

**OREGON MORTUARY AND CEMETERY BOARD MEETING  
VIA TELEPHONE CONFERENCE CALL**

800 NE Oregon Street, Room 445  
Portland OR 97232

**APRIL 14 2009**

**FINAL SPECIAL GENERAL SESSION  
MEETING via TELEPHONE CONFERENCE CALL**

(Revised May 21 2009)

**Board Members Present:**

Jon Cummings, President  
Pamela Wachter, Vice President  
Joncile Martin, Secretary / Treasurer  
Teri Dresler  
Kevin Korn  
Joncile Martin  
Erin Phelps  
Lyn Stanger  
Dwight Terry  
Robert Wentzel

**Staff Members Present:**

Michelle Gaines, Executive Director  
Lynne Nelson, Compliance Manager  
Carla Knapp, Office Manager / Licensing

**Board Members Absent:**

Barry Horowitz  
Charles Kurtz

**Staff Members Absent:**

William Bennington, Investigator  
Merill Cray, Investigator

**Guests Present:**

None

**I Call To Order**

President Cummings called the special general session of the Mortuary and Cemetery Board (Board) to order at 9:00 am via a telephone conference call. After roll call, he noted for the record that Barry Horowitz's absence was excused and there were no members of the public in attendance.

**II Special General Session**

President Cummings said that the purpose of this special meeting was for the Board to approve the Notice of Proposed Rulemaking and Hearing, Statement of Need and Fiscal Impact and the Proposed Rule Amendments prepared by staff. He then recognized Executive Director Michelle Gaines.

Director Gaines stated that staff had reviewed the proposed recommendations presented to the Board by the Consumer-Industry Advisory Committee at the January 2009 Board meeting. At this meeting, we were identifying only the rule changes that could be moved forward without the need for further question or workgroup work. She asked if the Board had any questions.

Hearing none, President Cummings directed Compliance Manager Lynne Nelson to proceed.

Manager Nelson stated that the proposed rulemaking documents needed to be approved by the Board before they were submitted for the May 1st 2009 publication in the Secretary of State's *Oregon Bulletin*. The deadline for submission was April 15 2009.

The proposed rules recognize industry changes in practices and terminology, corrects outdated references to various statute numbers and corrects the date of Administrative Procedures Act uniform Model Rules. The proposed rules also reflect statutory changes in ORS 692 and ORS 97 in relation to apprenticeship. Plain language statutory mandates (spelling, grammar, etc) are also proposed.

The first document before the Board was the appointment of the Agency's Rules Coordinator, as the previous Executive Director was the rules coordinator of record.

(For the record, Erin Phelps joined the telephone conference.)

The next document was the Notice of Proposed Rulemaking and Hearing, a one page document, which is required for public notice and is published in the *Oregon Bulletin*. It also includes the May 20 2009 Hearing Date.

Manager Nelson then asked if the Board had any questions or comments before she reviewed the Proposed Rule Amendments with the Board in detail. Hearing none, she stated that the first portion clarified / updated industry terminology and practices, updated statute numbers that reflect statute changes and implementing plain language.

Discussion followed on the difference between the legislature passing bills that the Governor signs into law, and the rulemaking process for boards and state agencies. Some boards hold rulemaking hearings every month in order to ensure that their rules are accurate and up to date.

After detailed review of the proposed rule amendments, staff was directed to revise the Proposed Rule Amendments to reflect the Board's changes and submit for publication in the *Oregon Bulletin*.

President Cummings then asked if there was a motion on the floor to approve moving forward with the proposed rulemaking documents. He recognized Kevin Korn.

Mr Korn so moved. Pamela Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Dresler, Korn, Martin, Phelps, Stanger, Terry, Wachter, Wentzel. Those voting no: none.

Discussion followed regarding Senate Bill 796. Executive Director Gaines said she would keep the Board informed as to the status of this bill.

President Cummings then thanked everyone for their participation and asked if there was anything else that needed to be brought before the Board. Hearing none, he adjourned the meeting.

ADJOURNMENT - The meeting via a telephone conference call was adjourned at 2:28 pm.