The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Jerry Griffin, Chairman, at 9:00 a.m. on Thursday, August 28, 2003, at the Country Club Hotel, HH & Carol Roads, Lake Ozark, Missouri.

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

Staff Present
Becky Dunn, Executive Director
Lori Wansing, Inspector
Pamela Schnieders, Administrative Assistant
Sharon Euler, Assistant Attorney General

Public Present
Branko Marusic, Marusic & Pietroburgo
Greg Pietroburgo, Marusic & Pietroburgo
Lew Melahn, MFDA
Sherry Anderson, MFDA
Bill Stalter, Stewart Enterprises
Greg Russell, CRL

Sherry Anderson, Executive Director for the Missouri Funeral Directors Association, introduced Lewis Melahn, the new attorney for MFDA who replaced Nathan Nicholas who has taken the position as attorney for the City of Jefferson. Mr. Melahn is a resident of Jefferson City and has his own legal practice in Jefferson City. The board welcomed Mr. Melahn to the meeting.

Approval of Agenda
Motion was made by Donn James and seconded by Kenneth McGhee to approve the open agenda as submitted. Motion carried unanimously with all members participating.
Approval of Minutes

- **May 28, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the May 28, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **June 2-3, 2003 Open Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the June 2-3, 2003 Open Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **June 6, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the June 6, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **June 13, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the June 13, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **June 19, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the June 19, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **July 1, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the July 1, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **July 9, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the July 9, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **July 17, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the July 17, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.

- **August 1, 2003 Open Mail Ballot Meeting Minutes**
  Motion was made by Donn James and seconded by Marcia Shadel to approve the August 1, 2003 Open Mail Ballot Meeting Minutes as submitted. Motion carried unanimously with all members participating.
Executive Director’s Report
Becky Dunn reported on the FY2003 Monthly Fund Balance Sheet as of July 31, 2003

<table>
<thead>
<tr>
<th></th>
<th>Year-To-Date</th>
<th>Projected</th>
<th>Remaining</th>
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<tbody>
<tr>
<td>FY 2003 Beginning Fund Balance</td>
<td>$907,054.33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue</td>
<td>$161,633.09</td>
<td>$162,994.00</td>
<td>$1,360.91</td>
</tr>
<tr>
<td>Expense and Equipment</td>
<td>$67,970.64</td>
<td>$149,634.00</td>
<td>$81,663.36</td>
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<tr>
<td>Total Transfers</td>
<td>$401,976.35</td>
<td>$440,988.72</td>
<td>$39,012.37</td>
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<tr>
<td>Ending Fund Balance</td>
<td>$598,740.43</td>
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</tbody>
</table>

Ms. Dunn reported to the board an additional cost allocation plan that will impact the State Board of Embalmers and Funeral Directors. The Chairman of the House Budget Committee and the Chairman of the Senate Appropriations Committee made the decision to expand the state's central service cost allocation plan to include the costs of all elected officials and the General Assembly. It is their intent for the Office of Administration, Division of Accounting to use Section 5.360 when transferring the additional funds to General Revenue. This additional cost allocation will impact the board by $3,224.44. The FY2004 total Cost Allocation for the board will be $14,070.06.

Preneed Provider and Seller Report
The preneed provider and seller annual reporting notices were mailed out October 1.

Sales Tax Refund
The board reviewed the Opinion of the Supreme Court of Missouri. The state’s highest court ruled unanimously that burial caskets are subject to state sales tax but that the containers they are placed in are not. The board is taking no position on this ruling.

Legislation
HB600 – was truly agreed to and finally passed by the legislature with an emergency clause making its provisions effective July 1st. All governmental entities issuing professional licenses, certificates, registrations or permits, shall provide the director of revenue with the name and social security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee’s license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee’s license shall be revoked within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid.
7/01/2003 – APPROVED BY GOVERNOR

HB394 – was truly agreed to and finally passed by the legislature. This bill defines “next-of-kin”. Deceased persons’ next-of-kin may control final disposition of the remains if they assume all costs for disposition. Funeral directors are entitled to rely and act on the lawful instructions of the claimed next-of-kin. A person can designate any person to be his or her next-of-kin by a verified written instrument, including a will or trust.
7/11/2003 – APPROVED BY GOVERNOR
SB184 – was truly agreed to and finally passed by the legislature. This bill makes various changes in the law relating to criminal records and other records used by law enforcement. 7/11/2003 – APPROVED BY GOVERNOR

Future Meeting Dates
The next meeting of the board is scheduled for December 15-16, 2003, at the Fairmont at the Plaza, Kansas City, Missouri.

Douglas Weatherford – Disciplinary Hearing
On Thursday, August 28, 2003 at 12:50 p.m., the State Board of Embalmers and Funeral Directors held a disciplinary hearing for Douglas Weatherford in reference to his funeral director license for alleged violations of Section 333.121.2(2) RSMo. Mr. Weatherford was not present for the hearing nor was he represented by legal counsel. All members of the Board were present. Sharon Euler, assistant attorney general served as legal advisor to the Board during the hearing and Bill Vanderpool, assistant attorney general, represented the Missouri State Board of Embalmers and Funeral Directors. The disciplinary hearing adjourned.

Following the hearing, a motion was made by Donn James seconded by Kenneth McGhee to go into closed session for the purpose of discussion and deliberation of this case. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, Donn James and Joy Gerstein voting in favor with no votes in opposition.

Charter Funerals of Missouri, LLC, and Duscan Radovich – Disciplinary Hearing
The disciplinary hearing of Charter Funeral of Missouri, LLC and Duscan Radovich did not occur due to the board granting a continuance.

Closed Meeting
Motion was made by Donn James 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 pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) 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; 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; Section 610.021 Subsection (1) RSMo and 620.010.14 Subsection (8) for deliberation on discipline; Section 610.021 Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency; Section 610.021 Subsection (13) RSMo for making performance ratings pertaining to individual employees; Section 610.021 Subsection (7) RSMo for reviewing testing and examination materials; Section 610.021 Subsection (14) and Section 620.010.14 Subsection (5) RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, Donn James and Joy Gerstein voting in favor with no votes in opposition.
Adjournment
A motion was made by Marcia Shadel and seconded by William Stuart to adjourn. Motion carried unanimously with Donn James being absent for this portion of the meeting. The meeting adjourned at 10:50 a.m. on Friday, August 29, 2003.

Executive Director: ________________________________

Approved by the Board on: __________________________