



July 9, 2024, General Session Meeting Minutes – FINAL (approved October 8, 2024)

Board Members Present: Robert **Gaskill** Present; Ruggiero **Canizares**, Vice President; Nancy **Felton**, Secretary / Treasurer; Craig **Collins**; Debra **Harris**; Angela **McKenzie-Tucker**; Neal **Naigus**; Elizabeth **Pacheco**; Melissa **Porter**.

Board Members Absent: Kevin **Loveland**.

Staff Members Present: Chad **Dresselhaus**, Executive Director; Mallory **Kenney**, Education and Compliance Manager; Marianne **Itkin**, Investigator; James **Liddle**, Compliance Specialist; Ryan **Christopher**, Office & Licensing Manager; Sylvie **Huhn**, Program Administrator Indigent Disposition Fund; Greg **Brown**, Compliance Specialist, and Catriona **McCracken**, AAG

Staff Members Absent: None

Guests: Laura Burnett with Department of Administrative Service – Shared Financial Services
Emily Burr with Department of Administrative Service – Shared Financial Services
Serena Trexler, Synergy First Call and Renew Natural Organic Reduction – Funeral Service Practitioner/
Embalmer
Shannon Speicher, Service Corporation International - General Manager and Funeral Service Practitioner
Hailey Morse Miller, Legislative Fiscal Office
Hari Vellaipandian, Department of Administrative Service – CFO Analyst
Daisy Tran, Department of Administrative Service – Fiscal Analyst
Wendy Weiner, Foundation Partners Group - Regulatory Council

I Call to Order

The General Session of the Mortuary and Cemetery Board (Board) was called to order at 9:12 am, at the Portland State Office Building in room 1D.

After roll call was taken President Gaskill apologized for being late. He welcomed and thanked the new Board member Neal Naigus.

II General Session

A Approval of Meeting Minutes

President Gaskill asked if there were any question or comments regarding the April 9, 2024, General Session Minutes draft as presented.

AAG McCracken mentioned that she noticed a few typos but nothing substantive.

President Gaskill asked if there was a motion to approve the Minutes. He recognized Harris.

Member Harris so moved. Member Collin seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye, and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.

B. President's Comments

Director Dresselhaus stated it's packed agenda, so we're going to try to be somewhat efficient and quick in the general session. There were no comments from the Board President at this time.

C. Presentation and Approval of Executive Director's Report for July 9, 2024

Director Dresselhaus indicated that everyone had reviewed the report and stated we are well positioned. He expressed excitement regarding the Exam details for the report. He briefly discussed other details of the report.

President Gaskill asked if there were any questions. There were none. He asked if there was a motion to approve the Executive Directors reports. He recognized member Porter.

Member Porter so moved. Member Collins seconded.
All others were in favor. There were none opposed.

President Gaskill moved on.

D. Public Comments

President Gaskill mentioned that there were public participants and invited them to introduce themselves.

The following individuals were introduced:

Laura Burnett with Department of Administrative Service – Shared Financial Services
Emily Burr with Department of Administrative Service – Shared Financial Services
Serena Trexler, Synergy First Call and Renew Natural Organic Reduction – Funeral Service Practitioner/
Embalmer
Shannon Speicher, Service Corporation International - General Manager and Funeral Service Practitioner
Hailey Morse Miller, Department of Administrative - Legislative Fiscal Office
Hari Vellaipandian, Department of Administrative Service – CFO Analyst
Daisy Tran, Department of Administrative Service – Fiscal Analyst
Wendy Weiner, Foundation Partners Group - Regulatory Council

No other guests were introduced.

President Gaskill moved on.

E. General Discussion & Action Items

1. TEDS Training

Laura Burnett covered the TEDS training PowerPoint presentation that had been prepared, section by section.

Staff member Brown mentioned using SPOTS cards rather than TEDS.

Vice President Canizares asked if Board members were eligible for SPOTS cards.

Laura said that she was not aware of this having been done.

Dresselhaus mentioned that we could just use the agency card and that members should be in contact with staff to arrange this if needed.

(Public guest, James Strength arrived at 9:37 am.)

Member McKenzie-Tucker asked if there was a requirement to fill out a TEDS form.

Laura confirmed that there was not.

She briefly discussed the cost and the process for the State. She mentioned the cost to print the check is \$15

Director Dresselhaus mentioned the difference between TEDS and Stipends.

Vice-President Canizares asked about having the forms populated and printed and ready for Board members.

Laura concluded the training.

President Gaskill moved on.

2. Board Best Practices Vote for FY 2024

Staff member Kenney mentioned that this was a survey that each member should complete before the end of the meeting. She handed out the forms.

Director Dresselhaus reminded all that this was one of the Key Performance Measures that is reported every year.

President Gaskill moved on.

3. Administrative Fee Schedule for 2024

Staff member Christopher mentioned that this document was in the materials packet and there were no changes from the previous Administrative Fee Schedule.

President Gaskill asked if there was a motion to approve the Administrative Fee Schedule for 2024. Member Harris so moved. Member Collins Seconded. All others were in favor. There were none opposed.

President Gaskill moved on.

4. Account Receivable Honor Roll Certificate

Director Dresselhaus mentioned that this document was in the materials packet.

Member McKenzie-Tucker asked if this was something that we have qualified for in the past or if this was a result of some of the cleanup we've been doing.

Director Dresselhaus stated that we've received it in the past but did not remember the last time.

President Gaskill moved on.

5. Account Receivable Update

Staff member Kenney mentioned that there was a spreadsheet in the executive session documents and that if there were any specific questions about that spreadsheet that we could go over that in more detail during the executive session.

She brought attention to two debt write offs which were approved last Board meeting and totaled \$32,000.

President Gaskill moved on.

6. Executive Appointment Update

Dresselhaus introduced new Board member Neal Naigus and stated that Melissa Porter was reappointed. He stated that member Canizares would be reappointed in September. He mentioned that previous member David Bones position would be hopefully filled soon.

Member McKenzie-Tucker asked if there were applicates for the combo license positions and asked if the Board could be involved in the decision.

Director Dresselhaus indicated that there are different ways that it can be done.

Guest Serena Trexler asked if there would be a new position created related to representation for Natural Organic Reduction.

Director Dresselhaus stated that was a great question and that the descriptions were in statute, and that we would take here comment into consideration.

Gaskill asked if there were any questions. There were none. He moved on.

7. Board Retreat/ Disciplinary Action Matrix Update

Director Dresselhaus mentioned wanting to do this on August 28th in the Salem area.

Staff member Kenney stated that there is a hearing that day that she and AAG McCracken would be involved with.

There was consensus for August 29th.

8. Newsletter

Staff member Kenney stated that the Summer Newsletter went out last week. She thanked staff for their support.

9. Administrative Rulemaking Update: Manager Location Requirements

Staff member Kenney addressed the new rule regarding facility managers and the need to have a manager assigned at all times. She discussed the residency requirements and mentioned to manage a funeral establishment you must reside within 200 miles of the locations that they are assigned to manage.

She specified that Director Dresselhaus had reviewed the past Board meeting minutes and that we move forward with the 200 miles as recommended by the board.

10. Temporary Administrative Rulemaking Update:

Staff member Kenney mentioned the new temporary rule, which was based upon public comment during the last meeting, followed by Board direction regarding Apprentice Requirements. She mentioned the Temporary Rule and the link in the newsletter. She indicated that we were recruiting for an Administrative Rule Advisory Committee and that the committee would be formed hopefully sometime in August.

McCracken mentioned concern regarding the definition of supervision in the temporary rule and encouraged that this be addressed by the committee.

There were no questions or comments.

President Gaskill moved on.

11. Updated 2023 KPM Report

Dresselhaus mentioned that there had been some issue quantifying some of the customer service data and that were able to collect that and provide and update on that.

Gaskill asked if there were any questions. Some Board members indicated that they didn't know what KPM stood for.

Director Dresselhaus provided clarification.

12. Adding KPM Related to Licensing

Director Dresselhaus mentioned having had conversations for over a year with Haylee Morse-Miller related creating a KPM around Individual licensing and at the next Board meeting he would be presenting a new KPM. He stated that he had met with Board officers and determined that there was value in creating a KPM related to licensing processing focused on individual licensing.

President Gaskill adjourned the general session at 10:23 am.

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

At 12:38 am, President Gaskill directed the Board to enter into executive session. The executive session was held pursuant to ORS 192.660(2)(a), (b), (f), (h), (i) and / or (l). If present, representatives of the news media and designated staff would have been allowed to attend the executive session, but all other members of the audience would have been asked to leave the room. Representatives of the news media would have been 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. Note that no decision can be made in executive session. At the end of the executive session, the Board returned to open session. Executive session adjourned at 4:01 pm.

IV General Session

President Gaskill called the general session of the Board back to order at 4:01 pm. Roll call was taken to confirm there was a quorum.

F. Licensing Actions

Vice President Canizares made a motion to approve this agenda item with the exception of the Special Request 16a.

Vice President Canizares so moved. Member Harris seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter. Those voting no: None. Those abstaining: None.

G. Executive Session Minutes

April 9, 2024

Vice President Canizares made a motion to approve the executive session minutes for January 22, 2024, and April 9, 2024.

Vice President Canizares so moved. Member Harris seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter. Those voting no: None. Those abstaining: None.

H. Temporary Rule Making related to Embalmer Apprenticeship

Vice-President Canizares made a motion to direct the OMCB staff to engage in temporary rule making for requirements for embalmer apprenticeship.

Vice-President Canizares so moved. Member Harris seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter. Those voting no: None. Those abstaining: None.

I. Write-Offs of Debts

Vice-President Canizares made a motion to approve two write-offs for debts that were presented to the Board.

Vice-President Canizares so moved. Member Harris seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter. Those voting no: None. Those abstaining: None.

J. Board Inspection Report (BIR)

Vice-President Canizares made a motion to approve the Board Inspection Report as presented.

Vice-President Canizares so moved. Member Harris seconded.

President Gaskill asked those in favor to signify by saying aye. All others were aye and the motion passed unanimously. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter. Those voting no: None. Those abstaining: None.

H. Investigations

1. 23-1002A & 23-1004C – Request for civil penalty reduction – Denied

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

2. 22-1043B, 23-1004B, 23-1003A, 23-1003D – Ratify

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

3. 23-1027A1 A2 A3 B1 B2 B3 – No action

Moved: Canizares. Second: Harris.
For: Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.
Against: None.
Recused: Collins
Motion Passes: 8 - 0.

4. **23-1027 A4 – Action \$100 civil penalty for violation of OAR 830-030-0050(1), OAR 830-030-0050(5) and 830-030-0100(1) – In that the Respondents website displays name for the respondent which is not the facilities registered name as it appears in the Board records.**

Moved: Canizares. Second: Harris.
For: Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.
Against: None.
Recused: Collins
Motion Passes: 8 - 0.

5. **23-1027 A5 – Action \$100 civil penalty for violation of OAR 830-040-0050(2) and OAR 830-030-0100(1) in that the facility name on the Statement of Funeral Goods and Service Selected (SFGSS) for respondent is not the registered business name.**

Moved: Canizares. Second: Harris.
For: Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.
Against: None.
Recused: Collins
Motion Passes: 8 - 0.

6. **23-1027 A6 – Action \$100 civil penalty for violation of OAR 830—040-0100(1) and/or OAR 830-040-0050(5) in that the respondent’s website features the statement, “Service to Funeral Directors Only.” This statement is not true.**

Moved: Canizares. Second: Harris.
For: Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.
Against: None.
Recused: Collins
Motion Passes: 8 - 0.

7. **23-1027 A7 – Action \$100 civil penalty for violation of OAR 830-030-0100(1) and/or OAR 830-040-0050(5) in that the respondent facility’s website is misleading.**

Moved: Canizares. Second: Harris.
For: Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: Collins
Motion Passes: 8 - 0.

8. **23-1027 A8 – Action \$100 civil penalty for violation of OAR 830-030-0100(1) in that the General Price List (GPL) shows the name of the funeral establishment which is not the facility’s registered name as it appears on the Board’s records.**

Moved: Canizares. Second: Harris.
For: Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Pacheco, Porter.
Against: None.
Recused: Collins
Motion Passes: 8 - 0.

- 9. 23-1027B4 B5 B6 B7 B8 – Action \$100 per penalty for violation of OAR 830-030-0050(1), OAR 830-030-0050(5), and/or OAR 830-030-0100(1) in that respondent’s website displays a name for the respondent which is not the facility’s registered name as it appears on the Board’s records and in that the facility name on the Statement of Funeral Goods and Service Selected (SFGSS) for respondent is not the registered business name.**

Moved: Canizares. Second: Harris.

For: Canizares, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.

Against: None.

Recused: Collins

Motion Passes: 8 - 0.

- 10. 23-1037 – Administratively Close**

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.

Against: None.

Recused: None.

Motion Passes: 9 - 0.

- 11. 23-1040A1 and B1 – Action \$50 civil penalty per violation in that Respondent violated OAR 830-040-0040(1) in that prior to a change of ownership, the Respondent did not apply to the Board for a new license and respondent violated OAR 830-030-0040(2) in that in that the facility did not receive Board approval prior to the sale.**

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.

Against: None.

Recused: None

Motion Passes: 9 - 0.

*Note that the Board rescinded and changed their vote regarding this case during the August 14, 2024 Board meeting.

- 12. 23-1048 – No action**

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.

Against: None.

Recused: None

Motion Passes: 9 - 0.

- 13. 24-1001 B1 – Action \$500 civil penalty for violation of ORS 432.158(3) in that she did not obtain written or oral consent of the medical certifier before the final disposition of the decedent.**

24-1001 B2 – Action \$500 civil penalty for violation of OAR 830-030-0090(4)(h) in that she provided false information on a facility record by stating on the FDA that she obtained written or oral consent of the medical certifier before the final disposition of the decedent, when she had not.

24-1001 B3 – Action \$500 civil penalty for violation of OAR 830-030-0090(4)(e) in that by providing the cemetery sexton with a FDA lacking medical certification, she aided and abetted the cemetery sexton in interring the decedent without a permit authorizing disposition as required by ORS 432.158(6).

Moved: Canizares. Second: Harris.

For: Canizares, Collins, Felton, Gaskill, Harris, Naigus, Pacheco, Porter.

Against: None.
Recused: McKenzie-Tucker
Motion Passes: 8 - 0.

- 14. 24-1001 A1 – Action \$500 civil penalty for violation of ORS 432.158(3) in that she did not obtain written or oral consent of the medical certifier before the final disposition of the decedent.**

24-1001 A2 – Action \$500 civil penalty for violation of OAR 830-030-0090(4)(h) in that she provided false information on a facility record by stating on the FDA that she obtained written or oral consent of the medical certifier before the final disposition of the decedent, when she had not.

24-1001 A3 – Action \$500 civil penalty for violation of OAR 830-030-0090(4)(h) in that she provided false information on a facility record by stating on the FDA that she obtained written or oral consent of the medical certifier before the final disposition of the decedent, when she had not.

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, Naigus, Pacheco, Porter.
Against: None.
Recused: McKenzie-Tucker
Motion Passes: 8 - 0.

- 15. 24-1002– Administratively close**

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.
Against: None.
Recused: None
Motion Passes: 9 - 0.

- 16. 24-1003 A1 – No action**

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.
Against: None.
Recused: None
Motion Passes: 9 - 0.

- 17. 24-1004A1 and A2 – No action**

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.
Against: None.
Recused: None
Motion Passes: 9 - 0.

- 18. 24-1005 A-F – No Action**

Moved: Canizares. Second: Harris.
For: Canizares, Collins, Felton, Gaskill, Harris, McKenzie-Tucker, Naigus, Pacheco, Porter.
Against: None.
Recused: None
Motion Passes: 9 - 0.

*Note that the Board rescinded and changed their vote regarding this case during the August 14, 2024, Board meeting.

After voting President Gaskill thanked everyone and concluded the meeting.

V Adjournment - the meeting adjourned at 4:27 pm.