April 9, 2019

Holiday Inn & Suites
1590 Jefferson St
Jefferson City, Missouri 65109

OPEN AGENDA

April 9, 2019 – 8:00a.m.

1. Call to Order
2. Roll Call
3. Review and Approval of Agenda
4. Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc 10:00am
   License #2010005377
5. Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc 10:00am
   License #2010005378
6. Discipline Hearing - C L Holdren 10:00am
   License #000246
7. Discipline Hearing – Sweeney-Phillips & Holdren Funeral Service, Inc 10:00am
   License #2009039086
8. CLOSED

1:00p.m. – The board will convene in open session

9. Acknowledgement and Recognition of Newly Licensed Embalmers and Funeral Directors
10. (Tab 1) Approval of Open Minutes (approval of the Financial Examination Committee Minutes ratifies its actions)
    • October 23, 2018 Conference Call
    • October 25, 2018 Board Meeting
    • November 7, 2018 Conference Call
    • November 20, 2018 Exam Meeting Call
    • December 12-13, 2018 Board Meeting
    • December 20, 2018 Conference Call
    • January 2, 2019 Mail Ballot
    • January 22, 2019 Conference Call
    • January 23, 2019 Conference Call
    • February 11, 2019 Conference Call
    • February 19, 2019 Conference Call
11. (Tab 2) Executive Director Report
    • Financial Report
    • Update on Conferences Attended - FARB Conference/The Conference
    • Legislative Update-
      o SB 337- Modifies provisions of the Missouri Preneed Funeral Contract Act
      o SB 455 – Changes provisions regarding licensing of funeral establishments
      o HB 816- Changes provisions relating to embalming apprenticeships- Referred to Rules-
        Administrative Oversight
o HB 1131- establishes a preneed funeral contract trust- Referred to the Special Committee on Aging
  • Financial Examination Update
  • E-Funeral Digital Storefront
  • Brad Davis – Public Comment

12. Discussion of future meeting dates
  • Future Phase 3 Committee Meeting (Discussion of dates only)
  • June 19-20, 2019 Meeting in St Louis
  • August 2019 Meeting Discussion

13. Open Session/Discussion

14. CLOSED

15. Adjournment
November 21, 2018

Ms. Sandy Sebastian
Executive Director
State Board of Embalmers and
Funeral Directors
3605 Missouri Blvd.
P.O. Box 424
Jefferson City, MO 65102

Re: Board of Embalmers & Funeral Directors v. Sweeney-Phillips Holdren
No. 18-0762

Dear Ms. Sebastian:

Pursuant to § 621.110, RSMo 2016, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2016, to the reviewing court.

Sincerely,

[Signature]

Suzanne Häger
Paralegal

Enclosure

c: Greg Mitchell
   C.L. Holdren
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS, Petitioner

vs.

SWEENEY-PHILLIPS HOLDREN FUNERAL SERVICE, INC., Respondent

No. 18-0762

CERTIFICATION

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:


2. Certified receipt, filed September 13, 2018.


Respectfully submitted,

Suzanne Hager
Paralegal

Enclosures
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
3605 Missouri Blvd.
P.O. Box 423
Jefferson City, MO 65102-0423
573-751-0813

Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN
FUNERAL SERVICE, INC.
Registered Agent:
CL Holdren
617 N. Maguire
Warrensburg, MO 64093
660-747-9114

Respondent.

COMPLAINT

COMES NOW Petitioner, the State Board of Embalmers and Funeral Directors ("Petitioner" or "Board"), by and through counsel, and for its Complaint against Sweeney-Phillips Holdren Funeral Service, Inc. ("Respondent" or "Sweeney"), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jurisdiction and venue are proper before this Commission pursuant to Chapter 621, RSMo, and § 333.330, RSMo.

3. Sweeney-Phillips Holdren Funeral Service, Inc. is a Missouri corporation in good standing.
23. Sweeney’s conduct, as set forth in this Complaint, constitutes failure to display a valid certificate or license, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(13).

24. Sweeney’s conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(14), RSMo.

25. Sweeney’s conduct, as set forth in this Complaint, constitutes a violation of Section 436.460, RSMo, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(19), RSMo.

26. The Board has cause to discipline Sweeney’s preneed provider and seller licenses pursuant to Section 333.330.2(5), (6), (13), (14), and (19), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent’s preneed provider and seller licenses pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847

6
E-mail: gregbse@hrydonlaw.com
Attorneys for Petitioner
<table>
<thead>
<tr>
<th>1. Article Addressed to:</th>
<th>2. Certified Mail (Form 3600) Article Number</th>
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<tr>
<td>C.L. Holdren</td>
<td>9414 7266 9904 2100 6751 38</td>
</tr>
<tr>
<td>617 N. Maguire</td>
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<tr>
<td>Warrensburg, MO 64093</td>
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**FILED**

SEP 13 2018

ADMINISTRATIVE HEARING COMMISSION

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Domestic Return Receipt
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS,

Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN FUNERAL SERVICE, INC.

Respondent.

No. 18-0762

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
State of Missouri

Administrative Hearing Commission
U.S. Post Office Building, 3rd Floor
131 West High Street  P.O. Box 1557
Jefferson City, Missouri  65102-1557
Telephone 573/751-2422
Facsimile 573/751-5018
www.oa.mo.gov/ahc

September 7, 2018

Gregory C. Mitchell
Brydon, Swarengen & England, P.C.
P.O. Box 456
Jefferson City, MO  65102-0456

Sweeney-Phillips Holdren Funeral Service, Inc.
Attn:  C.L. Holdren
617 N. Maguire
Warrensburg, MO  64093

     No. 18-0762

NOTICE OF COMPLAINT/NOTICE OF HEARING

TO THE RESPONDENT:

Petitioner has filed a complaint against you before this Commission. A copy of that complaint is attached. This complaint charges that you have violated certain statutes or regulations governing your licensed profession. If this Commission finds the charges to be true, Petitioner could revoke or otherwise discipline your license.

You must send this Commission an answer or other responsive pleading to the complaint not later than 30 days after you receive this notice. Your answer should state that you admit, deny, or have insufficient knowledge to admit or deny each statement of fact in the complaint. You or an attorney must sign the answer. If you do not respond to the complaint, this Commission may take it that you agree that the facts stated in the complaint are true. You must send a copy of whatever you file to the attorney who signed the complaint against you.
Individual parties may either be represented by an attorney at the party's own expense or may proceed on their own without an attorney. Corporations or other legal entities must have an attorney.

The procedures governing this case are found in chapters 536 and 621 of the Revised Statutes of Missouri, and in the Code of State Regulations, 1 CSR 15-3.200 through 3.510. A copy of our regulations, which include discovery rules, and information on how you may represent yourself (or a business which you own and which is not a legal entity such as a corporation or LLC) may be found on our website: http://ahe.mo.gov/publications.html. Parties are expected to consult the regulations. FAQ's may also be found on our website. If you do not have access to the internet, you may contact our office at 573/751-2422, and a copy of the regulations will be mailed to you.

TO BOTH PARTIES:

A hearing has been scheduled on a docket beginning at 9:00 AM, Thursday, March 7, 2019, at the Administrative Hearing Commission, U.S. Post Office building, 131 West High Street, Third Floor, Jefferson City, Missouri. Each case will be called from a docket and each party given ample time to present its case. If you feel that two or more hours are needed to present your case, please contact this Commission.

The Administrative Hearing Commission also has the following locations available in Missouri that parties may appear for hearing: St. Louis, Kansas City, Springfield, and Poplar Bluff. Any motions to appear at a hearing by videoconference must be filed in writing, as soon as possible. The availability of this technology is limited, so requests will be processed on a first-come, first-serve basis.

Sincerely,

Carol Burgess
Hearings Secretary

CB/cb

Enclosure (Complaint to Respondent)
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
3605 Missouri Blvd.
P.O. Box 423
Jefferson City, MO 65102-0423
573-751-0813
Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN
FUNERAL SERVICE, INC.
Registered Agent:
CI. Holdren
617 N. Maguire
Warrensburg, MO 64093
660-747-9114
Respondent.

Case No.

COMPLAINT

COMES NOW Petitioner, the State Board of Embalmers and Funeral Directors ("Petitioner" or "Board"), by and through counsel, and for its Complaint against Sweeney-Phillips Holdren Funeral Service, Inc. ("Respondent" or "Sweeney"), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jurisdiction and venue are proper before this Commission pursuant to Chapter 621, RSMo, and § 333.330, RSMo.

3. Sweeney-Phillips Holdren Funeral Service, Inc. is a Missouri corporation in good standing.
4. The Missouri Secretary of State's website indicates that the registered agent of Sweeney is CL Holdren, 617 N. Maguire, Warrensburg, Missouri 64093.

5. Sweeney operates in Missouri under the fictitious names of Moore Funeral Home and Sweeney-Phillips & Holdren Funeral Home.¹

6. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Moore Funeral Home holds preneed provider license number 2010005378 for a location at 812 S. Main, La Monte, MO 65337. License number 2010005378 expired on October 31, 2016.

7. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Sweeney-Phillips & Holdren Funeral Home holds preneed provider license number 2010005377 for a location at 617 N. Maguire, Warrensburg, MO 64093. License number 2010005377 expired on October 31, 2016.

8. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Sweeney-Phillips & Holdren Funeral Home/Moore Funeral Home holds preneed seller license number 2009039086 for a location at 617 N. Maguire, Warrensburg, MO 64093. This license expired on October 31, 2016.

9. Sweeney’s preneed seller license was also automatically suspended pursuant to Section 436.460.7, RSMo, for failure to file its preneed seller annual report by the deadline of October 31, 2016.

10. The Board conducted an investigation to determine whether Sweeney acted as a seller and/or provider during the time when its licenses were expired and/or suspended.

11. Sweeney sold nine preneed funeral contracts while its seller license was expired and/or suspended.

¹ According to the MO SOS website, the fictitious name Moore Funeral Home is active. The fictitious name Sweeney-Phillips & Holdren Funeral Home expired on or about January 6, 2015.
12. Sweeney acted as a preneed provider and serviced two preneed contracts at the 812 S. Main, La Monte, MO location while its provider license was expired.

13. Sweeney acted as a preneed provider and serviced twenty-two preneed contracts at the 617 N. Maguire, Warrensburg, MO location while its provider license was expired.

14. Sweeney practiced as a preneed seller and held out to the public that it was licensed as a seller during a period when it held no valid license to do so.

15. Sweeney practiced as a preneed provider and held out to the public that it was licensed as a provider during a period when it held no valid license to do so.

16. Section 333.011.1, RSMo, states, in relevant part:

   * * *

(10) "Provider", the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;
(11) "Seller", the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

17. Section 333.320, RSMo, requires a seller license and states, in relevant part:

   1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

   * * *

   3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001...

   * * *

   4. Any license which has not been renewed as provided by this section shall expire[.]

3
18. Section 436.460, RSMo, requires each seller to file an annual report with the Board and states, in relevant part:

   1. Each seller shall file an annual report with the board...

      * * *

   6. All reports required by this section shall be filed by the thirty-first day of October of each year or by the date established by the board by rule. Annual reports filed after the date provided herein shall be subject to a late fee in an amount established by rule of the board.

   7. If a seller fails to file the annual report on or before its due date, his or her preneed seller license shall automatically be suspended until such time as the annual report is filed and all applicable fees have been paid[.]

19. Section 333.315, RSMo, states, in relevant part:

   1. No person shall be designated as a provider or agree to perform the obligations of a provider under a preneed contract unless, at the time of such agreement or designation, such person is licensed as a preneed provider by the board. Nothing in this section shall exempt any person from meeting the licensure requirements for a funeral establishment as provided in this chapter.

      * * *

   3. Each preneed provider shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001...

      * * *

   4. A license which has not been renewed as provided by this section shall expire[.]

20. Section 333.330.2, RSMo, authorizes discipline against seller and provider licenses and states, in relevant part:
2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

   * * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

   * * *

(13) Failure to display a valid certificate or license if so required by this chapter regulating prescription or any rule established thereunder;

(14) Violation of any professional trust or confidence;

   * * *

(19) Violation of any of the provisions of chapter 193, 194, 407, or 436[.]

21. Sweeney's conduct, as set forth in this Complaint, constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation, and/or dishonesty in the performance of the functions or duties of a provider and seller, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(5), RSMo.

22. Sweeney's conduct, as set forth in this Complaint, constitutes a violation of Sections 333.315 and 333.320, RSMo, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(6), RSMo.
23. Sweeney's conduct, as set forth in this Complaint, constitutes failure to display a valid certificate or license, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(13).

24. Sweeney's conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(14), RSMo.

25. Sweeney’s conduct, as set forth in this Complaint, constitutes a violation of Section 436.460, RSMo, for which the Board has cause to take disciplinary action against its provider and seller licenses pursuant to Section 333.330.2(19), RSMo.

26. The Board has cause to discipline Sweeney's preneed provider and seller licenses pursuant to Section 333.330.2(5), (6), (13), (14), and (19), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent’s preneed provider and seller licenses pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

Gregory C. Mitchell  
Jamie J. Cox
312 East Capitol Avenue  
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@brydonlaw.com
Attorneys for Petitioner
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
Petitioner,

v.

Sweeney-Phillips Holdren
Funeral Service, Inc.
Respondent.

Case No. 18-0762

PETITIONER’S MOTION FOR DEFAULT DECISION

COMES NOW Petitioner, State Board of Embalmers and Funeral Directors ("Petitioner"), and moves this Commission to enter its Default Decision, pursuant to § 621.100, RSMo, finding in favor of Petitioner on all issues raised in its Complaint filed in the above case based upon the failure of Respondent, Sweeney-Phillips Holdren Funeral Service, Inc. ("Respondent"), to file an answer or other responsive pleading to Petitioner’s Complaint. In support of this Motion for Default Decision, Petitioner submits the following suggestions:

1. On September 7, 2018, Petitioner filed its properly pled Complaint against Respondent with this Commission alleging that Respondent’s preneed seller license, number 2009039086, and preneed provider licenses, number 2010005378 and number 2010005377, are subject to discipline.

2. Respondent, through its registered agent, C.L. Holdren, was served with the Complaint and the Commission’s “Notice of Complaint/Notice of Hearing” (“Notice”) before September 13, 2018.

3. The Notice advised Respondent of the Complaint and advised Respondent that it was required to file an answer or other responsive pleading to the Complaint not later than thirty (30) days after its receipt of the Notice. The Notice also warned Respondent that its failure to respond to the
Complaint could be deemed by the Commission to be an admission to the truth of Petitioner's allegations.

4. Respondent's Answer or other responsive pleading was due at least no later than October 12, 2018.

5. Respondent has failed to answer or otherwise respond to Petitioner's Complaint, and it is in default.

6. Section 621.100.2, RSMo, provides in relevant part as follows:

When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under this section and section 536.067 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law.[.] (Emphasis added).

7. In light of the above, Petitioner is entitled to a default decision pursuant to § 621.100.2, RSMo.

WHEREFORE, Petitioner requests that this Commission enter its Default Decision, finding that the facts alleged in Petitioner's Complaint are deemed true as a matter of law; that such facts establish cause to discipline the preneed seller and provider licenses of Respondent; that Respondent has waived any defenses to the allegations set forth in the Complaint; and, that Respondent has accordingly defaulted. Petitioner further respectfully requests any other relief which may be just and appropriate in the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

[Signatures]

Gregory C. Mitchell #36634
Jamie J. Cox #52777

2
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephne: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: jeox@brydonlaw.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed via
U.S. Mail on this 10 day of October, 2018 to:

Sweeney-Phillips Holdren Funeral Service, Inc.
Registered Agent:
C.L. Holdren
617 N. Maguire
Warrensburg, MO 64093

[Signature]

3
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS,

Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN FUNERAL SERVICE, INC.

Respondent.

No. 18-0762

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
C.L. Holdren
Sweeney-Phillips & Holdren Funeral Service Inc
Sweeney-Phillips & Holdren Funeral Home
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

Enclosed is a copy of the Notice of Disciplinary Hearing relating to relating to Case No. EMB 18-0762. A copy of the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018 is also enclosed.

This hearing is scheduled for Wednesday, March 20, 2019, at 10:00 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65109.

Please make a note of the date, time and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel and the hearing will be recorded. Please complete and return the enclosed post card verifying your attendance.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

cc: Jamie Cox, Counsel, Brydon, Swearengen & England, PC

This letter was sent both regular and certified mail.
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS,

Petitioner,

v.

SWEENEY-PHILLIPS HOLDREN FUNERAL SERVICE, INC.

Respondent.

No. 18-0762

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
March 14, 2019

CERTIFIED MAIL 7018 1830 0000 9131 8600

C.L. Holdren
Sweeney-Phillips & Holdren Funeral Service Inc
Sweeney-Phillips & Holdren Funeral Home
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

The State Board of Embalmers and Funeral Directors previously communicated on January 30, 2019 that it was requesting your appearance to discuss the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018.

The board has canceled their March 20, 2019 meeting and will reschedule you to meet at a future meeting. You will receive information relating to that appearance request when a date has been determined.

If you have any questions, please feel free to contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

This letter was mailed certified and regular mail
March 22, 2019

CERTIFIED MAIL 7018 1830 0000 9131 8679

C.L. Holdren
Sweeney-Phillips & Holdren Funeral Service Inc
Sweeney-Phillips & Holdren Funeral Home
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

Enclosed is a copy of the Notice of Disciplinary Hearing relating to relating to Case No. EMB 18-0762 A copy of the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018 is also enclosed.

This hearing is scheduled for Tuesday, April 9, 2019, at 10:00 a.m. The meeting will be held at the Holiday Inn & Suites located at 1590 Jefferson St, Jefferson City, MO 65109.

Please make a note of the date, time and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel and the hearing will be recorded. Please complete and return the enclosed post card verifying your attendance.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

cc: Jamie Cox, Counsel, Brydon, Swearengen & England, PC

This letters was sent both regular and certified mail.
November 21, 2018

Ms. Sandy Sebastian  
Executive Director  
State Board of Embalmers and  
Funeral Directors  
3605 Missouri Blvd.  
P.O. Box 424  
Jefferson City, MO  65102

Re:  Board of Embalmers & Funeral Directors v. C.L. Holdren  
No. 18-0760

Dear Ms. Sebastian:

Pursuant to § 621.110, RSMo 2016, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2016, to the reviewing court.

Sincerely,

[Signature]

Suzanne Hager  
Paralegal

Enclosure

c:  Greg Mitchell  
C.L. Holdren
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS,
Petitioner

vs.

C.L. HOLDREN,
Respondent

No. 18-0760

CERTIFICATION

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:


2. Certified receipt, filed September 13, 2018


Respectfully submitted,

[Signature]

Suzanne Hager
Paralegal

Enclosures
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
3605 Missouri Blvd.
P.O. Box 423
Jefferson City, MO 65102-0423
Petitioner,

v.

C.L. HOLDREN
617 N. Maguire
Warrensburg, MO 64093
Respondent.

COMPLAINT

COMES NOW Petitioner, the State Board of Embalmers and Funeral Directors ("Petitioner" or "Board"), by and through counsel, and for its Complaint against Respondent, C.L. Holdren ("Respondent" or "Holdren"), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jurisdiction and venue are proper before this Commission pursuant to Chapter 621, RSMo, and § 333.330, RSMo.

3. Holdren is an individual who holds funeral director license number 000246, which was issued by the Board. Holdren’s funeral director license is current and active and was so at all times relevant herein.

1
4. Holdren is the President of Sweeney-Phillips & Holdren Funeral Service Inc. ("Sweeney"), an establishment located at 617 N. Maguire, Warrensburg, Missouri. Sweeney operates in Missouri under the fictitious names of Moore Funeral Home and Sweeney-Phillips & Holdren Funeral Home.¹

5. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Sweeney-Phillips & Holdren Funeral Home/Moore Funeral Home held preneed seller license number 2009039086 for a location at 617 N. Maguire, Warrensburg, MO 64093. This license expired on October 31, 2016. The preneed seller license was also automatically suspended pursuant to Section 436.460.7, RSMo, for failure to file its preneed seller annual report by the deadline of October 31, 2016.

6. Holdren had previously been registered with the Board as a preneed agent, number 2010000328, from January 5, 2010 until the registration lapsed on November 30, 2016.

7. Following November 30, 2016, Holdren engaged in the duties and practice of a preneed agent on several known occasions while his registration was expired, including, but not limited to, the following:

(a) On or about December 26, 2016, Holdren entered into a preneed contract with purchaser C.G. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

(b) On or about December 26, 2016, Holdren entered into a preneed contract with purchaser S.G. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

¹ According to the MO SOS website, the fictitious name Moore Funeral Home is active. The fictitious name Sweeney-Phillips & Holdren Funeral Home expired on or about January 6, 2015.
(c) On or about January 1, 2017, Holdren entered into a preneed contract with purchaser C.H. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

(d) On or about January 30, 2017, Holdren entered into a preneed contract with purchaser W.W. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

8. By entering into preneed contracts on the behalf of Sweeney-Phillips & Holdren Funeral Home, Inc., which was not licensed to sell preneed contracts at the time, Holdren assisted and/or enabled Sweeney-Phillips & Holdren Funeral Home, Inc. in violating 333.320 RSMo, which requires preneed contract sellers to be licensed with the Board.

9. Holdren has still not registered with the Board to serve as a preneed agent and has not cooperated with the Board’s efforts to discuss his selling preneed contracts without proper registration.

10. Section 333.011.1, RSMo, contains the following definitions, in relevant part:

   (9) “Preneed agent”, any person authorized to sell a preneed contract for or on behalf of a seller;
   (10) “Provider”, the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;
   (11) “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

11. Section 333.325.1, RSMo, states:

No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless registered with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents registered with the board. The registry shall be deemed an open record and made available on the board's website.
12. Section 333.320, RSMo, requires a seller license and states, in relevant part:

1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

   *   *   *

3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001. . .

   *   *   *

4. Any license which has not been renewed as provided by this section shall expire[.]

13. Section 333.330.2, RSMo, authorizes the Board to seek discipline against funeral directors and states, in relevant portion:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

   *   *   *

5. Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

5.1 Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

6. Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person
to use his or her certificate of registration or authority, permit, license, or diploma from any school;

* * *

(14) Violation of any professional trust or confidence[.]

14. Holdren’s conduct, as set forth in this Complaint, constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation, and/or dishonesty in the performance of the functions or duties of a preneed agent funeral director, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(5), RSMo.

15. Holdren’s conduct, as set forth in this Complaint, constitutes assisting and/or enabling the violation of Section 333.320, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

16. Holdren’s conduct, as set forth in this Complaint, constitutes a violation of Section 333.325, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

17. Holdren’s conduct, as set forth in this Complaint, constitutes impersonation of any person holding a preneed agent license for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(7), RSMo.

18. Holdren’s conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(14), RSMo.

19. The Board has cause to discipline Holdren’s funeral director license pursuant to Section 333.330.2(5), (6), (7), and (14), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing
in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent’s funeral director license pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:  /s/ Gregory C. Mitchell

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@brydonlaw.com
Attorneys for Petitioner
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS

Petitioner,

v.

C.L. HOLDREN

Respondent.

No. 18-0760

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.


RENEE T. SLUSHER
Commissioner
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALTERS & FUNERAL DIRECTORS

Petitioner,

v.

C.L. HOLDREN

Respondent.

No. 18-0760

DEFAULT DECISION

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SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
NOTICE OF COMPLAINT/NOTICE OF HEARING

TO THE RESPONDENT:

Petitioner has filed a complaint against you before this Commission. A copy of that complaint is attached. This complaint charges that you have violated certain statutes or regulations governing your licensed profession. If this Commission finds the charges to be true, Petitioner could revoke or otherwise discipline your license.

You must send this Commission an answer or other responsive pleading to the complaint not later than 30 days after you receive this notice. Your answer should state that you admit, deny, or have insufficient knowledge to admit or deny each statement of fact in the complaint. You or an attorney must sign the answer. If you do not respond to the complaint, this Commission may take it that you agree that the facts stated in the complaint are true. You must send a copy of whatever you file to the attorney who signed the complaint against you.

Individual parties may either be represented by an attorney at the party’s own expense or may proceed on their own without an attorney. Corporations or other legal entities must have an attorney.
The procedures governing this case are found in chapters 536 and 621 of the Revised Statutes of Missouri, and in the Code of State Regulations, 1 CSR 15-3.200 through 3.510. A copy of our regulations, which include discovery rules, and information on how you may represent yourself (or a business which you own and which is not a legal entity such as a corporation or LLC) may be found on our website: http://ahc.mo.gov/publications.html. Parties are expected to consult the regulations. FAQ’s may also be found on our website. If you do not have access to the internet, you may contact our office at 573/751-2422, and a copy of the regulations will be mailed to you.

TO BOTH PARTIES:

A hearing has been scheduled on a docket beginning at 9:00 AM, Thursday, March 7, 2019, at the Administrative Hearing Commission, U.S. Post Office building, 131 West High Street, Third Floor, Jefferson City, Missouri. Each case will be called from a docket and each party given ample time to present its case. If you feel that two or more hours are needed to present your case, please contact this Commission.

The Administrative Hearing Commission also has the following locations available in Missouri that parties may appear for hearing: St. Louis, Kansas City, Springfield, and Poplar Bluff. Any motions to appear at a hearing by videoconference must be filed in writing, as soon as possible. The availability of this technology is limited, so requests will be processed on a first-come, first-serve basis.

Sincerely,

Carol Burgess
Hearings Secretary

CB/cb

Enclosure (Complaint to Respondent)
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
3605 Missouri Blvd.
P.O. Box 423
Jefferson City, MO 65102-0423
Petitioner,

v.

C.L. HOLDREN
617 N. Maguire
Warrensburg, MO 64093
Respondent.

Case No.

COMPLAINT

COMES NOW Petitioner, the State Board of Embalmers and Funeral Directors ("Petitioner" or "Board"), by and through counsel, and for its Complaint against Respondent, C.L. Holdren ("Respondent" or "Holdren"), states as follows:

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jurisdiction and venue are proper before this Commission pursuant to Chapter 621, RSMo, and § 333.330, RSMo.

3. Holdren is an individual who holds funeral director license number 000246, which was issued by the Board. Holdren's funeral director license is current and active and was so at all times relevant herein.
4. Holdren is the President of Sweeney-Phillips & Holdren Funeral Service Inc. ("Sweeney"), an establishment located at 617 N. Maguire, Warrensburg, Missouri. Sweeney operates in Missouri under the fictitious names of Moore Funeral Home and Sweeney-Phillips & Holdren Funeral Home.¹

5. Sweeney-Phillips Holdren Funeral Service, Inc. d/b/a Sweeney-Phillips & Holdren Funeral Home/Moore Funeral Home held preneed seller license number 2009039086 for a location at 617 N. Maguire, Warrensburg, MO 64093. This license expired on October 31, 2016. The preneed seller license was also automatically suspended pursuant to Section 436.460.7, RSMo, for failure to file its preneed seller annual report by the deadline of October 31, 2016.

6. Holdren had previously been registered with the Board as a preneed agent, number 2010000328, from January 5, 2010 until the registration lapsed on November 30, 2016.

7. Following November 30, 2016, Holdren engaged in the duties and practice of a preneed agent on several known occasions while his registration was expired, including, but not limited to, the following:

(a) On or about December 26, 2016, Holdren entered into a preneed contract with purchaser C.G. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

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¹ According to the MO SOS website, the fictitious name Moore Funeral Home is active. The fictitious name Sweeney-Phillips & Holdren Funeral Home expired on or about January 6, 2015.
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8. By entering into preneed contracts on the behalf of Sweeney-Phillips & Holdren Funeral Home, Inc., which was not licensed to sell preneed contracts at the time, Holdren assisted and/or enabled Sweeney-Phillips & Holdren Funeral Home, Inc. in violating 333.320, RSMo, which requires preneed contract sellers to be licensed with the Board.

9. Holdren has still not registered with the Board to serve as a preneed agent and has not cooperated with the Board's efforts to discuss his selling preneed contracts without proper registration.

10. Section 333.011.1, RSMo, contains the following definitions, in relevant part:

   (9) "Preneed agent", any person authorized to sell a preneed contract for or on behalf of a seller;

   (10) "Provider", the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

   (11) "Seller", the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

11. Section 333.325.1, RSMo, states:

   No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless registered with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents registered with the board. The registry shall be deemed an open record and made available on the board's website.
12. Section 333.320, RSMo, requires a seller license and states, in relevant part:

1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

   * * *

3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001...

   * * *

4. Any license which has not been renewed as provided by this section shall expire[.]

13. Section 333.330.2, RSMo, authorizes the Board to seek discipline against funeral directors and states, in relevant portion:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

   * * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person
to use his or her certificate of registration or authority, permit, license, or diploma from any school.

* * *

(14) Violation of any professional trust or confidence[.]

14. Holdren's conduct, as set forth in this Complaint, constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation, and/or dishonesty in the performance of the functions or duties of a preneed agent funeral director, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(5), RSMo.

15. Holdren's conduct, as set forth in this Complaint, constitutes assisting and/or enabling the violation of Section 333.320, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

16. Holdren's conduct, as set forth in this Complaint, constitutes a violation of Section 333.325, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

17. Holdren's conduct, as set forth in this Complaint, constitutes impersonation of any person holding a preneed agent license for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(7), RSMo.

18. Holdren's conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(14), RSMo.

19. The Board has cause to discipline Holdren's funeral director license pursuant to Section 333.330.2(5), (6), (7), and (14), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing
in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent's funeral director license pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@brydonlaw.com
Attorneys for Petitioner
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
Petitioner,

v.

C.L. HOLDREN
Respondent.

Case No. 18-0760

PETITIONER'S MOTION FOR DEFAULT DECISION

COMES NOW Petitioner, State Board of Embalmers and Funeral Directors ("Petitioner"), and moves this Commission to enter its Default Decision, pursuant to § 621.100, RSMo, finding in favor of Petitioner on all issues raised in its Complaint filed in the above case based upon the failure of Respondent, C.L. Holdren ("Respondent"), to file an answer or other responsive pleading to Petitioner's Complaint. In support of this Motion for Default Decision, Petitioner submits the following suggestions:

1. On September 7, 2018, Petitioner filed its properly pled Complaint against Respondent with this Commission alleging that Respondent’s funeral director license, number 000246, is subject to discipline.

2. Respondent was served with the Complaint and the Commission’s “Notice of Complaint/Notice of Hearing” ("Notice") before September 13, 2018.

3. The Notice advised Respondent of the Complaint and advised Respondent that he was required to file an answer or other responsive pleading to the Complaint not later than thirty (30) days after his receipt of the Notice. The Notice also warned Respondent that his failure to respond to the Complaint could be deemed by the Commission to be an admission to the truth of Petitioner’s allegations.
4.  Responcént's Answer or other responsive pleading was due at least no later than
   October 12, 2018.

5.  Responcént has failed to answer or otherwise respond to Petitioner's Complaint, and he
   is in default.

6.  Section 621.100.2, RSMo, provides in relevant part as follows:

   When a holder of a license, registration, permit, or certificate of authority issued by the division
   of professional registration or a board, commission, or committee of the division of
   professional registration against whom an affirmative decision is sought has failed to plead or
   otherwise respond in the contested case and adequate notice has been given under this section
   and section 536.067 upon a properly pled writing filed to initiate the contested case under this
   chapter or chapter 536, a default decision shall be entered against the licensee without further
   proceedings. The default decision shall grant such relief as requested by the division of
   professional registration, board, committee, commission, or office in the writing initiating the
   contested case as allowed by law[.] (Emphasis added).

7.  In light of the above, Petitioner is entitled to a default decision pursuant to § 621.100.2,
    RSMo.

    WHEREFORE, Petitioner requests that this Commission enter its Default Decision, finding
    that the facts alleged in Petitioner's Complaint are deemed true as a matter of law; that such facts
    establish cause to discipline the funeral director license of Respondent; that Respondent has waived
    any defenses to the allegations set forth in the Complaint; and, that Respondent has accordingly
    defaulted. Petitioner further respectfully requests any other relief which may be just and appropriate
    in the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

[Signature]

Gregory C. Mitchell  #36634
Jamie J. Cox  #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone:  (573) 635-7166

2
Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed via U.S. Mail on this 10 day of October, 2018 to:

C.L. Holdren
617 N. Maguire
Warrensburg, MO 64093

[Signature]
November 21, 2018

Ms. Sandy Sebastian
Executive Director
State Board of Embalmers and
Funeral Directors
3605 Missouri Blvd.
P.O. Box 424
Jefferson City, MO 65102

Re: Board of Embalmers & Funeral Directors v. C.L. Holdren
No. 18-0760

Dear Ms. Sebastian:

Pursuant to § 521.110, RSMo 2016, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2016, to the reviewing court.

Sincerely,

[Signature]

Suzanne Hager
Paralegal

Enclosure

c: Greg Mitchell
C.L. Holdren
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL
DIRECTORS,
Petitioner

vs.

C.L. HOLDREN,
Respondent

No. 18-0760

CERTIFICATION

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:

2. Certified receipt, filed September 13, 2018

Respectfully submitted,

[Signature]
Suzanne Hager
Paralegal

Enclosures
BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE BOARD OF EMBALMERS
AND FUNERAL DIRECTORS
3605 Missouri Blvd.
P.O. Box 423
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\(^1\) According to the MO SOS website, the fictitious name Moore Funeral Home is active. The fictitious name Sweeney-Phillips & Holdren Funeral Home expired on or about January 6, 2015.
(c) On or about January 1, 2017, Holdren entered into a preneed contract with purchaser C.H. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

(d) On or about January 30, 2017, Holdren entered into a preneed contract with purchaser W.W. on the behalf of seller Sweeney-Phillips & Holdren Funeral Home, Inc., acting as preneed agent.

8. By entering into preneed contracts on the behalf of Sweeney-Phillips & Holdren Funeral Home, Inc., which was not licensed to sell preneed contracts at the time, Holdren assisted and/or enabled Sweeney-Phillips & Holdren Funeral Home, Inc. in violating 333.320, RSMo, which requires preneed contract sellers to be licensed with the Board.

9. Holdren has still not registered with the Board to serve as a preneed agent and has not cooperated with the Board’s efforts to discuss his selling preneed contracts without proper registration.

10. Section 333.011.1, RSMo, contains the following definitions, in relevant part:

(9) “Preneed agent”, any person authorized to sell a preneed contract for or on behalf of a seller;

(10) “Provider”, the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

(11) “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

11. Section 333.325.1, RSMo, states:

No person shall sell, negotiate, or solicit the sale of preneed contracts for, or on behalf of, a seller unless registered with the board as a preneed agent except for individuals who are licensed as funeral directors under this chapter. The board shall maintain a registry of all preneed agents registered with the board. The registry shall be deemed an open record and made available on the board's website.
12. Section 333.320, RSMo, requires a seller license and states, in relevant part:

   1. No person shall sell, perform, or agree to perform the seller's obligations under, or be designated as the seller of, any preneed contract unless, at the time of the sale, performance, agreement, or designation, such person is licensed by the board as a seller and authorized and registered with the Missouri secretary of state to conduct business in Missouri.

       * * *

   3. Each seller shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001...

       * * *

   4. Any license which has not been renewed as provided by this section shall expire[]

13. Section 333.330.2, RSMo, authorizes the Board to seek discipline against funeral directors and states, in relevant portion:

   2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

       * * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person
to use his or her certificate of registration or authority, permit, license, or diploma from any school;

* * *

(14) Violation of any professional trust or confidence[.]

14. Holdren’s conduct, as set forth in this Complaint, constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation, and/or dishonesty in the performance of the functions or duties of a preneed agent funeral director, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(5), RSMo.

15. Holdren’s conduct, as set forth in this Complaint, constitutes assisting and/or enabling the violation of Section 333.320, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

16. Holdren’s conduct, as set forth in this Complaint, constitutes a violation of Section 333.325, RSMo, for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(6), RSMo.

17. Holdren’s conduct, as set forth in this Complaint, constitutes impersonation of any person holding a preneed agent license for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(7), RSMo.

18. Holdren’s conduct, as set forth in this Complaint, constitutes a violation of a professional trust and/or confidence for which the Board has cause to take disciplinary action against his funeral director license pursuant to Section 333.330.2(14), RSMo.

19. The Board has cause to discipline Holdren’s funeral director license pursuant to Section 333.330.2(5), (6), (7), and (14), RSMo.

WHEREFORE, Petitioner respectfully requests that this Commission conduct a hearing
in this matter, and thereafter, issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Respondent’s funeral director license pursuant to Chapter 333, RSMo, and for such other and further relief this Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: /s/ Gregory C. Mitchell

Gregory C. Mitchell #36634
Jamie J. Cox #52777
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
E-mail: gregbse@brydonlaw.com
Attorneys for Petitioner
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS)

Petitioner,)

v.)

C.L. HOLDREN)

Respondent.

No. 18-0760)

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS

Petitioner,

v.

C.L. HOLDREN

Respondent.

No. 18-0760

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
C.L. Holdren
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

Enclosed is a copy of the Notice of Disciplinary Hearing relating to relating to Case No. EMB 18-0760 A copy of the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018 is also enclosed.

This hearing is scheduled for Wednesday, March 20, 2019, at 10:00 a.m. at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65109.

Please make a note of the date, time and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel and the hearing will be recorded. Please complete and return the enclosed post card verifying your attendance.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

cc: Jamie Cox, Counsel, Brydon, Swarengen & England, PC

This letters was sent both regular and certified mail.
Before the
Administrative Hearing Commission
State of Missouri

BOARD OF EMBALMERS & FUNERAL DIRECTORS

Petitioner,

v.

C.L. HOLDREN

Respondent.

No. 18-0760

DEFAULT DECISION

On September 7, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before September 13, 2018.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on October 17, 2018.

RENEE T. SLUSHER
Commissioner
March 14, 2019

CERTIFIED MAIL 7018 1830 0000 9131 8617

C.L. Holdren
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

The State Board of Embalmers and Funeral Directors previously communicated on January 30, 2019 that it was requesting your appearance to discuss the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018.

The board has canceled their March 20, 2019 meeting and will reschedule you to meet at a future meeting. You will receive information relating to that appearance request when a date has been determined.

If you have any questions, please feel free to contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director

Enclosures

This letter was mailed certified and regular mail
C.L. Holdren
617 N Maguire St
Warrensburg MO 64093

Dear Mr. Holdren:

Enclosed is a copy of the Notice of Disciplinary Hearing relating to relating to Case No. EMB 18-0760 A copy of the Default Decision issued by the Administrative Hearing Commission dated October 17, 2018 is also enclosed

This hearing is scheduled for Tuesday, April 9, 2019, at 10:00 a.m. The meeting will be held at the Holiday Inn & Suites located at 1590 Jefferson St, Jefferson City, MO 65109.

Please make a note of the date, time and place of this hearing. The board has asked that I express the importance of your attendance at this hearing. It is in your best interest and the board encourages you to attend.

As with all appearances before the board, you may elect to have private legal counsel represent you at your expense. The board will be represented by the legal counsel and the hearing will be recorded. Please complete and return the enclosed post card verifying your attendance.

Please confirm your attendance by emailing embalm@pr.mo.gov or by calling (573) 751-0813.

If you have any questions, please contact our office at embalm@pr.mo.gov or (573) 751-0813.

Sincerely,

Lori Hayes
Executive Director
The meeting of the State Board of Embalmers and Funeral Directors Financial Examination Committee was called to order by Gary Fraker at 1:30p.m.

Roll Call
Board Members Present
James Reinhard, Member
Gary Fraker, Member

Board Members Absent
Kenneth McGhee, Chairman

Staff Present
Lori Hayes, Interim Executive Director
Randall Jennings, Examiner Supervisor

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the committee.

Approval of Agenda
A motion was made by James Reinhard and seconded by Gary Fraker to approve the agenda. Motion carried with no votes in opposition. Kenneth McGhee was not present.

Approval of Minutes
A motion was made by James Reinhard and seconded by Gary Fraker to approve the October 4, 2018 minutes. Motion carried with no votes in opposition. Kenneth McGhee was not present.

Executive Director Report
Nothing to report.

Move to Closed
A motion was made by James Reinhard and seconded by Gary Fraker to move to closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with no votes in opposition. Kenneth McGhee was not present.

Adjourn
A motion was made by Gary Fraker and seconded by James Reinhard to adjourn at 1:41p.m. Motion carried with no votes in opposition. Kenneth McGhee was not present.

Executive Director: ____________________________________________

Approved by the board on: _____________________________________
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 324.001.8 and 324.017 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 2018-01
The meeting of the State Board of Embalmers and Funeral Directors was called to order on October 25, 2018 by Gary Fraker, chairman at 8:31 a.m.

Roll Call
Board Members Present
Gary Fraker, Chairman
Scott Meierhoffer, Vice Chairman
James Reinhard, Secretary
Kenneth McGhee, Board Member
Andrew Moore, Board Member

Board Members Absent
Vacant, Public Member

Staff Present
Lori Hayes, Executive Director
Teri Forck, Administrative Assistant
Sharon Euler, Division Counsel

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of Agenda
A motion was made by James Reinhard and seconded by Scott Meierhoffer to approve the agenda. Motion carried with Gary Fraker, Kenneth McGhee and Andrew Moore voting in favor with no votes in opposition.

Approval of Open Minutes (approval of the Financial Examination Committee Minutes ratifies its actions)
The below minutes were not voted on at this meeting.

- June 13-14, 2018 Board Meeting
- July 11, 2018 Conference Call
- August 6, 2018 Conference Call
- August 7, 2018 Exam Meeting Call
- August 8, 2018 Conference Call
- August 22, 2018 Exam Meeting Call
- September 12, 2018 Board Meeting Call

Executive Director Report
The Executive Director presented questions to the board regarding board staff directives on the following items:
Exams:

Do you want to review the initial exception letter before it leaves the board office?
Board voted no requesting that staff send the letter.

Can we schedule monthly exam meetings?
Board voted yes, set them for the 3rd Tuesday of each month.

Will the committee give authority for staff to close out exams when no exceptions
Board voted yes.

Can the staff review exception responses and send out letter without board review
Board voted yes.

Can an examiner give the seller a list of exceptions after their onsite to be fixed prior to the report being submitted?
Board voted yes.

General Board Items:

If a licensee is out of compliance with discipline terms can the staff send a letter asking them to complete the form?
Board voted yes.

Does the board want to see them if they submit the form?
Board voted no.

If the staff sends them a letter and they don’t respond in the timeframe can they be set for an appearance or does the board want to review prior to scheduling?
Board voted to review prior to scheduling an appearance.

When the board makes a vote at a meeting can the Chairman call the office and give a different directive?
Board voted no.

What can the Chairman give directives to the Executive Director on (ie: applications with background)? The board voted to leave this up to the Chairman's discretion.

Does the board give authority to the Executive Director to approve applications for licensure with no background?
Board voted yes.

Does the board give authority to the Executive Director to approve apprenticeships and practicums with no background?
Board voted yes.

Applications- Can the staff make minor revisions to applications or does the board want to see a draft and approve?
Board voted yes.

Does the board give authority to the Executive Director to act on a phone call and request an
investigation of a location?
Board voted to require directive from the Chairman.

A motion was made by Scott Meierhoffer and seconded by James Reinhard to approve the above clarifications and directives. Motion carried with Kenneth McGhee, Gary Fraker and Andrew Moore voting in favor with no votes in opposition.

The Executive Director discussed the financial report and provided a renewal update. The Conference and FARB annual meetings were discussed and board members were asked if any members would like to attend, Kenneth McGhee and Andy Moore stated they were interested in the FARB conference and Kenneth McGhee, Andy Moore and James Reinhard stated they were interested in attending The Conference.

The Executive Director discussed an email received by the Division's Chief Legal Counsel in regards to feedback received from the Governor's office stating they will not approve the changes to proposed rule changes with only red tape changes. A motion was made by Scott Meierhoffer and seconded by James Reinhard to continue with the rules as previously approved by the board. Motion carried with Kenneth McGhee, Gary Fraker and Andrew Moore voting in favor with no votes in opposition.

The Executive Director discussed Rapback background checks done with the Missouri State Highway Patrol and the option to conduct fingerprint background on our licensees. A motion was made by Scott Meierhoffer and seconded by Kenneth McGhee not to pursue fingerprinting our licensees. Motion carried with James Reinhard, Gary Fraker and Andrew Moore voting in favor with no votes in opposition.

A motion was made by Andrew Moore and seconded by Kenneth McGhee to not send consumer letter unless directed by the board, ensure the language in all letters reads the same, the contract submitted by the seller will be reviewed before the onsite occurs and the examiner will communicate with the seller as to the items missing from the form and request an updated contract, these items will not be noted as exceptions; however will be noted in the final report that they were discussed with the seller, the examiners will review 100% of contracts. Motion carried with Gary Fraker, James Reinhard and Scott Meierhoffer voting in favor with no votes in opposition.

A motion was made by Scott Meierhoffer and seconded by Kenneth McGhee for the financial examiners to begin onsite visits again and for staff to make the proposed changes to the Handbook and have ready to be reviewed at the December meeting. Motion carried with Gary Fraker, James Reinhard and Andrew Moore voting in favor with no votes in opposition.

Discussion of Future Meeting Dates
Future meeting dates were discussed and a meeting was scheduled for December 12-13, 2018 in Kansas City.

Move to Closed
A motion was made by James Reinhard and seconded by Scott Meierhoffer to move into closed session pursuant to #1, 2, 4, 5, 7, 8, and 9 of the attached motions to close. Motion carried with Gary Fraker, Kenneth McGhee and Andrew Moore voting in favor with no votes in opposition.

Roll Call – Return to Open
Gary Fraker performed roll call. Present were Scott Meierhoffer, James Reinhard, Gary Fraker and Andrew Moore.

Adjournment
A motion was made by Andrew Moore and seconded by Kenneth McGhee to adjourn at 2:20 p.m. on October 25, 2018. Motion carried with Gary Fraker, Scott Meierhoffer, and James Reinhard voting in favor with no votes in opposition.

Executive Director

Approved by the board on
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 324.001.8 and 324.017 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 2018-01
The meeting of the State Board of Embalmers and Funeral Directors was called to order on November 7, 2018 by Gary Fraker, chairman at 10:04a.m.

Roll Call
Board Members Present
Gary Fraker, Chairman
Scott Meierhoffer, Vice Chairman
James Reinhard, Secretary
Kenneth McGhee, Board Member
Andrew Moore, Board Member

Board Members Absent
Vacant, Public Member

Staff Present
Sharon Euler, Board Legal Counsel
Lori Hayes, Executive Director
Teri Forck, Administrative Assistant

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Move to Closed
A motion was made by Scott Meierhoffer and seconded by Kenneth McGhee to move into closed session pursuant to #1, 3, 5, 7, 13 and 14 of the attached motions to close. Motion carried with Gary Fraker, James Reinhard and Andrew Moore voting in favor with no votes in opposition.

Adjournment
A motion was made by James Reinhard and seconded by Scott Meierhoffer to adjourn at 10:27a.m. on November 7, 2018. Motion carried with Gary Fraker, Kenneth McGhee and Andrew Moore voting in favor with no votes in opposition.

Executive Director ______________________________

Approved by the board on _______________________
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 324.001.8 and 324.017 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 2018-01
The meeting of the State Board of Embalmers and Funeral Directors Financial Examination Committee was called to order by Gary Fraker at 1:30 p.m.

**Roll Call**

**Board Members Present**
- Kenneth McGhee, Chairman
- James Reinhard, Member
- Gary Fraker, Member

**Board Members Absent**

**Staff Present**
- Lori Hayes, Executive Director
- Randall Jennings, Examiner Supervisor

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the committee.

**Approval of Agenda**

A motion was made by Gary Fraker and seconded by James Reinhard to approve the agenda. Motion carried with Kenneth McGhee voting in favor with no votes in opposition.

**Executive Director Report**

Nothing to report.

**Move to Closed**

A motion was made by Gary Fraker and seconded by James Reinhard to move to closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with Kenneth McGhee voting in favor with no votes in opposition.

**Adjourn**

A motion was made by Gary Fraker and seconded by James Reinhard to adjourn at 1:57 p.m. Motion carried with Kenneth McGhee voting in favor with no votes in opposition.

**Executive Director:**

______________________________

Approved by the board on: ________________________
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 324.001.8 and 324.017 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 2018-01
The meeting of the State Board of Embalmers and Funeral Directors was called to order on December 12, 2018 by Gary Fraker, chairman at 8:20a.m.

Roll Call
Board Members Present
Scott Meierhoffer, Vice Chairman
James Reinhard, Secretary
Kenneth McGhee, Board Member
Andrew Moore, Board Member

Board Members Absent
Vacant, Public Member
Gary Fraker, Chairman

Staff Present
Lori Hayes, Executive Director
Teri Forck, Administrative Assistant
Sharon Euler, Division Counsel

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of Agenda
A motion was made by James Reinhard and seconded by Kenneth McGhee to approve the agenda. Motion carried with Scott Meierhoffer and Andrew Moore voting in favor with no votes in opposition. Gary Fraker was not present.

Move to Closed
A motion was made by James Reinhard and seconded by Andrew Moore to move into closed session pursuant to #1, 2, 7, and 9 of the attached motions to close. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition.

Roll Call – Return to Open
Scott Meierhoffer performed roll call. Present were Scott Meierhoffer, James Reinhard, Kenneth McGhee and Andrew Moore.

Discipline Hearing – Ashton A Jones Funeral Directors Inc
A discipline hearing was held and Diana Carter with Brydon, Swearengen and England represented the board. Sharon Euler served as the hearing advisor to the board. Mr. Jones was not present and no one appeared on his behalf.
Probation Violation Hearing – Sondra Shipman
A probation violation hearing was held and Diana Carter with Brydon, Swaarengen and England represented the board. Ryan Taylor with the Attorney General’s office served as Hearing Advisor. Ms. Shipman was not present and no one appeared on her behalf.

Probation Violation Hearing – Derek Shipman
A probation violation hearing was held and Diana Carter with Brydon, Swaarengen and England represented the board. Ryan Taylor with the Attorney General’s office served as Hearing Advisor. Mr. Shipman was not present and no one appeared on his behalf.

Probation Violation Hearing – Shipman Funeral Home
A probation violation hearing was held and Diana Carter with Brydon, Swaarengen and England represented the board. Ryan Taylor with the Attorney General’s office served as Hearing Advisor. Ms. Shipman was not present and no one appeared on her behalf.

Presentation of Plaques to Past Member/s Recognizing Prior Service
Jerald Dickey was not present to receive a plaque recognizing his service to the board.

Acknowledgement and Recognition of Newly Licensed Embalmers and Funeral Directors
Scott Meierhoffer acknowledged the newly licensed individuals and congratulated them on their licensure. The remainder of the board also extended congratulations.

Approval of Open Minutes (approval of the Financial Examination Committee Minutes ratifies its actions)
A motion was made by James Reinhard and seconded by Kenneth McGhee to approve the following minutes with the exception of the minutes for August 6, 2018:

- June 13-14, 2018 Board Meeting
- July 11, 2018 Conference Call
- August 6, 2018 Conference Call
- August 7, 2018 Exam Meeting Call
- August 8, 2018 Conference Call
- September 12, 2018 Board Meeting Call
- September 14, 2018 Mail Ballot
- October 4, 2018 Exam Meeting Call

Executive Director Report
The Executive Director discussed the financial report.

The Executive Director provided a renewal update regarding preneed licenses.

The Executive Director discussed providing outreach to schools and assisting in providing informational meetings to students/potential licensees. A motion was made by James Reinhard and seconded by Andrew Moore to approve that the Executive Director execute a plan to provide mortuary school outreach. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

A motion was made by James Reinhard and seconded by Andrew Moore to approve the board staff creating instructional videos and seminars. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

A motion was made by Kenneth McGhee and seconded by James Reinhard to look into video conferencing
as an option for future meetings. Motion carried with Andrew Moore and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

The Executive Director shared an email received regarding St. Louis Community College seeking information on adding an embalming lab. A motion was made by Kenneth McGhee and seconded by James Reinhard to send information regarding licensure requirements. Motion carried with Scott Meierhoffer and Andrew Moore voting in favor with no votes in opposition. Gary Fraker was not present.

**Review of Financial Examination Process/Scope, Financial Examination Procedure Handbook** – A motion was made by James Reinhard and seconded by Kenneth McGhee to continue with Phase 2 as previously directed and to direct staff to work on formulating steps with a committee for moving towards sampling in Phase 3. Motion carried with Scott Meierhoffer and Andrew Moore voting in favor with no votes in opposition. Gary Fraker was not present.

A motion was made by Andrew Moore and seconded by James Reinhard to invite a statistical person to the March meeting to discuss sampling. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes in opposition. Gary Fraker was not present.

**Review of Revised Proposed Rule Changes – Per Legal Counsel / Statutory Authority**- A motion was made by Andrew Moore and seconded by James Reinhard to withdraw the change for 20 CSR 2120-3.105.1 (G) and 20 CSR 2120-3.505. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

**Election of Officers**- A motion was made by James Reinhard and seconded by Andrew Moore to nominate Scott Meierhoffer for Chairman. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

A motion was made by James Reinhard and seconded by Scott Meierhoffer to nominate Andrew Moore for Vice-Chairman. Motion carried with Kenneth McGhee and Andrew Moore voting in favor with no votes in opposition. Gary Fraker was not present.

A motion was made by James Reinhard and seconded by Scott Meierhoffer to nominate Gary Fraker for Secretary. Motion carried with Kenneth McGhee and Andrew Moore voting in favor with no votes in opposition. Gary Fraker was not present.

**Discussion of Future Meeting Dates**
Future meeting dates were discussed and meetings were suggested for March 20-21, 2019 in St. Louis and June 19-20, 2019 in Jefferson City.

**Move to Closed**
A motion was made by James Reinhard and seconded by Andrew Moore to move into closed session pursuant to #1, 2, 4, 5, 7, 8, and 9 of the attached motions to close. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition.

**Roll Call – Return to Open**
Scott Meierhoffer performed roll call. Present were Scott Meierhoffer, James Reinhard, Kenneth McGhee and Andrew Moore.

**Adjournment**
A motion was made by Andrew Moore and seconded by James Reinhard to adjourn at 3:58p.m. on December 12, 2018. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes
in opposition.

Executive Director ______________________________

Approved by the board on ________________________
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 324.001.8 and 324.017 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 2018-01
The meeting of the State Board of Embalmers and Funeral Directors Financial Examination Committee was called to order by Kenneth McGhee at 1:37p.m.

**Roll Call**

**Board Members Present**
Kenneth McGhee, Chairman  
James Reinhard, Member

**Board Members Absent**
Gary Fraker, Member

**Staff Present**
Lori Hayes, Executive Director  
Randall Jennings, Examiner Supervisor

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the committee.

**Approval of Agenda**
A motion was made by James Reinhard and seconded by Kenneth McGhee to approve the agenda. Motion carried with no votes in opposition. Gary Fraker was not present.

**Executive Director Report**
Nothing to report.

**Move to Closed**
A motion was made by James Reinhard and seconded by Kenneth McGhee to move to closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with no votes in opposition. Gary Fraker was not present.

**Adjourn**
A motion was made by Kenneth McGhee and seconded by James Reinhard to adjourn at 1:56p.m. Motion carried with no votes in opposition. Gary Fraker was not present.

Executive Director: ________________________________

Approved by the board on: ________________________________
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 324.001.8 and 324.017 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 2018-01
State Board of Embalmers and Funeral Directors
3605 Missouri Boulevard
Jefferson City, Missouri

January 2, 2019

OPEN MAIL BALLOT MINUTES

Mail Ballot Emailed to Members January 2, 2019 at 11:29a.m.

Board Members
Gary Fraker, President
Scott Meierhoffer, Vice President
James Reinhard, Secretary
Kenneth McGhee, Member
Andrew Moore, Member
Vacant, Public Member

Closed Session
The chairman declared the meeting to be closed pursuant to 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; 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.

Executive Director ___________________________

Approved by Board on ______________________
The meeting of the State Board of Embalmers and Funeral Directors was called to order on January 10, 2018 by Gary Fraker, chairman at 2:03 p.m.

Roll Call
Board Members Present
Gary Fraker, Chairman
Scott Meierhoffer, Vice Chairman
James Reinhard, Secretary
Kenneth McGhee, Board Member
Andrew Moore, Board Member

Board Members Absent
Vacant, Public Member

Staff Present
Sharon Euler, Board Legal Counsel
Lori Hayes, Executive Director
Teri Forck, Administrative Assistant

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of the Agenda
A motion was made by Andrew Moore and seconded by Scott Meierhoffer to approve the agenda. Motion carried with Gary Fraker, James Reinhard, and Kenneth McGhee voting in favor with no votes in opposition.

Executive Director Report
The Executive Director discussed with the board the locations and dates previously decided upon for the March and June 2019 meetings. A motion was made by James Reinhard and seconded by Scott Meierhoffer to schedule the March 20-21, 2019 meeting to be held in Jefferson City and have the June meeting in St Louis. Motion carried with Andrew Moore and Gary Fraker voting in favor and Kenneth McGhee voting in opposition.

Gary Fraker discussed holding off on discussion regarding preneed until the summer meeting. Scott Meierhoffer asked for a list of suggested individuals experienced with the science of auditing and forensic accounting.

Move to Closed
A motion was made by Scott Meierhoffer and seconded by Kenneth McGhee to move into closed session pursuant to #1, 3, 5, 7, 13 and 14 of the attached motions to close. Motion carried with Gary Fraker, James Reinhard and Andrew Moore voting in favor with no votes in opposition.

Adjournment
A motion was made by Kenneth McGhee and seconded by Scott Meierhoffer to adjourn at 2:53 p.m. on January 10, 2019. Motion carried with Gary Fraker, James Reinhard and Andrew Moore voting in favor with no votes in opposition.

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 324.001.8 and 324.017 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 2018-01
State Board of Embalmers and Funeral Directors  
Financial Examination Committee  

January 22, 2019  
Conference Call  

Division of Professional Registration  
3605 Missouri Blvd.  
Jefferson City, MO 65109  

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors Financial Examination Committee was called to order by James Reinhard at 1:04p.m.

Roll Call  
Board Members Present  
Kenneth McGhee, Chairman  
James Reinhard, Member  
Gary Fraker, Member  

Board Members Absent  

Staff Present  
Lori Hayes, Executive Director  
Randall Jennings, Examiner Supervisor  

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the committee.

Approval of Agenda  
A motion was made by Kenneth McGhee and seconded by Gary Fraker to approve the agenda. Motion carried with James Reinhard voting in favor with no votes in opposition.

Executive Director Report  
Nothing to report.

Move to Closed  
A motion was made by Gary Fraker and seconded by Kenneth McGhee to move to closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with James Reinhard voting in favor with no votes in opposition.

Adjourn  
A motion was made by James Reinhard and seconded by Gary Fraker to adjourn at 1:42p.m. Motion carried with Kenneth McGhee voting in favor with no votes in opposition.

Executive Director: ____________________________

Approved by the board on: ____________________
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 324.001.8 and 324.017 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 2018-01
State Board of Embalmers and Funeral Directors

January 23, 2019

Conference Call

Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri 65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order on January 23, 2018 by Gary Fraker, chairman at 9:00a.m.

Roll Call
Board Members Present
Gary Fraker, Chairman
Scott Meierhoffer, Vice Chairman
James Reinhard, Secretary
Kenneth McGhee, Board Member

Board Members Absent
Andrew Moore, Board Member
Vacant, Public Member

Staff Present
Sharon Euler, Board Legal Counsel
Lori Hayes, Executive Director
Teri Forck, Administrative Assistant

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of the Agenda
A motion was made by James Reinhard and seconded by Scott Meierhoffer to approve the agenda. Motion carried with Gary Fraker and Kenneth McGhee voting in favor with no votes in opposition. Andrew Moore was not present.

Move to Closed
A motion was made by James Reinhard and seconded by Kenneth McGhee to move into closed session pursuant to #1, 3, 5, 7, 13 and 14 of the attached motions to close. Motion carried with Gary Fraker and Scott Meierhoffer voting in favor with no votes in opposition. Andrew Moore was not present.

Adjournment
A motion was made by Kenneth McGhee and seconded by James Reinhard to adjourn at 9:13a.m. on January 23, 2019. Motion carried with Gary Fraker and Scott Meierhoffer voting in favor with no votes in opposition. Andrew Moore was not present.

Executive Director ________________________________

Approved by the board on ________________________
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 324.001.8 and 324.017 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 2018-01.
OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order on February 11, 2019 by Scott Meierhoffer, Vice Chairman at 9:06 a.m.

Roll Call

Board Members Present
Scott Meierhoffer, Vice Chairman
James Reinhard, Secretary
Kenneth McGhee, Board Member
Andrew Moore, Board Member

Board Members Absent
Gary Fraker, Chairman
Vacant, Public Member

Staff Present
Sharon Euler, Board Legal Counsel
Lori Hayes, Executive Director
Teri Forck, Administrative Assistant

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the board.

Approval of the Agenda

A motion was made by James Reinhard and seconded by Andrew Moore to approve the agenda. Motion carried with Scott Meierhoffer and Kenneth McGhee voting in favor with no votes in opposition. Gary Fraker was not present.

Move to Closed

A motion was made by James Reinhard and seconded by Andrew Moore to move into closed session pursuant to #1, 3, 5, 7, 13 and 14 of the attached motions to close. Motion carried with Kenneth McGhee and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

Adjournment

A motion was made by Andrew Moore and seconded by Kenneth McGhee to adjourn at 9:13 a.m. on February 11, 2019. Motion carried with James Reinhard and Scott Meierhoffer voting in favor with no votes in opposition. Gary Fraker was not present.

Executive Director ______________________________

Approved by the board on ________________________
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 324.001.8 and 324.017 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant.
The meeting of the State Board of Embalmers and Funeral Directors Financial Examination Committee was called to order by James Reinhard at 1:04 p.m.

**Roll Call**
- **Board Members Present**
  - Kenneth McGhee, Chairman
  - James Reinhard, Member
- **Board Members Absent**
  - Gary Fraker, Member

**Staff Present**
- Lori Hayes, Executive Director
- Randall Jennings, Examiner Supervisor

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed by the committee.

**Approval of Agenda**
A motion was made by Kenneth McGhee and seconded by James Reinhard to approve the agenda. Motion carried with no votes in opposition. Gary Fraker was not present.

**Executive Director Report**
Nothing to report.

**Move to Closed**
A motion was made by Kenneth McGhee and seconded by James Reinhard to move to closed session pursuant to numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with no votes in opposition. Gary Fraker was not present.

**Adjourn**
A motion was made by James Reinhard and seconded by Kenneth McGhee to adjourn at 1:12 p.m. Motion carried with no votes in opposition. Gary Fraker was not present.

**Executive Director:** __________________________

**Approved by the board on:** __________________________
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 324.001.8 and 324.017 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 2018-01
<table>
<thead>
<tr>
<th></th>
<th>Year-To-Date</th>
<th>Projected</th>
<th>Remaining</th>
</tr>
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<tbody>
<tr>
<td>FY 2019 Beginning Fund Balance</td>
<td>2,710,632.30</td>
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<td></td>
</tr>
<tr>
<td>Revenue</td>
<td>535,649.36</td>
<td>531,790.00</td>
<td>(3,859.36)</td>
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<tr>
<td>Expense and Equipment</td>
<td>72,195.35</td>
<td>164,200.00</td>
<td>92,004.65</td>
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<tr>
<td>Total Transfers</td>
<td>348,480.51</td>
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<td>359,605.02</td>
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<tr>
<td>Ending Fund Balance</td>
<td>2,825,605.80</td>
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## Embalmers - 0633

### FY 2019 Monthly Fund Balance Sheet

<table>
<thead>
<tr>
<th>Month</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>Lapsed July</th>
<th>YTD Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>6,194.00</td>
<td>5,548.00</td>
<td>38,782.00</td>
<td>418,372.00</td>
<td>39,139.90</td>
<td>10,915.00</td>
<td>5,601.36</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Expense and Equipment</td>
<td>9,751.47</td>
<td>4,804.79</td>
<td>7,877.00</td>
<td>6,045.28</td>
<td>10,162.46</td>
<td>18,007.46</td>
<td>6,497.20</td>
<td>9,049.69</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>72,195.35</td>
<td>164,200.00</td>
</tr>
<tr>
<td>Personal Service and Per Diem</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Appropriation Costs</td>
<td>9,751.47</td>
<td>4,804.79</td>
<td>7,877.00</td>
<td>6,045.28</td>
<td>10,162.46</td>
<td>18,007.46</td>
<td>6,497.20</td>
<td>9,049.69</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>72,195.35</td>
<td>164,200.00</td>
</tr>
</tbody>
</table>

### FY 2019 Projections

<table>
<thead>
<tr>
<th>Month</th>
<th>Projected (Projected - YTD Total)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>6,194.00</td>
</tr>
<tr>
<td>Expense and Equipment</td>
<td>9,751.47</td>
</tr>
<tr>
<td>Personal Service and Per Diem</td>
<td>0.00</td>
</tr>
<tr>
<td>Total Appropriation Costs</td>
<td>9,751.47</td>
</tr>
</tbody>
</table>

### FY 2019 Appropriation Costs:

- **Revenue**: 6,194.00
- **Expense and Equipment**: 9,751.47
- **Personal Service and Per Diem**: 0.00
- **Total Appropriation Costs**: 9,751.47

### FY 2019 Other Transfers:

- **PR Transfers (HB 7.530)**:
  - **Rent**: 2,013.18
  - **DIFP Department Cost Allocation**: 445.45
  - **Licensee Refunds**: 2,079.00
  - **Start-Up Loan**: 0.00

### FY 2019 Total Division PR Transfer:

- **Division-Wide Costs**: 3,939.02
- **Purchasing Staff**: 67.04
- **Legal Team**: 2,377.55
- **CRR**: 311.27
- **Board Specific**: 0.00
- **Personal Services**: 24,042.77
- **Technical Support Staff**: 367.93
- **Central Mall Processing**: 156.16
- **CSI Investigations**: 2,189.87
- **Division PR Transfer**: 0.00

### FY 2019 Total PR Transfers:

- **Division PR Transfer**: 40,930.44
- **Other Transfers**:
  - **Division-Wide Costs**: 3,939.02
  - **Purchasing Staff**: 67.04
  - **Legal Team**: 2,377.55
  - **CRR**: 311.27
  - **Board Specific**: 0.00
  - **Personal Services**: 24,042.77
  - **Technical Support Staff**: 367.93
  - **Central Mall Processing**: 156.16
  - **CSI Investigations**: 2,189.87

### FY 2019 Total GR Transfer:

- **Division-Wide Costs**: 3,939.02
- **Purchasing Staff**: 67.04
- **Legal Team**: 2,377.55
- **CRR**: 311.27
- **Board Specific**: 0.00
- **Personal Services**: 24,042.77
- **Technical Support Staff**: 367.93
- **Central Mall Processing**: 156.16
- **CSI Investigations**: 2,189.87

### FY 2019 Other Transfers:

- **Workers Compensation**: 0.00
- **Unemployment**: 0.00
- **Board Staff Fringe Benefits**: 0.00
- **Biennium Sweep**: 0.00
- **GA Cost Allocation Transfer**: 1,259.00

### FY 2019 Transfers Carried Over:

- **FY 2018 May/June PR Transfer**: 47,527.18
- **FY 2018 July Lapse PR Transfer**: 0.00
- **FY 2018 PR Transfer Adjustment**: (1,489.11)
- **FY 2018 Final Rent Transfer**: 8,81.00
- **FY 2018 DIFP Transfer Adjustment**: 0.00
- **FY 2018 AG - June**: 0.00
- **FY 2018 AMC - June**: 24.63

### FY 2019 Total Transfers Carried Over:

- **FY 2018 Transfers Carried Over**: 47,599.82
- **Total Transfers**: 48,818.82
- **Total Appropriation Costs and Transfers**: 58,570.29
- **Ending Fund Balance**: 2,658,256.01

### Difference of 0.02 due to rounding
STATE OF MISSOURI
COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

REQUEST FOR FISCAL NOTE

Fiscal Note Number: 1376-03 Date Due:

Bill Number: SCS for SB 337 CONFIDENTIAL

Subject of Proposed Legislation: Contracts and Contractors; Consumer Protection; Funerals and Funeral Directors; Insurance - Life; Professional Registration and Licensing

Short description of purpose of draft: Modifies provisions of the Missouri Preneed Funeral Contract Act

Agency Assigned: DIFP, OSCA, LOCALS

Fiscal Analyst: Kendra Crum Telephone: (573) 526-8128
E-Mail Address: kendra.crum@lr.mo.gov Fax: (573) 751-7681

Date: 3/26/19 2:45 PM

PLEASE RETURN RESPONSE BY DATE DUE TO:

OVERSIGHT DIVISION
ROOM 132 STATE CAPITOL
JEFFERSON CITY, MO  65101

OR ELECTRONICALLY TO: fiscal.note@lr.mo.gov

TECHNICAL OR COMMENT MEMO TO: technical.comment@lr.mo.gov

Per drafter this is similar/identical to: SB 943 (4849-02) from 2018

If agencies other than those listed should be assigned, please let me know.

This is a Confidential Draft. Please limit the distribution to those required to review and respond.
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 337

AN ACT

To repeal sections 436.415 and 436.460, RSMo, and to enact in lieu thereof two new sections relating to preneed funeral contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 436.415 and 436.460, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 436.415 and 436.460, to read as follows:

436.415. 1. Except as otherwise provided in sections 436.400 to 436.520, the provider designated in a preneed contract shall be obligated to provide final disposition, funeral or burial services and facilities, and funeral merchandise as described in the preneed contract.

2. The seller designated in a preneed contract shall be obligated to collect and properly deposit and disburse all payments made by, or on behalf of, a purchaser of a preneed contract and ensure that statutory and contractual duties are met, in compliance with sections 436.400 to 436.520.

3. Notwithstanding any other provision in this chapter or chapter 333 to the contrary, the contractual obligations of a provider and seller towards any seller, purchaser, provider, or beneficiary under a preneed contract or provider-seller contractual agreement, shall not cease due to any failure to renew a provider or seller contract.
license, or the revocation or suspension of a provider or seller license, provided that the preneed contract or provider-seller contractual agreement was entered into while the provider and seller held a valid license.

436.460. 1. Each seller shall file an annual report with the board which shall contain the following information:

(1) The contract number of each preneed contract sold since the filing of the last report with an indication of, and whether it is funded by a trust, insurance or joint account;

(2) The total number and total face value of preneed contracts sold since the filing of the last report;

(3) The contract amount of each preneed contract sold since the filing of the last report, identified by contract;

(4) The name, address, and license number of all preneed agents authorized to sell preneed contracts on behalf of the seller;

(5) The date the report is submitted and the date of the last report;

(6) The list including the name, address, contract number and whether it is funded by a trust, insurance or joint account of all Missouri preneed contracts fulfilled, cancelled or transferred by the seller during the preceding calendar year;

(7) The name and address of each provider with whom it is under contract;

(8) The name and address of the person designated by the seller as custodian of the seller's books and records relating to the sale of preneed contracts;

(9) Written consent authorizing the board to order an investigation, examination and, if necessary, an audit of any joint
or trust account established under sections 436.400 to 436.520, designated by depository or account number;

(10) Written consent authorizing the board to order an investigation, examination and if necessary an audit of its books and records relating to the sale of preneed contracts; and

(11) Certification under oath that the report is complete and correct attested to by an officer of the seller. The seller or officer shall be subject to the penalty of making a false affidavit or declaration.

2. A seller that sells or has sold trust-funded preneed contracts shall also include in the annual report required by subsection 1 of this section:

(1) The name and address of the financial institution in which it maintains a preneed trust account and the account numbers of such trust accounts;

(2) The trust fund balance as reported in the previous year's report;

(3) The current face value of the trust fund;

(4) Principal contributions received by the trustee since the previous report;

(5) Total trust earnings and total distributions to the seller since the previous report;

(6) Authorization of the board to request from the trustee a copy of any trust statement, as part of an investigation, examination or audit of the preneed seller;

(7) Total expenses, excluding distributions to the seller, since the previous report; and

(8) Certification under oath that the information required
by subdivisions (1) to (7) of this subsection is complete and correct and attested to by a corporate officer of the trustee. The trustee shall be subject to the penalty of making a false affidavit or declaration.

3. A seller that sells or who has sold joint account-funded preneed contracts shall also include in the annual report required by subsection 1 of this section:

   (1) The name and address of the financial institution in Missouri in which it maintains the joint account and the account numbers for each joint account;

   (2) The amount on deposit in each joint account;

   (3) The joint account balance as reported in the previous year's report;

   (4) Principal contributions placed into each joint account since the filing of the previous report;

   (5) Total earnings since the previous report;

   (6) Total distributions to the seller from each joint account since the previous report;

   (7) Total expenses deducted from the joint account, excluding distributions to the seller, since the previous report; and

   (8) Certification under oath that the information required by subdivisions (1) to (7) of this subsection is complete and correct and attested to by an authorized representative of the financial institution. The affiant shall be subject to the penalty of making a false affidavit or declaration.

4. A seller that sells or who has sold any insurance-funded preneed contracts shall also include in the annual report required by subsection 1 of this section:
(1) The name and address of each insurance company issuing insurance to fund a preneed contract sold by the seller during the preceding year;

(2) The status and total face value of each policy if available to the seller;

(3) The amount of funds the seller directly received on each contract and the date the amount was forwarded to any insurance company; and

(4) Certification under oath that the information required by subsections 1 to 3 of this section is complete and correct attested to by an authorized representative of the [insurer] seller. The affiant shall be subject to the penalty of making a false affidavit or declaration.

5. Each seller shall remit an annual reporting fee in an amount established by the board by rule for each preneed contract sold in the year since the date the seller filed its last annual report with the board. This reporting fee shall be paid annually and may be collected from the purchaser of the preneed contract as an additional charge or remitted to the board from the funds of the seller. The reporting fee shall be in addition to any other fees authorized under sections 436.400 to 436.520. The board by rule may set a lower reporting fee or require no reporting fee for preneed contracts where the sole consideration for the preneed contract is where the seller or provider has been made the beneficiary or the assignee of an insurance policy that was in force more than one year prior to the date of the preneed contract.

6. All reports required by this section shall be filed by the thirty-first day of October of each year or by the date established
by the board by rule. Annual reports filed after the date provided herein shall be subject to a late fee in an amount established by rule of the board.

7. [If a seller fails to file the annual report on or before its due date, his or her preneed seller license shall automatically be suspended until such time as the annual report is filed and all applicable fees have been paid.

8.] This section shall apply to contracts entered into before August 28, 2009.
FIRST REGULAR SESSION

SENATE BILL NO. 337

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time February 4, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 436.415 and 436.460, RSMo, and to enact in lieu thereof two new sections relating to preneed funeral contracts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 436.415 and 436.460, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 436.415 and 436.460, to read as follows:

436.415. 1. Except as otherwise provided in sections 436.400 to 436.520, the provider designated in a preneed contract shall be obligated to provide final disposition, funeral or burial services and facilities, and funeral merchandise as described in the preneed contract.

2. The seller designated in a preneed contract shall be obligated to collect and properly deposit and disburse all payments made by, or on behalf of, a purchaser of a preneed contract and ensure that contractual duties are met, in compliance with sections 436.400 to 436.520.

3. Notwithstanding any other provision in this chapter or chapter 333 to the contrary, the contractual obligations of a provider and seller towards any seller, purchaser, provider, or beneficiary under a preneed contract or provider-seller contractual agreement, shall not cease due to any failure to renew a provider or seller license, or the revocation or suspension of a provider or seller license, provided that the preneed contract or provider-seller contractual agreement was entered into while the provider and seller held a valid license.

436.460. 1. Each seller shall file an annual report with the board which shall contain the following information:

(1) The contract number of each preneed contract sold since the filing of

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
the last report with an indication of, and whether it is funded by a trust, insurance or joint account;

(2) The total number and total face value of preneed contracts sold since the filing of the last report;

(3) The contract amount of each preneed contract sold since the filing of the last report, identified by contract;

(4) The name, address, and license number of all preneed agents authorized to sell preneed contracts on behalf of the seller;

(5) The date the report is submitted and the date of the last report;

(6) The list including the name, address, contract number and whether it is funded by a trust, insurance or joint account of all Missouri preneed contracts fulfilled, cancelled or transferred by the seller during the preceding calendar year;

(7) The name and address of each provider with whom it is under contract;

(8) The name and address of the person designated by the seller as custodian of the seller's books and records relating to the sale of preneed contracts;

(9) Written consent authorizing the board to order an investigation, examination and, if necessary, an audit of any joint or trust account established under sections 436.400 to 436.520, designated by depository or account number;

(10) Written consent authorizing the board to order an investigation, examination and if necessary an audit of its books and records relating to the sale of preneed contracts; and

(11) Certification under oath that the report is complete and correct attested to by an officer of the seller. The seller or officer shall be subject to the penalty of making a false affidavit or declaration.

2. A seller that sells or has sold trust-funded preneed contracts shall also include in the annual report required by subsection 1 of this section:

(1) The name and address of the financial institution in which it maintains a preneed trust account and the account numbers of such trust accounts;

(2) The trust fund balance as reported in the previous year's report;

(3) The current face value of the trust fund;

(4) Principal contributions received by the trustee since the previous report;

(5) Total trust earnings and total distributions to the seller since the
previous report;

(6) Authorization of the board to request from the trustee a copy of any trust statement, as part of an investigation, examination or audit of the preneed seller;

(7) Total expenses, excluding distributions to the seller, since the previous report; and

(8) Certification under oath that the information required by subdivisions (1) to (7) of this subsection is complete and correct and attested to by a corporate officer of the trustee. The trustee shall be subject to the penalty of making a false affidavit or declaration.

3. A seller that sells or who has sold joint account-funded preneed contracts shall also include in the annual report required by subsection 1 of this section:

(1) The name and address of the financial institution in Missouri in which it maintains the joint account and the account numbers for each joint account;

(2) The amount on deposit in each joint account;

(3) The joint account balance as reported in the previous year's report;

(4) Principal contributions placed into each joint account since the filing of the previous report;

(5) Total earnings since the previous report;

(6) Total distributions to the seller from each joint account since the previous report;

(7) Total expenses deducted from the joint account, excluding distributions to the seller, since the previous report; and

(8) Certification under oath that the information required by subdivisions (1) to (7) of this subsection is complete and correct and attested to by an authorized representative of the financial institution. The affiant shall be subject to the penalty of making a false affidavit or declaration.

4. A seller that sells or who has sold any insurance-funded preneed contracts shall also include in the annual report required by subsection 1 of this section:

(1) The name and address of each insurance company issuing insurance to fund a preneed contract sold by the seller during the preceding year;

(2) The status and total face value of each policy if available to the seller;

(3) The amount of funds the seller directly received on each contract and
the date the amount was forwarded to any insurance company; and

(4) Certification under oath that the information required by subsections 1 to 3 of this section is complete and correct attested to by an authorized representative of the [insurer] seller. The affiant shall be subject to the penalty of making a false affidavit or declaration.

5. Each seller shall remit an annual reporting fee in an amount established by the board by rule for each preneed contract sold in the year since the date the seller filed its last annual report with the board. This reporting fee shall be paid annually and may be collected from the purchaser of the preneed contract as an additional charge or remitted to the board from the funds of the seller. The reporting fee shall be in addition to any other fees authorized under sections 436.400 to 436.520. The board by rule may set a lower reporting fee or require no reporting fee for preneed contracts where the sole consideration for the preneed contract is where the seller or provider has been made the beneficiary or the assignee of an insurance policy that was in force more than one year prior to the date of the preneed contract.

6. All reports required by this section shall be filed by the thirty-first day of October of each year or by the date established by the board by rule. Annual reports filed after the date provided herein shall be subject to a late fee in an amount established by rule of the board.

7. If a seller fails to file the annual report on or before its due date, his or her preneed seller license shall automatically be suspended until such time as the annual report is filed and all applicable fees have been paid at which time the license shall be reinstated from the due date provided that all other requirements of the license have been met. Any preneed contracts entered into while a license was suspended pursuant to this section are void and shall either be rewritten after license reinstatement or all moneys paid by the purchaser refunded. A license suspended by this subsection shall not relieve the seller of the obligation to meet its contractual and statutory requirements towards providers, purchasers, or beneficiaries of any preneed contract entered into while the seller held a valid license.

8. This section shall apply to contracts entered into before August 28, 2009.
AN ACT

To repeal section 333.011, RSMo, and to enact in lieu thereof two new sections relating to licensing of funeral establishments.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 333.011, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 333.011 and 333.072, to read as follows:

333.011. 1. As used in this chapter, unless the context requires otherwise, the following terms have the meanings indicated:

(1) "Board", the state board of embalmers and funeral directors created by this chapter;

(2) "Crematory", the building or portion of a building which houses the cremation chamber and holding facility or an outdoor human cremation facility;

(3) "Embalmer", any individual licensed to engage in the practice of embalming;

(4) "Funeral director", any individual licensed to engage in the practice of funeral directing;

(5) "Funeral establishment", a building, place, crematory, or premises devoted to or used in the care and preparation for burial or transportation of the human dead and includes every building, place or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose;

(6) "Funeral merchandise", caskets, grave vaults, receptacles, and other personal property incidental to the final disposition of a dead human body,

EXPLANATION–Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
including grave markers, monuments, tombstones, and urns;

(6) "Outdoor human cremation facility", the facility or part
of a facility that is outdoors where the technical heating process which
reduces remains to bone fragments through heat and evaporation
occurs;

(7) "Person", any individual, partnership, corporation, cooperative,
association, or other entity;

(8) "Practice of embalming", the work of preserving, disinfecting and
preparing by arterial embalming, including the chemical preparation of a dead
human body for disposition. Practice of embalming includes all activities leading
up to and including arterial and cavity embalming, including but not limited to
raising of vessels and suturing of incisions of dead human bodies for funeral
services, transportation, burial or cremation, or the holding of oneself out as
being engaged in such work;

(9) "Practice of funeral directing", engaging by an individual in the
business of preparing, otherwise than by embalming, for the burial, disposal or
transportation out of this state of, and the directing and supervising of the burial
or disposal of, dead human bodies or engaging in the general control, supervision
or management of the operations of a funeral establishment;

(10) "Preneed agent", any person authorized to sell a preneed
contract for or on behalf of a seller;

(11) "Provider", the person designated or obligated to provide the
final disposition, funeral, or burial services or facilities, or funeral merchandise
described in a preneed contract;

(12) "Seller", the person who executes a preneed contract with a
purchaser and who is obligated under such preneed contract to remit payment to
the provider.

2. All terms defined in sections 436.400 to 436.520 shall be deemed to
have the same meaning when used in this chapter.

333.072. 1. Only a licensed funeral director, or a person with a
limited license for cremation set forth in section 333.042, shall perform
a cremation at any funeral establishment, including an outdoor human
cremation facility as set forth in rules promulgated by the board under
this section.

2. The board is hereby authorized to promulgate rules and
regulations for establishing and regulating outdoor human cremation
facilities. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.
AN ACT

To repeal section 333.041, RSMo, and to enact in lieu thereof one new section relating to embalming apprenticeships.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 333.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 333.041, to read as follows:

333.041. 1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

(1) At least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; and

(2) A person of good moral character.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board shall register with the board as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
(2) Is a person of good moral character;

(3) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;

(4) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

(5) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral
director or a duly licensed embalmer. Any person having the qualifications required by this
section and section 333.042 may be granted both a license to practice funeral directing and to
practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a
temporary funeral director's license, valid for six months, to the surviving spouse or next of kin
or the personal representative of a licensed funeral director, or to the spouse, next of kin,
employee or conservator of a licensed funeral director disabled because of sickness, mental
incapacity or injury.

8. Upon the successful completion of an embalming apprenticeship and pending the
successful completion of the examination as set forth in subdivision (4) of subsection 3 of
this section, and of all other requirements for an embalmer's license, the applicant may
continue to be employed by the funeral establishment where the apprenticeship took place
under the terms of subdivision (5) of subsection 3 of this section for a period not to exceed
six months or until the applicant's embalmer's license is issued, whichever comes first.
AN ACT

To amend chapter 436, RSMo, by adding thereto one new section relating to funeral contracts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 436, RSMo, is amended by adding thereto one new section, to be known as section 436.375, to read as follows:

436.375. 1. The director of the division of finance, in consultation with the affected contract providers and an appointed trustee who meets the requirement of section 436.430, shall establish a preneed funeral contracts trust. The corpus of the trust shall consist of:

   (1) All preneed funeral contract moneys collected or held by contract providers and transferred to the trust;
   (2) Any contracts and future contracts held by providers at the provider's discretion;
   (3) Any moneys received by investors;
   (4) Any moneys received in settlement under a receivership;
   (5) Any state appropriations; and
   (6) Any proceeds due to the providers arising from litigation regarding contracts with National Prearranged Services, Inc. or from request for proposals to the National Guarantee Fund.

The trust shall be authorized to accept gifts, bequests, or donations from any source. Contract providers who go forward shall be responsible for the payment of all expenses and operational costs and shall report annually to the division of finance regarding any payment of benefits under this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
2. The division of finance shall appoint a trustee for the preneed funeral contracts trust. This trustee shall be located in Missouri and shall have surplus and capital of one and a half billion dollars. The trustee shall be responsible for all operations of the trust including, but not limited to, investing funds, paying claims, securing investors, negotiating settlements under receiverships due the providers, and submitting an annual accounting of trust activities to the directors of the division of finance and department of insurance, financial institutions and professional registration.

3. The trustee shall have full power and authority to ask, demand, collect, prosecute, dismiss, or settle any suit or proceedings at law or in equity in its prosecution of any suits or proceedings against any insurer, persons, or entities related in any way to such contracts on behalf of the providers.

4. All new preneed funeral contracts placed in the preneed funeral contracts trust at the discretion of the providers shall be nonguaranteed contracts with an annual return of four percent.

5. The trustee shall issue a promise to pay:
   (1) To the state of Missouri on all state tax credits paid by the state; and
   (2) To all providers for all death claims, contracts, orphan contracts, interest on all provider contracts held by participating providers under subsection 4 of this section, and claims not fully paid to date on such contracts.

Such repayments shall be made to the contract providers until all obligations under subdivision (2) of this subsection are satisfied. Contract providers shall not be obligated to perform services on the contracts deposited by providers who participate in the state trust until paid in full by the state trustee. The trustee, after satisfying its obligations under subdivision (2) of this subsection, shall create a cash reserve to indemnify the trust indefinitely and then satisfy all state tax credits under subdivision (1) of this subsection.

6. The director of the division of finance may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.
West Des Moines, Iowa — eFuneral® Solutions, LLC, a subsidiary of Homesteaders Life Company, has launched a groundbreaking online planning platform, connecting funeral providers to a new generation of consumers through a customizable digital storefront.

“When we acquired the eFuneral® domain name and assets, we wanted to develop an innovative technology solution that would connect funeral homes with more families,” said Homesteaders CEO Steve Shaffer. “eFuneral® offers a resource to help funeral homes serve consumers who want to explore funeral options through a digital platform.”

“We partner with funeral providers throughout the country to offer an easy way for consumers to plan and purchase services online,” explained Luke Frieberg, President of eFuneral®. “Our focus is on facilitating seamless engagement with families. We are an amplification of the work funeral providers are already doing, helping them leverage their marketing efforts and brand equity in a digital world to generate leads and sales and, ultimately, to connect with and serve more families.”

eFuneral’s storefront guides consumers through the planning process, empowering them to view, select and purchase their funeral plans online. The goods and services are customized to match each funeral provider’s service offerings, and all advance funeral plans are funded with a Homesteaders life insurance policy.

“We believe a growing number of consumers want information and resources to plan and fund their funerals online, which is consistent with many other aspects of our life
FUNERAL INDUSTRY'S FIRST
COMPLETE DIGITAL STOREFRONT

Be the FIRST Funeral Home in your area
Built as an addition to your current website, our new technology will guide your consumers through the planning process, empowering them to view, select and purchase their funeral plans online based on your own GPL.

Consumers can advance plan, plan for an imminent or an at-need, all from the convenience of their home in our new and industry first technology. Not only can they plan from your website, they can pay for an advance plan, imminent or at-need directly from your website. If they don’t pay, then they become a lead!

Email Korey for a personal 15 minute demonstration.

FREE Facebook Management

Along with the new online planning technology, Napco will also assist, at no cost to the funeral home, with managing your Facebook presence. We can post twice a week along with monthly contests and special events. Each Social Media, Facebook package is personalized on what you would like to see.

Email Korey for more information.
Website Updated for Free

Need an updated website? Napco can provide personalized, mobile-friendly websites at no cost to your funeral home. We have partnered with the leading funeral home website developer to bring these personalized websites FREE to you. All while assisting with your SEO and claiming your social media spots. We've got this for you! We understand how important social media is in our industry.

Email Kory for more information

Who is Napco?
We are one of the fastest growing funeral home marketing partners in the industry. We think outside of the box! We focus on the funeral home as a whole, not just advanced planning (preneed). Find out more about us at NationalPreneedCompany.com

We look forward to the opportunity to earn your partnership in our new online eFuneral program. We enjoy what we do, and it shows.

Looking forward to our partnership,

Dawn Boyer
Dawn M. Boyer, Executive Vice President, MBA, Lutcf, CPC
dboyer@gordonmarketing.com
800-388-8342 x 212

Our Vision. Our Accountability. Your Success.
Preneed Strategies
By using our program, partner funeral homes not only grow their preneed business, but also increase their visibility in their community. This in turn grows market share and at-need case volume. Our goal is to assist your funeral home in building long-term relationships with your families. We work with the funeral home as a whole.

LEARN MORE

Specialty Areas
Social Media
Market Analysis
Lead Generation
Continual Training
Marketing Materials
Counselor Recruiting
Community Partnerships
Relationship Management

Industries
Funeral Homes
Mortuaries
Cremation Center

READ MORE

Contact Us
Name *
Email *
Subject
Message
Send

https://www.nationalpreneedcompany.com/

3/15/2019
Our Model:

We partner with you! We market your at-need and preneed business as they often go hand in hand. Our partnership goal is to create long lasting relationships between you and your community by utilizing new and creative marketing techniques. We truly think outside of the box.

We expand your market share in your community

Napco is founded on building long term relationships and marketing.

Napco helps to place your Preneed Counselors in front of more families, as well as the community, by reaching out on behalf of your funeral home.

We have the marketing tools to allow you to do what you do best and work with at-need families. Through our preneed marketing strategies and involvement in the community we will increase your at-need numbers while assisting in gaining valuable future market share.

Napco, National Preneed Company
20236 Hague Rd
Noblesville, IN 46062
(800)388-8342 x 012
Email: DBoyer@gordonmarketing.com

Webmaster Login

https://www.nationalpreneedcompany.com/practices

3/15/2019
About Us

Napco, National Preneed Company, is a division of Gordon Marketing. Gordon Marketing, one of the leading FMOS (TPMs) in the United States, is committed to serving the independent Insurance agent in Life, Health, Senior, Annuity and Ancillary Sales. Our experienced staff is their back office. We help the agents grow their business with our constant training opportunities via webinars, classroom continuing education and our Training Universities. From Medicare Basics to Advanced Compliance, we offer the training the agents need to stay in business in our ever changing insurance industry.

Dick Gordon was a captive, career life insurance agent in the 1970s. From his treatment in the field, Dick designed a marketing company to support agents the way he was not being supported. Gordon Marketing began in the spare bedroom of their home and soon he convinced his wife, Margaret to quit teaching school to work with him. The husband-wife team built one of the nation’s largest marketing companies with a dream and hard work—and based on the principle that if you take care of the client first, you will be successful. Throughout the years, several of their children joined them along with Dawn Boyer, who joined Gordon Marketing in 1999.

Dawn Boyer, President Sales/Marketing
Dawn has taken several divisions at Gordon Marketing to the next level, including her recent success, Napco, the PreNeed Division. It all started with Dawn’s vision of helping seniors feel more comfortable about PrePlanning their funeral services, giving them peace of mind. Dawn met with several agents, insurance carriers and funeral homes to research what was needed to make Napco successful. Through the information she gathered, Napco was developed into one of the fastest growing divisions of Gordon Marketing.

Jan Gruver, Vice President Sales/Marketing
After the sudden death of her father, and the way they were treated by the funeral home staff, she sought out a career in the industry to make a difference. Jan works directly with funeral homes in a holistic approach by looking at all areas of the funeral home to gain marketshare in your community.

Kim Bernstein, Vice President Sales/Marketing
Kim believes strongly in the celebration of life. She assists families in pulling together the perfect service. She uses her own preplanning techniques to assist in creating a soft touch preplanning environment.

Reanna Carroll, Regional Sales Director
Reanna has been in the funeral industry for many years. She and her husband, Heath, own Carroll-Lewellen Funeral and Cremation Services in Longmont, CO. She has assisted in quadrupling the growth of Carroll-Lewellen through community activities, marketing and creating a solid PreNeed with AfterCare program. She has brought that expertise to Napco and is assisting funeral homes in the Colorado and Wyoming area in duplicating the Napco program.

Madeleine Crispino, Assistant
Maddy’s years of insurance experience make her uniquely suited to help with the many aspects of success. Her expertise lies with Social Media, appointment setting, form and brochure design, oblasts and event planning. She utilizes her skills of detail-orientation, excellent people skills, clear communication, product knowledge, multitasking, time management, and calming presence.

Moria Hunt, Executive Assistant
Moria has a strong passion for helping others on their road to success. She will help you get paid faster, and send you weekly updates to ensure none of your clients slip through the cracks. Her areas of expertise include marketing, technical support, document creation, CRM support, new business expediting, and policy maintenance.
Add this to the open meeting agenda

Lori Hayes  
Executive Director  
State Board of Embalmers & Funeral Directors  
573-751-0813  
Fax: 573-751-1155  
lori.hayes@pr.mo.gov  
Sign up for Embalmers news

From: Davis Funeral Home <davisfh@centurytel.net>  
Sent: Tuesday, February 26, 2019 2:58 PM  
To: Hayes, Lori <lori.hayes@pr.mo.gov>  
Subject: Board Meeting March 20, 2019

Dear Lori,

I have attached a letter asking for a few minutes of the boards time on March 20th.

Thanks, and have a good day,  
Brad L. Davis
February 26, 2019

State Board of Embalmers and Funeral Directors
Lori Hayes, Executive Director
P.O. Box 7001
3605 Missouri Blvd.
Jefferson City, MO 65102

Dear Lori,

Thank you for taking my call the other day.

As requested, I would like to be placed on the board’s agenda for March 20th.

The MFDEA board of directors has asked me to speak to the State Board concerning educational requirements for licensing in Missouri.

I shouldn’t take more than 10 or 15 minutes on my part.

If you could reply with a confirmation, it would be helpful for me in scheduling this time away from the office.

Respectfully yours,

Brad L. Davis, B.S., CFSP, CCO
Davis Funeral Homes
Canton, La Grange & Ewing, MO
P.O. Box 108
Canton, MO 63448
(v) 573-288-4422
(f) 573-288-5645
davisfh@centurytel.net
www.davis-fh.com