The meeting of the Missouri State Board of Embalmers and Funeral Directors was called to order by Jerry Griffin, Chairman, at 12:00 p.m. on Monday, December 6, 2004, at the Fairmont at the Plaza, 401 Ward Parkway, Kansas City, Missouri

Board Members Present
Jerry Griffin, Chairman
William H. (Bill) Stuart, Vice Chairman
Kenneth McGhee, Secretary
James Reinhard, Member
Joy Gerstein, Public Member (Joined at 12:20 p.m.)

Board Member Absent
Marcia Shadel, Member

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

Public Present
Greg Russell, CRL
Darlene Russell, CRL
Randy Singer, NPS
Don Otto, MFDA/MFT
Charles Oldham, Cunningham & Moore Funeral Home
John Oldham, Cunningham & Moore Funeral Home
Greg Schoonmaker, DW Newcomers
Bill Stalter, Stewart Enterprises

Approval of Agenda
Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the open agenda. 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 from this portion of the meeting.
Approval of Minutes

- **August 13, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the August 13, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

- **August 24, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the August 24, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

- **August 25-26, 2004 Open Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the August 25-26, 2004 Open Meeting Minutes as submitted. 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 from this portion of the meeting.

- **August 31, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the August 31, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

- **September 9, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the September 9, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

- **September 17, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the September 17, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

- **October 20, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the October 20, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

- **October 29, 2004 Open Mail Ballot Meeting Minutes**
  Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the October 29, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.
November 2, 2004 Open Mail Ballot Meeting Minutes
Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the November 2, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

November 3, 2004 Open Mail Ballot Meeting Minutes
Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the November 3, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

November 10, 2004 Open Mail Ballot Meeting Minutes
Motion was made by Kenneth McGhee and seconded by James Reinhard to approve the November 10, 2004 Open Mail Ballot Meeting Minutes as submitted. 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 from this portion of the meeting.

Executive Director’s Report
Becky Dunn reported on the FY2005 Financial Statement as of September 30, 2004

<table>
<thead>
<tr>
<th></th>
<th>Year-To-Date</th>
<th>Projected</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2004 Beginning Fund Balance</td>
<td>$1,162,773.78</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue</td>
<td>$77,196.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expense and Equipment</td>
<td>$38,019.18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Transfers</td>
<td>$117,031.28</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ending Fund Balance</td>
<td>$1,084,919.32</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

HB600/HB978
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.

The following professionals are being impacted by HB978: Architects, Engineers; Athletics; Barbers; Cosmetology; Embalmers and Funeral Directors; Healing Arts; Massage Therapists; Nursing; Pharmacy; Professional Counselors; Real Estate; Real Estate Appraisers; Respiratory Care; and Tattooing, Body Piercing. Approximately 2779 notices of tax
delinquency were sent by the Department of Revenue. Out of those 2779 notices, a projected non-compliant list of suspensions from the Department of Revenue is 2223. It is our information that the following process was followed: The Department of Revenue sent notification of tax delinquency to licensees in July via first class mail. Licensees were given 90 days to either pay the state taxes owed or make arrangements for payment. On the 91st day, the Division of Professional Registration was provided with a preliminary count of approximately 1965 licensees who had not complied with the notice. The Department of Revenue will send a certification of non-compliance for each licensee to the respective professional licensing board 15 days from the 91st day. Effective the date of that notification the license is suspended.

We anticipate receiving the Certifications of Non-Compliance from the Department of Revenue early December. When we receive the official certifications of non-compliance, those licenses affected will have their status changed to suspension. The boards will mail by certified mail the certification of non-compliance along with a notice from the board that their license has been suspended and that they should return their license to the board office. The board has no discretion with regard to these suspensions.

Preneed Provider and Seller Report
As of November 19, 2004, registered preneed sellers in Missouri reported a total of 22,546 contracts sold with a total face value of $90,043,701 for the 2003-2004 reporting period. Lori Hayes reported on the preneed provider and preneed seller annual reports that were not submitted prior to October 31, 2004. Ms. Hayes indicated that fifty-seven (57) preneed providers and thirty-seven (37) preneed sellers were delinquent in the filing of their annual reports. A listing was sent to all inspectors notifying them of the facilities that have not sent the proper application to become compliant.

National Funeral Directors Association Annual Convention and Expo, held October 17-20, 2004 in Nashville, Tennessee
Kenneth McGhee reported on the National Funeral Directors Association Annual Convention & Expo, held October 17-20, 2004 in Nashville, Tennessee. Marsha Shadel was also present at the convention representing the board, but due to her absence today was unable to give a report.

Future Meeting Dates
The board voted to schedule the following meeting:
January 20, 2005, at the Division of Professional Registration, Jefferson City, Missouri
March 2005 – Doubletree, Chesterfield, Missouri
July/August 2005 – Lake Ozark, Missouri
December 2005 – Kansas City, Missouri

Don Otto reported the Missouri Funeral Directors Association will hold a Mid-Winter Conference, January 19-20, 2005 in Columbia, Missouri. Mr. Otto reported the Missouri Funeral Directors Association will hold their annual convention the first week of May 2005.
Appearance:

David Griffin – Disciplinary Hearing
The disciplinary hearing scheduled for 2:00 p.m. on today’s date did not occur for David Griffin, due to the board continuing the matter pending the execution of the settlement agreement between the board and David Griffin.

2:30 p.m. – Cunningham & Moore Funeral Home, Inc – Probation Violation Hearing
On Monday, December 6, 2004 at 2:15 p.m., the board held a probation violation hearing for Cunningham & Moore Funeral Home, Inc. Cunningham was not present for the hearing. Charles Oldham, legal counsel representing Cunningham & Moore Funeral Home was present. John Oldham, attorney and son of Charles R. Oldham was also present. Members of the State Board of Embalmers and Funeral Directors were present with the exception of Marcia Shadel. Sharon Euler, Assistant Attorney General, represented the board during the hearing and Bruce Hahn, Assistant Attorney General, was advisor to the Board on procedural and evidentiary matters. The disciplinary hearing was adjourned at 2:35 p.m.

Following the hearing, a motion was made by Joy Gerstein and seconded by William Stuart to go 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. Motion carried with William Stuart, Kenneth McGhee, James Reinhard and Joy Gerstein voting in favor with no votes in opposition. Marcia Shadel was absent for the meeting.

Adjournment
A motion was made by William Stuart and seconded by Kenneth McGhee to adjourn. Motion carried with William Stuart, Kenneth McGhee, James Reinhard and Joy Gerstein voting in favor with no votes in opposition. Marcia Shadel was absent for the meeting. The meeting adjourned at 11:15 a.m. on Tuesday, December 7, 2004.

Executive Director: ________________________________

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

December 6-7, 2004 – 12:00 p.m.
Fairmont at the Plaza
401 Ward Parkway
Kansas City, Missouri

The Missouri State Board of Embalmers and Funeral Directors will be meeting on December 6-7, 2004 beginning at 12:00 p.m. and on December 7, 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

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

December 6-7, 2004 – 12:00 p.m.
Fairmont at the Plaza
401 Ward Parkway
Kansas City, Missouri

Monday, December 6, 2004

Call to Order

Roll Call

1. Approval of Agenda

2. Approval of Minutes
   • August 13, 2004 Open Mail Ballot Meeting Minutes
   • August 24, 2004 Open Mail Ballot Meeting Minutes
   • August 25-26, 2004 Open Meeting Minutes
   • August 31, 2004 Open Mail Ballot Meeting Minutes
   • September 9, 2004 Open Mail Ballot Meeting Minutes
   • September 17, 2004 Open Mail Ballot Meeting Minutes
   • October 20, 2004 Open Mail Ballot Meeting Minutes
   • October 29, 2004 Open Mail Ballot Meeting Minutes
   • November 2, 2004 Open Mail Ballot Meeting Minutes
   • November 3, 2004 Open Mail Ballot Meeting Minutes
   • November 10, 2004 Open Mail Ballot Meeting Minutes

3. Executive Director’s Report

4. HB600/HB 978

5. Preneed Provider and Seller Report

6. National Funeral Directors Association Annual Convention and Expo, held
   October 17-20, 2004 in Nashville, Tennessee - Kenneth McGhee & Marcia Shadel

7. Future Meeting Dates

Appearance:

8. 2:00 p.m. – David Griffin – Disciplinary Hearing
9. 2:30 p.m. – Cunningham & Moore Funeral Home, Inc – Probation
Violation 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