



JULY 31 2015 General Session Meeting Minutes FINAL approved by Board Sep 29 2015
(Revised August 20 2015)

Board Members Present: Dwight Terry, President; Jane Woodward, Vice President; Laurie Goolsby, Secretary / Treasurer Nancy Corr; Larry Gyure; Marie Henry; Judy Juntunen; Kevin Loveland, RCA Moore, Morris Pearson.

Board Members Absent: Sirpa Duoos, excused.

Staff Members Present: Michelle Sigmund-Gaines, Executive Director; Marianne Itkin, Investigator; Chad Dresselhaus, Compliance & Education Program Manager; Brenda Biggs, Compliance Specialist; Tyler Anderson, AAG; and Carla Knapp, Office & Licensing Manager.

Staff Members Absent: None.

Guests: Melisa McDonald, Metro; Jeanne Staehli, Oregon Memorial Association (FCAO); Kim Morley, CAO; and Nancy Felton, Crescent Grove Cemetery.

I Call to Order

The General Session of the Mortuary and Cemetery Board (Board) was called to order at 9:06 am, in Pendleton. After roll call, President Terry recognized Melisa McDonald.

II General Session

A Metro Presentation

Ms McDonald provided a status update of Metro's Historic Cemetery Program.

B Approval of Meeting Minutes

1 Board Regular Meeting Minutes, Draft - March 31 2015.

President Terry asked if there were any corrections, questions or comments on the subject draft meeting minutes. Hearing none, he then asked if there was a motion on the floor to accept the subject minutes as prepared. He then recognized Member Corr.

Member Corr so moved. Member Goolsby seconded. President Terry asked if there was discussion. Hearing none, he then asked those in favor to signify by saying aye. All were aye and the motion carried unanimously. Those voting in favor: Members Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward. Those voting no: none.

2 Board Meeting via Teleconference Minutes, Draft - April 1 2015.

President Terry asked if there were any corrections, questions or comments on the subject draft meeting minutes. Hearing none, he then asked if there was a motion on the floor to accept the subject minutes as prepared. He then recognized Member Loveland.

Member Loveland so moved. Member Woodward seconded. President Terry asked if there was discussion. Hearing none, he then asked those in favor to signify by saying aye. All were aye and the motion carried unanimously. Those voting in favor: Members Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward. Those voting no: none.

C President's Comments

1 New Board Member Introductions

President Terry then welcomed and introduced Marie Henry and RCA Moore. Member Henry will be representing the Cemetery Operator (For Profit) position on the Board, replacing David Noble. Mr Moore will be representing one of the Public Member positions on the Board, replacing Chad Dresselhaus.

2 Chief Financial Office's GOLD Star Accounting Award for 2014

The subject Certificate is awarded to state agencies that provide accurate and complete fiscal year end information in a timely manner. This Certificate is Oregon's equivalent to the nationally recognized GFOA Certificate of Achievement for Excellence in Financial Reporting. President Terry explained that the Board earned this award because of the outstanding service provided by Board staff.

D Presentation and Approval of Executive Director's Report for July 2015

Director Sigmund-Gaines reviewed in detail the Report that was included in the Board packet. She then asked if there were any questions.

After Board discussion, it was noted that the data needs to be corrected (flipped) for Alternative Disposition Co and Immediate Disposition Co under Inspections completed since last meeting.

President Terry then asked if there was a motion to approve the Report as revised, noting that for the third time in the Board's history, that the approval of an extension of case reporting for up to an additional 60 days under ORS 676.165 would not be required as there were no cases that needed an extension. He then recognized Member Goolsby.

Member Goolsby so moved. Member Pearson seconded. President Terry asked if there was discussion. Hearing none, he then asked those in favor to signify by saying aye. All were aye and the motion carried unanimously. Those voting in favor: Members Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward. Those voting no: none.

E Public Comment

President Terry stated that the Board welcomed public comments, but stipulated that questions would not be considered at this time. Noting that no one had signed up for public comment, he then welcomed and thanked each of the members of the audience for their attendance.

F General Discussion & Action Items

1 Board Treasurer Annual Review of Finances & Financial Controls Report

Secretary / Treasurer Goolsby reported that she verified with Manager Knapp before the Board meeting that Board staff are continuing to use the same kinds of checks and balances for any monies that come into the Board's office (cashiering and deposit procedures) and the system works fine, there is no reason to change it. Manager Knapp is still sending the monthly financial reports to her, as well as to the Board President. Basically, everything is status quo and looks good.

2 Board Best Practices Vote & Discussion

The Board is required to implement performance measures and conduct an annual self-assessment against "Best Practices Criteria" as laid out by the Department of Administrative Services. The Board is required to report the percent of total best practices met by the Board (percent of yes responses) in the Annual Performance Progress Report as specified in the Board's budget instructions. If consensus is not achieved, the Board is required to record the response as "no."

The Board Best Practices form has been included in each Board member's packet, in order to help remind Board members when applicable topics are discussed, or should be discussed.

Manager Dresselhaus distributed the self-assessment to each of the Board members for Fiscal Year (FY) 2015 (July 1 2014 - June 30 2015), with the request to complete and return to him, so that he could tally and then turn over to Vice President Woodward. She will then confirm the tally, and then report out if the Board met or not. The self-assessments are anonymous. He asked if there were any questions.

After Board discussion, staff was directed to schedule training sessions for case review, industry terminology, and technology related (iPads) the day before each Board meeting. Vice President Woodward then reported that the percent of total best practices met by the Board was 100%.

3 Legislative Update - 2015 Session

Director Sigmund-Gaines reviewed the 2015 End of Session Report for the bills that were passed, provided status update and said she would report back if there was any impact to Board licensees. She reported that the one bill that didn't pass, HB 3056 (crematory related), would probably come back in an upcoming session.

4 2015 - 2017 Legislative Adopted Budget (LAB)

Director Sigmund-Gaines reported that the Board's budget bill, HB 5023, passed. She noted that the LAB budget will be available for review upon request at the Board's office. It will also be published to the Board's website.

5 Policy Discussion

Director Sigmund-Gaines noted that this would be deferred to the next Board meeting.

6 APPR & Key Performance Measures Report

Director Sigmund-Gaines reported out on the Board's four key performance measures for FY 2015: 1) Facility Inspections, 79% (Percent of licensed facilities inspected not less than once per biennium.); 2) Complaint Investigations, 100% (Percent of investigative reports completed within six months of a complaint from any person against a licensee.); 3) Customer Service, 93% (Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.); and 4) Best Practices, 100% (Percent of total best practices met by the Board.) She said that the Board needed to develop a better survey, and she recommended that it be included in future OMCB E-News, the Board's newsletter.

7 Administrative Fee Schedule

Manager Knapp asked the Board to review the copy of the Administrative Fee Schedule which was included in the Board packet. Four years ago, the Board removed this fee schedule from the Board rules, with the understanding that it would be published on the Board's website. Once approved, it would be reviewed yearly, during July Board meetings. She reported nothing has changed since they were adopted last July, and she was looking for a motion to approve as prepared.

Member Goolsby so moved. Member Corr seconded. President Terry asked if there was discussion. Hearing none, he then asked those in favor to signify by saying aye. All were aye and the motion carried unanimously. Those voting in favor: Members Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward. Those voting no: none.

8 Continuing Education Program Update

Manager Dresselhaus reported that this program has been on hold during the height of the Legislative session, given the workload generated to shepherd and support the high number of bills. It may be pushed out until early 2016 because of the need to focus on administrative rulemaking related to new legislation that must be in place by January 1 2016. Next step will be to apply all feedback from last round of administrative rulemaking, making changes to address concerns and questions, develop a working prototype, as requested, as to what specifically the program will require and how it will function.

Then initiate a second public hearing process for feedback on updated program design and prototype, and then Board review and consideration of program.

President Terry thanked him and then requested that the Board adjourn General Session at 11:33 am, for the purpose of entering into Executive Session.

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

President Terry then directed the Board to enter into executive session at 11:34 am to review and evaluate the job performance of the Executive Director and also to consider information obtained as part of an investigation of licensee or applicant conduct. Board staff was directed to leave the room during the performance evaluation. The executive session is held pursuant to ORS 192.660(2)(a), (b), (f), (h), (i) and / or (k). Representatives of the news media and designated staff are allowed to attend the executive session, but all other members of the audience would be asked to leave the room. Representatives of the news media would be specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision can be made in executive session. At the end of the executive session, the Board will return to open session and welcome the audience back into the room. Assistant Attorney General advice would be provided. Executive session adjourned at 3:50 pm.

IV General Session - Board actions as result of Executive Session.

President Terry called the general session of the Board back to order at 3:51 pm. All Board members who were in attendance for the earlier general session were present. No members of the public had returned from the earlier public session.

G Advice of Counsel regarding Immediate Disposition Company Policy for Location Changes

The policy question before the Board is when an IDC is moving their facility to a new suite in a current building, and therefore is changing the suite number only, and no other part of the physical address, can this be treated as a change of address rather than an application for new license? Licenses are issued to specific physical locations, and so when a facility moves, typically a new application and inspection is required. In this case, the main physical location is not changing, but the IDC is moving from one suite in the building to another nearly identical suite on a different floor. Everything else is remaining the same. Of note, IDC's cannot hold or prepare remains and so do not have preparation or holding rooms, which means an inspection is therefore less intensive.

After advice of Counsel, and brief Board discussion, the Board will allow this location change to be treated as a change of address and directed staff to process and then bring back to the Board for ratification.

H Investigations

President Terry asked the Board to review the Executive Session Schedule which was included in the Board packet. He then asked Board members to report if they had an actual or potential conflict with any of the cases before voting on each item. President Terry reported that the Board had considered these cases during Executive Session, and called for a motion and vote for each.

1 2015-1026A, B and C - No action.

Moved - Terry. Second - Corr. No discussion.

For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry.

Against: None.

Recused: Woodward.

Motion Passes: 9 - 0.

- 2 2015-1029A and B** - No action.
Moved - Terry. Second - Pearson. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 3 2015-1031** - No action.
Moved - Terry. Second - Juntunen. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 4 2015-1032** - No action.
Moved - Terry. Second - Juntunen. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 5 2015-1033** - No action.
Moved - Terry. Second - Juntunen. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 6 2015-1034** - No action.
Moved - Terry. Second - Juntunen. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 7 2015-1035A and B** - Action.
Moved - Terry. Second - Corr. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Pearson, Terry, Woodward.
Against: None.
Recused: Moore.
Motion Passes: 9 - 0.
- 8 2015-1040A and B** - No action.
Moved - Terry. Second - Goolsby. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 9 2015-1042A and B** - No action.
Moved - Terry. Second - Goolsby. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 10 2015-1043** - No action.
Moved - Terry. Second - Goolsby. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.

- 11 2015-1044A, B and C** - No action.
Moved - Woodward. Second - Moore. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Woodward.
Against: None.
Recused: Terry.
Motion Passes: 9 - 0.
- 12 2015-1046A and B** - Action.
Moved - Terry. Second - Goolsby. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 13 2015-1021** - Ratify Staff's action.
Moved - Terry. Second - Corr. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 14 2015-1024** - Ratify Staff's action.
Moved - Terry. Second - Corr. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 15 2015-1025** - Ratify Staff's action.
Moved - Terry. Second - Corr. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 16 2015-1037** - Ratify Staff's action.
Moved - Terry. Second - Corr. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.
- 17 2015-1047** - Ratify Staff's action.
Moved - Terry. Second - Corr. No discussion.
For: Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Against: None.
Motion Passes: 10 - 0.

Cases from July 7 2015 (for revote due to second not being recorded):

- 1 2015-1007A and B** - Action.
Moved - Terry. Second - Corr. No discussion.
For: Corr, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Abstained: Goolsby, Gyure.
Against: None.
Motion Passes: 8 - 0.

- 2 2015-1012 - Action.**
Moved - Terry. Second - Loveland. No discussion.
For: Corr, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Abstained: Goolsby, Gyure.
Against: None.
Motion Passes: 8 - 0.
- 3 2015-1017A, B and C - No Action.**
Moved - Terry. Second - Corr. No discussion.
For: Corr, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Abstained: Goolsby, Gyure, Henry.
Against: None.
Motion Passes: 7 - 0.
- 4 2015-1027 - No Action.**
Moved - Terry. Second - Loveland. No discussion.
For: Corr, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Abstained: Goolsby, Gyure.
Against: None.
Motion Passes: 8 - 0.
- 5 2015-1028 - Ratify Staff's action.**
Moved - Terry. Second - Pearson. No discussion.
For: Corr, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Abstained: Goolsby, Gyure.
Against: None.
Motion Passes: 8 - 0.
- 6 2015-1038 - Ratify Staff's action.**
Moved - Terry. Second - Pearson. No discussion.
For: Corr, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Abstained: Goolsby, Gyure.
Against: None.
Motion Passes: 8 - 0.
- 7 2015-1041A and B - Ratify Staff's action.**
Moved - Terry. Second - Pearson. No discussion.
For: Corr, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward.
Abstained: Goolsby, Gyure.
Against: None.
Motion Passes: 8 - 0.

I Approval of Meeting Minutes

1 Board Meeting by Teleconference Minutes, Draft - July 7 2015.

President Terry asked if there were any corrections, questions or comments on the subject draft meeting minutes. Hearing none, he then asked if there was a motion on the floor to accept the subject minutes as prepared. He then recognized Member Corr.

Member Corr so moved. Member Moore seconded. President Terry asked if there was discussion. Hearing none, he then asked those in favor to signify by saying aye. All were aye and the motion carried unanimously. Those voting in favor: Members Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward. Those voting no: none.

2 Licensing Actions

President Terry asked if there were any questions or comments on this agenda item. Hearing none, he asked if there was a motion on the floor to accept the subject Licensing Actions as prepared. He recognized Member Corr.

Member Corr so moved. Member Gyure seconded. President Terry asked if there was discussion. Hearing none, he then asked those in favor to signify by saying aye. All were aye and the motion carried unanimously. Those voting in favor: Members Corr, Goolsby, Gyure, Henry, Juntunen, Loveland, Moore, Pearson, Terry, Woodward. Those voting no: none.

Having no further business, President Terry adjourned the meeting.

V Adjournment - the meeting adjourned at 4:06 pm.