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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: 10:34 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

September 18, 2024

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State Board of Funeral Directors
September 18, 2024

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
Kenneth C. DuPree, Chairperson, Professional Member
Gregory K. Furlong, Vice Chairperson, Professional Member
Eric D. Ruggeri, Secretary, Public Member - Absent
Charles F. Snyder III, Professional Member
Christopher Feryo, Professional Member
Jennifer Jane Kirk, Esquire, Senior Deputy Attorney General, Antitrust Section, Bureau of Consumer Protection Representative

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel
Timothy A. Fritsch, Esquire, Board Prosecution Liaison
Nathan C. Giunta, Esquire, Board Prosecutor
Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
J. Leslie Warner, Board Administrator

ALSO PRESENT:

Kathleen K. Ryan, Esquire, Pennsylvania Funeral Directors Association
Jason Benion, Esquire, Shareholder and Chair of the Death Care Group, Saxton & Stump, LLC
John Katora, Heffner Funeral Chapel & Crematory, Inc
Wesley J. Rish, Esquire, Rish Law Office, LLC
Lucy M. Bennett-Katinis
Jessica Ashman, Sargent's Court Reporting Service, Inc.

1 ***

2 State Board of Funeral Directors

3 September 18, 2024

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive
7 Session with Shawn J. Jayman, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations on a number of matters currently
10 pending before the Board and to receive the advice of
11 counsel. The Board entered into public session at
12 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Funeral Directors was held on Wednesday,
16 September 18, 2024. Kenneth C. DuPree, Chairperson,
17 Professional Member, called the meeting to order at
18 10:34 a.m.

19 ***

20 Roll Call/Introduction of Attendees

21 [Kenneth C. DuPree, Chairperson, Professional Member,
22 requested a roll call of Board members and
23 introduction of attendees. A quorum of Board members
24 was present.]

25 ***

1 [Shawn J. Jayman, Esquire, Board Counsel, noted the
2 meeting was being recorded and continued
3 participation constituted consent to be recorded.

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

9

10 Approval of minutes of the August 7, 2024 meeting

11 MR. JAYMAN:

12 With regard to the meeting minutes from
13 August 7, 2024, it is my understanding
14 the Board would entertain a motion to
15 accept the meeting minutes from August
16 7, 2024.

17 CHAIR DUPREE:

18 Do I have a motion?

19 MR. FURLONG:

20 I make a motion to approve.

21 MR. SNYDER:

22 I second the motion to approve.

23 MS. WARNER:

24 Arion Claggett, aye; Kenneth DuPree,
25 abstain; Gregory Furlong, aye; Charles

1 Snyder, aye; Christopher Feryo, aye;
2 Jennifer Kirk, aye.

3 [The motion carried. Kenneth DuPree abstained from
4 voting on the motion.]

5 ***

6 Report of Prosecutorial Division

7 [Nathan C. Giunta, Esquire, Board Prosecution
8 Liaison, presented the Consent Agreement for Case No.
9 24-48-004628.

10 Mr. Snyder requested information concerning the
11 11-year timeline from 2013 to 2024.

12 Mr. Giunta inherited the case from a former
13 prosecutor, noting there were discrepancies with the
14 application in 2024, at which point the criminal
15 charges from 2013 were discovered. He noted that a
16 file was opened in March 2024 and the Order to Show
17 Cause filed in April 2024.

18 Mr. Giunta explained that the renewal application
19 addresses former disciplinary actions in other
20 jurisdictions and in the current jurisdiction or
21 applying or having denied a license in another
22 jurisdiction but does not have a specific question
23 that addresses criminal convictions. He also
24 mentioned that it was discovered through the work of
25 their compliance office.

1 Mr. Giunta further explained that under the
2 licensing act, a licensee is required to report, but
3 the applications themselves only address disciplinary
4 actions from another state against a professional
5 license and not a criminal conviction.

6 Mr. Fritsch explained that the renewal
7 applications previously did ask whether someone had
8 been convicted of a crime since their last renewal,
9 but removed that question around 2017 from the
10 renewal applications. He stated the applications in
11 question were a renewal application from 2014 and an
12 initial supervisor application from 2016.

13 Mr. Fritsch noted that a decision was made around
14 2016 that the applications for renewal would no
15 longer would ask about criminal convictions. He
16 stated they still asked whether someone's license was
17 disciplined by a professional board.

18 Mr. Fritsch explained that the last applications
19 he filed required him to disclose this conviction but
20 renewals since then have not asked that question.

21 Chair DuPree asked whether there is a statute of
22 limitations for the Board going back to show cause.

23 Mr. Fritsch believed there is no statute of
24 limitations that prevents the Board from pursuing
25 conduct. He mentioned that the reason they did not

1 learn about this conviction is because the licensee
2 did not tell them and is why they are addressing this
3 matter now.

4 Wesley J. Rish, Esquire, Rish Law Office, LLC,
5 counsel for the respondent, agreed with Mr. Giunta
6 and Mr. Fritsch. He stated his client failed in his
7 obligation to report this on his renewal application
8 back when the applications still required an answer
9 to that question.

10 Mr. Rish noted his client realized he was wrong
11 and has cooperated to resolve this matter as quickly
12 as possible.]

13 MR. JAYMAN:

14 Based on Executive Session
15 deliberations, I believe the Chair
16 would entertain a motion to approve the
17 Consent Agreement for Case No. 24-48-
18 004628.

19 CHAIR DUPREE:

20 Do we have a motion to approve?

21 MR. FURLONG:

22 I approve.

23 CHAIR DUPREE:

24 Do we have a second?

25 MS. KIRK:

1 Second.

2 CHAIR DUPREE:

3 We're ready for roll call.

4

5 Arion Claggett, aye; Kenneth DuPree,
6 aye; Gregory Furlong, aye; Charles
7 Snyder, aye; Christopher Feryo, aye;
8 Jennifer Kirk, aye.

9 [The motion carried unanimously. The Respondent's
10 name is Charles S. Kirby, FD.]

11 ***

12 Report of Board Counsel - Other

13 [Shawn J. Jayman, Esquire, Board Counsel, reported
14 approximately 15 current active cases.]

15 ***

16 Regulatory Issues

17 [Marc Farrell, Esquire, Regulatory Counsel, Office of
18 Chief Counsel, Department of State, requested
19 confirmation of the Board's plan to walk through the
20 draft of the proposed annex for the general revisions
21 package 16A-4833 at the October meeting.

22 Mr. Snyder commented that they have a singular
23 license here in Pennsylvania and wanted to have a
24 conversation around the importance of the legacy of
25 their profession in Pennsylvania about an embalmer's

1 license and a funeral director's license. He
2 reported several neighboring states have already
3 moved this into law, including Ohio, West Virginia,
4 and New Jersey.

5 Mr. Snyder mentioned that his job in the state is
6 to help drive change and evolve their profession. He
7 stated funeral home owners and funeral directors are
8 struggling with the singular license and employing
9 their businesses.

10 Mr. Snyder explained that the pipeline feeding
11 into mortuary schools is a challenge right now as
12 well as the graduates coming out. He reported 80% of
13 what they do as a funeral director and a funeral
14 profession is front of house, while back of house is
15 about 20% if they were to divide up the workload per
16 funeral. He mentioned there has been discussion
17 across the United States and believed it needed to be
18 more of a topic of discussion.

19 Mr. Farrell asked whether he envisioned the
20 creation of some sort of additional license type or
21 class.

22 Mr. Snyder believed an additional license type or
23 class would benefit their profession in Pennsylvania.
24 He reported over half of the states in the United
25 states have already done this. He mentioned that the

1 number one question funeral directors struggle with
2 is staffing their businesses, which means there is a
3 shortage not of just funeral professionals coming out
4 of mortuary schools but also interested people going
5 into the profession because of the difficult barriers
6 of entry.

7 Mr. Snyder commented that there are a lot of
8 second career individuals who could really benefit
9 their communities, where they do not need to go to an
10 embalming school but can carry a funeral director's
11 license and carry out 80% of what they do. He noted
12 the importance of being able to offer front of house
13 and back of house licenses.

14 Mr. Farrell stated it sounds like a legislative
15 issue and would have to go through the General
16 Assembly because the Board is basically a function of
17 the statutes they pass. He mentioned that they can
18 approach their own legislator as individual license
19 holders. He noted a mechanism referred to as a
20 legislative initiative that the Board could put
21 together and submit to the legislature, but there
22 would not be anything they can do until they change
23 the necessary laws.

24 Mr. Snyder commented that it would bring
25 tremendous value to their profession. He noted they

1 can still have a funeral director and embalmer's
2 license but noted the importance of continuing the
3 conversation on recruiting people to work in their
4 profession.]

5 ***

6 Report of Acting Commissioner - No Report

7 ***

8 Report of Board Chairperson

9 [Kenneth C. DuPree, Chairperson, Professional Member
10 addressed the Education Committee Report presented by
11 Mr. Ruggeri indicating 26 applications for continuing
12 education were received with 19 approvals and 7
13 denials. He noted they are also in the process of
14 onboarding for the eVitals program for filing death
15 certificates, which will go live around October 7,
16 2024, and replace the Electronic Death Registration
17 System (EDRS).

18 Chair DuPree mentioned that there is a proposal
19 to allow 2 continuing education units (CEUs) to each
20 funeral director who completes the training for
21 eVitals but that it needs to be put through and
22 activated. He explained that eVitals provides the
23 certificate and is just a matter of the Board
24 recognizing that certificate for credit in their next
25 renewal period.

1 Kathleen K. Ryan, Esquire, CEO/General Counsel,
2 Pennsylvania Funeral Directors Association, noted
3 that a number of their members have been asking why
4 it is not approved for continuing education, and the
5 Board administrator stated they cannot approve it if
6 no one asked for it to be approved.

7 Chair DuPree again noted that the Board should
8 act and recognize the certificate that is given by
9 eVitals for 2 continuing education credits.

10 Ms. Warner explained that anyone providing the
11 course and offering continuing education must submit
12 the course for Board approval but have not done that.

13 Chair DuPree noted that it is the Division of
14 Vital Records, which is a government agency.

15 Ms. Warner stated they still have to submit the
16 course and the number of hours because it is not
17 automatic.

18 Acting Commissioner Claggett recommended placing
19 this matter back on the agenda for the next meeting
20 after they confirm what is actually needed and then
21 provide the correct information to the public.]

22 ***

23 Report of Board Administrator - No Report

24 ***

25 Requests for Review

1 MR. JAYMAN:

2 Based on Executive Session
3 deliberations, I believe the Chair
4 would entertain a motion to approve the
5 Funeral Trainee Application for Lucy M.
6 Bennett-Katinis, Application No.
7 AA0005558459.

8 CHAIR DUPREE:

9 Can I have a motion to approve the
10 Application?

11 MR. FERYO:

12 I'll make that motion.

13 ACTING COMMISSIONER CLAGGETT:

14 Second.

15 CHAIR DUPREE:

16 Roll call.

17

18 Arion Claggett, aye; Kenneth DuPree,
19 aye; Gregory Furlong, aye; Charles
20 Snyder, aye; Christopher Feryo, aye;
21 Jennifer Kirk, aye.

22 [The motion carried unanimously.]

23

24 Adjournment

25 CHAIR DUPREE:

1 Motion to adjourn.

2 ACTING COMMISSIONER CLAGGETT:

3 So moved.

4 MR. FERYO:

5 Second.

6 CHAIR DUPREE:

7 The meeting is adjourned.

8 ***

9 [There being no further business, the State Board of
10 Funeral Directors Meeting adjourned at 11:00 a.m.]

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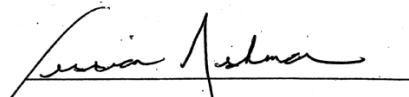
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CERTIFICATE

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.



Jessica Ashman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

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STATE BOARD OF FUNERAL DIRECTORS
REFERENCE INDEX

September 18, 2024

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:34	Official Call to Order
10:35	Roll Call/Introduction of Attendees
10:36	Approval of Minutes
10:37	Report of Prosecutorial Division
10:46	Report of Board Counsel
10:46	Regulatory Issues
10:53	Report of Board Chair
10:57	Requests for Review
11:00	Adjournment