OPEN MEETING MINUTES
Missouri State Board of Embalmers and Funeral Directors

August 25-26, 2004 – 12:15 p.m.
Lodge of the Four Seasons
State Road HH
Lake Ozark, Missouri

Wednesday, August 25, 2004

The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Jerry Griffin, Chairman, at 12:20 p.m. on Wednesday, August 25, 2004, at the Lodge of the Four Seasons, State Road HH, Lake Ozark, Missouri.

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

Board Member Absent
Joy Gerstein, Public Member

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

Public Present
Bill Stalter, Stewart Enterprises
Greg Russell, CRL
Randy Singer, NPS
John McCullough, ASP
Jim Crawford, NPS

Approval of Agenda
Motion was made by Kenneth McGhee and seconded by Marcia Shadel Stuart to approve the open agenda. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.
Approval of Minutes

• **March 3-4, 2004 Open Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the March 3-4, 2004 Open Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **March 8, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the March 8, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **March 15, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the March 15, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **March 23, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the March 23, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **March 25, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the March 25, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **April 6, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the April 6, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **April 14, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the April 14, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **April 29, 2004 Open Conference Call Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the April 29, 2004 Open Conference Call Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.
• **May 3, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the May 3, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **May 10, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the May 10, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **May 18, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the May 18, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **June 16, 2004 Open Conference Call Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the June 16, 2004 Open Conference Call Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **June 30, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the June 30, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **July 6, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the July 6, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **July 8, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the July 8, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

• **July 21, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the July 21, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.
August 2, 2004 Open Mail Ballot Meeting Minutes
Motion was made by Kenneth McGhee and seconded by Marcia Shadel to approve the August 2, 2004 Open Mail Ballot Meeting Minutes as submitted. Motion carried with William Stuart, Kenneth McGhee, Marcia Shadel, and James Reinhard voting in favor with no votes in opposition. Joy Gerstein was absent from this meeting.

Executive Director’s Report
Becky Dunn reported on the FY2004 Financial Statement as of June 30, 2004

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<th>Year-To-Date</th>
<th>Projected</th>
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HB600/HB978 Discussion
House Bill 600 (2003) and House Bill 978 (2004) were enacted to increase the tax revenue collected by the State of Missouri. Section 324.010 RSMo. requires the Board to provide the Department of Revenue with the names and social security numbers of licensees 30 days prior to sending out notices to renew their license or within 30 days of initial application. The Department of Revenue must send notices to every licensee who has no record of filing a return or paying taxes in the three years prior to renewing or applying for licensure. In the case of such delinquency or failure to file, the licensee’s license shall be suspended within ninety days after notice, unless the Department of Revenue verifies that licensee has resolved his or her tax delinquency. There are no appeal rights built into the law, and no rights to cure the default after the 90 day period. If a licensee pays his or her taxes or files his or her return even one day after the 90 day period, the license may still be disciplined. The law, as written, gives no discretion to either the Department of Revenue or the Division of Professional Registration.

Examinations
The Executive Director provided a report of the minimum educational requirements for funeral directors in other states. The board was provided with examination statistics for the past three years, the pass rate of funeral directors with an Associates Degree, Funeral Director Certificate, High School Diploma and GED.

Embalmer and Funeral Director Renewals
The Executive Director provided a report of the number of active licensee at the end of each fiscal year for the past five years.

Preneed Provider and Seller Report
Lori Hayes advised that preneed provider and seller annual reporting notices were mailed out on August 1st. New information requested on the notice this year is their Missouri Tax Identification Number.
Future Meeting Dates
A board meeting has been scheduled for December 6-7, 2004, Fairmont at the Plaza, Kansas City, Missouri.

Cunningham & Moore Funeral Home, Inc. – Probation Violation Hearing
The probation violation hearing scheduled for 2:00 p.m. on today’s date did not occur for Cunningham & Moore Funeral Home, Inc., due to the board granting a continuance for the hearing to be rescheduled to the December board meeting.

Morticians Service – Probation Violation Hearing
The probation violation hearing scheduled for 2:30 p.m. on today’s date did not occur for Morticians Service. An Amended Probation Violation and Waiver of Hearing Settlement Agreement was signed by Douglas Wickware prior to the meeting.

Closed Meeting
Motion was made by Kenneth McGhee and seconded by James Reinhard 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 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, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

Appearance:
4:00 p.m. – Ted Foster & Sons Funeral Home, 3737 Olive Street – Disciplinary Hearing
On Wednesday, August 25, 2004 at 4:15 p.m., the board held a disciplinary hearing for Ted Foster & Sons Funeral Home. Theodore V. Foster was present for the hearing. Gloria J. McCollum, legal counsel for Mr. Foster was also present. Members of the State Board of Embalmers and Funeral Directors were present with the exception of Joy Gerstein. Please Note: Kenneth McGhee recused himself from the hearing and did not participate in any part of the hearing or the Board’s deliberations or any formal motions or vote. Sharon Euler, Assistant Attorney General, represented the board during the hearing and Loretta Schouten, Assistant Attorney General, was advisor to the Board on procedural and evidentiary matters. The disciplinary hearing was adjourned at 4:40 p.m.
Following the hearing, a motion was made by Kenneth McGhee and seconded by James Reinhard 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 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, James Reinhard and Joy Gerstein voting in favor with no votes in opposition.

Adjournment
A motion was made by James Reinhard and seconded by Kenneth McGhee to adjourn. Motion carried with William Stuart, Kenneth McGhee and James Reinhard voting in favor with no votes in opposition. Marcia Shadel and Joy Gerstein were absent for this portion of the meeting. The meeting adjourned at 12:05 p.m. on Thursday, August 26, 2004.

Executive Director: ________________________________

Approved by the Board on: __________________________
Meeting Notice
Missouri State Board of Embalmers and Funeral Directors

August 25-26, 2004 – 12:15 p.m.
Lodge of the Four Seasons
State Road HH
Lake Ozark, Missouri

The Missouri State Board of Embalmers and Funeral Directors will be meeting on August 25, 2004 beginning at 12:15 p.m. and on August 26, 2004 beginning at 8:00 a.m. Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0813 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Embalmers and Funeral Directors is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14(7) RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

Attachment

cc: Marilyn Williams and Laurie Morris
OPEN AGENDA
Missouri State Board of Embalmers
and Funeral Directors

August 25-26, 2004 – 12:15 p.m.
Lodge of the Four Seasons
State Road HH
Lake Ozark, Missouri

Wednesday, August 25, 2004

Call to Order

Roll Call

1. Approval of Agenda

2. Approval of Minutes
   • March 3-4, 2004 Open Meeting Minutes
   • March 8, 2004 Open Mail Ballot Meeting Minutes
   • March 15, 2004 Open Mail Ballot Meeting Minutes
   • March 23, 2004 Open Mail Ballot Meeting Minutes
   • March 25, 2004 Open Mail Ballot Meeting Minutes
   • April 6, 2004 Open Mail Ballot Meeting Minutes
   • April 14, 2004 Open Mail Ballot Meeting Minutes
   • April 29, 2004 Open Conference Call Meeting Minutes
   • May 3, 2004 Open Mail Ballot Meeting Minutes
   • May 10, 2004 Open Mail Ballot Meeting Minutes
   • May 18, 2004 Open Mail Ballot Meeting Minutes
   • June 16, 2004 Open Conference Call Meeting Minutes
   • June 30, 2004 Open Mail Ballot Meeting Minutes
   • July 6, 2004 Open Mail Ballot Meeting Minutes
   • July 8, 2004 Open Mail Ballot Meeting Minutes
   • July 21, 2004 Open Mail Ballot Meeting Minutes
   • August 2, 2004 Open Mail Ballot Meeting Minutes

3. Executive Director’s Report

4. HB600/HB 978

5. Examinations

6. Embalmer and Funeral Director Renewals

7. Preneed Provider and Seller Report
8. Future Meeting Dates
   • December 6-7, 2004 – Fairmont at the Plaza, Kansas City, Missouri

9. 2:00 p.m. – Cunningham & Moore Funeral Home, Inc – Probation Violation Hearing

10. 2:30 p.m. – Morticians Service – Probation Violation Hearing

11. 4:00 p.m. – Ted Foster & Sons Funeral Home, 3737 Olive Street – Disciplinary Hearing

Closed Meeting. The Board will move into closed session 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.

Adjournment