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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF FUNERAL DIRECTORS

TIME: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

April 5, 2023

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State Board of Funeral Directors
April 5, 2023

BOARD MEMBERS:

Arion Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
Carmella M. Imburgia, Chairperson, Professional Member
Kenneth C. DuPree, Vice Chairperson, Professional Member
Milian E. Rodriguez, Secretary, Professional Member
Francis McCusker, Public Member
Jennifer Jane Kirk, Esquire, Senior Deputy Attorney General, Antitrust Section, Bureau of Consumer Protection Representative

BUREAU PERSONNEL:

Shawn J. Jayman, Esquire, Board Counsel
Ray Michalowski, Esquire, Senior Board Prosecutor
Timothy A. Fritsch, Esquire, Board Prosecution Liaison
Kristel Hennessy Hemler, Board Administrator
J. Leslie Warner, Acting Board Administrator
Andrew LaFratte, MPA, Executive Policy Specialist, Department of State

ALSO PRESENT:

Jason Benion, Esquire, Shareholder and Chair, Death Care, Saxton & Stump, LLC
Harry C. Neel, President/CEO, CCFE, Jefferson Memorial Cemetery, Funeral Home, Crematory, and Arboretum
David Chelsea Curry

1 ***

2 State Board of Funeral Directors

3 April 5, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Shawn J. Jayman, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations on
9 a number of matters currently pending before the
10 Board and to receive the advice of counsel. The
11 Board entered into public session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Funeral Directors was held on Wednesday,
15 April 5, 2023. Carmella M. Imburgia, Chairperson,
16 Professional Member, called the meeting to order at
17 10:30 a.m.

18 ***

19 Roll Call/Introduction of Attendees

20 [Carmella M. Imburgia, Chairperson, Professional
21 Member, requested a roll call of Board members and
22 introduction of attendees.]

23 ***

24 [Shawn J. Jayman, Esquire, Board Counsel, informed
25 everyone that the meeting was being recorded and

1 voluntary participation constituted consent to be
2 recorded.

3 Mr. Jayman also noted the Board entered into
4 Executive Session for the purpose of conducting
5 quasi-judicial deliberations on a number of matters
6 currently pending before the Board and to receive the
7 advice of counsel.]

8

9 Approval of minutes of the February 22, 2023 meeting

10 MR. JAYMAN:

11 I will move on to number 1 on the
12 agenda, the meeting minutes of February
13 22, 2023.

14 I believe the Chairperson would
15 entertain a motion to approve the
16 February 22, 2023 minutes noted with
17 the corrections.

18 CHAIR IMBURGIA:

19 May I have a motion?

20 MR. DUPREE:

21 So moved.

22 ACTING COMMISSIONER CLAGGETT:

23 Second.

24 CHAIR IMBURGIA:

25 Kristel, roll call.

1

2

Arion Claggett, aye; Carmella Imburgia,

3

aye; Kenneth DuPree, aye; Milian

4

Rodriguez, aye; Jennifer Kirk, aye.

5

[The motion carried. Francis McCusker was unable to

6

vote due to technical difficulties.]

7

8

Report of Prosecutorial Division

9

[Timothy A. Fritsch, Esquire, Board Prosecution

10

Liaison, had nothing to report but offered to answer

11

any questions from Board members.]

12

13

Report of Board Counsel - Proposed Adjudication and

14

Order

15

MR. JAYMAN:

16

Based on Executive Session

17

deliberation, I believe the Chairperson

18

would entertain a motion to adopt the

19

Proposed Adjudication and substitute

20

the Order in the matter of Wescott

21

Funeral Home, Inc., Case No. 22-48-

22

009449.

23

MR. DUPREE:

24

So moved.

25

MR. MCCUSKER:

1 Second.

2 MS. HENNESSY HEMLER:

3 Arion Claggett, aye; Carmella Imburgia,
4 aye; Kenneth DuPree, aye; Milian
5 Rodriguez, aye; Francis McCusker, aye;
6 Jennifer Kirk, nay.

7 [The motion carried. Jennifer Kirk opposed the
8 motion.]

9 ***

10 Report of Board Counsel - Current Case Load
11 [Shawn J. Jayman, Esquire, Board Counsel, provided a
12 Status of Cases Report as of April 4, 2023, for the
13 Board's review. He reported 14 active cases.]

14 ***

15 Regulatory Issues
16 [Shawn J. Jayman, Esquire, Board Counsel, again
17 informed Board members that he would be providing a
18 Regulatory Report at each meeting showing where the
19 regulations are at in the regulatory process.

20 Mr. Jayman provided an overview of the
21 regulations. He addressed 16A-4819 regarding
22 continuing education, noting the Independent
23 Regulatory Review Commission (IRRC) disapproved this
24 and he needed to look over the current continuing
25 education law and would bring it back to the Board at

1 a later date.

2 Mr. Jayman referred to the General Revisions
3 package, noting they would be combining small
4 regulations into one package, including permitting a
5 funeral entity to be licensed under any name and an
6 amendment to the Board's regulation concerning
7 unprofessional conduct requiring licensees cooperate
8 with Board agents inspecting funeral establishments.

9 He noted there was nothing else to report other than
10 the regulation ~~is in the process of being worked on.~~
11 ~~in the works.~~

12 Mr. Jayman addressed the civil penalty
13 regulation. He noted the regulation is a
14 commissioner regulation and not a board regulation
15 and is separate from the General Revisions package.
16 He mentioned that he would provide more information
17 at a later date.

18 Mr. Jayman has been working on the policy
19 statement regarding food and beverages being allowed
20 inside a funeral home. He informed Board members
21 that the annex is being drafted, and he is preparing
22 the preamble for § 13.183.

23 Mr. Jayman referred to Act 41 regarding licensure
24 by endorsement, where somebody from another state/
25 jurisdiction has substantially equivalent licensing

1 requirements and comes to Pennsylvania seeking
2 licensure via an Act 41 Application. He noted the
3 regulation is currently with regulatory counsel and
4 in the process of moving forward.

5 Mr. Jayman again informed Board members that he
6 would be providing an update and ~~bring~~ bringing any
7 new regulations to the Board's attention at each
8 Board meeting.

9 Mr. DuPree asked for information concerning the
10 status of the 10-day hold rule.

11 Mr. Jayman explained that he would be meeting
12 with regulatory counsel, and it is still being
13 reviewed but would be on the next agenda.]

14 ***

15 Other

16 [Shawn J. Jayman, Esquire, Board Counsel, stated the
17 Sunshine Act and Recusal Guidelines were provided to
18 Board members during Executive Session.]

19 ***

20 Report of Acting Commissioner - No Report

21 ***

22 Report of Board Chairperson - No Report

23 ***

24 Report of Board Administrator

25 [Kristel Hennessy Hemler, Board Administrator,

1 announced that she would be leaving the Board and
2 taking on the position of Board administrator for the
3 State Registration Board for Professional
4 Engineers, Land Surveyors, and Geologists. She
5 introduced and welcomed Leslie Warner as the acting
6 Board administrator and informed Board members that
7 she would be helping Ms. Warner with the process of
8 Board administrative duties through the next Board
9 meeting.

10 Ms. Hennessy Hemler thanked the Board, noting it
11 has been a pleasure working with everyone.

12 Chair Imburgia thanked Ms. Hennessy Hemler for
13 all of her hard work.]

14 ***

15 Continuing Education Report - No Report

16 ***

17 Correspondence

18 MR. JAYMAN:

19 Based on Executive Session
20 deliberation, I believe the Chairperson
21 would entertain a motion to
22 provisionally deny the Application
23 waiving or reducing the required
24 internship of Paige Visneski, FT149467.

25 CHAIR IMBURGIA:

1 Do I have a motion?

2 MR. DUPREE:

3 So moved.

4 MR. MCCUSKER:

5 Second.

6 CHAIR IMBURGIA:

7 Roll call.

8

9 Arion Claggett, nay; Carmella Imburgia,
10 aye; Kenneth DuPree, aye; Milian
11 Rodriguez, nay; Francis McCusker, aye;
12 Jennifer Kirk, aye.

13 [The motion carried. Arion Claggett and Milian
14 Rodriguez opposed the motion.]

15 ***

16 Requests for Review - Act 41 Application

17 MR. JAYMAN:

18 Based on Executive Session
19 deliberation, I believe the Chairperson
20 would entertain a motion to approve the
21 out-of-state Application under Act 41
22 for Chuck E. Maupin, Application No.
23 AA0004465021.

24 CHAIR IMBURGIA:

25 Do I have a motion?

1 MR. DUPREE:

2 So moved.

3 MR. MCCUSKER:

4 Second.

5 MS. HENNESSY HEMLER:

6 Arion Claggett, aye; Carmella Imburgia,
7 aye; Kenneth DuPree, aye; Milian
8 Rodriguez, aye; Francis McCusker, aye;
9 Jennifer Kirk, aye.

10 [The motion carried unanimously.]

11 ***

12 [Acting Commissioner Claggett informed Mr. McCusker
13 that he would have to abstain when voting due to not
14 currently being on camera.]

15 ***

16 Requests for Review - Ratifications

17 MR. JAYMAN:

18 Number 10 on the agenda. Based on
19 Executive Session deliberation, I
20 believe the Chairperson would entertain
21 a motion to approve the Extension of
22 the Funeral Supervisor Temporary
23 License for Andrew Chomko, FST000144.

24

25 CHAIR IMBURGIA:

1 Do I have a motion?

2 MR. DUPREE:

3 So moved.

4 CHAIR IMBURGIA:

5 Could I have a second?

6 ACTING COMMISSIONER CLAGGETT:

7 Second.

8 MS. HENNESSY HEMLER:

9 Arion Claggett, aye; Carmella Imburgia,
10 aye; Kenneth DuPree, aye; Milian
11 Rodriguez, aye; Francis McCusker,
12 abstain; Jennifer Kirk, aye.

13 [The motion carried. Francis McCusker abstained from
14 voting on the motion.]

15 ***

16 MR. JAYMAN:

17 Number 11. Based on Executive Session
18 deliberation, I believe the Chairperson
19 would entertain a motion to approve the
20 Ratification for Funeral Intern
21 Applicant, Julian Womack, AA0004252604.

22 CHAIR IMBURGIA:

23 Do I have a motion?

24 MR. DUPREE:

25 So moved.

1 ACTING COMMISSIONER CLAGGETT:

2 Second.

3 MS. HENNESSY HEMLER:

4 Arion Claggett, aye; Carmella Imburgia,
5 aye; Kenneth DuPree, aye; Milian
6 Rodriguez, aye; Francis McCusker,
7 abstain; Jennifer Kirk, aye.

8 [The motion carried. Francis McCusker abstained from
9 voting on the motion.]

10 ***

11 MR. JAYMAN:

12 Number 12 on the agenda. Based on
13 Executive Session deliberation, I
14 believe the Chairperson would entertain
15 a motion to approve the Ratification
16 for Act 41 Licensure Approval for
17 Daniel Griffith, AA0004434719.

18 CHAIR IMBURGIA:

19 Do I have a motion?

20 MR. DUPREE:

21 So moved.

22 ACTING COMMISSIONER CLAGGETT:

23 Second.

24 MS. HENNESSY HEMLER:

25 Arion Claggett, aye; Carmella Imburgia,

1 aye; Kenneth DuPree, aye; Milian
2 Rodriguez, aye; Francis McCusker,
3 abstain; Jennifer Kirk, aye.

4 [The motion carried. Francis McCusker abstained from
5 voting on the motion.]

6 ***

7 Public Comment

8 [Jason Benion, Esquire, Shareholder and Chair, Death
9 Care, Saxton & Stump, LLC, referred to an item that
10 appeared on the Board's agenda last year regarding
11 crematory temperature. He informed Board members
12 that the bill to lower crematory temperatures from
13 1800 degrees to 1600 degrees but did not make it
14 through the General Assembly last year is about to be
15 reintroduced again by Representative Steven Malagari.

16 Harry C. Neel, President/CEO, CCFE, Jefferson
17 Memorial Cemetery, Funeral Home, Crematory, and
18 Arboretum, referred to the Sunshine Law and asked why
19 items 8, 9, 10, 11, and 12 were discussed out of the
20 public eye. He stated prosecution matters must be
21 discussed in private but items 8 through 12 were
22 issues that should be done in public view.

23 Chair Imburgia explained that the Board has a
24 special committee consisting of Board members who
25 approve time-sensitive requests and then make it

1 public knowledge at the meeting.

2 Mr. Neel commented that the public does not hear
3 the discourse of the issue and how Board members feel
4 about it, which seems to defeat the purpose of
5 Sunshine Law. He suggested the committee make a
6 public report rather than just discussing matters in
7 Executive Session.]

8 ***

9 [Carmella M. Imburgia, Chairperson, Professional
10 Member, thanked everyone for attending. She noted
11 the next scheduled Board meeting would be held on
12 Wednesday, May 17.]

13 ***

14 Adjournment

15 CHAIR IMBURGIA:

16 Motion to close the meeting.

17 MS. KIRK:

18 So moved.

19 ACTING COMMISSIONER CLAGGETT:

20 Second.

21 CHAIR IMBURGIA:

22 The motion carries.

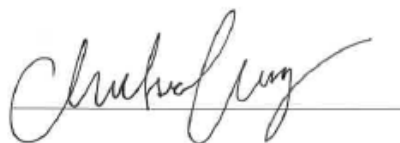
23 ***

24 [There being no further business, the State Board of
25 Funeral Directors Meeting adjourned at 10:52 a.m.]

1 ***

2
3 CERTIFICATE

4
5 I hereby certify that the foregoing summary
6 minutes of the State Board of Funeral Directors
7 meeting, was reduced to writing by me or under my
8 supervision, and that the minutes accurately
9 summarize the substance of the State Board of Funeral
10 Directors meeting.

11
12 

13 Chelsea Curry,

14 Minute Clerk

15 Sargent's Court Reporting
16 Service, Inc.
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STATE BOARD OF FUNERAL DIRECTORS
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April 5, 2023

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call/Introduction of Attendees
10:32	Approval of Minutes
10:34	Report of Board Counsel
10:36	Regulatory Issues
10:40	Other
10:41	Report of Board Administrator
10:43	Correspondence
10:45	Requests for Review
10:49	Public Comment
10:52	Adjournment