

**COMMONWEALTH OF MASSACHUSETTS**  
**BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING**  
**MINUTES OF THE FEBRUARY 18, 2025, OPEN PUBLIC MEETING**

**Board Members Present in person:**

Paul Phaneuf, Chair  
Rebecca Ridley, Member

**Board Members Remotely Attending:**

Patrick Driscoll, Secretary  
Richard Gormley, Member  
Janet Leombruno, Public Member

**Board Members Unable to Attend:**

None

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

Peter Kelley, Board Counsel  
Marjorie Campbell, Executive Director  
John Hill, Board Administrator

Board Members and Staff attended as noted.

1. The Executive Director (ED) called the meeting to order at 10:04 am and advised as to the recording of the public meeting. Board members and staff introduced themselves.
2. The Board Chair welcomed all to the meeting and advised as to room procedures, exits, and fire alarm procedures.

**Approval of Meeting Minutes:** The Board members reviewed the public session minutes from the January 21, 2025, meeting. (Typo in meeting notice: should be 2025 not 2024 for meeting minutes date). 10:06 a.m., Ms. Leombruno joins meeting. After a brief discussion, a motion to approve the Public Session meeting minutes was made by Patrick Driscoll, motion seconded by Rebecca Ridley. The Chair called for a roll call vote:

- In Favor: Paul Phaneuf, Rebecca Ridley, Janet Leombruno, Patrick Driscoll, and Richard Gormley
- Opposed: None
- Motion Passes

The Board members then reviewed the minutes of the Executive Session from the January 21, 2025, Board meeting. After a brief discussion, a motion to approve the Executive Session meeting minutes was made by Rebecca Ridley, motion seconded by Patrick Driscoll. The Chair called for a roll call vote:

- In Favor: Paul Phaneuf, Rebecca Ridley, Janet Leombruno, Patick Driscoll, and Richard Gormley
- Opposed: None
- Motion Passes

### **Welcome and Approval of New Applicants:**

1. Funeral Home Assistant Applicants: There was only one Funeral Assistant Applicant in attendance, via Teams, Mr. John Mosca, along with Mr. Gary Toye, his Type 3 supervising funeral director. The Chair welcomed Mr. Mosa and discussed the duties of a Funeral Assistant in Massachusetts. Opportunity for questions was given. Mr. Mosca was instructed that he will be issued a license if all other documents and paperwork are in order.
2. Embalming Apprentice Applicants: None
3. Funeral Director Type 6 Applicants: Board members welcomed the following new Funeral Director Type 6 Applicants:
  - Jacqueline Coleman
  - J. Luke Ross Jr.
  - Chase Mirassou

All applicants appeared with their Type 3 Director Sponsors. All applicants were duly sworn in by the Board members, they were reminded of their professional duties, and they were welcomed into the profession.

### **Executive Director Report:**

1. Reports on Administratively Approved License Registrations and Continuing Education Course Providers: There were no administratively approved licensees today. The Board members did receive the list of Continuing Education (CE) course provider requests that were administratively approved. John Hill indicated he had asked Patrick Driscoll to review the course entitled “Funeral Services in the Future” and that this course was accepted. After a brief discussion, a motion was made to accept the Continuing Education Course Providers. Motion made by Patrick Driscoll, and seconded by Janet Leombruno. The Chair called for a roll call vote:
  - In Favor: Paul Phaneuf, Rebecca Ridley, Janet Leombruno, Patrick Driscoll, and Richard Gormley
  - Opposed: None
  - Motion Passes
2. Update on Pre-Needs Reports: Verbal update that Board staff are working on the pre-need reports as they are being submitted for 2024. Approximately 75% of the reports submitted and reviewed to date. Board requested a more comprehensive update regarding the pre-need reports for March, 2025 meeting. No further action taken.

3. Update regarding the DOL March move and the March Board meeting: Verbal update that our office will be moving to 1 Federal Street in Boston, MA, at the end of March. Because there are too many unknowns at this point regarding conference rooms and meeting space availability, the March 18, 2025, Board meeting will be held virtually only via Teams. It was noted that parking will be limited at the Federal Street building itself, but there are nearby public parking spaces.

**Board Counsel Report:** No new items

### **Discussion Items**

1. Draft of Regulation Change for CE requirements: for Embalming Apprentices and Funeral Assistants: 239 Code Mass Regs. Sec. 5.00: Attorney Kelley presented latest updated draft of this regulation revision. This draft proposes that Embalming Apprentices and Funeral Assistants would only be required to complete the one hour of OSHA training annually as a requirement for license renewal. There was some discussion about some language to clarify the license expiration dates for both Funeral Assistants and Embalming Apprentices, which expire on 10/20 of every year. The Board members voted to table this vote until next month to allow Attorney Kelley time to revise the draft. Motion to table this matter until next month made by Rebecca Ridley; motion seconded by Janet Leombruno. The Board Chair called for a roll call vote:
  - In Favor: Paul Phaneuf, Rebecca Ridley, Janet Leombruno, Patrick Driscoll, and Richard Gormley
  - Opposed: None
  - Motion Passes

### **License Application Review**

1. Conditional FE license request from Bill McDonald: Tabled
2. Conditional FE license request: Mr. Robert Fournier of Shaw Majercik was present in person before the Board with his Attorney, Chris Carroll. Attorney Carroll did distribute additional information to the Board members and Board staff; this information was not available for the Board to review prior to the meeting. Attorney Carroll addressed the Board with a summary of the facts in this matter. Mr. Fournier currently owns 4 Funeral Homes out of state, including a Crematorium in Connecticut. Mr. Fournier does hold a Type 3 Funeral Director license in Massachusetts, and he is in the process of purchasing Shaw Majercik Funeral Home in Webster, MA. Although matter initially came before the Board due to this funeral home's needs for handicap access, Board members had voiced concerns related to Mr. Fournier's ownership of the Crematorium. Attorney Carroll stated that Mr. Fournier is willing to work with the Board to come up with a plan where Mr. Fournier could purchase the Massachusetts Funeral Home, and still keep the Crematorium, without violating any laws or regulations. For example, could the Crematorium be incorporated or be put under Mr. Fournier's wife's name, or what if no referrals were made from the

Massachusetts Funeral Home? Attorney Carroll has researched other Funeral Home entities in Massachusetts, and he stated that other Funeral Homes reference ownership of Crematoriums in other states.

Attorney Carroll mentioned specifically the SCI case, which owns Funeral Homes in Massachusetts, and also owns an LLC Crematorium in Rhode Island. The Licensee was Sumner Waring, Type 3. The Board allowed this ownership arrangement to stand at its Fall Board meeting.

Attorney Kelley pointed out that the SCI case was a concerning precedent that does lend to some concerns about inconsistency with the Board's decisions. The SCI case did involve a matter of stock ownership versus full ownership. Attorney Kelley emphasized that the laws and regulations are clear that a Funeral Director in Massachusetts should not be able to profit from a Crematorium, nor can a direct relative profit from the Crematorium.

There followed a discussion about whether there were any business arrangements that could be allowed that would not violate the laws and regulations in Massachusetts. Mr. Fournier stated he would very much like this opportunity to take over Shaw Majercik and open up opportunities in that community. Mr. Fournier also stated that he has every intention of fully disclosing to clients that he has an ownership in the Crematorium and he would be willing to have his clients sign a waiver, but nevertheless still refer clients to the Putnam crematorium.

Attorney Kelley noted that the Board members do not have to come to a decision today, as they just received this new material from Attorney Carroll, and no Board members have had a chance to fully review these additional materials. Attorney Kelley also stated that the paperwork for the Conditional License on Shaw Majercik for the handicap access appears to be in order; however, this issue of the Crematorium ownership must be resolved first, before the Board can issue a Conditional License on the Funeral Home. After discussion, the Board members opted to table this matter for further review. No vote was taken.

**Investigative Update on Licensed Establishments:** No new updates.

**Topics Not Reasonably Anticipated 48 Hours in Advance of Meeting:** No Items

**Public Comment:** No comments

At 11:23 am, the Board moved to exit Public Session and to enter into Closed Session for the purpose of conducting settlement and investigatory conferences per G. L. c. 112, sec. 65C.

- Motion made by Janet Leombruno to exit Public Session and enter Closed session for the purpose of conducting investigatory and settlement conferences
- Motion second by Rebecca Ridley
- Board Chair called for a roll call vote

- In Favor: Paul Phaneuf, Rebecca Ridley, Janet Leombruno, Patrick Driscoll, and Richard Gormley
- Opposed: None
- Motion passes

During closed session the Board took the following actions.

- 2024-000767-IT-ENF: Refer to Prosecutions
- 2025-000043-IT-ENF: Dismiss
- 2024-207526-FI-ENF: Dismiss

At 12:18 pm, the Board moved to exit closed session, enter open session, and thereupon to Adjourn the meeting:

- Motion made by Rebecca Ridley
- Motion seconded by Janet Leombruno
- Chair called for a roll call vote
- In Favor: Paul Phaneuf, Rebecca Ridley, Janet Leombruno, Patrick Driscoll, and Richard Gormley
- Opposed: None
- Motion passes

Documents used in public session:

- Agenda for the February 18, 2025, Open Meeting
- Public Session Minutes and Executive Session minutes for the January 21, 2025, Board Meeting
- List of Funeral Home Assistant Applicants, Embalming Apprentice Applicants, and Funeral Director Type 6 Applicants, scheduled to appear before the Board at today's meeting
- Swearing in Statement for Type 6 Funeral Director applicants
- Report on Administratively Approved License Registrations for February 2025
- Report on Administratively Approved Continuing Education Course Providers for January 2025
- Draft of Regulation Change for CE Requirements: for Apprentices and Funeral Assistants: 239 Code Mass. Regs sec. 5.00
- Documents supporting the Conditional FE License request for Shaw Majercik Funeral Home