

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING
ONE FEDERAL STREET, ROOM 6021
BOSTON, MA 02110**

MINUTES OF THE APRIL 15, 2025, OPEN PUBLIC MEETING

This meeting was held both in-person at the address above and virtually

Board Members Attending in-person:

Paul Phaneuf, Board Chair
Rebecca Ridley, Member
Patrick Driscoll, Secretary

Board Members Attending Remotely

Richard Gormley, Member
Janet Leombruno, Public Member

Board Members Unable to Attend:

None

DOL Staff Present attending in-person:

Peter Kelley, Board Counsel
Colleen Maloney, Associate Commissioner of Policy and Boards
Marjorie Campbell, Executive Director
John Hill, Board Administrator
Bob Williams, Board Investigator
Pedro Jorge, Investigation Supervisor

Board Members and Staff attended as noted.

1. The Executive Director (ED) called the meeting to order at 10:07 am and advised as to the recording of the public meeting.
2. The Board Chair welcomed all to the meeting, and confirmed that we had Quorum. The Board Chair pointed out that we are now in the new building at One Federal Street, Suite 600 in Boston, MA. The Board Chair advised as to the location of the exit elevators and stairs.

Approval of Meeting Minutes: The Board members reviewed the public session minutes from the March 18, 2025, 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, Richard Gormley, and Patrick Driscoll
- Opposed: None
- Motion Passes

Welcome and Approval of New Applicants:

1. Embalmer Apprentice Applicants: The Board Chair welcomed the Embalmer Apprentice applicants who were present virtually with their sponsors. The Board Chair discussed the duties of an Embalmer Apprentice in Massachusetts. An opportunity for the applicants to ask questions was provided. The following applicants were welcomed and were informed that they would receive an email from Board staff with their licensing information. No vote was taken:
 - Kemoni Cartwright of George Lopes Funeral Home
 - Hannah Ross of Western Mass Trade and Transfer
 - Georgianna Orseno of Fifth Legacy Inc.
 - Jeffrey Newell of Campbell Funeral Home
 - Courtney Bliss-Souda of Miles Funeral Home
 2. Funeral Assistant Applicants: The Board Chair welcomed the Funeral Assistant applicants who were present virtually at today's meeting. The Board Chair discussed the duties of a Funeral Assistant in Massachusetts. An opportunity for the applicants to ask questions was provided. The following applicants were welcomed and were informed that they would receive an email from Board staff with their licensing information. No vote was taken:
 - Timothy Rector with Varnum Funeral Home
 - Bryan Diehl with Miles Funeral Home
 - Vittorio Consoletti with Wareham Village Funeral Home
 - Christopher Mullen with Western Mass Transfer and Trade
 - Marc Haslam with Hathaway Community Home for Funerals
 - Teigen Utera with Bartlett Funeral Home
 - Pamel Leduc with Silva Funeral Home
 - Michael White with Casper Funeral Services
 - Scott McCarthy with Mitchell Funeral Home
 - John Billings with Henry J. O'Donnell and Sons
 - Colton Arthur with Doane, Beal and Ames
 - Brandon Pavao with Blake Memorial Funeral Homes
 - Evan Cote with Dery Funeral Home
 - Max Gardner with Schlossberg Chapel
 - Nunzio Orlando with H.L. Farmer and Sons
- Funeral Director Type 6 Applicants: There were no Type 6 Funeral Director applicants for approval at today's meeting.

Executive Director Report:

1. Report on Administratively Approved Continuing Education Course Providers: Board members were provided with a list of CE Course providers which were administratively approved by Board staff. After a brief discussion, Board members voted to accept both reports that Board staff provided:
 - Motion to ratify the approved Continuing Education Course Providers, made by Rebecca Ridley.
 - Motion seconded by Patrick Driscoll
 - Board Chair called for a roll call vote
 - In Favor: Paul Phaneuf; Rebecca Ridley; Janet Leombruno; Richard Gormley; and Patrick Driscoll
 - Opposed: None
 - Motion passes
2. Update regarding the Preneed Reports; Information provided by Colleen Maloney. Based on review of the reports received by the Embalming Board, there are now 17 delinquent Funeral Establishment preneed reports, with an additional 4 establishments nonresponsive. These delinquent establishments will be sent to Prosecutions and any establishments with multiple offenses can be brought back to the Board for further discussion and review if needed.

Board Counsel Report:

1. Pre-need Inquiry: Email from John Grunert to Attorney Peter Kelley, dated April 3, 2025, regarding funeral trust accounts. These questions from John Grunert to the Board Counsel related to whether the banking institution or trust company where pre-need accounts are kept in Massachusetts, have to be fully located in Massachusetts; or is it acceptable if only a branch of the banking institution is located in Massachusetts. The Board determined that, particularly in respect of the definition of Trustee in 239 Code Mass. Regs. § 4.01, ¶ 12, that a trust company or a chartered bank, which is authorized to transact business in the Commonwealth of Massachusetts, is in compliance with 239 Code Mass. Regs. §§ 4.01, ¶ 12, 4.09(2)(a) even if the chartered bank or trust company is organized pursuant to the laws of another state or has a principal place of business in a state other than Massachusetts. As to the more precise questions, concerning whether or not the trust proceeds or trustee must remain exclusively within the Commonwealth, the Board declined to offer an opinion, as it exceeds the scope of the Board's regulations.
2. Email from John Heald to Attorney Peter Kelley, dated March 18, 2025, regarding website-linked flower sales. Mr. Heald's inquiry related to the practice of linking florists offering flower selection and delivery to the funeral home from a link on the funeral home's website, with commissions had and received by the funeral home establishment. This question generated a robust discussion from the Board members, and Board Counsel also provided a 2017 Advisory Opinion from former Board Counsel, Charles Kilb. Board members stated that the question does appear to describe the current practice. The 2017 Advisory Opinion from the former Board Counsel does not address the website issue, it addresses next-of-kin ordering flowers as part of funeral arrangements with the licensed

funeral director. Board members asked for additional time to research and consider this issue. There was therefore no vote taken, and this matter will be tabled to a later meeting date.

Topics Not Reasonably Anticipated 48 Hours in Advance of Meeting:

1. Pedro Jorge is the new Investigator Supervisor for the Embalming and Funeral Home Board and Pedro will be helping with inspections as well. Welcome to Pedro Jorge.

Public Comment:

- Comment from the public that there is an increasing problem of bodies stored in morgues and asked whether this was a common problem in Massachusetts. The Board Chair mentioned that every month, in some hospitals, there are some backlogs as some bodies are unclaimed. There is pending legislation in Massachusetts that addresses how these unclaimed remains can be buried and who would bear the responsibilities for the costs of burial. This is a possible discussion point for a future meeting.
- Margie Nolan inquired whether a preneed report should be part of a Funeral Establishment's closing documentation. Not currently part of the Board's regulations for establishment closures.

At 11:48 am, the Board took the following action.

- Rebecca Ridley moved to exit Public Session and enter Closed session for the purpose of conducting investigatory conferences pursuant to G. L. c. 112, § 65C.
- Motion second by Janet Leombruno
- Board Chair called for a roll call vote
- In Favor: Paul Phaneuf, Rebecca Ridley, Janet Leombruno, and Patrick Driscoll
- Opposed: None (Mr. Gormley unavailable)
- Motion passes

During closed session the Board took the following actions.

- 2025-000050-IT-ENF: Refer to Prosecutions
- 2025-000060-IT-ENF: Dismiss
- 2025-000086-IT-ENF: Dismiss
- 2025-000098-IT-ENF: Refer to Prosecutions
- 2025-000126-IT-ENF: Refer to Prosecutions
- 2025-000184-IT-ENF: Dismiss

At 12:55 pm, the Board moved to Adjourn the meeting:

- Rebecca Ridley moved to exit closed session and enter open session, thereupon to adjourn the meeting.
- Motion seconded by Patrick Driscoll
- Chair called for a roll call vote
- In Favor: Paul Phaneuf, Rebecca Ridley, Janet Leombruno, and Patrick Driscoll
- Opposed: None (Mr. Gormley unavailable)
- Motion passes

Documents used in public session:

- Agenda for the April 15, 2025, Open Meeting
- Public Session Minutes for the March 18, 2025, Board Meeting
- List of administratively approved CE Course Providers
- List of Funeral Home Assistant Applicants and Embalming Apprentice Applicants, scheduled to appear before the Board at today's meeting
- Email from John Grunert to Attorney Peter Kelley, dated April 3, 2025, regarding funeral trust accounts
- Email from John Heald to Attorney Peter Kelley, dated March 18, 2025, regarding website-linked flower sales