registration
4. Establishment Licensure Applications
5. Continuing education provider applications

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hawley". The signature is fluid and cursive, with the first name "Michael" and last name "Hawley" clearly distinguishable.

Michael Hawley
Executive Director