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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF FUNERAL DIRECTORS

TIME: 10:37 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

January 11, 2023

State Board of Funeral Directors
January 11, 2023

BOARD MEMBERS:

Arion Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Carmella M. Imburgia, Chairperson, Professional
Member
Kenneth C. DuPree, Vice Chairperson, Professional
Member
Milian E. Rodriguez, Secretary, Professional Member
Francis McCusker, Public Member
Jennifer Jane Kirk, Esquire, Senior Deputy Attorney
General, Antitrust Section, Consumer Protection
Representative

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Shawn J. Jayman, Esquire, Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel,
Prosecution
Division
Ray Michalowski, Esquire, Senior Board Prosecution
Liaison
Timothy A. Fritsch, Esquire, Board Prosecution
Liaison
Kristel Hennessy Hemler, Board Administrator
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State
Marc Farrell, Esquire, Board Counsel
Jessica Zukoski, Senior Legal Analyst

ALSO PRESENT:

Jason Benion, Esquire, Shareholder and Chair of the
Death Care Group, Saxton & Stump, LLC
James Eirkson, CAE, Assistant Executive Director and
Chief Operations Officer, Pennsylvania Funeral
Directors Association
John Katora, Heffner Funeral Chapel & Crematory, Inc.
Harry C. Neel, President/CEO, CCFE, Jefferson
Memorial
Cemetery, Funeral Home, and Crematory
Wesley J. Rish, Esquire, Rish Law Office, LLC
Eric D. Ruggeri, Westtown-East Goshen Regional Police
Department

State Board of Funeral Directors
January 11, 2023

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ALSO PRESENT: (cont.)

Kathleen K. Ryan, Esquire, Pennsylvania Funeral
Directors Association
Kadi Scafuro, General Manager, Jefferson Memorial
Funeral Home
Jennifer Smeltz, Republican Executive Director,
Senate
Consumer Protection & Professional Licensure
Committee
Antoine Turay, Owner, Turay Memorial Chapel
Kimberly Washington, Forrest Walker Funeral Home
Michael Anderson, Philadelphia, PA
Daniel Costa, MS, LPI, CEO/Founder, OPS Security
Group

1 ***

2 State Board of Funeral Directors

3 January 11, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Shawn J. Jayman, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations on
9 a number of matters currently pending before the
10 Board and to receive the advice of counsel. The
11 Board entered into public session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Funeral Directors was held on Wednesday,
15 January 11, 2023. Carmella M. Imburgia, Chairperson,
16 Professional Member, called the meeting to order at
17 10:37 a.m.

18 ***

19 Roll Call/Introduction of Attendees

20 [Carmella M. Imburgia, Chairperson, Professional
21 Member, requested a roll call of Board members and
22 attendees.]

23 ***

24 [Shawn J. Jayman, Esquire, Board Counsel, informed
25 everyone that the meeting was being recorded and

1 voluntary participation constituted consent to be
2 recorded.

3 Mr. Jayman also noted the Board entered into
4 Executive Session for the purpose of conducting
5 quasi-judicial deliberations on a number of matters
6 currently pending before the Board and to receive the
7 advice of counsel.]

8

9 Approval of minutes of the December 7, 2022 meeting

10 MR. JAYMAN:

11 Approval of minutes at number 1 on the
12 agenda, the meeting minutes from
13 December 7, 2022.

14 I believe the Chairperson would
15 entertain a motion to approve the
16 December 7, 2022 minutes to reflect
17 Acting Commissioner is Claggett as
18 opposed to Johnson as reflected in
19 those minutes.

20 CHAIR IMBURGIA:

21 We have a quorum. We can move to make
22 a motion.

23 MS. RODRIGUEZ:

24 With the proper correction, so moved.

25 CHAIR IMBURGIA:

1 Second?

2 ACTING COMMISSIONER CLAGGETT:

3 Second.

4 MS. HENNESSY HEMLER:

5 We'll do roll call voting.

6

7 Arion Claggett, aye; Carmella Imburgia,
8 aye; Kenneth DuPree, aye; Milian
9 Rodriguez, aye; Francis McCusker,
10 abstain; Jennifer Kirk, aye.

11 [The motion carried. Francis McCusker abstained from
12 voting on the motion.]

13

14 Report of Prosecutorial Division

15 [Timothy A. Fritsch, Esquire, Board Prosecution
16 Liaison, presented the Consent Agreement for Case
17 Nos. 20-48-007998 & 21-48-010167 and Case Nos. 20-48-
18 008633 & 20-48-008634.

19 Wesley J. Rish, Esquire, Rish Law Office, LLC,
20 counsel for the respondent, was present and
21 participated in the discussion regarding Case Nos.
22 20-48-008633 & 20-48-008634.]

23 MR. JAYMAN:

24 Based upon prosecution's presentation
25 and presentation from opposing counsel,

1 does any member of the Board wish to go
2 back into Executive Session for further
3 discussion on matters 2 and 3? Hearing
4 none.

5 Regarding item 2 on the agenda,
6 based on Executive Session
7 deliberations, I believe the
8 Chairperson would entertain a motion to
9 approve the Consent Agreement at Case
10 Nos. 20-48-007998 & 21-48-010167 with
11 the caveat that the Chairperson listed
12 on the Consent Agreement is Bill Harris
13 and should be amended to reflect that
14 Carmella Imburgia is now the new
15 Chairperson.

16 CHAIR IMBURGIA:

17 Do we have a motion?

18 MS. RODRIGUEZ:

19 So moved.

20 ACTING COMMISSIONER CLAGGETT:

21 Second.

22 CHAIR IMBURGIA:

23 Roll call.

24 MS. HENNESSY HEMLER:

25 Arion Claggett, aye; Carmella Imburgia,

1 aye; Kenneth DuPree, recuse; Milian
2 Rodriguez, aye; Francis McCusker, aye;
3 Jennifer Kirk, aye.

4 [The motion carried. Kenneth DuPree recused himself
5 from deliberations and voting on the motion.]

6 ***

7 [Glenn P. Masser, Esquire, Board Prosecutor,
8 presented the Consent Agreement for Case Nos. 22-48-
9 008844 & 22-48-011591.]

10 MR. JAYMAN:

11 With regard to agenda item 4, based on
12 Executive Session deliberations, I
13 believe the Chairperson would entertain
14 a motion to reject the Consent
15 Agreement for Case Nos. 22-48-008844 &
16 22-48-011591 as too harsh.

17 CHAIR IMBURGIA:

18 Do we have a motion?

19 MS. RODRIGUEZ:

20 So moved.

21 ACTING COMMISSIONER CLAGGETT:

22 Second.

23 MS. HENNESSY HEMLER:

24 Arion Claggett, aye; Carmella Imburgia,
25 aye; Kenneth DuPree, recuse; Milian

1 Rodriguez, aye; Francis McCusker, aye;
2 Jennifer Kirk, aye.

3 [The motion carried. Kenneth DuPree recused himself
4 from deliberations and voting on the motion.]

5 ***

6 Appointment - Prosecution Division Annual Report
7 Presentation

8 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
9 Counsel, Prosecution Division, presented to the Board
10 to provide a summary of the prosecution division's
11 role and present annual numbers for 2022. She
12 informed Board members that the Bureau of
13 Professional and Occupational Affairs provides
14 administrative and legal support to all 29 boards and
15 commissions, along with the counsel division and
16 attorneys.

17 Ms. DeLaurentis stated the prosecution division
18 handles investigations of prosecution, and the
19 counsel division counsels the Board on regulations
20 and functions of the Board to protect the health and
21 safety of the public, as well as the integrity of the
22 profession.

23 Ms. DeLaurentis explained that the Office of
24 Chief Counsel is under the Governor's Office of
25 General Counsel and is broken into several divisions.

1 She noted the prosecution division in conjunction
2 with the Bureau of Enforcement and Investigation
3 (BEI) and the Professional Compliance Office are
4 jointly tasked with receiving complaints,
5 investigating allegations, ensuring public safety,
6 and enforcing compliance with the acts and
7 regulations that govern all 29 boards and
8 commissions. She noted prosecution has five senior
9 prosecuting attorneys and 33 prosecuting attorneys.

10 Ms. DeLaurentis addressed the complaint process
11 and how a complaint is received. She encouraged
12 everyone to use the Pennsylvania Licensing System
13 (PALS) because it is the most efficient way to submit
14 a complaint. She noted every single case is reviewed
15 to determine whether there was a violation. She
16 addressed charging decisions, including filing an
17 order to show cause (OSC) and issuing citations if
18 violations are found.

19 Ms. DeLaurentis stated the respondent is entitled
20 to a hearing if charged and provided a summary of the
21 hearing process, noting the hearing examiner's
22 decision is a proposed adjudication and order and
23 then the Board makes a final decision. She mentioned
24 that the consent agreement process is where both
25 sides are negotiating toward a resolution, but the

1 Board decides whether to accept or reject the
2 agreement.

3 Ms. DeLaurentis explained that prosecution is
4 limited on what they can present factually beyond
5 what is in the consent agreement and cannot answer
6 and provide additional information if something is
7 not contained in that document because it is
8 confidential by statute.

9 Ms. DeLaurentis stated BEI not only conducts
10 interviews, inspections, and obtains evidence but
11 also serve subpoenas and orders and testify. She
12 addressed document authority, noting boards are
13 supposed to comply based upon their governing
14 regulations and statutes if BEI asks to see their
15 records, but there are limitations if they do not
16 have the authority to be there.

17 Ms. DeLaurentis stated BEI gives the information
18 to the attorneys after the investigation to decide
19 whether to close the case or charge. She noted they
20 have the ability to do immediate temporary
21 suspensions if someone is an immediate danger to the
22 health and safety of the public. She stated they
23 also have the ability to do automatic suspensions
24 that usually concern drug act violations or 302
25 commitments and a petition for appropriate relief is

1 when someone has violated a board order.

2 Ms. DeLaurentis referred to 63 Pa.C.S. § 3109,
3 where prosecution information is confidential and
4 privileged under confidentiality statutes. She
5 explained that Department of State investigations are
6 deemed as noncriminal investigation records under the
7 Right-to-Know Law. She reported that only their
8 final action can be shared publicly.

9 Ms. DeLaurentis provided data as of January 3,
10 2023, noting the number of current open cases for the
11 whole division is 13,154. She stated 16,084 cases
12 were opened in 2022 and is down from 2021 at 18,363
13 cases. She reported closing 17,826 files in 2022 and
14 is up from 2021, where 15,994 cases were closed.

15 Ms. DeLaurentis thanked the prosecution and
16 counsel divisions for their hard work in 2022. She
17 mentioned the numbers include notary and the
18 Pennsylvania Navigation Commission but do not include
19 charities. She informed Board members that the final
20 annual report sent to the General Assembly includes
21 different types of complaint categories and that they
22 would notify Board Counsel when the report is
23 available.

24 Ms. DeLaurentis addressed specific information
25 for the State Board of Funeral Directors, noting 205

1 cases were opened in 2022, which is up from 2021 at
2 167. She mentioned that an increase in cases is
3 often seen during renewal years and may be the reason
4 for the increase. She reported 217 cases were closed
5 in 2022, which is up from 2021 at 186. She noted 81
6 cases were open as of January 3.

7 Ms. DeLaurentis addressed non-disciplinary and
8 disciplinary actions, noting non-disciplinary actions
9 have a Z code. She noted 50 warning letters were
10 issued, which was an increase from 2021 at 30. She
11 mentioned that warning letters are usually issued for
12 de minimis violations when discipline is not always
13 needed. She reported 1 probation, 9 fines, and 1
14 suspension, noting low discipline numbers indicating
15 everyone is complying with the act and regulations.

16 Mr. DuPree requested demographic information
17 regarding where prosecutions and investigations are
18 occurring.

19 Ms. DeLaurentis was unable to provide the
20 information today but would look into pulling data by
21 region and get back with Board Counsel.

22 Ms. Kirk asked what the average time period is
23 from opening a case to a resolution or closing of the
24 case.

25 Ms. DeLaurentis explained that their system

1 tracks a case from when it was opened in PALS to
2 close with an average of 188 days.]

3 ***

4 Report of Board Counsel - Miscellaneous

5 MR. JAYMAN:

6 Number 5 on the agenda. Based on
7 Executive Session deliberations, I
8 believe the Chairperson would entertain
9 a motion to remand this case back to
10 the hearing examiner in the interest of
11 the public for the hearing examiner to
12 take additional evidence of the second
13 criminal incident and its relevance to
14 the question of whether to reinstate
15 the petitioner's license and to issue a
16 Proposed Adjudication and Order in the
17 matter of Antoine M. Turay, Case No.
18 21-48-0008683.

19 CHAIR IMBURGIA:

20 Do we have a motion?

21 MS. RODRIGUEZ:

22 So moved.

23 ACTING COMMISSIONER CLAGGETT:

24 Second.

25 MS. HENNESSY HEMLER:

1 Arion Claggett, aye; Carmella Imburgia,
2 aye; Kenneth DuPree, recuse; Milian
3 Rodriguez, aye; Francis McCusker, aye;
4 Jennifer Kirk, aye.

5 [The motion carried. Kenneth DuPree recused himself
6 from deliberations and voting on the motion.]

7 ***

8 Report of Board Counsel - Current Case Load

9 [Shawn J. Jayman, Esquire, Board Counsel, provided a
10 Status of Cases Report for the Board's review. He
11 reported there are currently 13 active cases and
12 asked Board members to notify him of any recusals.]

13 ***

14 Report of Acting Commissioner - No Report

15 ***

16 Report of Board Chairperson

17 [Carmella M. Imburgia, Chairperson, thanked everyone
18 for the opportunity to serve as Chairperson.]

19 ***

20 Report of Board Administrator - No Report

21 ***

22 Requests for Review

23 MR. JAYMAN:

24 Regarding the ratifications, number 7
25 on the agenda, based upon discussions

1 in Executive Session, I believe the
2 Board would entertain a motion to
3 approve the ratification approving the
4 Funeral Internship at FI022082, Dana
5 Law.

6 CHAIR IMBURGIA:

7 May I have a motion?

8 MS. RODRIGUEZ:

9 So moved.

10 ACTING COMMISSIONER CLAGGETT:

11 Second.

12 MS. HENNESSY HEMLER:

13 Arion Claggett, aye; Carmella Imburgia,
14 aye; Kenneth DuPree, aye; Milian
15 Rodriguez, aye; Francis McCusker, aye;
16 Jennifer Kirk, aye.

17 [The motion carried unanimously.]

18 ***

19 MR. JAYMAN:

20 Regarding items 8 through 12, based
21 upon discussions in Executive Session,
22 I believe the Board would entertain a
23 motion to approve the ratifications
24 approving the Additional Employment
25 Request for items 8 through 12 of

1 Rebecca Devlin, FS016223; Shane Ayers,
2 FS015396; Elmer C. Ebling, FS015161;
3 Daryl Throckmorton, FS012093L; and
4 Caitlyn Haus, FS015899.

5 CHAIR IMBURGIA:

6 May I have a motion?

7 MS. RODRIGUEZ:

8 So moved.

9 ACTING COMMISSIONER CLAGGETT:

10 Second.

11 MS. HENNESSY HEMLER:

12 Roll call vote.

13

14 Arion Claggett, aye; Carmella Imburgia,
15 aye; Kenneth DuPree, aye; Milian
16 Rodriguez, aye; Francis McCusker, aye;
17 Jennifer Kirk, aye.

18 [The motion carried unanimously.]

19 ***

20 Legislative Initiatives - No Report

21 ***

22 Continuing Education Report - No Report

23 ***

24 Adjournment

25 CHAIR IMBURGIA:

1 I make a motion to adjourn the meeting.
2 I'd like to invite you all back
3 Wednesday, February 22.

4 Thank you again for joining us
5 today.

6 Do I have a motion?

7 MS. RODRIGUEZ:

8 So moved.

9 ACTING COMMISSIONER CLAGGETT:

10 Second.

11 CHAIR IMBURGIA:

12 Thank you.

13 ***

14 [There being no further business, the State Board of
15 Funeral Directors Meeting adjourned at 11:27 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Funeral Directors meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Funeral Directors meeting.



Amber Garbinski,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF FUNERAL DIRECTORS
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:37	Official Call to Order
10:37	Roll Call/Introduction of Attendees
10:43	Approval of Minutes
10:45	Report of Prosecutorial Division
10:58	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division, Annual Report Presentation
11:21	Report of Board Counsel
11:24	Report of Board Chairperson
11:24	Requests for Review
11:27	Adjournment