

**MINUTES**

**UTAH  
FUNERAL SERVICE  
LICENSING BOARD  
MEETING**

**September 13, 2006**

**Room 402 (formerly 428) – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building**

**CONVENED:** 9:13 A.M.

**ADJOURNED:** 2:30 P.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Shaun S. Myers, Chairperson  
Joseph W. Thalman  
Reginal V. Ecker  
Mary W. Bearnson  
Allyn Walker  
Mark Walker

**Board Members Absent:**

Craig McMillan

**Guests:**

Mitchell Jones, AAG

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Read and approve the May 25, 2006 Minutes.

Mr. Ecker made a motion to approve the minutes as read. Mr. Mark Walker seconded the motion. **The Board vote was unanimous.**

Report from Allyn Walker on discussion with Thomas Sanderson regarding the Conference meetings

**Mr. Allyn Walker reported that the meetings Mr. Sanderson attends are important as national trends are discussed and policies are made at the meeting. He stated that the Conference meetings are held twice a year and the next District meeting will be held September 21, 2006. Mr. Allyn Walker distributed the agenda.**

**He reported that the National Examination will be making some changes. He stated that one item of**

**discussion is developing a national license.**

**Mr. Allyn Walker suggested someone from the Board attend the Conference meeting if possible.**

Ms. Taxin suggested Mr. Sanderson be invited to come to a Board meeting to report on the Conference if a Board member is unable to attend.

**The Board concurred.**

**Mr. Myers stated that endorsement is one of the largest problems as an applicant must be in licensed practice in another State for 5 years prior to applying in Utah and the applicant must meet the education requirements for Utah.**

Ms. Taxin stated that she could put she would put the 2007 meeting on her rotation of meetings to attend. She stated that she will be unable to attend the September 21, 2006 meeting.

**Mr. Allyn Walker stated that it would be a good idea to ask Mr. Sanderson to report to the Board, so that Ms. Taxin would not have to attend. He asked if Mr. Sanderson could be first on the agenda in order for him to leave the meeting when he is finished.**

Ms. Taxin requested Mr. Allyn Walker to ask Mr. Sanderson and then confirm the appointment with Karen McCall in order to include him on the November 2, 2006 agenda.

## **APPOINTMENTS:**

### **10:00 A.M.**

Robert Wilcoxon, Probationary Interview

Mr. Wilcoxon met for his probationary interview.

Mr. Myers conducted the interview.

**Mr. Myers stated that Mr. Wilcoxon's reports have been received and reviewed by the Board.**

**Ms. Taxin requested Mr. Wilcoxon to update the Board on his practice, his supervision and what he has learned from his supervision.**

Mr. Wilcoxon responded that he has had a difficult time getting together with his supervisor. He stated that he and the supervisor go over the contracts he has written to be sure they are sequential and completed properly. He stated that he is attending therapy regularly with Dr. Ahern. Mr. Wilcoxon shared that he is now completely out of debt and his personal life is going well. He stated that he has not had any temptations or problems. Mr. Wilcoxon stated that the August appointment with his supervisor had to be cancelled due to a work related emergency. He stated that he also meets regularly with his clergy.

**Ms. Taxin asked how often he talks with his supervisor, Del Ballard.**

Mr. Wilcoxon stated that they were meeting weekly but have now gone to monthly as the form Karen sent says monthly.

**Ms. Taxin reminded him that the Board said he should be meeting weekly and until the Board makes the decision to move to monthly he should return to the weekly meetings with his supervisor.**

Mr. Wilcoxon stated that Jan, his secretary, fills out the Employer form and sends it in.

**Ms. Taxin asked if Jan would notify the Board if there is something that was a concern or violation of probation as she works for him. Ms. Taxin also stated that Mr. Wilcoxon should not be controlling his supervision. She stated that the supervisor needs to be in control in order to see the whole picture of what Mr. Wilcoxon is doing to be sure he is a safe practitioner.**

Mr. Wilcoxon responded that it is impossible for his supervisor to be there to watch what he is doing as the agency cannot afford to hire another person to be available all the time.

**Ms. Taxin acknowledged that funds are a problem. She then stated that Mr. Wilcoxon signed the Stipulation and Order and, therefore, agreed to the requirements of his probation.**

**Ms. Bearnson also stated that Mr. Wilcoxon signed the Stipulation and Order that says he agrees to pay all costs involved in his probation.**

**Ms. Taxin stated that Mr. Wilcoxon may have to pay his supervisor to come in for a day to watch and review everything he does.**

Mr. Wilcoxon commented that if the Board wants the supervisor to come and watch then he will have to make the arrangements.

**Ms. Taxin reminded Mr. Wilcoxon that he is on probation until 2009 which is a long time.**

Mr. Wilcoxon responded that the Stipulation and Order also states that the Board can review the length of time in 18 months.

**Ms. Taxin responded that he was right but if information is not submitted and she has to contact him for information then he is not meeting the requirements for consideration of early termination.**

**Ms. Taxin stated that the Board is requesting Mr. Wilcoxon's supervisor go to the facility once a month at random and review and observe everything including the contracts. She stated that he may have telephonic contact once a week. Ms. Taxin suggested Mr. Wilcoxon supply his weekly or monthly schedule to the supervisor. Ms. Taxin stated that the therapist must also submit reports that are detailed in the issues Mr. Wilcoxon is working on and the progress being made.**

Mr. Wilcoxon responded that he will bring a report for the next meeting.

**Mr. Myers stated that the report indicates there were no new contracts. He asked Mr. Wilcoxon to explain.**

Mr. Wilcoxon responded that all contracts would be for preneed.

**Mr. Ecker stated that he thinks Mr. Ballard wants to know if Security National, the insurance company, knows Mr. Wilcoxon is on probation with the State.**

Mr. Wilcoxon responded that Security National does know of the probation as he was sanctioned by the insurance company. He stated that he sells for Security National and for Lincoln Heritage. Mr. Wilcoxon stated that Mr. Ballard gets a copy of the contract and gets information from the insurance company saying the contract is accepted. He explained that each contract is photocopied and sent to Mr. Ballard with a letter of acceptance from the insurance company. He stated that he has the numbered printed forms and if they are out of order Mr. Ballard lets him know.

**Mr. Myers asked what volume of preneed he is currently writing.**

Mr. Wilcoxon responded that he is currently writing \$20,000 to \$50,000 per month. He stated that he was doing \$40,000 to \$60,000 when he was working at Lindquist. He stated that today he wrote contracts for \$90,000.

**Ms. Taxin asked if Mr. Wilcoxon was out writing the contracts.**

He responded that he is out writing the contracts.

**Mr. Myers stated that the report documents that there were no new contracts for July and August. He asked if that was an oversight.**

Mr. Wilcoxon responded that there were new contracts in July as he sent them all in a packet to Mr. Ballard for review.

**Ms. Taxin stated that Mr. Wilcoxon has a responsibility to be sure Mr. Ballard gets all the information sent.**

**Ms. Bearson commented that once a pattern has been established then Mr. Wilcoxon and Mr. Ballard should always follow that pattern.**

**Mr. Ecker explained that if there are any problems with the contract the insurance company can verify.**

**Ms. Taxin asked where Mr. Wilcoxon is with his continuing education.**

Mr. Wilcoxon responded that he was told by the Board that the CE was not a real issue so he has not worried about it nor has he started locating anything to attend.

**Ms. Taxin reminded him that his Stipulation and Order required 10 hours to be completed within one year and it is in addition to the CE required for renewal. Ms. Taxin stated that the Stipulation and Order also requires a business plan. She commented that she is not sure what the Board would want on a business plan.**

**Ms. Bearson stated that everything that has been discussed today should be on the business plan. She stated that Mr. Wilcoxon has told the Board information but he needs to write and submit it for the business plan.**

**Mr. Myers commented that the supervisor should be at the facility for a day. He stated that it would be difficult for the supervisor, but Mr. Wilcoxon should talk to him regarding scheduling a time.**

**Ms. Taxin stated that Mr. Ballard should be able to say he went there and reviewed things and everything is in order. She stated that if he went and saw some problems he may have to go back the next day or stay longer when he is there.**

**Mr. Mark Walker commented that he has a concern about the review of the files and contracts.**

**Ms. Taxin responded that Mr. Ballard will need to write that files and contracts were reviewed at random and these are the concerns or there are no concerns.**

**Mr. Myers asked how the owner, Mr. Garner, is doing and what involvement he has in the business.**

Mr. Wilcoxon responded that Mr. Garner's health and the health of his wife are very poor so Mr. Garner has no involvement in the business. He stated that he has full responsibility in running the business. Mr. Wilcoxon stated that he has a concern regarding what Mr. Garner's family will do with the business if Mr. Garner passes away.

**Mr. Myers asked if Mr. Wilcoxon is in the process of purchasing the business and if he has anything in place if Mr. Garner passes away.**

Mr. Wilcoxon responded that he is doing sweat equity right now and he needs to get some things cleared up by their attorneys. He stated that he is at the point where he might have to hire an apprentice to assist him with the volume at the business.

**Ms. Taxin asked Mr. Wilcoxon to repeat what he understands that he has been told today.**

Mr. Wilcoxon responded that he heard the Board and Ms. Taxin state the following:

1. He and Mr. Ballard must to meet weekly with a random once a month visit at the facility with a monthly report due.
2. Jan, the secretary, will continue to write the monthly employer report.
3. Continue to see the therapist with quarterly reports due from the therapist.
4. The 10 additional CE must be pre-approved and then completed.
5. Prepare a written business plan for the Board to review.

**Ms. Taxin reminded Mr. Wilcoxon that Jan works for him but she needs to be objective in writing the reports. Ms. Taxin stated that he may call her with the CE information for an approval with a faxed copy of the CE for her to review the information and to include in his file.**

**An appointment was made for Mr. Wilcoxon to meet again November 2, 2006. The appointment will be about 10:00, as per his request.**

**10:30 A.M.**

Kelly Magleby and Todd Bonzo, Review New Law Draft

Mr. Magleby, Legislative Representative, and Mr. Bonzo, Association President, met for the review of the new Law draft.

Mitchell Jones, AAG, also met for this appointment.

**Ms. Taxin stated that she anticipated receiving a draft in the legislative format for her to review and to send out to the Board for review prior to this meeting. She stated that the draft was not received so this will be the first review for her and the Board.**

**Ms. Taxin stated that it is the Association is responsibility to re-write the Law and is not a Division responsibility. She stated that after this meeting the Association will take over revising and putting the document into the legislative format. She requested a final draft be sent to her for review with the Board.**

**Ms. Taxin suggested that only the sections being amended be reviewed at this time.**

**As the sections were reviewed, Board members made several suggestions for clarification**

**Ms. Taxin stated that she will have Ray Walker, Division Compliance Officer, review the final draft to be sure there are not additional revisions that should be included.**

**Mr. Myers commented that Mr. Bonzo and Mr. Magleby should get the document to a sponsor right away in order for it to be reviewed by the Legislative Committee and assigned to someone for any re-writes for the 2007 Legislative session.**

FYI

**12:25 P.M., Mr. Thalman left the meeting.**

**DISCUSSION ITEMS:**

Board Chairperson

Mr. Allyn Walker made a motion for Mr. Myers to continue to serve as Board Chairperson. Mr. Thalman seconded the motion. **The Board vote was unanimous.**

FYI

**The Board noted that Mark Walker was reappointed to the Board for another 4 year term.**

Update on Larry Turpen, Probationer

Ms. Taxin updated the Board on Mr. Turpen's probation and employment issues.

Ms. Taxin stated that Steve Parker, Mr. Turpen's supervisor, has reported that Mr. Turpen has completed a couple of cremations but has done no embalmings or funeral services. She stated that Mr. Parker reported that the facility is immaculate. Ms. Taxin stated that Mr. Parker reported that there are still some community problems and Mr. Turpen is still not on the State Trooper list.

Ms. Taxin reported that Karen McCall received a phone call asking if Mr. Turpen is allowed to sign death certificates and if he has a current Utah license. She stated that the caller reported Mr. Turpen had given an incorrect number and the wrong legal name for Spanish Valley Mort./Crematorium.

Ms. Taxin suggested Mr. Turpen be invited to meet with the Board in November with a letter requesting early termination of his probation. She stated that Mr. Turpen has completed all requirements of his probation except for working full time under supervision. Ms. Taxin informed the Board that the supervisor, Mr. Parker, stated in his report that he believes Mr. Turpen is not a harm to the public and recommended termination of the probation. Ms. Taxin noted the court documents Mr. Turpen sent in regarding the dismissal of his criminal case which is why he was put on probation.

Ms. Taxin asked the Board if they have concerns that Mr. Turpen is a danger to the public.

**Mr. Myers commented that Mr. Turpen was never convicted of misdeeds.**

Mr. Jones, AAG, stated that there was a plea deal and Mr. Turpen was convicted on 2 charges.

Ms. Taxin stated that the attorney wrote a letter confirming that Mr. Turpen has completed all court

requirements. She stated that she could request Mr. Turpen submit court documents of completion.

**Mr. Myers stated that there were some issues regarding his preneed contracts and how he was filing those contracts.**

Ms. Taxin stated that she has mixed feelings about Mr. Turpen as probation should be productive. Ms. Taxin stated that the Board needs to evaluate public safety and Mr. Turpen's compliance with the terms of the Order and not his personality and attitude.

Ms. Taxin stated that Mr. Turpen surrendered his preneed sales agent license and does not sell preneed, but does have the preneed provider license on the establishment.

Mr. Jones, AAG, commented that Mr. Turpen has stated that he will never sell preneed again.

Ms. Taxin asked if the supervisor should be changed to someone in his area who would be more readily available.

Mr. Jones responded that there is no one in Mr. Turpen's area who will agree to supervise him.

**Mr. Myers stated that no one on that side of Utah Will agree to supervise Mr. Turpen as there is not a good relationship between him and other licensees.**

Mr. Jones asked if there is a possibility that Mr. Turpen's wife, Susan, might agree to supervise him.

Ms. Taxin responded that Mrs. Turpen has made it clear that she is working in Alpine only.

**Mr. Mark Walker stated that he would like Mr. Turpen to meet in November. He stated that a supervisor report should be submitted, a report from the courts regarding completing all the court requirements and a letter from Mr. Turpen requesting early termination of his probation in order to consider early termination.**

**Mr. Ecker stated that he agreed with Mr. Mark**

**Walker. He stated that the Board could keep Mr. Turpen on probation for the full 5 years and in that time Mr. Turpen may never do an embalming or a funeral so what would the supervisor observe. Mr. Ecker stated that the Board needs to be very clear with Mr. Turpen to be sure he understands that if he should get into trouble again there will be consequences. Mr. Ecker stated that the Funeral Service licensees in Mr. Turpen's area will be watching him very carefully and will be calling in any complaints.**

**Mr. Allyn Walker stated that Mr. Turpen has tried to sell the business but has not yet been successful.**

**Mr. Myers stated that he was working with a person to purchase the business and Mr. Turpen cancelled the deal just before it closed.**

**Mr. Myers commented that if Mr. Turpen is not competent the Division will be notified very quickly.**

**Ms. Bearnson agreed that Mr. Turpen should meet one more time to explain to the Board why he should be released early from probation.**

Ms. Taxin agreed to contact Mr. Turpen to let him know what will be needed for the November appointment.

Clarification of Equivalent Education in Rules (SLCC and Weber State University)

Ms. Taxin explained that Salt Lake Community College and Weber State University have contacted her regarding specific course requirements for equivalent education.

**The Board reviewed the education requirements and recommended Ms. Taxin refer Salt Lake Community College and Weber State University to contact the Conference for accreditation requirements. The Board suggested they start with contacting Thomas Sanderson.**

Uniform Anatomical Gift Act

Ms. Taxin stated that she received an e-mail regarding 11 people passing away over a weekend and only 1 was reported as a body parts donator. Ms. Taxin read the e-mail to the Board. Ms. Taxin referred the Board

to the law section 28-26-6(3)(b)(ii) regarding donation of body parts. She stated that she contacted Tracy Schmidt and he informed her that the funeral establishment is required to notify the preneed applicant and the family of the body parts donation. Ms. Taxin asked the Board if there is a reason for not making the notification.

**Mr. Mark Walker explained that if there is an accident in Heber City his establishment could take the body, doing the embalming and take care of the body. He stated that now bodies must go to the medical examiners office before they go to the funeral establishment only if the investigating officer sends the body to the medical examiner. He stated that there are times in this type of situation when the funeral establishment does not know the wishes of the deceased and would not make any body parts notification.**

**Mr. Ecker commented that the wishes of being a body part donater puts pressure on the family when they are already under stress and the family may not want to honor the wishes of the deceased.**

Ms. Taxin gave Mr. Myers the phone number to contact the person directly.

Mitchell Jones, AAG, Comments regarding Complaints

Mr. Jones stated that he attended a HIPPA meeting on September 12, 2006. He asked the Board if they are notified if someone dies of an infectious disease, such as bird flu.

**The Board responded that they are notified sometimes, but not always.**

Mr. Jones asked if they are notified regarding transportation out of State when a dead fetus and is a burial transit permit required.

**Board members responded that they are notified regarding transportation out of State of a dead fetus up to 21 weeks and also for an adult. The Board stated that a fetal death certificate is required. The Board stated that if the fetus takes a breath there is a normal death certificate and if there is no breath then there is a fetal death**

**certificate.**

**CORRESPONDENCE:**

Association of Executives of Funeral Service  
Boards Annual Minutes

The Board reviewed the information. **No action taken.**

**Mr. Myers commented that he has never heard of the Association of Executives of Funeral Service Boards.**

Funeral Consumers Alliance Newsletters

The Board reviewed the following newsletters:

1. The Spring 2006 newsletter. **No action taken.**
2. The Summer 2006 newsletter. **No action taken.**

Mortuary Management Magazine

The Board reviewed the following magazines:

1. The June 2006 magazine. **No action taken**
2. The September 2006 magazine. **No action taken.**

The Conference Report

The Board reviewed the Summer 2006 Conference Report.

**Mr. Myers commented that he does not receive the Conference Report and would like to take the report for a more indepth review.**

**He stated that Colorado wrote a Bill for regulating funeral services that went through their Legislature. He stated that the Colorado Governor vetoed the Bill as it does not provide for grandfathering into the profession.**

Funeral Ethics Organization

The Board reviewed the Spring/Summer 2006 information. **No action taken.**

**NEXT MEETING SCHEDULED FOR:**

November 2, 2006

**MEETING ADJOURNED AT:** 2:30 pm

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson, Utah Funeral Service Licensing Board

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bureau Manager, Division of Occupational &  
Professional Licensing