

**MINUTES**

**UTAH  
FUNERAL SERVICE LICENSING  
BOARD MEETING**

**November 12, 2008**

**Room 475 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:02 a.m.

**ADJOURNED:** 11:14 a.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Reginal V. Ecker, Chairperson  
Ned Nordgren  
Mary W. Bearson  
Allyn Walker  
Mitchell Blackburn  
Mark Walker

**Board Members Absent:**

Joseph W. Thalman

**DOPL Staff Present:**

F. David Stanley - Division Director  
Wayne Holman - Investigative Supervisor

**Guests:**

Hewlett, Mark, Larkin Mortuaries  
Larkin, Spencer, Larkin Mortuary  
Allen, Jeff, Allen-Hall Mortuary  
Tidwell, Roger, Bank of Utah  
Larkin, Rob, Larkin Mortuary  
Mitchell, Joyce, Funeral Consumer Alliance of Utah  
Magleby, Kelly, Magleby Mortuary  
Boren, Gina, Department of Workforce Services  
McBride, Debra, Department of Medicaid

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Welcome Mitchell Blackburn as a New Board Member

Mr. Ormond issued the oath of office to Mr. Blackburn, welcomed him to the Board, and explained the Board duties and responsibilities.

Minutes

Ms. Bearson seconded by Mr. Walker made a motion to approve the August 20, 2008 board meeting minutes, the motion carried unanimously.

**DISCUSSION ITEMS:**

Trust Accounts – Mark Hewlett

Mr. Hewlett explained that due to the current financial crunch that most industries are in, and the hardship that Funeral Establishments incur when servicing older Pre-Need Trust policies, he is requesting an amendment to R156-9-614 to either:

- o Decrease the 100% trust rule back to 75% which was in effect up to April 30, 1991 with a 1% management fee and dispose of the 30% management fee; or
- o Decrease the 100% trust rule back to 85% with a 3% management fee and dispose of the 30% management fee; or
- o Leave the 100% trust rule in effect; increase the management fee to 5% and dispose of the 30% management fee.

Mr. Hewlett explained that due to the current requirements of R156-9-614, it is causing a hardship for Funeral Establishments to fund older trust policies. After a detailed discussion it was determined that, decreasing the 100% trust rule back to 85% with a 3% management fee and disposing of the 3% management fee, would be in the best interest for both the industry and the public.

Mr. Hewlett further explained that he hoped that by amending R156-9-614 it would enable more Funeral Establishments to utilize this Pre-Need Funeral Arrangement program, adding that unlike Insurance funded programs, which must only retain 20% of the cost of a plan, and are not required to keep the funds in this State, all funds from a trust program must be held in the clients name in a local bank.

It was also explained that an Insurance policy is more portable than a trust funded policy. However, for older individuals an Insurance funded policy may be unobtainable, due to cost or un-insurability.

Mr. Tidwell then explained that over the past twenty years the values of trusts have increased by 7%, where as the cost to service a trust has increased about 10%.

After a detailed discussion, it was decided that Mr. Ormond will obtain an Attorney General opinion to determine if the requested change would require a statutory or a rules change, the issue was then tabled until the February 18, 2009 meeting for further discussion.

Funeral Establishment beneficiary approval process with Insurance companies.

Mr. Ormond explained that this issue was cancelled, prior to the meeting, due to the issue needing to be discussed with the Department of Medicaid, prior to being presented

to this Board.

Houghton, Cole – Extension of Internship License

Mr. Ormond explained that Mr. Houghton received licensure as a Funeral Service Intern on September 30, 2005, his license later expired on September 30, 2007. Mr. Houghton is requesting to have his license reinstated and then extended due to his not completing all educational requirements prior to the expiration of the Internship license. A letter was submitted by Mr. Houghton which explained that he anticipates having his degree in Mortuary Science in July 2009.

After a detailed discussion Mr. Blackburn seconded by Mr. Allyn Walker to approve Mr. Houghton's request to reinstate, and extend his license as a Funeral Service Intern until September 2009, based on Mr. Houghton's continued education and training in this profession, the motion carried unanimously.

**DICIPLINARY ACTIONS TAKEN:**

Wilcoxon, Robert – Stipulation and Order

Mr. Ormond explained that after Mr. Wilcoxon was released from his probation on February 17, 2008, the Division was made aware that he had falsified documents and statements to the Division and the Board.

After an investigation Mr. Wilcoxon surrendered his license as a Funeral Service Director on October 29, 2009

**CORRESPONDENCE:**

2009 Board Meeting Dates

Reviewed, with no further action taken

Association of Executives of Funeral Services Board

Reviewed, with no further action taken.

**NEXT MEETING SCHEDULED FOR:**

February 18, 2009

**ADJOURN:**

11:14 a.m.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

December 17, 2008

(ss) Reginal Ecker

Date Approved

Chairperson, Utah Funeral Service Licensing Board

December 31, 2008

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing