

**COMMONWEALTH OF MASSACHUSETTS**  
**BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING**  
**MINUTES OF THE JANUARY 16, 2024, OPEN PUBLIC MEETING**

**Board Members Present in person:**

Paul Phaneuf, Chair (PP)  
David Brezniak, Member (DB)  
Richard Gormley, Member (RG)

**Board Members Present remotely:**

Patrick Driscoll, Secretary (PD)

**Board Members Absent:**

Janet Leombruno, Member

**DOL Staff Present in person at various times during the meeting:**

Jenna Hentoff, Board Counsel (JH)  
Kathleen McNally, Executive Director (KM)

**DOL Staff Present remotely at various times during the meeting:**

Andrew Lutynski, Chief of Office of Investigations  
Bryan Freitas, Supervisor, Office of Investigations  
Robert Williams, Investigator, Office of Investigations

**Public Attendees present in person at various times during the meeting.**

Attorney Christopher Carroll

**Public Attendees Remotely:**

Margaret (Margie) Nolan, Tara McGrath, Sandy Ward, Patti Muldoon

Board Members and Staff attended as noted, with members of the public attending as noted in person and remotely.

1. KM made note of the Board Members, Staff, and the public in attendance.
2. KM advised as to the recording of the public meeting.
3. The Chair called the meeting to order at 10:03 AM with advisement as to the location of Rest Rooms, Exits, and Fire alarm procedures for this location.
4. The Chair led the discussion of the Open Public Meeting Minutes from December 19, 2023.

**A MOTION** to approve the minutes as submitted was made by RG. Seconded by DB. The Chair called for a roll call vote:

Paul Phaneuf - Yes

Patrick Driscoll - Yes  
Richard Gormley - Yes  
David Brezniak – Yes  
Janet Leombruno – Absent

The Motion passed.

5. The Chair led the discussion of the Closed Executive Session Minutes from December 19, 2023.

**A MOTION** to approve the minutes as submitted was made by DB. Seconded by RG. The Chair called for a roll call vote:

Paul Phaneuf - Yes  
Patrick Driscoll - Yes  
Richard Gormley - Yes  
David Brezniak – Yes  
Janet Leombruno – Absent

The Motion passed.

6. The Administratively Approved License Registrations Report was provided to the Board for acceptance:

6. Anthony Daniels, Levine Chapel, Brookline, 12-22-2023 – 1064-EM-FA
- Gary Matos, Wareham Village Funeral Home, Wareham, 12-22-2023 – 1065-EM-FA
  - Michael A. Bellacqua, Consigli Ruggerio Funeral Home, Milford, 12-22-2023 – 1066-EM-FA
  - Angelo Madera, Jr., Dirsia-Morin Funeral Home, Worcester, 12-22-2023 – 1067-EM-FA
  - Joshua D. Graham, Dery Funeral Home, Pittsfield, 12-22-2023 – 1068-EM-FA
  - Jovan C. Benjamin, Fairhaven Funeral Home, Fairhaven, 12-22-2023 – 1069-EM-FA
  - Ronald Lashway, Douglas Funeral Home, Amherst, 12-26-23 – 51447-EM-3
  - Kathryn Black, Neptune Cremation Services, Newington, 12-28-23 – 51448-EM-6
  - Ryan Mahoney, Hallet Funeral Home, S. Yarmouth, 1-2-2024 – 1070-EM-FA
  - Nancy Adler, Stanetsky Memorial Chapel, Brookline, 1-3-2024 – 1071-EM-FA
  - Gregory Silva, Sperry & McHoul Funeral Home, N. Attleboro, 1-8-2024 – 1072-EM-FA
  - Gary Pasternak, Hathaway Funeral Service, Fall River, 1-9-2024 – 1073-EM-FA
  - Jacob Furtado, Auclair Funeral Home, Fall River, 1-9-2024 – 1074-EM-FA
  - Brandon Gobbi, H.L. Farmer & Sons Funeral Homes, Haverhill, 1-9-2024 – 51449-EM-3
  - Odair Monteiro, Cartwright Funeral Home, Randolph, 1-9-2024 – 51450-EM-6
  - Ethan Quinn, Paradis-Givner Funeral Home, Oxford, 1-10-2024 – 6562-EM-A
  - Caroline Flanagan, Doane Beal Ames, Hyannis, 1-10-2024 – 6563-EM-A
  - Eliel Colon, Puerta del Cielo Funeral Home dba-City Cremations, 1-10-2024 – 1075-EM-FA
  - Thomas Reiber, C.C. Shepherd Funeral Home, S. Weymouth, 1-10-2024 – 1076-EM-

After a brief discussion, a **MOTION** to approve the Administratively Approved License Registrations as submitted was made by DB. Seconded by RG. The Chair called for a roll call vote:

Paul Phaneuf - Yes  
Patrick Driscoll - Yes  
Richard Gormley – Yes  
David Brezniak – Yes  
Janet Leombruno – Absent

The Motion passed.

7. The Administratively Approved Continuing Education Report was provided to the Board for acceptance:

**New York State Funeral Directors Association**

- Families Gone Wild: Defusing Conflict in the Arrangement Room 8.00 Hours

**Wilbert Funeral Services**

- 7. Tender Hearts: Nurturing Children and Families Through Grief 1.00 Hour
- Cranial Care of the Postmortem Brain Donor 1.00 Hour
- Formaldehyde, the Funeral Rule & the Future 2.00 Hours
- Handling Fetal Remains in the Wake of the Dobbs Decision:
  - How the Treatment of Fetal Remains has Changed-Part II 1.00 Hour
- What's New at the FTC? 1.00 Hour
- Air Force Mortuary Affairs Operations 1.00 Hour
- Century of Caring:
  - Navigating Family Dynamics, Grief + Marketing in Death Care Industry 1.00 Hour
- How to Compete on Service in a Price Sensitive Market 1.00 Hour
- Is State Regulatory Law It? 1.00 Hour

**Tribute Technology**

- Trend ReCON 2024 – A ReCONference by Tribute Technology 12.00 Hours

**MFDA**

- 2024 OSHA Training for Funeral Professionals 1.00 Hour

**National Institute of Funeral Services**

- Thoughts on Grief 2.00 Hours
- Ethics in the Funeral World 2.00 Hours
- Funeral Directors Role in Death – Dying in the U.S. 2.00 Hours

**NFDA**

- 2024 NFDA Cremation Certification Program 7.00 Hours
- Navigating the Future of Funeral Service:
  - Strategies for Recruiting and Retaining Top Talent 1.00 Hour

- Consumer Trends Conference: Catch Up or Fall Behind 6.00 Hours
- NFDA Arrangement Solutions Academy 6.00 Hours
- NFDA Arrangement Skills Masterclass 8.00 Hour

**DENIED:**

**CANA**

- CANA's In-Person Crematory Operations Certification Program 8.00 Hours

After a brief discussion, a **MOTION** to accept the Administratively Approved Continuing Education Report as presented was made by DB, Seconded by RG. The Chair called for a roll call vote:

Paul Phaneuf - Yes  
 Patrick Driscoll - Yes  
 Richard Gormley - Yes  
 David Brezniak - Yes  
 Janet Leombruno – Absent

The Motion passed.

8. Executive Director Kathleen McNally reported that there is a section on the DOL Funeral Board website where Pre-Need reports for calendar year 2023 can be filed electronically. It is preferred that the Funeral Establishments file their 2023 reports, which must be filed by January 31, 2024, online as it is an easier method for filing and tracking by the Board staff.
9. Board Counsel Jenna Hentoff (JH) reported to the Board that she (JH) sent a letter to the Attorney representing the Robert J. Miller Funeral Service regarding the status of the existing Pre-Need contracts which were entered into with the former establishment. The letter notified the attorney of the Board's regulatory requirements regarding the maintenance and keeping of Pre-Need Funeral Contracts which must be done by a licensed funeral establishment. Board Counsel JH reported that she has not received a reply from this attorney and indicated that an update can be provided at the next meeting scheduled for February 20, 2024 regarding any response. Investigator Williams reported that he has also not had any contact with the Attorney. Investigator Williams reported that the website for the closed business still exists and has not been taken off the internet. After a brief discussion, the Board requested that the matter appear on the February 20, 2024 Board Meeting Agenda.
10. Attorney Christopher Carroll appeared on behalf of the Sweeney Brothers Funeral Home located in Quincy, Massachusetts. Attorney Carroll sent a letter to the Board requesting that the licensee, Sweeney Brothers, be allowed to hold funeral services at a function room, the Tirrell Room in Quincy, while renovations are being done at their funeral home. The renovations are expected to take five weeks, possibly longer. The funeral home is a historic building, and the licensee wants to renovate the first floor of the funeral establishment. The renovations are being done to update the establishment and not for any issues with ADA accessibility. Attorney Carroll reported that he would keep the Board informed regarding the

status of the Sweeney Funeral Home renovations. The Board held a brief discussion and noted that Board regulations must be followed, including 239 CMR 3.11(3) regarding refreshments.

**A MOTION** to allow the Sweeney Brothers Funeral Home to perform services at the Tyrell Room while the establishment is undergoing renovations was made by DB, Seconded by RG. The Chair called for a roll call vote:

Paul Phaneuf - Yes  
Patrick Driscoll - Yes  
Richard Gormley - Yes  
David Brezniak - Yes  
Janet Leombruno – Absent

The Motion passed.

Board Secretary Patrick Driscoll left the meeting.

11. The Board discussed the issue of notifications to consumers regarding the status of pre-need contracts when a Funeral Establishment is sold/transferred or closes/ceases doing business as required by 239 CMR 4.03. Margaret Nolan, of the Massachusetts Funeral Directors Association, stated that locating the information for preexisting pre-need contracts is difficult. Mrs. Nolan suggested the creation of a task force to address this issue. Mrs. Nolan stated that there is a lot of confusion around the pre-need contracts and a lot of inconsistent information. The funeral director has a responsibility under the regulations to notify the consumer. Mrs. Nolan stated that it needs to be crystal clear to the consumer as to what their options are regarding a pre-need contract when a funeral home goes out of business or is sold.

Board Counsel suggested drafting of a template letter that licensees could use to meet the pre-need notification requirement required by 239 CMR 4.03. Mr. Gormely and Mrs. Nolan agreed that a template letter is a good start. Ms. Muldoon and Ms. Ward each stated that it can be difficult locating the preneed contracts after the funeral home has gone out of business.

The Chair requested that Board Counsel Hentoff draft a template pre-need letter for discussion at the February Board meeting.

No further action was taken by the Board regarding this issue.

12. **A MOTION** to close the Open meeting and enter closed Quasi-Judicial Session pursuant to G.L. c. 30A, §18, ¶ 5 (d) and not return to an Open Meeting was made by RG. Seconded by PP. After a brief discussion, the Chair called for a roll call vote:

Paul Phaneuf - Yes  
Patrick Driscoll – Not present for the vote.  
Richard Gormley - Yes

David Brezniak- Yes  
Janet Leombruno – Absent

The Motion passed and the Open Public meeting closed at approximately 10:45 A.M.

A Motion to exit the closed Quasi-Judicial Session and enter the Closed Investigative Conference pursuant to G.L. c. 112, § 65C and not return to Open Meeting was made by RG, Seconded by PP. After a brief discussion, the Chair called for a roll call vote:

Paul Phaneuf - Yes  
Patrick Driscoll – Not present for the vote.  
Richard Gormley - Yes  
David Brezniak- Yes  
Janet Leombruno – Absent

The Motion passed and the Quasi-Judicial Session closed at approximately 10:59 A.M.

The following actions took place during the Closed Investigative Conference:

- 2023-207582-FI-ENF      Dismissed with Advisory Letter
- 2023-207586-FI-ENF      Returned to Investigations

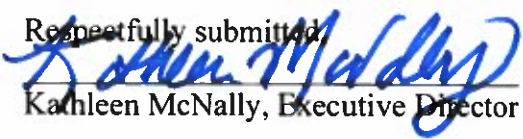
13. A **MOTION** to adjourn and close the meeting was made by DB. Seconded by RG. The Chair called for a Roll Call Vote:

Paul Phaneuf - Yes  
Patrick Driscoll – Not present for the vote.  
Richard Gormley - Yes  
David Brezniak- Yes  
Janet Leombruno – Absent

The Motion passed and the Meeting was closed at approximately 11:23 AM.

The above minutes were taken at the meeting held on January 16, 2024,

Respectfully submitted,

  
Kathleen McNally, Executive Director

Documents used in public session:

- Agenda for the January 16, 2024, Open Meeting
- Draft minutes of the December 19, 2023, Open Meeting
- Draft minutes of the December 19, 2023, Closed Executive Session Meeting
- List of Approved License Registrants and Establishments
- List of Approved Continuing Education Courses
- Attorney Christopher Carroll's request for Sweeny Brothers' Funeral Home