

STATE OF MAINE
BOARD OF FUNERAL SERVICE

Minutes of June 21, 2007 Board Meeting

Members Present: Robert Barnes, Chair; Normand Lambert, Hervey Clay, Bethel Shields and Ernest Marriner

Others Present: Penny Vaillancourt, Administrator; Jack Richards, Assistant Attorney General; Jennifer Mooney, Board Clerk.

Members Absent: John Dunn and Jennifer Minkowitz

CALL TO ORDER

Robert Barnes, Chair, called the meeting to order at 9:06 a.m.

OLD BUSINESS

A. APPROVAL OF MINUTES

In a motion by Ernest Marriner, seconded by Hervey Clay, the minutes from the April 10, 2007 meeting were approved as written.

Vote: 3 in favor (2 abstentions – Normand Lambert and Hervey Clay)

NEW BUSINESS

A. INITIAL COMPLAINT PRESENTATIONS

2006-FUN-2911

A complaint was filed against a licensee for failure to transfer a mortuary trust account to another licensee in a timely matter.

After a full review and discussion a motion was made by Normand Lambert, seconded by Bethel Shields, to offer the licensee a consent agreement with the following terms: admission to the violating the board's laws and rules regarding timely transfers of mortuary trust accounts and a formal warning.

Vote: 5 in favor

The board further motioned to include warning language in the consent agreement to include the following facts: transfer was not done in a timely manner, negligence, based on the Letter of Guidance sent on October 12 and failed to follow the wishes of the payor as instructed. Bethel Shields motioned, seconded by Normand Lambert.

Vote: 5 in favor

2007-FUN-3448

A complaint was filed against a licensee for failing to disclose conviction information on their license application.

After a full review and discussion a motion was made by Normand Lambert, seconded by Bethel Shields, to offer the licensee a consent agreement with the following terms: admission to violation - failure to disclose conviction information, and a formal warning.

Vote: 4 in favor (1 recusal – Robert Barnes)

2007-FUN-3449

A complaint was filed against a licensee for failing to disclose conviction information on their license application.

After a full review and discussion a motion was made by Bethel Shields, seconded by Normand Lambert, to offer the licensee a consent agreement with the following terms: admission to violation - failure to disclose conviction information and a formal warning.

Vote: 5 in favor

2007-FUN-3528

A complaint was filed against a licensee for failing to file a new establishment license application pursuant to the board's instructions.

After a full review and discussion of the issues involved, a motion was made by Normand Lambert, seconded by Ernest Marriner, to dismiss this complaint.

Vote: 4 in favor (1 recusal – Hervey Clay)

B. APPROVAL OF CONTINUING EDUCATION PROGRAMS

A motion was made by Hervey Clay and seconded by Bethel Shields, to approve the following continuing education program(s) as reviewed by the Continuing Education Committee:

1. Maine Funeral Directors Association – approved for 10.5 hours
2. 100% Education by McKissock – approved for 2 hours online study hours only
3. National Funeral Directors Association – approved for 2 online study hours only
4. Continental Computers – approved for 8 hours (various programs and dates)
5. Funeral Review LLC – approved for 2 online study hours only
6. In-Sight Institute – approved for 12 hours
7. Funeral Review Com LLC – approved for 2 online study hours only
8. ICFA – approved for 24 hours
9. National Funeral Directors & Morticians Association – approved for 21.5 hours (various programs and dates)

Vote: Unanimous

A motion was made by Bethel Shields and seconded by Hervey Clay to approve the following continuing education programs as reviewed by the Continuing Education Committee:

1. Normand Lambert – approved for 6 hours

Vote: 4 in favor (1 recusal – Normand Lambert)

Hervey Clay made a motion, Bethel Shields seconded, and the board voted to table the request for approval from FAPCO pending receipt of the credentials of the presenters to be reviewed by board chair and staff.

Vote: 4 in favor (1 recusal – Normand Lambert)

Approval and denial letters will be mailed out by the board clerk.

OTHER BUSINESS

CHAIR'S REPORT – ROBERT BARNES

Robert Barnes gave the board an update on the ICFSEB conference he attended in April.

ADMINISTRATOR'S REPORT – PENNY VAILLANCOURT

Penny Vaillancourt provided the board with a financial update and number of current licensees to date.

ADJOURN

There being no further business, in a motion by Normand Lambert and seconded by Bethel Shields, the Board voted unanimously to adjourn at 11:17 a.m.

Respectfully submitted,

Jennifer Mooney
Board Clerk