

Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
DATE: May 17, 2022
TIME: 10:00 a.m.

A regularly scheduled open public meeting of the Massachusetts Board of Registration of Embalmers and Funeral Directors (“the Board”) was held via Videoconference and Conference Call.

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Board Members Present:

Paul Phaneuf
Patrick Driscoll
David Brezniak
Janet Leombruno
Richard Gormley

Staff Members Present:

Thomas F. Burke, Executive Director
Peter Kelley, Board Counsel
Robert Williams, Board Investigator
Andrew Lutynski, Investigations Supervisor

Call to Order:

Mr. Brezniak moved to call the meeting to order at 10:15 a.m. and Mr. Gormley seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Not Present”. Evacuation procedures were tabled. Mr. Burke advised members of the public to mute volume and utilize hand function to address the Board.

Review of Minutes:

The Board reviewed staff prepared public session minutes of the meeting held on March 15, 2022.

Mr. Driscoll moved to approve the March 15, 2022 Board minutes. Mr. Brezniak seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Abstain.”, Ms. Leombruno: “Not Present.”.

The Board reviewed staff prepared public session minutes of the subcommittee meeting held on April 8, 2022.

Mr. Driscoll moved to approve the April 8, 2022 subcommittee minutes. Mr. Brezniak seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Not Present.”.

The Board reviewed staff prepared public session minutes of the subcommittee meeting held on April 14, 2022.

Mr. Driscoll moved to approve the April 14, 2022 subcommittee minutes. Mr. Brezniak seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr.

Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Not Present.”.

The Board reviewed staff prepared public session minutes of the meeting held on April 19, 2022.

Mr. Driscoll moved to approve the April 19, 2022 Board minutes. Mr. Gormley seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes.”, Mr. Gormley: “Abstain.”, Ms. Leombruno: “Not Present.”.

Report from Executive Director, Thomas Burke:

- Preneed Reports

Mr. Burke reported that eleven funeral establishments that did not comply with preneed reporting requirements have been referred to the Office of Investigations. None of the establishments had prior violations. Mr. Burke stated that letters will be mailed to funeral establishments who failed to submit reports by the deadline. The Board instructed him to provide updates at the subsequent Board meeting.

- Massachusetts Attorney General's Victim Compensation Program - Funeral Director Training – Read and Filed.
- Mr. Burke reported that the following applicants and continuing education course offerings have been administratively approved:

EM Board Licensed Registrants and Establishments

Mary Bruno (51352-EM-6) at Richardson Gaffey in Scituate on April 22, 2022

Ariel Cardillo (51353-EM-6) Independent Contractor on April 27, 2022

R.S. Mansfield, Inc. dba Kelly Cremation & Funeral Care (1065-FE-FE) on May 3, 2022

Kyle Sullivan (51354-EM-6) at Sullivan Funeral Home in Burlington on May 9, 2022

Sasha Newman (51355-EM-3) at Stanetsky Hymanson in Salem on May 11, 2022

Anaili D. Hernandez (51355-EM-6) at Miles Funeral Home in Holden on May 16, 2022

Continuing Education Courses

Wilbert Funeral Home

Embalming the Edematous Case

1.00 Hours

June 23, 2022 – via webinar

Become the Brand Customer Cannot Live Without

1.00 Hours

July 7, 2022 – via webinar

What You Should Know when Handling the Service for a Sitting Member of Congress

June 23, 2022 – via webinar

1.00 Hours

The Dodge Company / The Dodge Institute for Mortuary Studies
2022 Dodge Technical Seminar - Las Vegas, NV
November 11-12, 2022

7.00 Hours

National Funeral Directors Association (NFDA)

When a Child Dies: Resources for Funeral Directors and Parents
May 12, 2022 – Live Virtual Event

1.00 Hours

Mr. Burke reported that the Federal Trade Commission announced that they are taking legal action against the Heritage Cremation company – Read and Filed.

After discussion, Mr. Driscoll moved to accept the Executive Director's Report. Mr. Brezniak seconded. Motion passed by a roll call vote: Mr. Phaneuf: "Yes.", Mr. Driscoll: "Yes.", Mr. Brezniak: "Yes.", Mr. Gormley: "Yes.", Ms. Leombruno: "Not Present."

Report from Board Counsel, Peter Kelley:

No report.

Mr. Brezniak departed the meeting at 10:30 a.m.

Discussion:

- Draft policy on examination requirements for licensure by endorsement pursuant to 239 Code Mass. Regs. § 3.072(7)

The Board reviewed a draft policy for applicants seeking licensure by endorsement. The policy "interprets the phrase 'Massachusetts examination' in 239 Code Mass. Regs. § 3.02(7) to mean the Massachusetts jurisprudence examination provided the applicant has taken and passed a prior written practical examination (state or national)."

After discussion, Mr. Driscoll moved to accept the Executive Director's Report. Mr. Gormley seconded. Motion passed by a roll call vote: Mr. Phaneuf: "Yes.", Mr. Driscoll: "Yes.", Mr. Brezniak: "Not Present.", Mr. Gormley: "Yes.", Ms. Leombruno: "Not Present."

- Consumer Fact Sheet – Review and Approval

The Board reviewed the final draft of the Consumer Fact Sheet. After discussion, the Consumer Fact Sheet was amended to change "Funeral Consumers Alliance of Massachusetts" to read "Funeral Consumers Alliances of Massachusetts." **Mr. Driscoll moved to approve the amended Consumer Fact Sheet. Mr. Gormley seconded. Motion passed by a roll call vote: Mr. Phaneuf: "Yes.", Mr. Driscoll: "Yes.", Mr. Brezniak: "Not Present.", Mr. Gormley: "Yes.", Ms. Leombruno: "Not Present."**

Ms. Leombruno arrived at 10:56 a.m.

- Investigative Update on Licensed Establishments

Mr. Williams provided an update to the Board on the following funeral establishments:

1. Faye-McCabe Funeral Home, Lowell – Mr. Williams reported that the funeral establishment has been sold and Jane McKenna continues to serve as the covering Type 3 funeral director until the transfer of ownership is complete. He will provide regular updates to the Board.
2. Graham Putnam & Mahoney Funeral Home – The Board instructed Mr. Williams to request a letter from Mr. Robert Miller agreeing to remain the covering Type 3 funeral director until the transfer of ownership is complete.
3. Short Funeral Home – The establishment has been sold. The new Type 3 owner will submit an establishment certificate application to Board staff.
4. Westfield Funeral Home – Mr. Williams anticipates that Mr. Newcombe will submit an establishment certificate application to the Board for transfer of ownership. Mr. Williams will provide regular updates to the Board.
5. Ahearn Funeral Home – Mr. Roberts reported that the transfer of ownership is pending final agreement to purchase the funeral establishment. He will continue to provide regular updates to the Board.

Open session for topics not reasonably anticipated 48 hours in advance of meeting:

- None

Closed Session: Investigatory Conferences, pursuant to G.L. c. 112, §65C.

At 11:05 a.m., Ms. Leombruno moved to exit open session and into closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C. Mr. Driscoll seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Not Present.”, Mr. Gormley: “Not Present”, Ms. Leombruno: “Yes”.**

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

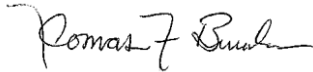
- 2021-0001144-IT-ENF – Dismissed.
- 2021-0001164-IT-ENF – Dismissed.

At 11:15 a.m., Mr. Gormley moved to exit closed session and thereafter to adjourn the meeting. Ms. Leombruno seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes.”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Not Present.”, Mr. Gormley: “Yes.”, Ms. Leombruno: “Yes”.**

List of Documents used at the meeting:

1. Agenda
2. Board Public Session Minutes
3. ED Report of administratively approved registrants and establishment & CE provider courses
4. Correspondences
5. Draft of Consumer Fact Sheet
6. Draft policy on examination requirements for licensure by endorsement pursuant to 239 Code Mass. Regs. § 3.072(7)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas F. Burke". The signature is written in a cursive, flowing style.

Thomas F. Burke
Executive Director