



**JULY 24 2012 *DRAFT* General Session Meeting Minutes**  
(Revised September 13 2012)

**Board Members Present:**

Kevin Korn, President  
Erin Phelps, Secretary / Treasurer  
James Campbell  
Larry Gyure  
Joncile Martin  
Lyn Stanger (via telephone)  
Pam Wachter

**Staff Members Present:**

Lynne Nelson, Compliance Manager  
Robert Magill, Investigator  
Brenda Biggs, Compliance Specialist  
Carla Knapp, Office / Licensing Manager  
Johanna Riemenschneider, AAG

**Board Members Absent:**

Laurie Goolsby, excused  
David Noble, excused  
Dwight Terry, Vice President, excused

**Staff Members Absent:**

Michelle Gaines, Executive Director

**Guests:**

Deon Strommer, 1st Call Plus  
G C Collins, PCC  
Chad Dresselhaus, AFCTS

McKendree Strommer, 1st Call Plus  
Barbara Rose Kaplan, Death Education & Doula  
Steve Beaven, The O

**I Call to Order**

The General Session of the Mortuary and Cemetery Board (OMCB) was called to order at 9:00 am.

**II General Session**

**A Approval of Meeting Minutes**

**General Session Meeting Minutes Draft - May 22 2012**

After roll call, President Korn asked if there were any corrections, questions or comments on the subject draft meeting minutes as prepared. He recognized Member Stanger.

Member Stanger asked that the minutes on page 8 be corrected to show that the remains are being sent to the Oregon State Medical Examiner's Office in Clackamas County, not the Lane County Medical Examiner's Office.

President Korn thanked her. He asked if there were any other corrections. Hearing none, he asked if there was a motion to approve as corrected. He then recognized Ms Wachter.

Ms Wachter so moved. Member Phelps seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Phelps, Stanger, Wachter. Those voting no: none.

## **B President's Comments**

### **1 Introduction of New Board Members**

President Korn noted that two new Board members were appointed by the Governor's Office, James Campbell and Larry Gyure.

James Campbell is the Board's newest public member, filling a position vacated by Barry Horowitz, whose term ended December 31 2011. Mr Campbell appreciates the importance of having non-industry voices represented in our state's boards as well as the expertise and knowledge that industry members bring. Mr Campbell has a degree in History and Government from Southwestern University in Georgetown, Texas and proudly calls Portland home. Running, gardening, raising chickens, local art and food all compete for his attention.

Larry Gyure will be filling the Cemetery Operator (Special District) position that was vacated by Teri Dresler, after her term expired December 31 2011. Mr Gyure works in Estacada as a Sexton for the Estacada Cemetery District, one of the few towns that formed a cemetery district back in the 70s. In his spare time, Larry has installed a 36 niche columbarium at the IOOF Odd Fellows Cemetery and developed a 14 plot green burial site at the George Cemetery. As Sexton for the district, Mr Gyure is responsible for maintaining and operating seven cemeteries (just over 13 acres). Since he is the sole employee, he stays pretty busy, and at times, it can bring him down, but at the end of the day, he is glad to be there for the families when they need someone who cares and puts their needs first. Being a part of this Board will give him another way to make this happen.

President Korn thanked them both for their future involvement.

### **2 Kudos**

Last August, the Board was approached by Michael Jordan, Director of the Department of Administrative Services and the Governor's Chief Operating Officer, regarding a team he was putting together to work on the Governor's top five initiatives and other projects, one of which was to address a legislative budget note from the 2011 Legislative Session that required a 10% overall reduction statewide in administrative services. COO Jordan asked Ms Gaines if she would be willing to work on the reduction project. She accepted the offer, contingent upon her continuing to play an advisory, supportive role with the Board.

In May of this year, Ms Gaines returned as Executive Director of this Board. Since she has returned to the Board, she is continuing to assist the Governor's Office by providing interim Executive Director support for the Psychologists Examiner's Board. As a result of her helping the Governor's Office, Director Jordan sent a letter to the Board, which President Korn read into the record as follows:

"Dear Mr Korn and Board, thank you for your recent support allowing Michelle Gaines to provide interim leadership to the Psychologist Examiners Board. Michelle's influence has again reached beyond the Oregon Mortuary and Cemetery Board. I appreciate your willingness to assist the Enterprise during the time of need. Don't hesitate to call if we need anything."

President Korn said that Ms Gaines continues to be an invaluable asset to this Board. The Board agreed.

### **C Presentation and Approval of Executive Director's Report for July 2012**

Manager Nelson reviewed in detail the Report that was distributed as a handout, which included the Aging Report list (approval of an extension of case reporting for up to an additional 60 days under ORS 676.165). She asked if there were any questions. (For the record, Member Martin arrived.)

Hearing none, President Korn asked if there was a motion to approve the Executive Director's Report. He recognized Member Wachter. Member Wachter so moved. Member Martin seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger, Wachter. Those voting no: none.

### **D Public Comments**

President Korn stated that the Board welcomed public comments, but stipulated that questions would not be considered at this time. After members of the audience introduced themselves to the Board, the Board heard public comment from Craig Collins regarding regulating first call services. After thanking everyone for their attendance and Mr Collins' for his comment, he asked Manager Nelson to continue on to the next agenda item.

### **E General Discussion & Action Items**

#### **1 Policy Subcommittee Progress**

Manager Nelson reported that the July Subcommittee meeting was cancelled, due to scheduling conflicts for the majority of committee members. The Subcommittee had talked previously about developing a legislative concept that would regulate the first call removal personnel so that we could conduct backgrounds on them, because they are the first point of contact with the family. Since the Subcommittee hasn't talked about the first call companies themselves falling under the Board's jurisdiction, she would bring to the next Subcommittee meeting for discussion.

#### **2 Administrative Fee Schedule**

Since this schedule has been removed from rules, Manager Nelson reported that she had a survey done of what other boards are charging for administrative fees for copies of meeting minutes, mailing labels, public records requests, or any other items that take staff time or our resources. She had expected to bring a draft fee schedule to the July Policy Subcommittee meeting for their review before submitting it to the Board for their approval, but since the Subcommittee meeting was cancelled, she is bringing it directly to the Board. Once approved, it will be published on the Board's website and reviewed yearly, during July Board meetings. After review and brief discussion and revision to the handout, President Korn asked if there was a motion to approve the revised schedule. He then recognized Member Martin.

Member Martin recommended, and she so moved, that the Board adopt the Administrative Fee Schedule as revised. Member Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger, Wachter. Those voting no: none.

### **3 Licensing Fee Request for Refund**

Due to the recent death of one of the Board's licensees, the widow is requesting that the Board refund her husband's licensing fees, since he died three months into the 24 months licensing cycle. Manager Nelson noted that the Board does not have statutory authority to refund fees in these types of circumstances, and would require a legislative concept to allow future refunds. Discussion followed as to how often this would happen, how other licensing boards handle this issue, how many months would be allowed before the refund would not be allowed, how much staff time would this take, who would the fees be refunded to, the licensee's estate or surviving relative. The Board then decided not to pursue a concept.

### **4 2013 - 2015 Budget Biennium Preparation & Document Review**

Manager Nelson reported that the Board's Agency Request Budget is due in Salem by August 31 2012, and since Director Gaines was out today, and the budget documents themselves are not yet available, a special teleconference meeting will need to be held sometime in August in order for final Board review. Staff will contact Board members to determine a date and time. Agencies have received direction to submit a budget that is based on current service level and it includes an option for 10% reduction (the last is standard). Director Gaines is working up material that explores different scenarios over the next six years and will present at the August meeting.

### **5 Indigent Burial Fund Administration**

The Department of Human Services (DHS) has asked us to consider taking over the indigent burial reimbursement fund program. Discussion followed as to why DHS was designated the administer of this fund, how the Board could improve the current process, how much staff time this would involve issuing invoices and collecting payments, current issues revolving around nonpayment of delinquent death certificate filing fee invoices by licensees, how the current definition of indigent needs to be reviewed and revised, and the need to educate both the public and licensees as to the true purpose of this fund. Once the Board has finalized the indigent disposition process and definition, a legislative concept will be necessary, if the Board is interested in administering this program, targeting 2014 Legislative Session. Or the Board could use an agency bill if one is available during the 2013 Legislative Session.

### **6 2013 & 2014 Legislative Sessions Discussion**

Manager Nelson said during the last legislative session, Representative Hoyle led a workgroup for the regulation of non-anatomical recovery organizations, and she has promised to do so this legislative session. So we do expect the House Health Committee to hold workgroup for this topic for interested parties in January 2013.

President Korn asked staff to provide a link on the Board's website to the "Body wranglers at work: Inside the global trade in human corpses" video created by The

International Consortium of Investigative Journalists. He said that this would be good for both the general public and the licensees to watch, especially for licensees, as it does raise questions that without regulation, without oversight, Oregon licensees are putting their license on the line accommodating these entities. This has been a real concern with licensees.

Manager Nelson said that staff would also like to target 2014 or an interim session, for a bill to address various fixes in our statute, Oregon Revised Statutes chapter 692, where "other means of disposition" wasn't added where it was also needed, when dissolution became another form of final disposition. She said that they will work the detail in the Policy Subcommittee meetings, and then bring to the full Board for their review and approval.

**F Licensing Actions** - Requests for transfer of Apprenticeship, License, Certificate or Registration Application and Change of location, Name Changes, etc.

President Korn asked the Board to review the agenda items identified on the July 24 2012 Licensing Actions Revised document, that was distributed as a handout during the meeting. He asked if there were any questions or comments. Discussion followed regarding reciprocal applicants listed on the agenda with an asterisk. Applicants for FSP license via reciprocity need to take and pass the FSP Exam as well as receiving Board approval before staff can issue a license. The asterisk indicates that the applicant needs to successfully pass the FSP exam before Board approval can be granted. Discussion followed regarding apprentices. Staff was directed to identify the first names of all apprentice supervisors, instead of just using an initial for their first name. President Korn then asked if there were any other concerns. Hearing none, he asked if there was a motion on the floor. He recognized Member Wachter.

Member Wachter recommended, and so moved, that the Board approve the Licensing Actions agenda items under **F1, F2, F5, F6 and F8**. Member Martin seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger, Wachter. Those voting no: none.

President Korn then requested that the Board adjourn general session at 9:55 am, for the purpose of entering into executive session, which included a working lunch.

### **III Executive Session**

After a brief break, President Korn then directed the Board to enter into executive session as authorized under ORS 192.660(2)(a), (b), (f), (h), (i) and / or (k). Executive session adjourned at 12:40 pm.

### **IV General Session**

President Korn called the general session of the Board back to order at 12:41 pm. All Board members that were in attendance for the earlier general session were present. No members of the public had returned from the earlier public session.

### **G Investigations**

President Korn asked the Board to review the Executive Session Schedule that was included in the Board packet. He then asked Board members to report if they had a potential conflict with any of

the cases before voting. Hearing none, President Korn then proceeded with the Board's recommendations.

- a 2011-1041A, B, C** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board initiate Disciplinary Action on cases 2011-1041A and 2011-1041B. Member Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger, Wachter. Those voting no: none.

Member Korn then recommended, and he so moved, that the Board take no action on case 2011-1041C. Member Phelps seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger, Wachter. Those voting no: none.

- b 2012-1012A, B** - Member Korn reported that the full Board considered these cases during executive session and recommended, and he so moved, that the Board take no action on case 2012-1012A, but initiate Disciplinary Action on case 2012-1012B. Member Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger, Wachter. Those voting no: none.
- c 2012-1028** - Member Korn reported that the full Board considered this case during executive session and recommended, and he so moved, that the Board approve the application. Member Martin seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger, Wachter. Those voting no: none.
- d 2012-1033** - Member Korn reported that the full Board considered this case during executive session and recommended, and he so moved, that the Board deny the application. Member Campbell seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Campbell, Gyure, Korn, Martin, Phelps, Stanger, Wachter. Those voting no: none.

Discussion followed regarding offering the funeral service practitioner exam more often, by partnering with colleges. It would still be a proctored exam. Then people who live in Ontario, or Klamath Falls, wouldn't have to come to Portland and stay overnight, in order to take the test, when you could take it at a local college. Members then asked if a state agency in a Bend proctor our exam; if the Board's Inspector could proctor an exam while she is out conducting inspections. Member Wachter asked Counsel directly as to why a college couldn't proctor our exam. Counsel responded that they are not a state agency; the statute requires the Board to administer the state test. She then said the Board could look at ways of contracting out the process, but she suspected that a staff member would still have to travel to the exam location.

President Korn asked if there were any other additional comments. Hearing none, he thanked everyone for their full participation and adjourned the meeting.

**V Adjournment** The meeting adjourned at 12:51 pm.