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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: 10:29 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**

June 26, 2024

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State Board of Funeral Directors  
June 26, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Dana M. Wucinski, Esquire, Acting Senior Board Counsel  
Shawn J. Jayman, Esquire, Board Counsel  
Timothy A. Fritsch, Esquire, Board Prosecutor  
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:

Jason Benion, Esquire, Shareholder and Chair of the Death Care Group, Saxton & Stump, LLC  
Kathleen K. Ryan, Esquire, CEO/General Counsel, Pennsylvania Funeral Directors Association  
Rachel Wilbur-Adams, Sargent's Court Reporting Service, Inc.

1 \*\*\*

2 State Board of Funeral Directors

3 June 26, 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 10:29 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Funeral Directors was held on Wednesday,  
15 June 26, 2024. Kenneth C. DuPree, Chairperson,  
16 Professional Member, called the meeting to order at  
17 10:29 a.m.

18 \*\*\*

19 Roll Call/Introduction of Attendees

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

24 \*\*\*

25 [Shawn J. Jayman, Esquire, Board Counsel, noted the

1 meeting was being recorded and continued  
2 participation constituted consent to be 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 [Arion R. Claggett, Acting Commissioner, Bureau of  
10 Professional and Occupational Affairs, informed Board  
11 members that Milian Rodriguez resigned recently,  
12 which requires an amendment to the agenda to vote on  
13 a new Vice Chairperson for the Board.]

14 \*\*\*

15 Amendment to the Agenda

16 CHAIR DUPREE:

17 Can I have a motion to amend the  
18 agenda?

19 ACTING COMMISSIONER CLAGGETT:

20 So moved.

21 MR. FURLONG:

22 Second.

23 CHAIR DUPREE:

24 Roll call.

25

1 Arion Claggett, aye; Kenneth DuPree,  
2 aye; Gregory Furlong, aye; Eric  
3 Ruggeri, aye; Jennifer Kirk, aye;  
4 Charles Snyder, aye.

5 [The motion carried unanimously.]

6 \*\*\*

7 MR. JAYMAN:

8 Is there a motion regarding the  
9 position of Vice Chair?

10 MS. KIRK:

11 I'd like to nominate Gregory Furlong as  
12 Vice Chair.

13 MR. RUGGERI:

14 Second.

15 CHAIR DUPREE:

16 Roll call.

17

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

22 [The motion carried unanimously.]

23 \*\*\*

24 [Gregory Furlong officially resigned as Secretary of  
25 the Board.]

1 \*\*\*

2 MR. JAYMAN:

3 Is there a motion regarding the  
4 position of Secretary?

5 MS. KIRK:

6 I am nominating Eric Ruggeri as  
7 Secretary of the Board.

8 CHAIR DUPREE:

9 I second the motion.

10

11 Arion Claggett, aye; Kenneth DuPree,  
12 aye; Gregory Furlong, aye; Eric  
13 Ruggeri, aye; Jennifer Kirk, aye;  
14 Charles Snyder, aye.

15 [The motion carried unanimously.]

16

\*\*\*

17 Approval of minutes of the May 15, 2024 meeting

18 CHAIR DUPREE:

19 The minutes from May 15 had been sent  
20 out via email. I'll accept a motion to  
21 accept as read or with any necessary  
22 corrections?

23 ACTING COMMISSIONER CLAGGETT:

24 So moved.

25 MR. RUGGERI:

1 Second.

2 CHAIR DUPREE:

3 Roll call.

4

5 Arion Claggett, aye; Kenneth DuPree,  
6 aye; Gregory Furlong, aye; Eric  
7 Ruggeri, aye; Jennifer Kirk, abstain;  
8 Charles Snyder, aye.

9 [The motion carried. Jennifer Kirk abstained from  
10 voting on the motion.]

11 \*\*\*

12 Report of Prosecutorial Division

13 [Nathan C. Giunta, Esquire, Board Prosecutor,  
14 introduced himself as the new prosecuting attorney  
15 for the Board.

16 Mr. Giunta presented the Consent Agreement for  
17 Case No. 23-48-016833.]

18 MR. JAYMAN:

19 With regard to agenda item 2, based on  
20 Executive Session deliberation, I  
21 believe the Chair would entertain a  
22 motion to reject the Consent Agreement  
23 at Case No. 23-48-016833 as too  
24 lenient.

25 ACTING COMMISSIONER CLAGGETT:

1 So moved.

2 CHAIR DUPREE:

3 Second. Roll call.

4

5 Arion Claggett, aye; Kenneth DuPree,

6 aye; Gregory Furlong, aye; Eric

7 Ruggeri, aye; Jennifer Kirk, aye;

8 Charles Snyder, abstain.

9 [The motion carried. Charles Snyder abstained from  
10 voting on the motion.]

11

\*\*\*

12 Report of Board Counsel - Proposed Adjudication and  
13 Order

14 MR. JAYMAN:

15 The Proposed Adjudication and Order at  
16 item 3 on the agenda.

17 Based upon discussions in Executive  
18 Session, it is my understanding that  
19 the Board would entertain a motion to  
20 table this matter to get more  
21 information in the Matter of Colt  
22 Morningstar Black tdba ACACIA Society,  
23 Case Nos. 22-48-001391 & 22-48-04494.

24 Do I have a motion?

25 ACTING COMMISSIONER CLAGGETT:



1 So moved.

2 CHAIR DUPREE:

3 Second.

4

5 Arion Claggett, aye; Kenneth DuPree,

6 aye; Gregory Furlong, aye; Eric

7 Ruggeri, aye; Jennifer Kirk, aye;

8 Charles Snyder, abstain.

9 [The motion carried. Charles Snyder abstained from  
10 voting on the motion.]

11

\*\*\*

12 Report of Board Counsel - Motion to Deem Facts

13 Admitted

14 MR. JAYMAN:

15 Item 4 on the agenda. Based on  
16 Executive Session deliberations, I  
17 believe the Chair would would entertain  
18 a motion to grant the Motion to Deem  
19 Facts Admitted and Enter Default and  
20 direct Board Counsel to prepare an  
21 Adjudication and Order in accordance  
22 with the discussion in Executive  
23 Session in the Matter of Henry A.  
24 Sobolak III, Case No. 21-48-016039.

25 ACTING COMMISSIONER CLAGGETT:

1                   So moved.

2 MR. RUGGERI:

3                   Second.

4 CHAIR DUPREE:

5                   Roll call.

6

7                   Arion Claggett, aye; Kenneth DuPree,

8                   aye; Gregory Furlong, aye; Eric

9                   Ruggeri, aye; Jennifer Kirk, nay;

10                  Charles Snyder, abstain.

11 [The motion carried. Charles Snyder abstained from  
12 voting on the motion. Jennifer Kirk opposed the  
13 motion.]

14   \*\*\*

15 Report of Board Counsel - Other

16 [Shawn J. Jayman, Esquire, Board Counsel, reported 13  
17 active cases as of this month.]

18   \*\*\*

19 Regulatory Issues

20 [Marc Farrell, Esquire, Regulatory Counsel, Office of  
21 Chief Counsel, Department of State, noted a draft  
22 annex and referred to the general revisions package,  
23 noting it will be sent out this afternoon to all  
24 Board members and anyone else who wished to receive a  
25 copy. He provided an overview of the document,

1 noting he used air quotes to describe this as an  
2 annex because he put Chapter 13 regulations from the  
3 very first regulation all the way to the end into one  
4 document.

5         Mr. Farrell believed it would be helpful for the  
6 Board to have all of the regulations in one  
7 comprehensive document. He noted yellow highlighting  
8 in the table of contents signifies the ones that are  
9 going to contain some proposed edits, deletions, or  
10 additions. He also noted anything between red  
11 brackets with a strike through is current existing  
12 red language that will be stricken. He noted bold  
13 blue underline is new language that will be added to  
14 the existing annex.

15         Mr. Farrell referred to 16A-4833, noting it to be  
16 a combination of other previously unfinished  
17 regulatory packages, including 16A-4819 continuing  
18 education enforcement, 16A-4826 limited liability  
19 companies, 16A-4827 names, 16A-4828 supervisors, 16A-  
20 4830 renewal and reactivation of funeral  
21 establishment licenses, and 16A-4831 business  
22 records.

23         Mr. Farrell explained that the document takes the  
24 edits from the last version of each of those and  
25 pulls it all into one. He mentioned it is not the

1 traditional annex because it does not necessarily  
2 reflect views or desires of the present Board,  
3 because they may have been proposed a while ago and  
4 became stagnated.

5 Mr. Snyder asked whether it would take a couple  
6 of months or years until completion.

7 Mr. Farrell noted it would not be a couple of  
8 months and hopefully not a couple years. He offered  
9 to provide a regulatory process slide later during  
10 the meeting. He asked Board members to review the  
11 document for discussion at the August 7 meeting and  
12 suggested having the discussion at the end of the  
13 meeting, so those who are not interested could depart  
14 from the meeting.

15 Mr. Farrell noted page 23 shows blue areas at the  
16 end of the table of contents. He referred to page 24  
17 § 13.135, permanent professional corporation  
18 supervisor, noting it was a provision that was  
19 proposed to be added in the supervisor's regulation  
20 never taken over the finish line. He stated many of  
21 those are in the document, and the Board needs to  
22 decide how to move forward.

23 Mr. Farrell addressed the regulatory process and  
24 referred to the proposed rulemaking and final  
25 rulemaking. He explained that the document is in the

1 agency drafts and proposed regulations stage. He  
2 noted that after Board approval on August 7. The  
3 staff would prepare other documents that accompany  
4 the annex and then send them to three entities within  
5 the Governor's Office.

6 Mr. Farrell stated the regulation would then go  
7 to the Office of Attorney General (OAG) for a 30-day  
8 review period if those three sign off. He noted the  
9 next step would be the Independent Regulatory Review  
10 Commission, standing committees in the legislature,  
11 and the Legislative Reference Bureau (LRB). He noted  
12 the regulation would be published within 10 days and  
13 then kicks off a 30-day public comment period.

14 Mr. Farrell stated IRRC has 30 days to submit its  
15 own comments, the agency reviews the comments, and  
16 then it comes back to the Board for amendments. He  
17 explained that the time period between proposed and  
18 final is where there is often a big gap, especially  
19 if they receive a lot of comments.

20 Mr. Farrell mentioned the Board has to vote at  
21 each stage, but once it is in final rulemaking and  
22 delivered to IRRC that it goes quickly, because they  
23 have to meet within 30 days, OAG again has 30 days,  
24 and then it goes to LRB for publishing 10 days later.

25 Mr. Farrell mentioned that it takes about 12 to

1 16 months and is set by the Commonwealth Documents  
2 Law, Commonwealth Attorneys Act, Regulatory Review  
3 Act, IRRC's Regulations, and Executive Order 1996-1.  
4 He stated it will still take until 2025 even if it  
5 moves quickly.

6 Mr. Farrell requested the Board make  
7 recommendations and provide input because he does not  
8 necessarily understand what the previous boards  
9 wanted to change.

10 Mr. Ruggeri informed Mr. Farrell that the Board  
11 has some anticipated vacations worked in the meeting  
12 schedule and may not be able to do this by August.

13 Acting Commissioner Claggett informed Board  
14 members that he prefers having regulatory discussions  
15 at the end of Board meetings instead of scheduling  
16 another meeting.]

17 \*\*\*

18 Legislative Initiatives

19 [Shawn J. Jayman, Esquire, Board Counsel, informed  
20 Board members that House Bill 1246 was signed by the  
21 governor on June 17, 2024, to reduce crematory  
22 temperatures and is now Act 26 of 2024. He noted the  
23 legislation set the minimum operating temperature of  
24 crematories to 1600 degrees Fahrenheit.

25 . Snyder asked whether it is official and if the

1 Department of Environmental Protection (DEP) changed  
2 that in their documentation. He also asked whether  
3 all crematory operators now have that option as of  
4 June 17 because he only saw it in association  
5 literature and did not believe a letter was mailed  
6 out by any official government agencies to crematory  
7 owners.

8 Kathleen K. Ryan, Esquire, CEO/General Counsel,  
9 Pennsylvania Funeral Directors Association, explained  
10 that it has to be effective 60 days after it was  
11 signed by the governor, and DEP has some regulations  
12 to deal with in order for it to become active. She  
13 informed Board members that she is waiting on a  
14 response from DEP as to whether or not it is going to  
15 hold up the effective date.]

16 \*\*\*

17 Report of Acting Commissioner

18 [Arion R. Claggett, Acting Commissioner, Bureau of  
19 Professional and Occupational Affairs, informed Board  
20 members that their website has been updated.]

21 \*\*\*

22 Report of Board Chairperson - No Report

23 \*\*\*

24 Report of Board Administrator - No Report

25 \*\*\*

1 Continuing Education Report

2 [It was reported the committee has approved 11  
3 provider applications for continuing education  
4 courses for Pennsylvania funeral directors.

5 Chair DuPree discussed the process of going  
6 through training for eVitals, which is the new  
7 platform to register death certificates. He  
8 recommended that they accept the completion of that  
9 training for 2 continuing education units (CEUs) per  
10 licensee. He mentioned receiving continuing  
11 education training for the Electronic Death  
12 Registration System when it was introduced in 2015  
13 and believed the same would be for the new platform.  
14 He noted the training started but will not be  
15 completed until October.

16 Mr. Jayman thanked Chair DuPree for the  
17 information and offered to research the process.]

18 \*\*\*

19 Public Comment

20 [Kathleen K. Ryan, Esquire, CEO/General Counsel,  
21 Pennsylvania Funeral Directors Association, informed  
22 Board members that it would be difficult to circulate  
23 the regulatory information to members and their Board  
24 by August and requested the regulatory review be  
25 moved into the fall. She noted the importance of



1 hearing from the constituency of the membership with  
2 respect to regulations.

3 Ms. Ryan commented that Pennsylvania is one of  
4 the states that has the lowest number of required CEs  
5 in the country and recommended having 2 mandatory  
6 credits in addition to the 6 credits during the  
7 renewal cycle.

8 Ms. Ryan explained the program would be like any  
9 other program, where they would submit it to the  
10 committee for approval. She noted they would  
11 certainly do it if it passes and believed others  
12 would as well.

13 Acting Commissioner Claggett stated it is another  
14 issue for Mr. Jayman to take back, and if the Board  
15 would decide to do something like that, PFDA could  
16 explain how to make it happen.

17 Chair DuPree suggested having the regulatory  
18 review at the October meeting, and Board members  
19 agreed.]

20 \*\*\*

21 Adjournment

22 CHAIR DUPREE:

23 Motion to adjourn.

24 ACTING COMMISSIONER CLAGGETT:

25 So moved.

1 CHAIR DUPREE:

2 We are officially adjourned.

3 \*\*\*

4 [There being no further business, the State Board of  
5 Funeral Directors Meeting adjourned at 11:02 a.m.]

6 \*\*\*

7

8 CERTIFICATE

9

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

16

17



18

Rachel Wilbur-Adams,

19

Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF FUNERAL DIRECTORS  
REFERENCE INDEX

June 26, 2024

TIME	AGENDA
9:00	Executive Session
10:29	Return to Open Session
10:29	Official Call to Order
10:29	Roll Call/Introduction of Attendees
10:31	Amendment to the Agenda
10:31	Motions
10:32	Approval of Minutes
10:33	Report of Prosecutorial Division
10:37	Report of Board Counsel
10:40	Regulatory Issues
10:54	Legislative Initiatives
10:56	Report of Acting Commissioner
10:57	Continuing Education Report
10:58	Public Comment
11:02	Adjournment