

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING
MINUTES OF THE APRIL 18, 2023 OPEN PUBLIC MEETING

Board Members Present:

Paul Phaneuf, Chair
Patrick Driscoll, Secretary
Richard Gormley, Member
David Brezniak, Member

Absent:

Janet Leombruno, Member

DOL Staff Present at various times during the meeting:

Colleen Maloney, Associate Deputy Commissioner of Policy and Boards (CRM)
Kathleen McNally, Executive Director (KM)
Jenna Hentoff, Board Counsel (JH)
John Hill, Board Staff (JEH)

Public attendees: No members of the public attended this meeting.

All Board members and staff attended in person.

A MOTION was made at approximately 10:05AM to call the meeting to order by PD. 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.

1. The Chair introduced the Board Members and Staff to all in attendance.
2. KM advised the Board and attendees of the recording of the public meeting.
3. The Chair advised to the location of Rest Rooms, Exits and Fire alarm procedures.
4. KM advised the Board members about travel vouchers which need to be submitted to the Division of Occupational Licensure Agency (DOL) by July 7, 2023 for travel expenses, including gas, mileage, and parking, when they attend the In-Person Board meetings.

5. The Chair led the discussion of the Open Public Meeting Minutes from February 21, 2023. **A MOTION** to accept the minutes as submitted was made by PD. 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.

6. Chair Phaneuf inquired about a prior application not appearing on the below mentioned list of Licensed Registrants and Establishments, which was the subject of an inquiry by the applicant's attorney. JEH advised the Board that the application is in pending status as it is incomplete at the moment.
7. The Administratively Approved License Registrations and Establishments Report was provided by KM and JEH for acceptance:

EM Board Licensed Registrants and Establishments

John deSousa, 996-EM-FA, Rock Funeral Home, New Bedford, 3/3/2023
Steven Moniz, 997-EM-FA, Cherry Place Home of Memorial Tribute, Fall River, 3/3/2023
John P. Neilan, 998-EM-FA, Miles Funeral Home, Holden, 3/3/2023
Robert Billsten, 999-EM-FA, Gillooly Funeral Home, Norwood, 3/3/2023
Timothy Wanagel, 1000-EM-FA, Casper Funeral & Cremation Services, S. Boston, 3/3/2023
Katharine Bartlett, 1001-EM-FA, Bartlett Funeral Home, Plymouth, 3/3/2023
Jacqueline N. Coleman, 6512-EM-A, Dockray & Thomas Funeral Home, Canton, 3/6/2023
Brian A. Keenan, 1002-EM-FA, CC Shepherd Funeral Home, Weymouth, 3/20/2023
Emily R. Foye, 6513-EM-A, Saunders Dwyer Funeral Home, New Bedford, 3/20/2023
Daniel T. Hickey II, 1003-EM-FA, Chapman Funeral Home, Falmouth, 3/20/2023
Maelin H. Clancy, 1004-EM-FA, Nickerson Funeral Home, Orleans, 3/20/2023
Scott F. Querzoli, 6514-EM-A, Keohane Funeral Home, Quincy, 3/20/2023
Katherine M. Graham, 6515-EM-A, Arthur P. Graham Funeral Service, Woburn, 3/20/2023
Ronald M. Buhour, Jr., 1005-EM-FA, Silva-Faria Funeral Home, Fall River, 3/20/2023
Scott B. Duffany, 1007-EM-FA, Greely Funeral Home, Gloucester, 3/20/2023
Christopher C. Goodwin, 1008-EM-FA, Varnum Funeral Home, W. Brookfield, 3/20/2023
Chantal Severino, 6516-EM-A, Goldman Funeral Chapel, Malden, 4/5/2023

After a brief discussion, a **MOTION** to accept the Executive Report on admiratively approved registrants and establishments as presented was made by PD. 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. The Administratively Approved Continuing Education Course Report was provided by JEH for acceptance:

Continuing Education Courses

Academy of Professional Funeral Service Practice

- DIY Consumer 1.00 Hour
- Value-Based Client Engagement 1.00 Hour
- Funeral Service and Young Families:
 - What you need to know 1.00 Hour
- Treating Discolorations 1.00 Hour
- ICCFA 2023 Annual Conference and Exposition 14.00 Hours

New York state Funeral Directors Association

- Case Studies in Severe Trauma Restorations 2.00 Hours
- Funeral Arrangements to Die For:
 - Best Practices of the Funeral Arrangement Conference 1.00 Hour
- Bringing Children and Teens to a Funeral 1.00 Hour
- The Cremation of Sam McGee:
 - A Profile of the Modern Cremation Customer 1.00 Hour
- Decedent Identification/Quality Assurance at OCME 2.00 Hours
- Estate Planning for Digital Assets 1.00 Hour
- How Facebook Works for Funeral Homes 1.00 Hour
- Say Farewell Their Way 2.00 Hours
- The Great Generational Shift 1.00 Hour
- Marketing in the Digital Age 2.00 Hours
- Scientific Case Analysis for the Modern Embalmer 2.00 Hours
- The Young and the Restless 2.00 Hours

Wilbert Funeral Services, Inc.

- Value-Based Client Engagement 1.00 Hour
- Treating Discolorations 1.00 Hour
- Funeral Service and Young Families:
 - What You Need to Know 1.00 Hour

- Embracing the DIY Consumer 1.00 Hour

Certified Safety Training

Full Funeral Home OSHA Safety & FTC Funeral Rule Compliance 2.00 Hours

After a brief discussion, a **MOTION** to accept the Executive Report on the administratively approved continuing education as presented was made by PD. 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.

8 Pre-Need Reports

KM and JEH advised the Board as to the status of Pre-Need reports, which were submitted by paper as in prior years and by email this year for the first time. The Board discussed allowing a two-week grace period for submission of reports to February 15, 2023 as this is the first year the Pre-Need reports were submitted via email.

A **MOTION** was made by DB to allow a grace period this year for the Pre-Need report submissions to February 15, 2023 and to send a letter to those Establishment Licensees which submitted reports after said date to remind them of the regulatory requirement that the Pre-Need Reports be submitted every year by January 31st. Seconded by PD. 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.

The Board further discussed the status of those Establishment Licensees which had not submitted a Pre-Need report by the date of the April 18, 2023 Board meeting or not submitted the report at all and requested an update on those establishments at the next Board meeting. The Board noted that establishments which were not licensed in 2022 are not required to submit a Pre-Need report for calendar year 2022.

A **MOTION** was made by PD to send to open complaints against those Funeral Home Establishment Licensees which did not submit a Pre-Need Report as of the date of this April 18, 2023 Board Meeting. 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.

The Board took a brief recess.

9. Board Counsel led a discussion on the matter of Anthony Damiano; the Funeral and Cremation Group of North America, LLC; and Legacy Cremation Service, LLC d/b/a Heritage Cremation Provider, Evergreen Funeral Home and Crematory, and Carolina Central Crematory. Counsel notified the Board that Mr. Damiano and his businesses have agreed to a proposed court order in connection with a lawsuit filed by the Department of Justice on behalf of the Federal Trade Commission. Counsel reviewed with the Board the terms of the proposed court order which, if accepted, would require payment of a civil penalty as well as required the disclosure of information regarding price and third-party involvement. Counsel stated that if any new complaints arise which involve these businesses, the complaints will be appropriately handled by this Agency. No Board action was taken at this time.
10. Board Counsel informed the Board that Governor Healey signed into law a bill which extended the temporary provisions pertaining to the Open Meeting Law until March 31, 2025, whereby Boards can hold Board Meetings remotely until said time. CMR discussed options available for Board meetings, including the ability for members who cannot attend the in-person meeting to attend via phone or the ability to use the OWL system for a hybrid meeting.
11. Correspondence Review:
The Board discussed whether documents required to be held by rule and statute be held electronically or only physically. Board Counsel reviewed Board regulations which require that records be maintained but do not specify whether those may be maintained physical or electronically. After discussion, the Board agreed that Licensees may keep and maintain electronic records as long as the personal information of their clients is kept private and confidential. Staff will reply to this correspondence.
12. The Board discussed that Funeral Directors cannot participate in the cemetery, monument or flower business. Board Counsel reviewed the statutes and regulations regarding this prohibition.

13. The Chair notified Board staff that two Funeral Directors had recently passed away. Board staff will note such in the Board's records.

14. At 11:08 AM, a **MOTION** to adjourn the Open meeting and enter into Closed Executive Session pursuant to G. L. c. 30A, § 21(a)(7) to comply with G. L. c. 4, § 7, ¶ 26(l) to comply with the public records law and to preserve the confidentiality of questions, answers and other materials used to administer, score, or develop a test, examination, or assessment, and not return to an Open Meeting was made by PD. 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. The Chair announced the next scheduled meeting to be held in-person on May 16, 2023.

15. The Board exited Executive Session and entered Closed Investigative Conference pursuant to G.L. c. 112, § 65C at 11:14 AM.

16. The following actions took place within the Closed Session Investigative Conference:

2023-000051-IT-ENF – tabled
2023-000106-IT-ENF – tabled
2023-000138-IT-ENF – tabled

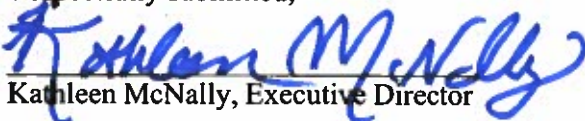
17. At 11:50 AM, a **MOTION** to adjourn and close the meeting was made by DB. Seconded by PD. The Chair called for a roll call vote:

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

The Motion passed and the Board Meeting was closed.

The above minutes were taken at the open meeting held on April 18, 2023.

Respectfully submitted,


Kathleen McNally, Executive Director

Documents used in public session:

- **Agenda for the April 18, 2023 Open Meeting**
- **Draft minutes of the February 21, 2023 Open Meeting**
- **List of administratively approved license registrants and establishments**
- **List of administratively approved continuing education courses**
- **Documents regarding Anthony Damiano and businesses**