

State Board of Embalmers and Funeral Directors

September 25, 2012
Missouri Council of School Administrators
3550 Amazonas Drive
Jefferson City, MO 65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 11:12a.m.

Roll call

Board Members Present

D. Todd Mahn, Chairman
James Reinhard, Vice Chairman – left meeting at 2:50p.m.
John McCulloch, Secretary
Archie Camden Board member
Gary Fraker, Board member
Eric Pitman, Board member

Staff Present

Sandy Sebastian, Executive Director
Lori Hayes, Inspector
Tabatha Lenzini, Administrative Assistant
Sharon Euler, Division Counsel

Approval of the Agenda

A motion was made and seconded to approve the open agenda. Motion carried with no votes in opposition.

Move to Close

A motion was made by Eric Pitman and seconded by James Reinhard to move in to closed for #1, 2, 8, and 9 of the attached motions to close. Motion carried with Gary Fraker, John McCulloch and Archie Camden voting in favor with no votes in opposition.

Approval of Open Minutes

A motion was made by Gary Fraker and seconded by John McCulloch approve the following open minutes with corrections:

- July 10-11, 2012 Board meeting minutes
- August 21, 2012 Board meeting minutes
- August 23, 2012 Board conference call minutes
- September 11, 2012 Board conference call minutes

Motion carried with Jim Reinhard, Archie Camden and Eric Pitman voting in favor with no votes in opposition.

Executive Director Report

Sandy provided an update on the status of the Embalmer/Funeral Director renewals which included that 2092 renewals were mailed out in mid August for preneed sellers, preneed providers, preneed agents and funeral director agents. Sandy also stated that 2nd notices would likely be mailed out around October 1, 2012.

Sandy shared that July 1, 2011 the board had a beginning fund balance of \$1,595,638.26 and as of July 30, 2012 had an ending fund balance of \$2,335,819.93, which was a \$740,181.70 increase (\$404,388.68 more than projected). Sandy further shared with the board that while the fund balance has increased the projections are still showing the fund balance to be around 1.5 times the appropriation and that sweep calculations are based on three times the appropriation, which the fund balance is not close to. Sandy stated that once the preneed renewal cycle ends in October, the office along with the division administration would begin looking at any possible options for reduction of fees relating to the preneed contact fee but that reductions may not be a possibility at this time based on the fund balance but that she would attempt to bring information back to the board at the next meeting.

Sandy discussed with the board the Interim Committee on Preneed that had met in September, 2012 and that it was possible that legislation may be filed as a result and that she would monitor and bring to board, as well as any other legislation that impacts the board.

Sandy inquired if the board had any questions relating to the reports included in their materials relating to license statistics relating to new, closed/ceased, disciplined licenses since the last meeting's report.

Sandy discussed the Conference being held in February in Henderson Nevada and suggested the board consider sending her and a board member to the meeting. A motion was made by James Reinhard and seconded by Archie Camden to send Sandy to the meeting and one board member. Motion carried with John McCulloch, Eric Pitman and Gary Fraker voting in favor with no votes in opposition.

Legal Counsel Report

Sharon shared with the board information relating to the Wisconsin Funeral Directors Association preneed trust being taken into receivership and that it reportedly had a \$21 million deficit.

Sharon discussed the Ron Marts case and reported that he had waived preliminary hearing and that trial was set for November 14, 2012.

Discussion of Propose Rule -*"Insurance Funded Preneed Contracts"*

The board reviewed a draft of a proposed rule relating to insurance funded preneed contracts that they had requested by drafted by legal counsel. Following comments from the public in attendance and discussion with the board a motion was made by James Reinhard and seconded by Archie Camden to table the vote on the rule to allow for written comments to be received in the board office. Motion tied with Eric Pitman voting in favor and John McCulloch, Gary Fraker and D. Todd Mahn voting in opposition.

A motion was then made by John McCulloch and seconded by Gary Fraker to not pursue the rule. Motion carried with Eric Pitman voting in favor and Archie Camden and Jim Reinhard voting in opposition.

Future Meeting Date/Location

Sandy discussed the December board meeting dates and locations. Members asked that she check rates for Big Cedar, Chateau on the Lake at Branson and the Plaza in Kansas City. The dates that the members agreed to were December 4, 5, 6.

Move to Close

A motion was made by Gary Fraker and seconded by John McCulloch to move to closed pursuant to #1, 2, 8 and 9 of the attached motions to close. Motion carried with Eric Pitman and Archie Camden voting in favor. Jim Reinhard was not present.

Adjournment

Meeting adjourned at 4:32 p.m.

Executive Director: Sandy Sebastian

Approved by the Board on: 12-11-12-2012

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11