

MINUTES

**UTAH
FUNERAL SERVICE LICENSING
BOARD MEETING**

August 19, 2009

**Room 474 - 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:04 a.m.

ADJOURNED: 10:17 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Reginal V. Ecker, Chairperson
Mitchell Blackburn
Mary W. Bearnson
Ned Nordgren
Brent Russon
Mark Walker

Board Members Absent:

Joseph W. Thalman

DOPL Staff Present:

Mark B. Steinagel – Division Director

Guests:

Craig McMillan – Utah Funeral Directors Association
Joyce Mitchell – Funeral Consumers Alliance
Spencer Larkin – Larkin Mortuary
Mark Hewlett – Larkin Mortuary

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Welcome new Board Member Mr. Brent C. Russon

Mr. Ormond issued the “Oath of Office” to Mr. Russon, explained the duties and responsibilities of a Board Member, and welcomed him to the Board.

Mr. Steinagel introduced himself to the Board.

Election of Fiscal Year 2010 Chairperson

Mr. Walker seconded by Ms. Bearnson made a motion to re-elect Mr. Ecker as the Fiscal Year 2010 Chairperson. The motion carried unanimously.

Approve May 20, 2009 Board Meeting Minutes

Mr. Nordgren seconded by Mr. Blackburn made a motion to approve the Board Meeting minutes from the May 20, 2009 meeting. The motion carried unanimously.

APPOINTMENTS:

10:00 a.m. Larkin, Spencer – Trust Issue

Mr. Larkin appeared for his scheduled appointment with the Board to review his recommendation to amend R156-9-614 to allow for a larger percentage of the trust earnings to be used by the Funeral Service Establishment to manage Trust accounts. Mr. Larkin explained that after several meetings with the Board, Association and the Division it will be necessary to propose a Statutory change, to implement the changes.

Mr. Ormond questioned Mr. Larkin regarding what specific changes will be proposed. Mr. Larkin explained that the final wording has not been established, however:

- 1) Guaranteed vs. Non-Guaranteed Funeral Arrangements will be addressed; and
- 2) Decrease the 100% trust rule back to 85% with a 5% management fee not to exceed 15% of the total amount of the trust.

Additionally it was explained that a sponsor has not yet been established.

DISCUSSION ITEMS:

Criminal History at Licensure and Renewal

Mr. Ormond explained that for some professions the Division has well defined areas of criminal conduct which could affect an individual's ability to become licensed. He then reviewed R156-1-302, and questioned the Board regarding what criminal conduct they felt could affect an individual's ability to become licensed, or to renew to a license

During a detailed discussion it was determined that any conduct which involves:

- Fraud
- Dishonesty
- Sexual deviancy
- Addictive behaviors, or
- Multiple issues over a short period of time.

Should be closely reviewed by the Division or Board.

CORRESPONDENCE:

Executive Order – Ethics	Reviewed, with no further action taken.
CNN Article – “Cemetery workers accused of digging up graves, reselling plots”	Reviewed, with no further action taken.
The Conference – Update June 2009	Reviewed, with no further action taken.
The Conference – 2009 Budget	Reviewed, with no further action taken.
The New York Times – “A Funeral Museum at Death’s Door”	Reviewed, with no further action taken.
Everest – Federal Trade Commission Opinion on Funeral Rule Compliance	Reviewed, with no further action taken.
Deseret News – “Feds Dig Up Plot Involving Phony Funerals”	Reviewed, with no further action taken.
Medicaid Eligibility Decision	Reviewed, with no further action taken.
Online CE course	Reviewed, with no further action taken.

Mr. Walker then questioned if an “Emeritus” license could be implemented for this profession. Mr. Ormond agreed to review this issue and report to the Board his findings at the November 18, 2009 meeting.

NEXT MEETING:

November 18, 2009

ADJOURN:

10:17 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.

November 18, 2009

(ss) Reginal V Ecker

Date Approved

Chairperson, Utah Funeral Service Licensing Board

November 23, 2009

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing