



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

FUNERAL & CEMETERY BOARD
MEETING MINUTES
REGULAR BOARD MEETING

DATE: November 1, 2016
TIME: 9:00 am
LOCATION: Capital Event Center
Mason Room
6005 Tyee Dr. SW
Tumwater, WA 98512

BOARD MEMBERS PRESENT: Jim Letson, Cemetery Member & Chair
Cameron Smock, Funeral/Embalmer & Vice Chair
Pete Cameron, Funeral/Embalmer Member
Richard Little, Funeral/Embalmer Member
Ronald R. Messenger, Cemetery Member
Dante Gutierrez-Zamora, Funeral/Embalmer Member
Angela Ward, Public Member

STAFF PRESENT: Rick Storvick, Assistant Administrator
Jenni Lingle, Administrative Assistant
Yvonne Brumfield, Board Support Supervisor
Elizabeth Thompson-Lagerberg, AAG

OTHERS PRESENT: Members of the public and other staff

1. Call to Order 9:03 AM

1.1. Introductions

Board members, staff, and guests introduced themselves.

1.2. Approval of order of Agenda

The order of the agenda was amended as follows:

- Added 4.2 - Staff to report on failure to timely file death certificates.

MOTION: Mr. Messenger made a MOTION to accept the agenda as amended. Mr. Cameron seconded the MOTION and it passed.

1.3. Approval of Draft Minutes: August 2, 2016

MOTION: Mr. Smock made a MOTION to approve the minutes as presented. Mr. Messenger seconded the MOTION and it passed.

1.4. Review Communications

Mr. Storvick informed the board of the temporary closure of Black Lake Building 2.

2. Public Comment Opportunity

Mr. Schacht with Service Corporation International complimented staff Investigator/Auditor Pam Griese on a job well done as a Department of Licensing (DOL) representative.

3. New Business

3.1 2017 Calendar

The board discussed and set dates for 2017 board meetings. The dates and locations are:

- February 7, 2017 at Red Lion in Olympia, WA.
- May 2, 2017 at Capital Event Center in Tumwater, WA.
- August 1, 2017 at Red Lion in Olympia, WA.
- November 7, 2017 at Capital Event Center in Tumwater, WA.

3.2 ICFSEB Conference - March 1-2, 2017

Mr. Smock and Mr. Little will attend the ICFSEB Conference.

4. Old Business

4.1. Review Action Item List

Ms. Brumfield reviewed the master action item list with the Board.

4.2. Mr. Storvick reported on the 3-day filing rule and past violations, and how staff handles them.

5. Complaint Cases for Review*

5.1. Case Manager Recommendations

5.1.1. 2015-07-2601-00FDE (Cameron)

The complaint alleged unprofessional conduct by misleading a family into signing forms for services they did not want. The case manager found no evidence to support a violation of law or rule and recommended closure.

MOTION: Mr. Little made a MOTION to accept the recommendation. Mr. Smock seconded the MOTION and it passed.

5.1.2. 2015-12-2601-00FDE (Cameron)

The complaint alleged unprofessional conduct and deceptive practices by Respondent's funeral home. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Messenger made a MOTION to accept the recommendation. Mr. Gutierrez-Zamora seconded the MOTION and it passed.

5.1.3. 2016-07-2600-00FDE (Cameron)

The complaint alleged the funeral home unnecessarily delayed the burial of their family member due to contract signer disputes, communication problems within the family, trying to deal with a life insurance company and policy assignment issues, and eventually probate. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Messenger made a MOTION to accept the recommendation. Mr. Gutierrez-Zamora seconded the MOTION and it passed. Mr. Smock abstained.

5.1.4. 2016-06-2601-00FDE (Little)

The complaint alleged two daughters of the deceased who died four years previously complained the funeral home was not forthcoming in response to their requests for documents. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Smock made a MOTION to accept the recommendation. Mr. Cameron seconded the MOTION and it passed.

5.1.5. 2015-11-2600-00-FDE (Smock)

The complaint alleged the funeral home (a) demanded a physician sign the death certificate within hours, (b) lied about emergency room physicians not signing death certificates, (c) made threats of physical violence, (d) used foul and threatening language, and (d) threatened to provide the family with the physician's number and address. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Messenger made a MOTION to accept the recommendation. Mr. Little seconded the MOTION and it passed.

5.1.6. 2016-06-2604-00FDE (Smock)

The complaint alleged the funeral home double-charged the family for several pre-arranged items on the at-need contract. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Messenger made a MOTION to accept the recommendation. Mr. Cameron seconded the MOTION and it passed.

5.1.7. 2015-07-2603-00FDE (Messenger)

The complaint alleged failure to provide Department of Licensing (DOL) Inspector(s) access for the annual inspection on numerous occasions and failure to provide documentation requested by DOL Inspectors/Investigators. The case manager found several violations; however, both businesses have closed and are out of business. The “principal” in these businesses is an unlicensed individual leaving no jurisdiction for the Board to act on. The case manager recommended closure.

MOTION: Mr. Gutierrez-Zamora made a MOTION to accept the recommendation. Mr. Smock seconded the MOTION and it passed.

5.1.8. 2016-04-2604-00FDE (Messenger)

The complaint alleged dealing with two different deceased individuals. 1. Failure to follow proper next of kin’s direction for disposition of deceased #1 and #2. Failure to release cremated remains of deceased #2. The case manager found no violation of law or rule and recommended closure.

The complaint alleged a funeral home harbored a veteran’s headstone from being set at the cemetery and, in another incident, did not provide enough cosmetics for a proper visitation. The case manager found no violation of law or rule and recommended the case be closed with no further action.

MOTION: Mr. Smock made a MOTION to accept the recommendation. Mr. Cameron seconded the MOTION and it passed.

5.1.9. 2016-04-2604-00FDE (Messenger)

The complaint alleged the insurance coverage was secured with an insurance company/agent outside of the funeral establishment’s control, hire, and supervision. The policy was simply “assigned” to said company with an irrevocable attachment. There is no proof or indication the now deceased ever established a prearrangement document detailing his specific wishes and/or the expenses the insurance policy was to cover i.e., a Statement of Funeral Goods &

Services or other itemized prearrangement. With the lack of detailed funeral prearrangements, the Respondent rightfully followed the directions of the legal next of kin. The Complainant is not the legal next of kin. The case manager found no violation of law or rule and recommended the case be closed with no further action.

MOTION: Mr. Cameron made a MOTION to accept the recommendation. Mr. Smock seconded the MOTION and it passed.

5.1.10. 2016-05-2401-00FDE (Messenger)

The complaint alleged failure to provide requested information to the family. The Respondent acted according to its written Rules and Regulations pertaining to privacy and the protection of family's sensitive information as is also protected under Federal law. Avenues do exist for the Complainant to obtain requested information (court order) as was explained to her by the Respondent, as well as public information from the death certificate and possible funeral home records, as was suggested by the investigator, may better answer the Complainant's questions. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Smock made a MOTION to accept the recommendation. Mr. Cameron seconded the MOTION and it passed.

5.1.11. 2016-07-2415-00FDE (Messenger)

The complaint alleged the Respondent was "overly aggressive" in a conversation with her other family members and unnecessarily drew his concealed weapon while acting in an aggressive manner. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Gutierrez-Zamora made a MOTION to accept the recommendation. Mr. Smock seconded the MOTION and it passed. Mr. Little abstained.

5.1.12. 2016-04-2600-00FDE (Letson)

The complaint alleged unprofessional conduct where a licensee took advantage of a situation where the employer of the deceased individual volunteered to "assist" with funeral expenses and when notified of charges, felt they far exceeded what the complainant expected. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Cameron made a MOTION to accept the recommendation. Mr. Little seconded the MOTION and it passed.

5.1.13. 2016-06-2603-00FDE (Little)

The complaint alleged the receiving funeral home/cemetery owner stated the wrong urn was brought over by the funeral home where a family had made cremation arrangements. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Gutierrez-Zamora made a MOTION to accept the recommendation. Mr. Smock seconded the MOTION and it passed.

5.1.14. 2016-01-2604-00FDE (Little)

The complaint alleged a funeral home manager complained that after a family changed to another funeral provider, said funeral provider did not reimburse for the removal fees of \$110 and that the funeral provider's staff and equipment were unprofessional in appearance. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Messenger made a MOTION to accept the recommendation. Mr. Cameron seconded the MOTION and it passed.

5.1.15. 2016-02-2600-00FDE (Little)

The complaint alleged the daughter called the funeral home that cremated her mother and placed her in a National Cemetery and explained that her mother who was not a veteran was divorced from her veteran husband and was not eligible to be placed in said cemetery and wanted her removed from the cemetery. The case manager found no violation of law or rule and recommended closure.

MOTION: Mr. Cameron made a MOTION to accept the recommendation. Mr. Smock seconded the MOTION and it passed.

6. Legal Issues for Deliberation*

6.1. Orders To Be Presented - None

7. Disciplinary & Investigation Items

7.1. Closed Session Deliberation Report (only necessary if closed session is held)
No business.

7.2. Disciplinary Cases Report
Packet item; Mr. Storvick discussed the Complaint Tool handouts.

8. Assistant Attorney General's Report - None

9. Committee/Task Force Reports

9.1. Mr. Storvick updated the board on the Cemetery Committee.

9.2. Guidelines for funeral establishments, cemeteries, & licensees: Mr. Storvick reported on the Guidelines.

10. Board Staff Report

10.1. Program Operations

Mr. Storvick reviewed information relating to the Black Lake Building 2 closure.

10.2. Legislative Update

Mr. Storvick reported out on the upgrades to the on-line renewal program called SOLAR.

10.3. Other Items

No business.

11. Other Business

11.1. Action Items From This Meeting

No business.

11.2. Agenda Items For Next Meeting

No agenda items from this meeting were identified.

11.3. Any Other Business

No business.

12. Adjournment 9:58 AM

Submitted by:

Rick Storvick, Assistant Administrator

Date

Approved by:

Jim Letson, Board Chair

Date