Tuesday, October 22, 2002

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Donn James, Chairman, at 1:00 p.m. on Tuesday, October 22, 2002, at the Division of Professional Registration, 3605 Missouri Blvd., Jefferson City, Missouri.

Roll Call
Donn James, Chairman, took roll call and all members of the State Board of Embalmers and Funeral Directors were present.

Board Members Present
Donn James, Chairman
William H. (Bill) Stuart, Vice Chairman
Marcia Shadel, Secretary
Jerry Griffin, Member
Kenneth McGhee, Member

Staff Present
Patricia Handly, Executive Director
Pamela Schnieders, Clerk IV
Lori Wansing, Inspector
Sharon Euler, Assistant Attorney General

Public Present
Marilyn Williams, Division of Professional Registration
Becky Dunn, Division of Professional Registration
Jan Jackson
Christy Diehl, CRL
Dale Westby, Baue Funeral Home
Ed Swarnes, Neptune Society
Chuck Wetmore, Neptune Society
David Schroeder, Neptune Society
Nathan Nickolaus, MFDA
Sam Licklider, MFDA

Approval of Agenda
Motion was made by Jerry Griffin and seconded by Marcia Shadel to approve the open agenda as submitted. Motion carried unanimously with all members participating.
New Board Member
Donn James introduced Kenneth McGhee, who has been appointed by Governor Holden to replace Susie Cunningham who had served on the board since 1997. Mr. McGhee is the owner and operator of Archway Funeral Home Inc. in Hazelwood.

Mr. James also introduced Becky Dunn, who has been selected by the board to replace Patricia Handly who has announced her retirement as Executive Director effective January 31, 2003.

The board members presented a plaque to Jan Jackson for service to the board as assistant attorney general from February 2001 through June 2002 and extended her best wishes in her service to the Missouri Consolidated Health Care Plan.

Sales Tax Refund
A motion was made by Jerry Griffin and seconded by William Stuart to go into closed session pursuant to Section 610.021(1) for discussing confidential or privileged communications between this agency and its attorney.

Discussion was held relative to the proposed official statement prepared by the Attorney General’s Office, indicating that if the Missouri Supreme Court orders refunds on sales tax paid on casket and outer burial containers, these monies belong to the consumers who originally paid the sales tax and not the funeral directors or funeral establishments that collected and remitted the sales tax to the State of Missouri. A motion was made by William Stuart and seconded by Jerry Griffin to table any decision on this matter at this time and revisit this issue at the December board meeting. Motion carried unanimously with all members participating.

Funeral Establishment Functions
At the October 7-8, 2002 meeting the board appointed a subcommittee to review the language in 4 CSR 120-2.070 Funeral Establishments, and to clarify the uses for which funeral establishments are licensed. The subcommittee is scheduled to meet and give a report at the December board meeting.

Closed Meeting
Motion was made by Jerry Griffin and seconded by Kenneth McGhee to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed under Section 610.021 (1), (3), and (14), RSMo., and 620.010.14(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; for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; for deliberation on discipline conducted and votes taken after a hearing; for discussing hiring, firing, disciplining or promoting an employee of this agency; and for reviewing applicants for licensure. Motion carried with Donn James, William Stuart, Marcia Shadel, Jerry Griffin and Kenneth McGhee voting in favor with no votes in opposition.
Adjournment
A motion was made by Jerry Griffin and seconded by Marcia Shadel to adjourn. Motion carried unanimously with Donn James being absent for this portion of the meeting. The meeting adjourned at 4:15 p.m. on Tuesday, October 22, 2002.

Executive Director: ________________________

Approved by the Board on: ________________