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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: 10:30 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

February 21, 2024

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State Board of Funeral Directors
February 21, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel
Ray Michalowski, Esquire, Senior Board Prosecutor
Glenn P. Masser, Esquire, Board Prosecutor
J. Leslie Warner, Board Administrator
Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
Andrew LaFratte, MPA, Deputy Policy Director, Department of State
Brian, Extern, Department of State

ALSO PRESENT:

Wesley J. Rish, Esquire, Rish Law Office, LLC
Kathleen K. Ryan, Esquire, CEO/General Counsel, Pennsylvania Funeral Directors Association
Jason Benion, Esquire, Shareholder and Chair of the Death Care Group, Saxton & Stump, LLC
Jayson Phong Choi, Owner/Supervisor/Licensed Director, Choi Funeral Home, Inc.
Derek Richmond

1 ***

2 State Board of Funeral Directors

3 February 21, 2024

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 February 21, 2024. Kenneth C. DuPree, Chairperson,
16 Professional Member, called the meeting to order at
17 10:30 a.m.

18 Gregory K. Furlong, Professional Member, was not
19 present at the commencement of the meeting.

20 ***

21 Roll Call/Introduction of Attendees

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

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 January 10, 2024 meeting

11 CHAIR DUPREE:

12 The minutes from January 10, 2024, have
13 been electronically disseminated. I
14 would call for a motion for their
15 approval.

16 ACTING COMMISSIONER CLAGGETT:

17 So moved.

18 CHAIR DUPREE:

19 Second?

20 MR. RUGGERI:

21 Second.

22 [The Board discussed corrections to the minutes.]

23 CHAIR DUPREE:

24 I'll accept a motion to approve the
25 minutes with the necessary corrections.

1 Roll call.

2

3 Arion Claggett, aye; Kenneth DuPree,
4 aye; Milian Rodriguez, aye; Carmella
5 Imburgia, aye; Eric Ruggeri, aye;
6 Jennifer Kirk, aye.

7 [The motion carried unanimously.]

8

9 Report of Prosecutorial Division

10 [Ray J. Michalowski, Esquire, Senior Board
11 Prosecutor, on behalf of Timothy A. Fritsch, Esquire,
12 Board Prosecution Liaison, had no consent agreements
13 to present. He noted a motion that would be handled
14 under the Board Counsel's report.

15 Mr. Michalowski reviews all of the cases that go
16 through prosecution. He reported the Board has
17 several active cases, but those cases are not ready
18 for a resolution via a consent agreement.]

19

20 Report of Board Counsel - Motions

21 CHAIR DUPREE:

22 Number 2 on the agenda. Based on
23 Executive Session deliberations, I
24 believe the Chair would entertain a
25 motion to grant a Motion to Deem Facts

1 Admitted and Enter Default and direct
2 Board Counsel to prepare an
3 Adjudication and Order in accordance
4 with discussions in Executive Session
5 in the matter of A. J. Kopicki Funeral
6 Home, Inc., Case No. 23-48-009676.

7 CHAIR DUPREE:

8 Do we have a motion to approve?

9 ACTING COMMISSIONER CLAGGETT:

10 So moved.

11 MS. RODRIGUEZ:

12 Second.

13 CHAIR DUPREE:

14 Roll call.

15
16 Arion Claggett, aye; Kenneth DuPree,
17 aye; Milian Rodriguez, aye; Carmella
18 Imburgia, aye; Eric Ruggeri, aye;
19 Jennifer Kirk, aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Board Counsel - Other

23 [Shawn J. Jayman, Esquire, Board Counsel, noted there
24 are currently 15 open cases in front of the Board.]

25 ***

1 Regulatory Issues

2 [Marc Farrell, Esquire, Regulatory Counsel, Office of
3 Chief Counsel, referred to Pa. Code Title 49, Chapter
4 13. He informed Board members that there are 116
5 individual sections in Chapter 13, noting 75 of the
6 sections were last updated in 1991 and another 12
7 sections have not been touched since 1977. He noted
8 the Board has been looking at some of those
9 regulations in recent years, but the regulations have
10 not made it the whole way for one reason or another.

11 Mr. Farrell recommended having a brand-new
12 discussion regarding regulations the Board has
13 already looked at in recent years. He mentioned that
14 there are about six or so older packages that should
15 be rolled into the General Revisions package. He
16 suggested doing a top to bottom reexamination of
17 their regulations, along with wrapping in the 10-day
18 rule into the General Revisions.

19 Mr. Farrell suggested including continuing
20 education enforcement, limited liability companies,
21 naming, supervisors, renewal and reactivation of
22 funeral establishment licenses, and maintenance and
23 production of business records formerly known as duty
24 to cooperate in the General Revisions package.

25 Mr. Farrell mentioned that the Board has already

1 looked at those regulations and has done some work on
2 those but may have different opinions on what was
3 approved in the past. He stated reviewing the
4 regulations will give the Board a chance to discuss
5 those and reach a consensus, along with receiving
6 stakeholder input.

7 Mr. Farrell explained that it would decrease
8 those from roughly 10 to 4 packages. He also noted
9 the Board currently has three regulations going
10 through the process in the normal fashion. He
11 mentioned that the Food and Beverage Policy Statement
12 was already done and in effect except for finishing
13 the paperwork, along with licensure by endorsement
14 under Act 41.

15 Mr. Farrell addressed the Schedule of Civil
16 Penalties package, noting it amends a different
17 section of the Pa. Code at § 43b.6 and is why it would
18 not be part of the General Revisions package. He
19 recommended merging the six or so regulations into
20 the General Revisions package. He offered to provide
21 a draft annex for the Board to review at every
22 meeting until it is completed and suggested having a
23 regulatory session at the end of the next Board
24 meeting.

25 Chair DuPree commented that Mr. Farrell would be

1 preparing statutes, so Board members could read them
2 at the next meeting.

3 Mr. Farrell informed Board members that he would
4 like to have the draft annex ready ahead of the next
5 meeting for discussion at the next Board meeting. He
6 explained that it will have the existing language and
7 what the Board is proposing to change, including
8 regulatory provisions and all of the changes woven
9 into them.

10 Mr. Farrell noted the regulatory session could be
11 at the end of the meeting, so anyone who is not
12 interested in the regulatory portion could leave.

13 Acting Commissioner Claggett mentioned that the
14 regulatory session is a good process and is done
15 across other boards, where everybody is able to see
16 the changes and updates and provide comments.]

17 ***

18 Report of Acting Commissioner - No Report

19 ***

20 Report of Board Chairperson - No Report

21 ***

22 Report of Board Administrator - No Report

23 ***

24 [Gregory K. Furlong, Professional Member, entered the
25 meeting at 10:44 a.m.]

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Public Comment

[Kathleen K. Ryan, Esquire, CEO/General Counsel, Pennsylvania Funeral Directors Association, requested a copy of the old and proposed regulations, so the Board could participate in any discussion at the next meeting.

Mr. Farrell offered to provide copies beforehand, noting copies would also be available at the meeting, along with being shared on the screen as well.

Jason Benion, Esquire, Shareholder and Chair, Death Care, Saxton & Stump, LLC, thanked Ms. Warner and Board staff, on behalf of the regulated community, for their work regarding the last renewal cycle. He congratulated the department on replacing the Pennsylvania Licensing System (PALS) soon. He noted Ms. Warner and her staff did a wonderful job working through renewal issues this year.

Acting Commissioner Claggett informed everyone that the department is still actively working on replacing PALS, noting the original time frame was 2024 but probably will not be implemented until 2025.

Jayson Phong Choi, Owner/Supervisor/Licensed Director, Choi Funeral Home, Inc., informed Board members that he tried to file a couple of complaints

1 about funeral homes that are advertising and creating
2 a Chinese funeral home without any supervisor or
3 director and not being licensed.

4 Mr. Choi explained that the businesses are
5 passing out business cards in Chinese and noted
6 receiving several calls from funeral homes and a
7 hospice facility asking whether they are legitimate
8 funeral homes.

9 Acting Commissioner Claggett informed Mr. Choi
10 that a complaint could be filed on pals.pa.gov.

11 Mr. Choi informed Board members that he filed
12 complaints in 2019 and 2022 and reported showing
13 evidence, but nothing had been done.

14 Mr. Michalowski suggested Mr. Choi provide
15 contact information to him or Mr. Fritsch. He
16 explained that the matter cannot be brought in front
17 of the Board at this point because the Board may have
18 to recuse itself if any facts are shared with the
19 Board prior to any charges being filed or any matters
20 that are being investigated.

21 Mr. Michalowski further explained that any
22 matters investigated remain confidential unless
23 charges are filed.

24 Acting Commissioner Claggett also asked Mr. Choi
25 to put his email address and telephone number in the

1 resource account in chat, so Mr. Michalowski could
2 contact him to further discuss this matter.]

3 ***

4 Adjournment

5 CHAIR DUPREE:

6 Motion to adjourn.

7 ACTING COMMISSIONER CLAGGETT:

8 So moved.

9 MS. RODRIGUEZ:

10 Second.

11 CHAIR DUPREE:

12 The motion has been moved, and the
13 meeting is adjourned.

14 ***

15 [There being no further business, the State Board of
16 Funeral Directors Meeting adjourned at 11:52 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.



Derek Richmond,
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
10:30	Official Call to Order
10:30	Roll Call/Introduction of Attendees
10:34	Approval of Minutes
10:34	Report of Prosecutorial Division
10:35	Report of Board Counsel
10:37	Regulatory Issues
10:44	Public Comment
10:52	Adjournment