



October 8, 2024 General Session Meeting Minutes FINAL (Approved January 21, 2025)

Board Members Present: Robert **Gaskill** Present; Ruggiero **Canizares**, Vice President; Nancy **Felton**, Secretary / Treasurer; Craig **Collins**; Debra **Harris**; Kevin **Loveland**; Elizabeth **Pacheco**; Melissa **Porter**.

Board Members Absent: Angela **McKenzie-Tucker**; Neal **Naigus**.

Staff Members Present: 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: Chad **Dresselhaus**, Executive Director.

Guests: Serena **Trexler**, Renew Natural Organic Reduction, LLC.

I Call to Order

The General Session of the Mortuary and Cemetery Board (Board) was called to order at 9:01 am, at the Portland State Office Building in room 1D.

II Roll Call

Staff member Christopher took roll call. He acknowledged that member McKenzie-Tucker and Member Naigus were excused, as well as Executive Director Dresselhaus. AAG McCracken was not present for roll call and arrived later in the meeting.

III General Session

A Approval of Meeting Minutes

President Gaskill asked if there were any question regarding the July 9, 2024, or the August 14, 2024, General Session Minutes as presented.

President Gaskill asked if there was a motion to approve the July 9, 2024, and August 14, 2024, General Session Minutes. He recognized member Canizares. There was no discussion.

Member Canizares so moved. Member Porter 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, Loveland, Pacheco, Porter.

There were none opposed.

B. President's Comments

President Gaskill expressed how much he was thrilled with staff and how they have been doing without Chad present. He indicated that his calls from licensees had gone way down. He expressed thanks to the staff.

C. Presentation and Approval of OMCB's Report for October 2024

Staff member Brown indicated that he wasn't clear on what this was. Staff member Kenney pointed out that this was the agencies report that staff put together while they were without an executive director. Staff member Christopher confirmed that this was essentially the Executive Director's Report renamed the OMCB Report for this meeting due to director Dresselhaus's absence. Staff member Brown needed further clarification.

President Gaskill pointed out that this was a presentation, and that staff was supposed to talk here.

Staff member Brown indicated that we are on track budgetarily, and that we were halfway through the biennium. He pointed out that we had received 59% of our budget, and 50% had been spent and so we are right on track for being halfway through. He asked if there were any questions. There were none.

President Gaskill asked if there was a motion to approve the August 14, 2024, General Session Minutes. He recognized member Canizares.

Member 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, Loveland, Pacheco, Porter.

There were none opposed.

D. Public Comments

President Gaskill recognized guest Serena Trexler with Renew Natural Organic Reduction, LLC. Serena had no comments.

E. General Discussion & Action Items

1. Accounts Receivable Update

Staff member Kenney mentioned that we have a total of 10 debts, 9 of which were with the Department of Revenue, and one of those was on a payment plan, with a total of \$195,682 of debt owed.

2. Executive Appointments Update

Staff member Brown congratulated Vice President Canizares for being approved for another 4 year term. He mentioned the appointment of new member Holly Houston. He pointed out that it was too short of a time frame for the onboarding process for her to be here as a Board member but that she will hopefully be present for the next meeting. It was confirmed that she was filling the position that David Bone left, and that she had also bought her company from David Bone.

(Staff member Christopher acknowledged that AAG McCracken arrived at approximately 9:05am.)

Member Felton asked about if there was any one in line to replace her and McKenzie-Tucker. And do they stay on until their positions are filled.

Staff member Brown mentioned that there was a list that Director Dresselhaus had created but he had no other information regarding this.

AAG McCracken confirmed that yes they can stay on until they are replaced.

Staff member Christopher asked why David Bone did not stay on until he was replaced. There was no clarification.

Staff member Brown mentioned that he would make note that the two cemetery positions will need to be filled.

3. Board Retreat/Disciplinary Action Matrix Update

President Gaskill expressed praise and thanked staff for having put this together.

Staff member Kenney highlighted that there was now a disciplinary guide in the Board meeting folder that can be used for this meeting and future meetings. She thanked everyone for working together.

4. Newsletter

President Gaskill expressed praise for staffs work on the recent newsletter.

Staff member Kenney thanked staff for contributing. She encouraged spotlighting licensees for future news articles.

5. Administrative Rulemaking Update: Apprenticeship Requirements

Staff member Kenney mentioned that we had our first Rules Advisory Committee meeting to address the requirements for apprenticeship. She acknowledged Serena Trexler who was present as a guest and stated that Serena has volunteered to be the Chair for the RAC. She asked the Board to approve Serena as the RAC Chair.

President Gaskill asked for a motion to approve Serena Trexler as the Chair for the Rules Advisory Committee related to the requirements for apprenticeship. He recognized member Canizares.

Member Canizares so moved. Member Felton 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, Loveland, Pacheco, Porter.

President Gaskill thanked Serena Trexler.

Vice President Canizares pointed out that December 27th is the deadline for the temporary rule and indicated out that there will need to be at least a virtual meeting before then to review. He encouraged getting a meeting on the books.

6. 2024 KPM Report

Staff member Brown mentioned that he had looked into it as best he could but that he did not want to report anything false and postponed providing details related the 2024 KPM report and that Director Dresselhaus would address this upon his return.

7. 2025 Board Meeting Schedule

Staff member Christopher briefly addressed this document that had been provided to the members. He asked for clarification if this needed to be voted on.

AAG McCracken indicated that it did not need to be voted on.

8. Facility Renewal Update

Staff member Christopher referenced the wording in ORS 692.160(2), specifically the wording “All licenses or certificates of authority granted under this chapter to operators of funeral establishments, to operators of immediate disposition companies, to operators of cemeteries, to operators of crematoriums or to operators of other facilities for final disposition of human remains expire on January 1 in odd-numbered years or on such date as may be specified by board rule.” He encouraged all facilities to renew their licenses before December 31, 2024, to avoid expiration/ lapse and reinstatement fees.

9. Apprentice Renewal Update

Staff member Christopher pointed out that we currently require apprentices to renew their certificates of apprenticeship ever year on December 31st, of each year and pay a renewal fee regardless of when their certificates of apprenticeship are issued. He encouraged supervisors to know that even if their apprentice was just issued their certificate of apprenticeship, it is still due to be renewed by December 31st. He indicated that following the direction of Director Dresselhaus, staff has sought clarification with AAG McCracken to verify if we are ok to require that trainees/ apprentices renew each year when there is not a

date set in law or rule specifying when a trainees/ apprentice certificate would expire or lapse. He mentioned that AAG had provided a response to the staff's inquiry and that staff would need to thoroughly review before being able to confirm an understanding of AAG McCracken's reply to staff inquiries.

President Gaskill concluded the General Session.

The General Session adjourned at 9:24am.

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

At 9:32 am, President Gaskill then 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 1:55 pm.

V General Session

President Gaskill called the general session of the Board back to order at 2:06 pm. Staff member Christopher took roll call. All Board members who were in attendance for the earlier general session were present.

F. Executive Session Minutes

Vice-President Canizares made a motion to approve the July 9th Executive Session Minutes with the amendment of AAG McCracken's last name, and the August 14th Executive Session Minutes with no edits. Member Felton Seconded.

President Gaskill asked those in favor to signify. All others were in favor and the motion passed. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter. Those voting in opposition: None.

G. Special requests

Vice-President Canizares made a motion to approve the Special Request which were present during the Executive Session. Member Felton Seconded.

President Gaskill asked those in favor to signify. All others were in favor and the motion passed. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter. Those voting in opposition: None.

H. Licensing Actions

Vice-President Canizares made a motion to approve the Licensing Actions which were present during the Executive Session. Member Felton Seconded.

President Gaskill asked those in favor to signify. All others were in favor and the motion passed. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter. Those voting in opposition: None.

I. Board Inspection Report (BIR)

Vice-President Canizares made a motion to approve the Special Request which were present during the Executive Session. Member Felton Seconded.

President Gaskill asked those in favor to signify. All others were in favor and the motion passed. Those voting in favor: Members Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter. Those voting in opposition: None.

J. Investigations

1. 23-1043 – Rescind prior action and issue \$1000 civil penalty. Respondent violated ORS 692.275(3) in that was operating without a license for 17 days.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

2. 23-1044 – Rescind prior action and issue \$1000 civil penalty. Respondent violated ORS 692.025(4)(a) in that it was operating without a license for 144 days.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

3. 23-1049 A1 – Civil penalty \$1000. Respondent violated OAR 830-040-0040(1) in that change of ownership occurred without prior approval from the Board.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

23-1049 A2 – Civil penalty \$1000. Respondent violated ORS 692.275(3) in that it was operating without a license for 164 days.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

23-1049 B1 – Civil penalty \$50. Respondent violated OAR 830-030-0040(2) in that the facility did not receive Board approval prior to the sale.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

4. **23-1050 A1 – Civil penalty \$1000. Respondent violated OAR 830-040-0040(1) in that change of ownership occurred without prior approval from the Board.**

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

- 23-1050 A2 – Civil Penalty \$1000. Respondent violated ORS 692.275(4) in that it was operating without a certificate of authority for 154 days.**

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

- 23-1050 B1 – Civil Penalty \$50. Respondent violated OAR 830-030-0040(2) in that the facility did not receive Board approval prior to the sale.**

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

5. **23-1051 A1 – Civil penalty \$1000. Respondent violated OAR 830-040-0040(1) in that change of ownership occurred without prior approval from the Board.**

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

- 23-1051 A2 – Civil penalty \$1000. Respondent violated ORS 692.025(4)(a) in that it was operating without a license for 193 days.**

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

- 23-1051 B1 – Civil Penalty \$50. Respondent violated OAR 830-030-0040(2) in that the facility did not receive Board approval prior to the sale.**

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

6. 23-1059 – No action

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

7. 24-1006 A1 A2 A3 A4 A5 A6 – No Action due to no violations identified.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

8. 24-1007 A1 – No action due to no violations identified.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

24-1007 B1 – No action – Letter of Education.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

9. 24-1008 – No Action due to no violations identified.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

10. 24-1010 A1 – Civil Penalty \$1000. Respondent violated OAR 830-040-0040(1) in that prior change of ownership, the Respondent did not apply to the Board for a new license.

Moved: Canizares. Second: Felton.

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

Against: None.

Recused: None.

Motion Passes: 8 - 0.

24-1010 A2 – Civil Penalty \$1000. Respondent violated ORS 692.025(4)(a) in that it was operating without a license for 404 days.

Moved: Canizares. Second: Felton.

For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 8 - 0.

24-1010 B1 – Civil Penalty \$50. Respondent violated OAR 830-030-0040(2) in that the facility did not receive Board approval prior to the sale.

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

11. 24-1011A1 – Civil Penalty \$1000. Respondent violated OAR 830-040-0040(1) in that prior to change of ownership, the Respondent did not apply to the Board for a new license.

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

24-1011 A2 – Civil Penalty \$1000. Respondent operated without a license for 404 days.

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

24-1011 B1 – Civil Penalty \$50. Respondent violated OAR 830-030-0040(2) in that the facility did not receive Board approval prior to the sale.

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

12. 24-1012 A1 – Civil Penalty \$1000. Respondent violated ORS 692.025(4)(a) in that it was operating without a license for 15 days. (recording says 18 days?)

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

24-1012 B1 – Civil Penalty \$50. Respondent violated OAR 830-030-0040(2) in that the facility did not receive Board approval prior to the sale.

Moved: Canizares. Second: Felton.

For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter.
Against: None.
Recused: None.
Motion Passes: 8 - 0.

13. 24-1013 A1 – Civil Penalty \$1000. Respondent violated ORS 692.025(4)(a) in that it was operating without a license for 15 days.

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

24-1013 B1 – Civil Penalty \$50. Respondent violated OAR 830-030-0040(2) in that the facility did not receive Board approval prior to the sale.

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

14. 24-1014 A1 – Civil Penalty \$1000. Respondent violated ORS 692.275(3) in that it was operating without a license for 15 days.

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

24-1014 B1 – Civil Penalty \$50. Respondent violated OAR 830-030-0040(2) in that the facility did not receive Board approval prior to the sale.

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

15. 24-1015 A1ab and A2 – No Action due to no violation identified.

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

24-1015 A3 – Civil Penalty \$100. Respondent violated OAR 830-040-0050(1) in that the respondent's website does not include the licensed facility's registered name as it appears in the Board's records.

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

16. 24-1016 – No action

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

17. 24-1017ABC – Table

Moved: Canizares. Second: Felton.
For: Canizares, Felton, Gaskill, Harris, Loveland, Pacheco, Porter.
Against: None.
Recused: Collins.
Motion Passes: 7 - 0.

18. 24-1018 A1 – Civil Penalty \$1000. Respondent violated ORS 97.110 in that the facility's employee attached, detained or claimed to detain the decedent for a debt or demand or charge.

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

24-1018 A2 – Civil Penalty \$1000. Respondent violated ORS 692.180(1)(k) in that the decedent was not released for 3 days and 2 hours.

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

19. 24-1019 – No Action

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

20. 24-1021 – No Action due to no violation violated.

Moved: Canizares. Second: Felton.
For: Canizares, Collins, Felton, Gaskill, Harris, Loveland, Pacheco, Porter.
Against: None.

Recused: None.

Motion Passes: 8 - 0.

V Adjournment - the meeting adjourned at 2:27 pm.