

KENTUCKY BOARD OF EMBALMERS AND FUNERAL DIRECTORS

July 18, 2017

A regular meeting of the Kentucky Board of Embalmers and Funeral Directors was held at the Crowne Plaza in Louisville, Kentucky on July 18, 2017.

MEMBERS PRESENT

Danny L. Percell
Morris Coffey
Sonny Meyer
Woodford R. Porter, Jr
John Evans

OTHERS PRESENT

Kathleen Schell, Attorney
Dale Powell, State Inspector
Kanetha Dorsey, Executive Director
Sara Sparks, Clerk
Quincy Ward, Office of Legal Services
Ryan Morrison, Office of Legal Services

Tuesday, July 18, 2017

Chairman Percell called the meeting to order at 9:00 A.M. in the Lursen Room.

A motion was made by Mr. Meyer to approve the June minutes with corrections. Mr. Porter seconded the motion, it carried 5-0.

DALE POWELL'S REPORT

Mr. Powell submitted his report to the Board. A motion was made by Mr. Porter to approve the Inspector's report with corrections. Mr. Evans seconded the motion, it carried 5-0.

LEGAL

Elliott Mortuary: Chairman Percell recused himself from the meeting. A hearing is scheduled for August 8, 2017 at 1:00 PM. at the Crowne Plaza. Counsel Schell found an Attorney General office opinion stating that the funeral home must be open during business hours and that a licensed Funeral Director and Embalmer must be present. The establishment was supposed to be completed by July 15, 2017 according to Elliott Mortuary's attorney, Daniel Hicks. Counsel Schell called the attorney during the Board meeting. He will contact the clients to see if they will be ready at the end of the week. Mr. Porter made a motion that the Inspector go to Elliott Mortuary before the hearing. Mr. Coffey seconded the motion and it carried 4-0.

David Owen: Counsel Schell presented a letter to the Board members from Mr. Owen's attorney confirming that the preneed funds were paid to Highland Funeral Home. Mr. Coffey made a motion to dismiss the complaint and Mr. Porter seconded the motion, it carried 5-0.

Letcher Funeral Home: Counsel Schell is working with Letcher's attorney regarding the complaint. She has written a letter to Paul Royce, Kentucky Registrar off Vital Statistics regarding the death certificate not being issued. The complaint was tabled until next meeting.

Allison & Rose Funeral Home Federal Court lawsuit: Ms. Dorsey is working with the Public Protection Cabinet legal services to prepare a RFP to get a contract for legal representative for the Board.

Stith Funeral Homes Federal Court lawsuit: Ms. Dorsey is working with the Public Protection Cabinet legal services to prepare a RFP to get a contract for legal representative for the Board.

Filbeck-Cann & King Funeral Home: The administrative complaints have been issued. There is a telephonic hearing scheduled in August 2017.

Cremation Society of Paducah: Peter Ostemiller, the establishment attorney, is working with the city of Paducah regarding lease issues. The Chairman asked that Counsel Schell write a letter to the attorney to follow up with the situation and to give them a time frame to respond. The City of Paducah will be included in the letter.

DISCUSSION

Mr. Porter had questions about the difference of point of order and point of clarification. He stated that he should have said point of clarification instead during the discussion of Elliott Mortuary.

Sandra Stephens: Was asked to meet with the Board to discuss a complaint that was issued against Neptune Society while she was the manager. A death certificate was dated before the cremation had actually occurred. Chairman Percell advised that if a situation like this happens again not to file the death certificate until the body is back at the funeral home.

Lexington Mortuary Service: Michael Noon, Desmond Dickerson, and Donavon Dickerson met with the Board to discuss an issue regarding Level 2 cards being used after the card had expired and the apprenticeship had ended. Mr. Powell had a provisional that was signed by Desmond Dickerson, who is not licensed. Mr. Noon explained that he tried to make arrangements to get the provisional signed by a licensed funeral director so that he could get the body picked up by non-licensed employee. This was not able to happen, so Mr. Noon sent Desmond Dickerson, who he believed was a Level 2 apprentice, to pick up the body. Mr. Dickerson signed the provisional with his expired Level 2 card. Chairman Percell advised the Board would contact them by letter with the Board's decision.

Barbourville Funeral Home: Larry Hickerson met with the Board because the inspector reported that the funeral home sign was covered during a time he was conducting a funeral. Mr. Powell stated that he spoke to Mr. Hickerson who explained the landlord covered the sign because the rent payment had not been paid. The cover was taken off within a few days of the report. Chairman Percell explained the law regarding signage and being in operation. Mr. Hickerman explained to the Board he told his landlord he could not have the signs covered. The landlord did not care and said if the cover was removed he would block the entrances to the funeral home.

Lindsey Funeral Home: Mr. Hutchenson and Peter Ostermiller, his attorney, met with the Board to discuss a complaint filed against the funeral home regarding advertising. The attorney spoke that the term “family owned” has been removed from the print advertisements and website. The complaint was dismissed.

Osborne Funeral Home (Evansville, Indiana): Stacia Osborne did not appear. The Board voted to send a letter to the Indiana State Board and Henderson County Attorney, that Stacia Osborne is coming into Kentucky for removals and burials with an expired courtesy card.

Highland Funeral Home: Mr. Porter made a motion to send a cease and desist letter according to KRS 316.150 Mr. Evans seconded the motion and it carried 5-0.

COMPLAINTS

Maraman Billings Funeral Home: Mr. Meyer made a motion to dismiss the complaint. Mr. Coffey seconded the motion and it carried 5-0.

ESTABLISHMENT

Evans Monuments and Direct Cremation Services: Emmett Ratterman met with the Board to get approval for a visitation and ceremonial location in Louisville, KY. The full-service establishment location that it would be associated with J.B. Ratterman and Sons Funeral Home and Ratterman Keenan Southeast Chapel. The manager listed for the Ratterman Keenan Southeast Chapel is the same as the new location. Chairman Percell asked him to reapply for the August meeting with another manager for that location.

Mullins Family Home: Joseph Mullins came before the Board for approval as a full service establishment in Warfield, KY. The establishment is not completed and has not been inspected yet.

Woodlawn Cremation & Funerals, Agape on Broadway: Trent Hole met with the Board for a name change. Mr. Evans made a motion for the name change approval, Mr. Coffey seconded the motion and it carried 5-0.

APPRENTICES

Thomas Board: Appeared before the Board with his supervisor, Faye Turner, from Tri-City Funeral Home in Benham, KY. He is applying for a Funeral Director apprenticeship. Mr. Meyer made a motion to approve the apprenticeship, Mr. Coffey seconded the motion, and it carried 5-0.

Lowell Samons: Appeared before the Board with his supervisor, Roger Nelson, from Nelson-Frazier Funeral Home in Martin, KY. He is applying for a Funeral Director apprenticeship. Mr. Coffey made a motion to approve the apprenticeship, Mr. Evans seconded the motion, and it carried 5-0.

Gregory Polston: Appeared before the Board with his supervisor, Jimmy Lawson, from Hardy-Close Funeral Home in Shepherdsville, KY. He is applying for a Funeral Director and Embalmer apprenticeship. Mr. Porter made a motion to approve the apprenticeship, Mr. Evans seconded the motion and it carried 5-0.

Melvin Underwood: Appeared before the Board with his supervisor, Angie Caldwell, from Schoppenhorst, Underwood & Brooks Funeral Home in Shepherdsville, KY. He is applying for a Funeral Director apprenticeship. Mr. Coffey made a motion to approve the apprenticeship, Mr. Evans seconded the motion and it carried 3-0. Chairman Percell and Mr. Porter were not present.

Matt Schroeder: Appeared before the Board with his supervisor, Larry Sanders, from Alexander & Royalty Funeral Home in Harrodsburg, KY. He is applying for a Funeral Director and Embalmer apprenticeship. Mr. Coffey made a motion to approve the apprenticeship, Mr. Evans seconded and it carried 3-0. Chairman Percell and Mr. Porter were not present.

Jason Lowe: Appeared before the Board with his supervisor, James Gibson, from Southeastern Kentucky Mortuary Service in West Somerset, KY. He is applying for a Funeral Director and Embalmer apprenticeship. Mr. Evans made a motion to approve the apprenticeship, Mr. Coffey seconded the motion and it carried 3-0. Chairman Percell and Mr. Porter were not present.

Paul Cawood: Appeared before the Board with his supervisor, Jackie Hopkins, from Creech Funeral Home in Middlesboro, KY. He is applying for a Funeral Director and Embalmer apprenticeship. Mr. Coffey made a motion to approve the apprenticeship, Mr. Evans seconded the motion and it carried 3-0. Chairman Percell and Mr. Porter were not present.

Eason Davis: Appeared before the Board with his supervisor, Conley Trya, from Lakes Funeral Home in McKee, KY. He is applying for a Funeral Director and Embalmer apprenticeship. Mr. Evans made a motion to approve the apprenticeship, Mr. Evans seconded the motion and it carried 3-0. Chairman Percell and Mr. Porter were not present.

RECIPROCAL

David Campanella: Met with the Board for approval as a reciprocal to the take the funeral director and embalmer exams. He will be working at both Newcomer Funeral Home locations in Louisville, KY. Mr. Porter made a motion to approve the reciprocal, Mr. Evans seconded the motion and it carried 5-0.

Steve Moore: Met with the Board for approval as a reciprocal to the take the funeral director and embalmer exams. He will be working at Clark Legacy in Frankfort, KY. Mr. Evans made a motion to approve the reciprocal, Mr. Porter seconded the motion and it carried 5-0.

Louise Gohman: Met with the Board for approval as a reciprocal to the take the funeral director and embalmer exams. She is a teacher at Mid America Mortuary College and is working part time working at Scott Funeral Home in Jeffersonville, IN. Mr. Coffey made a motion to approve the reciprocal, Mr. Evans seconded the motion and it carried 5-0.

C.E. PROGRAMS APPROVED

- NFDA
 - What Happens to Your Families Following the Funeral?
 - 2017 All Staff Annual FTC Funeral Rule Review
 - Certified Preplanning Consultant Program (September 21, 2017)
 - Annual Conventions
 - Certified Preplanning Consultant Program (September 14, 2017)
 - The Future of Formaldehyde Use in Embalming
 - It's Easy Being Green: Getting Started with the Green Funeral Practices Program
- Selected Independent Funeral Homes
 - 2017 Annual Meeting
- Greater Cincinnati Funeral Service Association
 - Funeral Home Ergonomics & BWC Safety Services
 - Ohio Patriot Guard Riders
 - Kentucky Veterans Cemetery
- Funeral-smart.com
 - World Religions
 - You Can't Fake Authenticity
 - Religious Neutrality
 - Business Identity
- Stericycle
 - Blood borne Pathogens
- The Independent Funeral Group
 - 2017 Fall Festival
- Appalachian Mortuary Service
 - Advanced Embalming, Reconstruction and Hands-On PMRC Cosmetics

DISCUSSIONS

Monday, August 7, 2017 the Board will meet to review the establishment renewals at 1:00 P.M. at the Board office. The inspector is running out of inspection reports and needs the Board to approve the form. The Board members will review the form and let the inspector know next week.

Chairman Percell adjourned the meeting at 6:05 P.M. The next Board meeting will be August, 8 2017 at the Crowne Plaza in Louisville, KY.


Chairman


Clerk