

**Massachusetts Board of Registration in Embalming and Funeral Directing  
Public Session Minutes**

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**DATE: May 19, 2020 TIME: 10:00 a.m.**

**Board Members Present:**

Paul Phaneuf  
Richard Gormley  
Patrick Driscoll  
David Brezniak  
Janet Leombruno

**Staff Members Present:**

Michael Hawley, Executive Director  
Thomas F. Burke, Assoc. Executive Director  
Peter M. Kelley, Board Counsel  
Robert Williams, Board Investigator

**Members of the Public Present:**

Margie Nolan

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**Call to Order:**

Mr. Phaneuf called the meeting to order at 10:08 a.m. Executive Director Hawley encouraged callers to identify themselves before speaking and to avoid the use of speakerphone, which may cause feedback and distort conversation.

**Review of Minutes:**

The Board reviewed amended staff prepared public session minutes of the meeting held on March 24, 2020.

**Mr. Gormley moved to accept amended staff prepared public session minutes of the meeting held on March 24, 2020. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes”, Mr. Gormley: “Yes”.**

The Board reviewed staff prepared public session minutes of the meeting held on April 21, 2020.

**Mr. Gormley moved to accept staff prepared public session minutes of the meeting held on April 21, 2020 with amendments. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes”, Mr. Gormley: “Yes”.**

#### **Report from Executive Director, Michael Hawley**

Mr. Hawley reported that Board staff continues to work remotely and is in the office on an intermittent basis according to the guidance provided by the emergency order. He reported that he participated in a conference call with PSI and that most testing centers are now open in Massachusetts, however facilities are operating according to restrictions imposed by the emergency order and at half capacity. As a result, he noted that the exam process for funeral directors will take longer than usual. The Board then discussed the need to expedite the issuing of licenses in light of restrictions and the current teleconferencing realities the Board utilizes for meetings. After further discussion, the Board took the following action:

**Mr. Driscoll motioned to delegate, during the state of emergency, to Board staff to approve Type 6 and Type 3 applicants for licensure. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes”, Mr. Gormley: “Yes”.**

**Mr. Driscoll motioned to delegate, during the state of emergency, to Board staff to approve licensure for funeral establishment certificate applicants. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes”, Mr. Gormley: “Yes”.**

#### **Report from Board Counsel, Peter Kelley**

Mr. Kelley reported to the Board that the open meeting law currently allows for teleconferencing for regular meetings only if there is a quorum of Board members physically present for each meeting, among other requirements. He stated that he is aware of the creation of a task force to address the reopening of various trades and professions during the current pandemic, but that Board members should not participate in lobbying efforts, lest they appear to be acting in their capacity as Board members. Mr. Kelley stated that if the task force were to contact the Board with questions, the Board would respond. Ms. Nolan thanked Mr. Kelley for the clarification.

#### **Application Review:**

##### **Type 3**

- Eduardo Colon  
**Mr. Brezniak moved to approve Eduardo Colon for Type 3 licensure. Mr. Gormley seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes”, Mr. Gormley: “Yes”.**

## **Discussion:**

- Funeral Establishment practices in light of Emergency Order

The Board chair reminded licensees that the emergency order is still in effect and restrictions on religious gatherings remain in place. The chair requested counsel to review the governor's safety standards for funeral practices in light of these restrictions. Ms. Nolan reported to the Board that the Massachusetts Funeral Directors Association ("MFDA") task forces seeks to uphold public safety as it explores ways to implement safety standards for its members.

- Funeral Establishment Inspections

Mr. Williams reported to the Board that DPL is preparing for the ability to return to conducting inspections. Mr. Williams noted that if inspections were to begin he will use Personal Protective Equipment ("PPE") to conduct regular inspections and keep records related to Covid-19. Mr. Williams will send electronic correspondence to Board staff regarding inspection results.

## **Compliance Monitoring**

**After brief discussion, Mr. Driscoll moved to accept the May 2020 monitoring report for Graham, Putnam & Mahoney Funeral Parlors and Peter Stefan. Mr. Gormley seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: "Yes", Mr. Brezniak: "Yes", Mr. Driscoll: "Yes", Mr. Gormley: "Yes".**

## **Continuing Education Provider Applications**

- International Cemetery, Cremation and Funeral Association (ICCFA)

**Mr. Driscoll motioned to approve and accept the continuing education course. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: "Yes", Mr. Brezniak: "Yes", Mr. Driscoll: "Yes", Mr. Gormley: "Yes".**

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

At 11:15 a.m., Mr. Gormley moved to suspend the open meeting and enter into closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: "Yes", Mr. Brezniak: "Yes", Mr. Driscoll: "Yes", Mr. Gormley: "Yes".

Ms. Leombruno joined the meeting at 11:25 a.m. Mr. Gormley left the meeting at 11:25 a.m.

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

- 2020-000244-IT-ENF – Dismissed.
- 2020-000245-IT-ENF – Dismissed.

Ms. Leombruno left the meeting at 12:00 p.m.

At 12:05 p.m., Mr. Driscoll moved to exit closed session and enter open session. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes”.

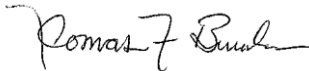
### **Adjournment**

**At 12:10 p.m., Mr. Driscoll moved to adjourn the meeting. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes”.**

### **List of Documents used at the meeting:**

1. Agenda
2. Minutes from April 21, 2020 meeting.
3. Applications for personal registration
4. Compliance Monitoring Report
5. Board Cases

Respectfully submitted,



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Thomas F. Burke  
Associate Executive Director