



Douglas A. Ducey – Governor

## Arizona State Board of Funeral Directors and Embalmers

1740 West Adams Street, Suite 3006, Phoenix, Arizona 85007

Samuel Bueler, Chairman/Professional Member \* James Ahearne, Secretary

Harold Adair, Professional Member \* Amie Gazda, Professional Member

Joe Hornat, Public Member \* Robert Hockensmith Public Member \* Helene Bergeon, Public Member

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### MINUTES REGULAR SESSION

Board Meeting Held On:

**Tuesday, October 20, 2020 • 9:00 a.m. • 1<sup>st</sup> Floor Conference Room “C”**

**1740 West Adams Street • Phoenix, AZ 85007**

#### 1. CALL TO ORDER

Board Chair Samuel Bueler called the Board Meeting to order at 9:00 a.m. The following Members were present for the Board Meeting on October 20, 2020.

<b>Members Present:</b>	Samuel Bueler	Chairman/Industry Member
	James Ahearne	Secretary/Industry Member
	Harold Adair	Industry Member
	Helene Bergeon	Public Member
	Amie Gazda	Industry Member

<b>Members Present</b>	Robert Hockensmith	Public Member
<b>Telephonically:</b>	Joe Hornat	Public Member

<b>Board Staff Present:</b>	Judith Stapley	Executive Director
	Brandon Eaden	Investigator
	Evelyn Estrella	Licensing Administrator

<b>Attorney General’s Office:</b>	Scott Donald	Assistant Attorney General
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## **2. STATEMENT OF PURPOSE**

Board Chairman Sam Bueler read the Board's Statement of Purpose.

## **3. DECLARATION OF CONFLICTS OF INTEREST**

Board member Helene Bergeon stated that she is a volunteer for Phoenix Metro Traffic.

## **4. MINUTES**

Board member James Ahearne moved to approve the minutes of the September 15, 2020 Board meeting. Board member Harold Adair seconded this motion. Motion passed unanimously 7-0.

Board member James Ahearne moved to approve the minutes of the September 29, 2020 Board meeting. Board member Helene Bergeon seconded this motion. Motion passed unanimously 7-0.

## **5. CALL TO THE PUBLIC**

No one came forward to speak.

## **6. LICENSING**

By motion and second, and motion carrying, the following actions occurred relative to applications for licensure subject to the conditions noted:

NAME	TYPE OF LICENSE	ACTION	MOTION BY	SECOND BY
Rebecca DeConcini	Funeral Director	Approved 7-0	Ahearne	Adair
Amber Hardin	Funeral Director	Approved 7-0	Ahearne	Adair
Sirrene Homan	Funeral Director	Approved 7-0	Ahearne	Bergeon
Lorraine Wiggins	Funeral Director and Embalmer	Approved 7-0	Ahearne	Hockensmith
Sarah Black	Cremationist	Approved 7-0	Ahearne	Gazda
Everett Brewer	Cremationist	Approved 7-0	Ahearne	Adair
Jacob Weber	Cremationist	Approved 7-0	Ahearne	Gazda
Marcela B Laguna	Intern	Approved 7-0	Ahearne	Adair
Denisha Gill	Intern	Approved 7-0	Ahearne	Adair
Evan Elizabeth Duke	Salesperson	Approved 7-0	Ahearne	Adair
Lisa Gregor	Salesperson	Approved 7-0	Ahearne	Adair
Hallie Lang	Salesperson	Approved 7-0	Ahearne	Adair
Stacey Stewart	Multiple Funeral Director	Moved to deny by Ahearne. Motion changed to be continued next month. 7-0	Ahearne	Adair
BOARD ENTERED INTO EXECUTIVE SESSION FOR LEGAL ADVICE. See reference below licensing.				
Bradbury Memorial Center	Establishment	Approved 7-0	Gazda	Ahearne
Bradbury Memorial Center	Crematory	Approved 7-0	Gazda	Ahearne

**EXECUTIVE SESSION (first session):**

Board member James Ahearne moved to enter into executive session for legal advice. This motion was seconded by Board Chairman Sam Bueler and carried 7-0. The Board entered into executive session for legal advice with Assistant Attorney General (AAG) Scott Donald at 9:31 a.m.

**OPEN MEETING:** The Board returned to open session at 9:57 a.m.

Following some discussion, Board Secretary James Ahearne moved to deny the application for Stacey Stewart to receive a Multiple Funeral Director license. This motion was changed by Board member Ahearne to continue this matter at the next scheduled Board meeting in November. This motion was seconded by Board member Harold Adair and carried 7-0.

**7. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:**

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A) (2) (to discuss confidential information) or A.R.S. § 38-431.03(A) (3) (to receive legal advice).

A. Michele Castaneda-Martinez, Program Manager Office of Vital Registration

Maricopa County Indigent Decedent Services (CIDS) Program. They are currently in their second month of the contract, which began September 1, 2020. There are four funeral establishments currently on contract. The primary method of disposition has changed from burial to cremation. This change in method of disposition will lengthen the time that White Tanks cemetery will have available space for use by the County. Burial may still be accommodated if there is a need or desire expressed by the family. The majority of CIDS referrals, over 40%, have ultimately connected with family members who have been able to contract with local funeral establishments.

**8. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:**

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A) (2) (to discuss confidential information) or A.R.S. § 38-431.03(A) (3) (to receive legal advice).

A. Maricopa County Funeral Assistance Program, Valley of the Sun United Way

Jayson Matthews provided an update of the Maricopa County funeral assistance program. There are currently twenty-six funeral establishments licensed as vendors for Maricopa County. It only takes approximately a day to become a vendor, which enables a funeral establishment to be able to receive payment from the county. Approximately seventy individuals have been granted financial assistance to date. The program is set to expire November 30, 2020, if no extension is granted.

**9. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:**

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A) (2) (to discuss confidential information) or A.R.S. § 38-431.03(A) (3) (to receive legal advice).

A. Docket 2020-FDE-0010 Funeraria Del Angel

Current Responsible Funeral Director (RFD) Patrick Foley, former RFD Anthony Crespo and location manager Luis Lopez were present on behalf of Funeraria Del Angel. The complainant Shawn Mazon was not present. Following discussion Board Chairman Sam Bueler moved to continue this matter until next month's scheduled Board meeting. This motion was seconded by Board member Robert Hockensmith and carried 7-0.

B. Docket 2019-FDE-0033 South Mountain Mortuary

Responsible Funeral Director JoAnn Miguel and funeral establishment owner Manuel Villellas were present representing South Mountain Mortuary. The complainant Samantha Eagen was not present. Following discussion Board member Amie Gazda moved to dismiss the matter. This motion was seconded by Board member Robert Hockensmith and carried 7-0.

C. Docket 2020-FDE-0016 Evergreen Mortuary

Responsible Funeral Director (RFD) Mark Dunn and location manager Cathy Fiorelli were present on behalf of Evergreen Mortuary. The complainant Cathy Stern was also present. A discussion took place regarding events involving the funeral and burial of decedent, Joseph Stern. Mr. Stern's remains were moved at the conclusion of the funeral services from the original cemetery plot to another plot with no authorization from the legal authorizing agent, Cathy Stern. RFD Mark Dunn took this action prior to notifying the Ms. Stern that her deceased husband had been placed in the wrong location at the cemetery.

\*Board member Harold Adair left the meeting at 11:25 a.m.

**EXECUTIVE SESSION (second session):**

Board member Robert Hockensmith moved to enter into executive session for legal advice. This motion was seconded by Board member James Ahearne and carried 6-0. The Board entered into executive session for legal advice with AAG Scott Donald at 12:02 p.m.

**OPEN MEETING:** The Board returned to open session at 12:27 p.m.

Following further discussion, Board member James Ahearne moved to direct the Executive Director Judith Stapley and AAG Scott Donald to draft a consent

agreement to be brought back to the Board at the next scheduled Board meeting. At that time Board members would either accept, reject or modify the draft consent agreement. The Board further directed the agreement to include license suspension, civil penalties, practice restriction and additional Board approved continuing education specifically in the areas of ethics and Judeo Christian funeral practice. This motion was seconded by Board member Amie Gazda and carried 5-0. Board member Joe Hornat was not present for this vote.

**10. PRESENTATION AND DISCUSSION:**

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A) (2) (to discuss confidential information) or A.R.S. § 38-431.03(A) (3) (to receive legal advice).

A. Funeral Escort Service Training Danny Franco

Danny Franco was present to show Board members how important it is to have all funeral escort drivers properly trained to function as emergency vehicles as they are currently permitted to do. Mr. Franco showed multiple video clips demonstrating inappropriate behavior from various individuals driving recklessly and at high speeds while operating as funeral escorts. Mr. Franco will continue to seek support from legislators to increase awareness of the perils that face consumers with the alleged funeral escort drivers who are untrained.

**11. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING:**

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A) (2) (to discuss confidential information) or A.R.S. § 38-431.03(A) (3) (to receive legal advice).

A. Two hours of Continuing Education for Funeral Board meeting attendance

Following discussion, Board member James Ahearne moved to accept two hours of continuing education for Board meeting attendance in category “B”, which is ethical considerations and state and federal laws. This motion was seconded by Amie Gazda and carried 6-0.

**12. EXECUTIVE REPORT:**

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A) (2) (to discuss confidential information) or A.R.S. § 38-431.03(A) (3) (to receive legal advice).

A. Update on Investigation sent to the Colorado Attorney General’s Office  
Executive Director Judith Stapley has followed up with the Colorado Attorney General’s Office via phone and email. To date she has received no response.

B. Sunset Audit Response

The revised response was due on October 20, 2020. When the Office of the Auditor General publishes the response, it will be sent to all Board members. The Board will have the next six months to work recommendation from the auditors.

C. In person testing for state laws and rules exams

All applicants applying for Funeral Director, Embalmer or Salesperson may resume in person testing effective October 15, 2020. No further provisional licenses will be granted at this time.

D. Funeral Director prefix change from “FUN” to “FDL”

Effective October 29, 2020, all current Funeral Director licenses will have the first three letter prefix changed from “FUN” to “FDL”. The purpose of this action was to eliminate distress caused to families after seeing the letters “fun” on many of the required documents. This event has been coordinated with the online licensing support group and the Department of Health Services, Bureau of Vital Records. The change will also occur simultaneously in the Database Application of Vital Events (DAVE). Board staff will issue new license certificates to all current Funeral Directors.

**13. FUTURE AGENDA ITEMS**

A. Vacant

**14. REVIEW OF SCHEDULED BOARD MEETINGS:**

Subject to appropriate notice, the Board reserves the right to change meeting dates.

**2020 BOARD MEETING SCHEDULE**

NOVEMBER 17 2020

DECEMBER 15, 2020

**15. ADJOURNMENT**

Board member James Ahearne moved to adjourn the meeting. This motion was seconded by Board member Amie Gazda and carried 6-0.

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Judith Stapley  
Executive Director