

Oregon Mortuary and Cemetery Board Meeting
800 NE Oregon Street, Room 1A
Portland OR 97232

September 23, 2008

FINAL General Session Meeting Minutes
(Revised November 18, 2008)

Board Members Present:

Jon Cummings, President
Michael Kimoto, Vice President
Lyn Stanger, Secretary / Treasurer
Teri Dresler
Barry Horowitz
Kevin Korn
Charles Kurtz
Joncile Martin
Erin Phelps
Robert Wentzel

Staff Members Present:

Michelle Gaines, Executive Director
Lynne Nelson, Compliance Manager
Bill Bennington, Investigator
Merill Cray, Investigator
Johanna Matanich, AAG
Carla Knapp, Office Manager / Licensing

Board Members Absent:

Pamela Wachter

Staff Members Absent:

None

Guests Present:

Nancy Felton, CGC / CAO
Mark Stehn, OFDA
Rosemary Hardin, Transformations H.F.
Steve Schacht, SCI Oregon
Scott Logan, Finley-Sunset Hills
Nancy Ward

Chad Dresselhaus, AFCTS
Patricia Sweeney, Spiral of Life
Mike Day, DHS PHD
J C Aubry, SCI Oregon
Janie Malloy, Farewell Assistance
Kelly Paige, Center for Health Statistics

I. Call to Order

II. General Session

President Cummings called the General Session of the Mortuary and Cemetery Board (Board) meeting to order at 9:07 am. After roll call, President Cummings welcomed two new Board members, Erin Phelps and Barry Horowitz. He then asked each of them to provide some details of their background.

Mr Phelps is a licensed embalmer and funeral service practitioner and is co-owner of Omega Funeral & Cremation Service and Portland Cremation & Burial Service. A life-long Oregon resident, Mr Phelps has over 30 years of active experience in the death care industry with a strong commitment to professional excellence and interest in public service. He replaced James Ward, who previously held the embalmer position for over eight years.

Mr Horowitz will be serving as one of the Board's four public members. He is currently the general manager of container marketing at the Port of Portland, and has over 30 years of experience in global trade, transportation, logistics, public and government affairs, and

marketing. Mr Horowitz has previously served on the Board of the Mittleman Jewish Community Center in Portland as member and vice president, and for the North Valley Jewish Community Center in Los Angeles as member, president and treasurer.

President Cummings thanked them both for their interest and commitment. He then explained the new meeting format. In the past, the Board would hold an executive session and then the general session was scheduled to follow at a predetermined time. Now, general session will be held first for the purpose of conducting normal Board business, and then will be followed by an executive session. At the conclusion of executive session, the Board will meet again in general session for the purpose of voting on disciplinary actions. He asked if there were any questions. Hearing none, he directed the Board to proceed with the next scheduled meeting agenda item.

A. Approval of Meeting Minutes

1. General Session Meeting Minutes - July 22, 2008 Draft

President Cummings asked if everyone had read the subject draft meeting minutes, and if they had any questions or comments. Hearing none, he then asked if there was a motion on the floor to approve the subject draft minutes as prepared. Kevin Korn so moved. Teri Dresler seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Kimoto, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

2. Special General Session Meeting Minutes - August 25, 2008 Draft

President Cummings then asked if there was a motion on the floor to approve these draft meeting minutes as prepared. Kevin Korn so moved. Teri Dresler seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Kimoto, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

B. President's Comments

President Cummings then noted that the Board would be scheduling a Board retreat in Salem on October 1, 2008, for the purpose of focusing on long term planning and some strategic discussions about finances. He asked if there were any comments on questions. Hearing none, he then discussed the upcoming holidays. The Day of the Dead is a holiday, celebrated mainly by people of Mexico with Mexican heritage. The holiday focuses on gatherings of family and friends to pray for and remember friends and relatives that have died. It is a festive, not morbid occasion, a time to acknowledge the cycle of life by visiting graves of relatives, honoring their memories and exchanging gifts that have skull and skeleton motifs. The celebration occurs on the first and second of November in connection with the Catholic holy days of All Saints Day and All Souls Day. Traditions include building private altars honoring the deceased, using sugar skulls, marigolds, favorite foods, and beverages of the departed and visiting graves with these gifts. He said he wanted the Board to be aware of this for cultural diversity and that there are other days of importance that have to do with the

death care industry. He then recognized Executive Director Michelle Gaines and requested that she continue with the next agenda item.

C. Presentation and Approval of Executive Director's Report for September 2008

Executive Director Gaines said that normally this Report would be included in the Board packet and Board members would have been able to review it ahead of time, but since it was distributed as a handout for this meeting, she went over it in detail with the Board. She said that the purpose of the report was to give the Board an overview of the status of the Board's budget or anything that has been happening in the office in between Board meetings. It is a report out to the Board, obviously, but it is also for the Board's stakeholders and the general public.

The first section of the Executive Director's Report dealt with Administration. Since she started with the Board July 31, 2008, her first major focus of activity has been the preparation of the 2009 - 2011 biennium budget for the Board. The deadline for submitting the Agency Request Budget as well other special reports, one of which was the Affirmative Action Plan, was August 1, 2008. She noted that we were late, but it will be turned in before the end of September.

Executive Director Gaines then reviewed the Board's Agency Request budget, which included a mandatory revenue shortfall package, as there was insufficient revenue to support all the Board's programs. The shortfall package in place does represent a reduction in personal services of about 2 1/2 full time equivalent (FTE) positions, frankly because the budget is predominantly personal services and that is the only way we could get the revenue shortfall package in place. To offset, we have two draft policy packages. The first policy package is for raising the death certificate filing fee and with that revenue, restoring back the 2 1/2 FTE positions. The second policy package is requesting budgetary authority to add an additional position, which means a total Board staff of six FTE positions.

The next administrative item had to do with staffing. Brandy Cochrane, one of our part-time investigators, left the Board, effective August 26, 2008, for personal reasons. Bill Bennington, our other part-time investigator, has also submitted his intent to retire again, which will be effective October 29, 2008, in order to allow the Board to hire a full time investigator. She said that we are going to miss both of them. We are understaffed and we are working with the Department of Administrative Services in order to address the open position and try to get that filled.

Executive Director Gaines then continued to the next section, Operational Summary, which included tables and statistics, that showed the total number of active licenses as of September 16, 2008 and then licensing transactions that have been executed, pursuant to delegated authority, things that did not require Board action, just an update on the status of licenses.

The next focus was on Compliance. She said that Lynne Nelson, Compliance Manager, is actually going to present this information later in the meeting, but from this point forward, this information will be included in the Executive Director's Report for the record.

Executive Director Gaines then discussed the 2007 - 2009 budget. June 30, 2008 was the end of Fiscal Year 2008, which is the first fiscal year of the biennium. We are actually running higher on expenses, particularly on personal services, which will exceed the available budget in part because this was an unanticipated expense increase when the budget was being developed over two years ago. Because of this, there is a possibility that we will have revenue issues within the current biennium, or before the start of the next biennium, but she said that she is working with the Budget and Management Division in order to project when that is going to happen. She said she will keep the Board fully informed, when she knows more.

Executive Director Gaines then discussed the final section of the Report, which included two draft legislative concepts, both coming out of the House Health Care Committee working session, which is being led by Representative Greenlick. These are being drafted because of some concerns that were raised around governance and practice in the Health Related Licensing Boards (HRLBs). Therefore, the Committee is looking at the full cluster of HRLBs, approximately 40 or so, of which the Mortuary and Cemetery Board is considered one as well.

The draft legislative concepts are looking at four general items, and she thought there were two that could impact the Board. Legislative Concept 1153 requires all HRLBs to implement an administrative rule that would establish or modify an impaired licensee program, an unfunded mandate at this point.

The second, Legislative Concept 1152, creates changes to all the statutes that speak to Board membership and appointment in that process. In summary, they have gone through all the statutes and basically reconciled them so that there is that consistency or standardization across all the HRLBs. Part of the concern was that on some Boards there were not enough public members. However, our Board actually has one of the highest rate for public membership with four members. The concept also normalizes the appointment process, adding senate confirmation, which would be new for us. She reported that last Tuesday, the Committee held a working session where they had testimony by invitation only. They are now looking for comments.

Executive Director Gaines said at the conclusion of her overview of the Report that in the future, she would not go through it in such detail. She asked if there were any questions.

President Cummings said no and thanked her. He then asked if there was a motion on the floor to approve the Executive Director's Report to the Board.

Barry Horowitz so moved. Charles Kurtz seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Kimoto, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

D. Public Comments

President Cummings then asked if there was any comment from the public. He then recognized Nancy Felton.

Ms Felton introduced herself as a member of the Cemetery Association of Oregon, and the manager of Crescent Grove Cemetery. She thanked Ms Gaines for attending and speaking at their annual convention last week. Ms Felton said that they really appreciated all the information she provided and the opportunity to meet with them and see what they do.

Executive Director Gaines thanked her. President Cummings asked if there was any other public comment. He then recognized Mark Stehn.

Mr Stehn noted for the record that he worked for Oregon Funeral Directors Association and he said that he wanted to personally welcome the Board's newest Board members. He then asked if the Board was taking a position on Legislative Concept 1152.

Executive Director Gaines said that this was the first time that the Board had seen the detail, and she did not think that they had enough time to have any discussion or have a position yet, and the concept is still in the draft stage.

Mr Stehn asked if the Board anticipated taking a position one way or another on these concepts.

Johanna Matanich, Board Counsel, then stated that Public Comment was really a time for the Board to receive comment from the public; it was not meant to be a question and answer session. She said that comments may be presented to the Board for their consideration and discussion if they find it appropriate.

President Cummings thanked her, and he then reported on the new Public Comment format established at this meeting. If someone from the public wished to speak before the Board, they would need to sign up at the beginning of the meeting and disclose the topic of their testimony. He then asked if the Board was willing to take a position on either of the two concepts.

After brief Board discussion, it was determined that these concepts were still in the draft stage, and that the Board needed additional information before taking a position.

President Cummings then asked the Board to proceed to the next scheduled agenda item. He then recognized Patricia Sweeney.

E. General Discussion Items

1. Spiral of Life Patricia Sweeney

Ms Sweeney said she did not know exactly why she was asked to speak before the Board today.

President Cummings said that the Board was interested in her business, Spiral of Life, and he asked that she speak to the Board about it in detail.

Ms Sweeney said that she specialized in assisting people with their right to have a home wake and funeral, as well as providing information about the natural burial options that are out there, different alternatives options and products. She said she would like to speak before the Board as two separate entities, one as herself, and the other on behalf of her business. She then said that she had created a file for her own home wake and funeral in case of her death. Upon her death, all her husband would have to do is go to her file, and inside that file would be all the paperwork that he would need, directions on how she would like that funeral to take place, directions on how to make the coffin, all the different things that he would need.

She said that there was one difficulty that she would like to ask the Board for their assistance on. Her husband is a quadriplegic, and he would not be able to complete the death certificate himself, because he is so severely disabled.

Ms Sweeney said that she needed to get her own paperwork taken care of before she could actually help anybody else. She wanted a clarification from the Board that it was okay for him to appoint someone else to fill out the death certificate.

President Cummings said he would take it under advisement, and requested that she provide an overview of her business.

Ms Sweeney said by nature she is an educator, a researcher, a teacher, and she wants to show people that having a home funeral or wake is totally doable. She wants to take the fear out of the way. She has found that people are interested in this subject. She said that she is willing to help with the kids, help with the food, willing to be assigned tasks, willing to be directed, willing to be supervised in anything that they needed her to do. She then said she had a couple more questions that she was interested in presenting to the Board.

Charles Kurtz then asked if it was possible to have these questions in writing.

Ms Sweeney asked if she could email her questions to the Board. She was directed to send her questions to the Board's email address: mortuary.board@state.or.us

Lynne Nelson asked Ms Sweeney for clarification on what she provides in her workshops, in order to try and understand what type of business Ms Sweeney operates.

Ms Sweeney said she distributes a copy of her file, which basically starts with the advance directive, describes the plans, how to make a casket too, and the product lines that are out there for caskets, to the natural burial cemeteries that are out there. She said she just gives them that so they can create their own file.

Compliance Manager Nelson asked her what she does when there has been a death, does she step in and how does she help the family at that time.

Ms Sweeney said she could not answer that until she received an answer to her question from the Board about her husband's inability to fill out the death certificate. She said that if you look at the death certificate form itself, it is extremely tiny to fill in, and there might be somebody out there who has bad eye sight, maybe they have Parkinson disease, maybe they have MS, so that is what she was asking the Board, they want to do everything else, but they might need to hire somebody to fill out the certificate, because they have poor eyesight.

Compliance Manager Nelson said that the Board needed specific instances of how she was helping people to do their final disposition arrangements so that the Board could look at the statute to see if that could be a violation.

Ms Sweeney said that she has already put out to the Board her main question and the Board will have to figure out if a person, for example her husband, if there is a law that prevented him from hiring somebody as he supervises them in filling out the death certificate, acting as a funeral service provider for payment.

Kevin Korn then asked if Ms Sweeney if she had been active in doing this for other families.

Ms Sweeney said yes.

Mr Korn asked if it was at the time of death.

Ms Sweeney said yes, she has.

Mr Korn asked if she was compensated for that.

Ms Sweeney said for the first year she was not taking any money, because she considered herself in her own graduate degree program and she was performing her own apprenticeship. She said at this moment that she was not taking any money, because she was in training, but that could change in a year from now.

President Cummings asked if there were any other questions from Board members. He then recognized Joncile Martin.

Ms Martin said that the basic question here is not if your husband can do this, but if you can do this. She asked if Ms Sweeney had met with a lawyer to review all the statues and

rules relative to the death care industry in order to make sure what she is doing is not violating any of those laws.

Ms Sweeney said she had already done that, and she is not violating any laws. She said she is educating people to act as their own funeral service practitioner.

Ms Martin said it may be clear in your mind, but it was not clear to the Board.

Ms Sweeney said that in her contracts, her customers sign a standard release form that they understand that they are acting as the funeral service provider. She said she makes it very clear, and that they must sign that they understand that before proceeding.

Ms Martin said that before the Board could make a determination on what we believe that you are doing is okay, she asked to see a copy of the lawyer's opinion and also copies of the contracts.

Ms Sweeney said Ms Martin was free to come to one of her workshops. She said she had to think about whether or not she would release any of her documents.

President Cummings thanked Ms Sweeney for her time.

2. 2009 Board Meetings and Exam Schedule

President Cummings then asked if the Board members had any comments on the 2009 schedule. Hearing none, he then asked the Board to proceed to the next scheduled agenda item.

3. Funeral Service Practitioner Exam History

After brief Board discussion, President Cummings then directed the Board to proceed to the next agenda item scheduled.

4. Consumer-Industry Advisory Committee

President Cummings noted for the record that this Committee has been meeting regularly and they have gone through the Board's Administrative Rule and are compiling changes that will be going before the Board soon. He said that they were making good progress. He asked if there were any questions. Hearing none, he directed the Board to proceed to the next item.

5. Farewell Assistance

President Cummings then recognized Janie Malloy.

Ms Malloy thanked him and said she was the owner of a business called Farewell Assistance. She said she provided strength and direction at the time of loss, and that it was done through consulting, event planning and also by providing general personal

assistance and some administrative assistance. For the consulting side of her business, she has clients who ask her about green burials, and green cemeteries. She then provided details to the Board of one recent consultation. The client was estranged from his family and he did not want any sort of a ceremony or a funeral, he just wanted someone to dig a hole somewhere on his private property of 20 acres. She was able to steer him to the laws that are or are not there, as far as being buried on private property, and then also was able to steer him to the forms that he downloaded off the internet to designate someone with the right to control disposition.

Ms Malloy also provided clarification if someone had questions. For instance, a woman emailed her that she did not have a very large estate, she did not really have enough money to open a trust, she did not have any heirs, and her question was who could she designate as an executor. Ms Malloy was able to tell her that she needed to talk to a certified public accountant, and if she did not have one, Ms Malloy would help her find one, who she could hire and have act as her executor.

Ms Malloy said that she also looks over funeral estimates for clients and helps them to keep the prices down. She said she recently saved a client \$1,400. She then provided details on event and memorial planning, and temporary personal assistance. If somebody's parent dies, and they live in another city, she said she could go in and take care of the deceased's pets, stop the newspaper, facilitate the mail being held, anything to help to stop the chaos until the family can get there and take care of it. She then asked if there were any questions.

Joncile Martin asked what Ms Malloy's background was.

Ms Malloy said that for the last eight years she had been working as an event planner. Before that, she lived in Los Angeles and worked for a landscaping company. She was previously on the board for the Los Angeles Arboretum, and has experience with organic vegetable gardens, herb gardens, vineyards, and fruit orchards. Her background is contracting and she is licensed in Oregon as a contractor. She said she is using her contracting experience to apply to this industry by helping ensure that people receive more services than are being provided.

Compliance Manager Nelson asked Ms Malloy what kind of help does she give to the families when a person has just died.

Ms Malloy said whatever they need quite frankly. If they needed her to clean out the refrigerator, she does that. Whatever they need, she follows their lead. If they need her to make phone calls, she makes phone calls. She tells them which companies that they can call to make arrangements to have their loved one transported.

Kevin Korn asked if when she was dealing with a family that is out of state, and if she was acting as their agent, is she dealing with the funeral home then.

Ms Malloy said yes, she certainly can, if that is what they want.

Lyn Stanger asked what happened when a death has occurred. Do you tell the family who to call?

Ms Malloy said it depended upon if they wanted the body cremated. If yes, then she would tell them which crematory had the best prices, as she had already researched the prices.

President Cummings asked if there were any more questions. He recognized Mark Stehn.

Mr Stehn asked if either of the two individuals were licensed, did they have a business license from their city, community, anything like that.

Ms Malloy said her business name was registered with the Corporation Division, but she did not have a business license.

Ms Sweeney said her business name was registered with the state as well.

Lyn Stanger asked if Ms Malloy received compensation for the assistance that she gives.

Ms Malloy said yes, except for home funerals, she does those for free.

Compliance Manager Nelson noted that Ms Malloy's website says home funerals prices varies, approximately \$600. She asked Ms Malloy if she helped obtain death certificates.

Ms Malloy said yes. In addition, she does write the obituary, if necessary.

Lyn Stanger asked Ms Malloy what would happen if a person died and there had been an autopsy and the family wanted a private home burial. How would you recommend that they make the transportation to their home, place the body into the casket, how would you recommend to that family how they could take care of that.

Ms Malloy said that they could contact an ambulance service; there are ambulance services that will transport for families. She said she might direct them to a funeral home, because an autopsied body is a big shock for people, and a home burial or a home funeral is not for everyone.

President Cummings asked if there were any other questions. Hearing none, he thanked Ms Malloy for her presentation, and he then directed the Board to take a short break, at 10:25 am.

President Cummings reconvened the general session at 10:37 am. He then asked for a moment of silence, as he had just learned that Byron Nudd had just passed away. After a moment's silence, he then requested Executive Director Gaines to proceed to the next scheduled agenda item.

6. 2009-2011 Affirmative Action (AA) Plan

Copies of the Board's AA Plan were distributed as a handout, and Executive Director Gaines said that the full plan was available on the Board's website. If anyone had any comments, she asked that they send them to her or they could give comment at the next Board meeting on the plan.

Executive Director Gaines said that this is one of the required special reports that is to be submitted as part of the budget process to the Governor's Affirmative Action Office, who will then critique and provide feedback based upon their criteria.

Executive Director Gaines drew the Board's attention to pages 4 and 5 of the Plan, and noted that the Board had adopted this Affirmative Action Policy in January 2007. She then focused on the 2007 - 2009 accomplishments. These accomplishments were based on the Plan that was presented to the Board back at the beginning of the current biennium. The goals and the strategies were also identified at that time, and those in italicized text are the specific actions that had been taken to date. We are half way through the period for this biennium, and so this is something that will need to be updated again at the end of the biennium.

Executive Director Gaines then briefly highlighted the three primary goals about maintaining the Board's commitment to affirmative action through the continued development and adherence of the AA Plan. She said it was recommended that we actually review the AA Plan at least on an annual basis and that everyone involved with the Board be familiar with it. She said she will report out on progress towards goals in a general session meeting, at least once per year, in order to comply with that mandate. She is recommending that it be scheduled ahead of time so that anyone can attend and hear the discussion. She said that we are also going to be sure to schedule specific staff meetings at least quarterly for specifically discussing the Plan or any of our activities or the status of goals, so not just on an ad hoc basis, but specifically to address the Plan and our objectives at staff level. She then asked if there were any questions or comments from the Board.

After brief discussion on who should be listed in a protected class, Executive Director Gaines said she would list out all of them in the future. She continued by saying that we would schedule at least one training for Board and staff members focused on how to identify and value the different types of diversity, and how does that have a role in the workforce and how do we make best use of that on the Board and in the community. And to schedule at least one meeting with stakeholders as well that explores access and diversity within the industries and the services that we regulate as well as the overall population. She asked if there were any questions.

Lyn Stanger asked if we could explore having a designated presenter. Executive Director Gaines thought that was a great idea.

President Cummings thanked Executive Director Gaines and asked her to proceed to the next agenda item.

7. FY07 & FY08 Key Performance Measures (KPM) Report

This report was distributed as a handout. Executive Director Gaines said that as part of the budgeting process, we are supposed to submit an Annual Performance Progress Report (APPR). The table that is at the top reflected the key performance measures that were adopted as part of the current biennium, 2007 - 2009. There are four key performance measures, these have been in effect in the Board for a while, as well as the customer service one which had been adopted mid-term. We are clearly not moving enough. She provided a summary of our progress on these key performance measures. She asked if there were any questions.

Charles Kurtz asked why our inspection goal was not 100%.

Executive Director Gaines said that it was ultimately, but the goals are the targets. They were set at something that was achievable, with the understanding that they would build up over time.

President Cummings then directed the Board to move to the next agenda item. He recognized Kevin Korn and Teri Dresler.

8. Board Best Practice KPM

Mr Korn said that the State is recommending key performance measures for all boards and these were some of the points that he and others came up with. Some have been implemented in the past, and some have not. This is testing whether or not the Board members have the information that they need in the different areas to effectively answer those questions, so if someone doesn't have enough information, then the answer should be no.

Ms Dresler said that we should be doing this annually, as this looks back at the past fiscal year and if we don't come to consensus for each of these, then we report out that we've rated it no for that category as a whole. Then we could look at what do we need to do to get from a no to a yes, and what would the performance indicators be that we needed to be seeing.

After brief Board discussion, it was decided that the assessment criteria of the goals and expectations for both the Executive Director and the Board overall are to be formerly reviewed at a Board meeting at least once a year, in January or March.

Executive Director Gaines said it was intended to ensure that we as a Board are governing effectively based upon best practices, which is the intent, it is not intended to be frustrating.

President Cummings then asked that all Board members, with the exception of the newest Board members, Mr Horowitz and Mr Phelps, to turn their completed responses in before they leave today. He then directed the Board to proceed to the next agenda item. He recognized Compliance Manager Lynne Nelson.

9. Status of Open Cases and Inspection Statistics

Compliance Manager Nelson then discussed the latest statistics. She asked if there were any questions or comments.

Hearing none, President Cummings thanked her. He then directed the Board to proceed to the next scheduled agenda item.

F. Consent Items

President Cummings asked if the Board if they had any questions or comments before voting. He recognized Lyn Stanger.

Ms Stanger said that she had a potential conflict on Consent Items F1c and F4c and F4g.

President Cummings thanked her and asked if there was a motion on the floor. He recognized Michael Kimoto.

Mr Kimoto recommended and so moved that the Board approve all agenda items under F, except for agenda items F1c, F4c, and F4g. Mr Kurtz seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Kimoto, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

Mr Kimoto then recommended and so moved that the Board approve agenda items F1c, F4c and F4g. Kevin Korn seconded. Ms Stanger recused herself due to a conflict of interest, as it involved her business. All others were aye and the motion carried. Those voting in favor: Members Cummings, Dresler, Horowitz, Kimoto, Korn, Kurtz, Martin, Phelps, Wentzel. Those abstaining: Member Stanger. Those voting no: none.

Before continuing on to Board business, President Cummings recognized Patricia Sweeney.

Ms Sweeney asked how did someone interact with the Board, when someone from the public has a question, which is not a comment.

Johanna Matanich, Board Counsel, explained that the Public Meetings Law allowed the public access to attend Board meetings, so the public could view the Board doing its business, except for those items that are authorized for executive session. There is no requirement in the law for the Board to be answering questions from the public.

President Cummings then requested that the Board take a short break, at 11:34 am.

President Cummings then reconvened the general session of the Board meeting back to order at 11:45 am. He then directed the Board to proceed to the next agenda item. He recognized Compliance Manager Lynne Nelson.

F. Action Item

Special Request

Request to permit a funeral service practitioner to manage a funeral establishment while, at the same time, serving an embalmer apprenticeship under a supervisor who works and is located at another funeral home.

Compliance Manager Nelson said that the question before the Board is whether or not the current rules and statutes permit Mr McCune to manage one facility, while at the same time serving an embalmer apprenticeship, which requires 30 hours of work under a supervisor at another facility. She asked if the Board needed additional information before voting.

After brief Board discussion of the distance involved between the two facilities, the minimum hours required as an embalmer apprentice, was this in the public interest or for the economic benefit of the owner, Mr Korn recommended and so moved to deny the request. Mr Phelps seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Kimoto, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

President Cummings then requested that the Board adjourn general session at 12:24 pm. He then directed the Board to enter into executive session as authorized under ORS 192.660(2)(a), (b), (f), (h), (i) and / or (k).

III. Executive Session as authorized by ORS 192.660(2)(a), (b), (f), (h), (i) and / or (k)

The executive session adjourned at 1:45 pm.

IV. General Session

President Cummings then called the general session of the Board back to order at 1:45 pm. He said that the attendance was still the same for Board members, except for Michael Kimoto, who had to leave at the end of executive session. He recognized Kevin Korn.

Investigations

Mr Korn stated that the full Board, during executive session, recommended and he so moved, that the Board take no action on **2007-1026A, B; 2007-10053A-D; 2008-1005; 2008-1008A,B; 2008-1014A, B; 2008-1028A, B; and 2008-1049A-G**. Mr Wentzel seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

2008-1039 - Mr Korn stated that the full Board, during executive session, recommended and he so moved, that the Board initiate Disciplinary Action on this case. Ms Dresler seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

2008-1048A, B, C, D - Mr Korn stated that the full Board, during executive session, recommended and he so moved, that the Board take no action on 2008-1048A, 2008-1048B, but initiate Disciplinary Action on 2008-1048C and 2008-1048D. Ms Dresler seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

2008-1051 - Mr Korn stated that the full Board, during executive session, recommended and he so moved, that the Board deny the application. Mr Wentzel seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

2008-1052 - Mr Korn stated that the full Board, during executive session, recommended and he so moved, that the Board deny the application. Mr Horowitz seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

2008-1053 - Mr Korn stated that the full Board, during executive session, recommended and he so moved, that the Board accept the application. Ms Dresler seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

2008-1026A, B - Mr Korn stated that the full Board, during executive session, recommended and he so moved, to allow the applicant to withdraw their application, and that the Board close this case without prejudice. Mr Kurtz seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Horowitz, Korn, Kurtz, Martin, Phelps, Stanger, Wentzel. Those voting no: none.

There being no further business, President Cummings adjourned the meeting at 1:53 pm.