



STATE OF WASHINGTON
**DEPARTMENT OF LICENSING
FUNERAL & CEMETERY BOARD
MEETING MINUTES
REGULAR BOARD MEETING**

DATE: July 7, 2020
TIME: 9:00 am
LOCATION: Teleconference

BOARD MEMBERS PRESENT: **Cameron Smock**, Cemetery Member & Chair
Richard Little, Funeral/Embalmer Member & Vice Chair
Pete Cameron, Funeral/Embalmer Member
David Ittner, Cemetery Member
Angela Ward, Public Member
Dante Gutierrez-Zamora, Funeral/Embalmer Member
Connie LeSourd, Cemetery Member

STAFF PRESENT: **Rick Storvick**, Administrator
Kimberly Hall, Administrative Assistant
Julia Manley, Assistant Administrator
Elizabeth Lagerberg, **Advising** AAG
Geoffrey Allen, **Prosecuting** AAG
Pam Griese, Investigator
Tom Mowery, Investigator
Julie Konnersman, Management Analyst
Darla Gehrke, Management Analyst

Guests: Virtual

OPEN SESSION 9:01 AM

1. Call to Order

- 1.1. Introductions
Board members and staff introduced themselves.
- 1.2. Order of Agenda

MOTION: Mr. Gutierrez-Zamora made a MOTION to approve the agenda, Mr. Little seconded, and it passed.

1.3. Approval of Minutes: February 4, 2020 and April 2, 2020

Approval of Minutes for February 4, 2020

MOTION: Mr. Cameron made a MOTION to approve the minutes, Mr. Little seconded, and it passed.

Approval of Minutes for April 2, 2020

MOTION: Ms. Ward made a MOTION to approve the minutes, Mr. Cameron seconded, and it passed.

1.4. Review Communications

Mr. Storvick provided information regarding letters received from Crown Hill Cemetery, Mt. Pleasant Cemetery, and Gethsemane Cemetery. They are proposing to remove dedication for portions of their cemetery properties.

2. New Business

2.1. Introduction of New Board member

Mr. Smock introduced new Board Member Connie LeSourd. Ms. LeSourd shared some of her background and experience. Mr. Smock also mentioned that both he and Mr. Little were reappointed to the board.

2.2. Election of Officers

Mr. Cameron motioned to keep the current officers as they are with Mr. Smock staying as Chair and Mr. Little as Vice-Chair. Mr. Gutierrez-Zamora seconded the MOTION and it passed.

2.3. COVID-19 update

Ms. Griese and Mr. Mowery provided information on the continuous updates they receive on the Governor's proclamation and battle against the spread of COVID-19. They frequently receive questions from licensees regarding updates. They have also participated in weekly state conference calls with agencies who manage mass fatality issues, but those meetings have recently been winding down. Mr. Storvick mentioned the information regarding guidelines and requirements is changing often. Currently depending on what county a funeral or memorial takes place in, and whether the event is indoors or outdoors, attendance may be limited to immediate family only, or up to as many as 400 people.

3. Old Business

3.1. Rules Update

Ms. Konnersman updated the Board on the status of the updated rules. Ms. Konnersman filed the changes with the Code Revisers Office on April 6, 2020, and the rules went into effect on May 7, 2020. New law books are being published electronically and will be uploaded on the webpage. Mr. Storvick said

the Department of Licensing has issued the first license for a Natural Organic Reduction facility and a corresponding operator license.

- 3.2. Review Master Action Items List
Ms. Hall provided an update.

4. Complaint Cases for Review*

4.1.1 2019-08-2400-00CEM – (Ittner)

The complainant alleged a cemetery employee was unprofessional to the complainant who is a funeral home employee. Both businesses were working with the same family. The complainant states the respondent asked a family member to call the family's funeral home to get the casket's dimensions instead of calling themselves. The complainant said that was unprofessional. .

The case manager found no violations and recommended closing the case with no further action.

MOTION: Mr. Cameron made a MOTION to accept the case manager's recommendation for closure. Mr. Little seconded the MOTION, and it passed.

4.1.2 2019-08-2401-00CEM – (Ittner)

The complainant alleged they were told they would need to make alternative arrangements, as the depth of the vault would not allow for placement of another vault. Record keeping and staff consistency issues added to confusion and the complainants concerns. It was determined two vaults had originally been placed in the grave space which allowed for the placement of cremated remains. The complaint is a result of multiple customer service failures, but nothing that rises to a violation.

The case manager found no violations and recommended closing the case with no further action.

MOTION: Mr. Gutierrez-Zamora made a MOTION to accept the case manager's recommendation for closure. Mr. Cameron seconded the MOTION, and it passed.

4.1.3 2019-08-2402-00CEM – (Ittner)

The complainant alleged the respondent did not bury the deceased's cremated remains in the correct space. The complainant stated when they visited the site they did not see an area of the ground or grass that had been disturbed and concluded the deceased's remains had not been placed there. The board received the complaint on August 20, 2019, and the interment of the cremated remains occurred during the first week of February 2019. During a site visit, the respondent staff probed the area and found the urn was buried.

The case manager found no violations and recommended closing the case with no further action.

MOTION: Mr. Cameron made a MOTION to accept the case manager's recommendation for closure. Mr. Little seconded the MOTION, and it passed.

4.1.4 2019-10-2402-00CEM – (Little)

The complainant alleged the receiving cemetery mishandled their parent's cemetery arrangements. The decedent made and paid for cemetery arrangements in 1997. They also made cremation prearrangements with another funeral home. The decedent moved outside of the area and after death, the family used the local funeral home, which was able to access the funds from the prearrangements made with the other funeral home for the services rendered. When they came to the cemetery, the family did some upgrades that were not previously purchased to the sum of \$1,474.

The case manager found no violations and recommended closing the case with no further action.

MOTION: Mr. Gutierrez-Zamora made a MOTION to accept the case manager's recommendation for closure. Mr. Cameron seconded the MOTION, and it passed.

4.1.5 2019-11-10008-00FDE – (Gutierrez-Zamora)

The complainant alleged the respondent funeral home refused to listen to the complainant's concerns and refused to release remains to another funeral home provider. The complainant is the partner of the deceased in question's daughter-in-law. The complainant and her partner contacted the respondent funeral home. At the arrangement conference, it was determined the deceased had two surviving sons with the right to control disposition. The respondent assisted the complainant in attempting to contact the legal next of kin. While waiting for a response from the next of kin, the complainant contracted with another funeral home to handle the disposition. The respondent did delay in releasing the deceased in question to the new funeral home in hopes that the legal next of kin would respond. The respondent released the deceased to the new funeral home and it appears as if the complainant's partner misrepresented herself as the deceased's legal next of kin in order to authorize cremation. All charges save the transfer and refrigeration fees were refunded.

The case manager found no violations and recommended closing the case with no further action.

MOTION: Mr. Little made a MOTION to accept the case manager's recommendation for closure. Mr. Ittner seconded the MOTION, and it passed.

4.1.6 2019-11-10020-00FDE – (Little)

The complainant alleged the family of the deceased felt the decedent was improperly embalmed before being shipped to California for services. The deceased died October 3, was picked up by the funeral home October 4, and was

embalmed October 7. The deceased was shipped to the receiving funeral home October 11. The receiving funeral home re-aspirated the deceased and put them in a plastic unionall before dressing and applying cosmetics for a viewing October 17. The receiving funeral home said the deceased was adequately embalmed.

The case manager found no violations and recommended closing the case with no further action.

MOTION: Mr. Gutierrez-Zamora made a MOTION to accept the case manager's recommendation for closure. Mr. Cameron seconded the MOTION, and it passed.

4.1.7 2018-02-2601-00FDE – (Cameron)

The complainant alleged the respondent funeral home picked up remains from another funeral home that had performed arterial embalming but no cavity embalming. Respondent funeral home held the remains for 8 days before dressing, at which time they discovered advanced deterioration of the remains that made them unable to be viewed by the family or hold an open casket service as the family had arranged. The respondent funeral home failed to properly inspect the remains upon taking possession, at which point the lack of cavity embalming would have been discovered and then performed. They failed to provide an acceptable level of professional care in handling the deceased. The case manager directed board staff to conduct technical assistance with respondent, after which the respondent submitted a written paper explaining what they learned, and what steps they have taken to ensure this will not happen again – including environmental controls like upgrading the air-conditioning in the room.

The case manager found no violations and recommended closing the case with no further action.

MOTION: Mr. Little made a MOTION to accept the case manager's recommendation for closure. Ms. LeSourd seconded the MOTION, and it passed.

5. Legal Issues for Deliberation*

5.1. Orders to Be Presented

5.1.1 2018-08-2403-00CEM

Agreed Order- Crown Hill Cemetery

The respondent has multiple violations of the funeral and cemetery licensing laws, including unprofessional conduct.

The respondent was charged with unprofessional conduct under RCW 68.05.259: RCW 68.40.010, RCW 68.44.030 (I), RCW 68.46.030 (5) and (6); and RCW 18.235.130 (8).

- Cemetery has a \$2,500 fine to be paid within 30 days.

- Respondent will have yearly audits for three years.
- Respondent shall be responsible for all costs of complying with this Agreed Order.
- This Agreed Order takes effect immediately upon being served by the Board. RCW 18.235.080.

MOTION: Mr. Cameron made a MOTION to accept the agreed order. Mr. Gutierrez-Zamora seconded the MOTION, and it passed. Mr. Little abstained.

6. Disciplinary & Investigation Items

6.1. Closed Session Deliberation Report (only necessary if closed session is held)

None.

6.2. Disciplinary Cases Report

Mr. Storvick gave a verbal breakdown of the disciplinary cases. Currently we have five cases out with case managers, 11 cases with legal, 3 are in intake and 12 are under investigation. A printed disciplinary report should be available by next meeting.

7. Assistant Attorney General's Report

None.

8. Committee/Task Force Reports

None.

9. Board Staff Report

9.1. Program Operations

Mr. Storvick discussed Polaris and that it rolled out to all of the Department of Licensing Business and Professions Division programs as of June 29, 2020. Ms. Manley said the roll out has gone smoothly and other than a few bugs it is going great. Mr. Storvick agreed overall this is going better than roll out 1 last November.

9.2. Department of Licensing

Mr. Storvick mentioned DOL staff have been working from home since the middle of March, which means we are not currently doing inspections. The staff is trying different work arounds and working on ways of improving things. He also explained the Department of Licensing has furlough days on Fridays for the month of July as per the Governor's order.

9.3. Other Items

Mr. Mowery recommended going to the Governor's website for up to date guidelines on funerals. Currently depending on what county a funeral or memorial takes place in, and whether the event is indoors or outdoors, attendance may be limited to immediate family only, or up to as many as 400 people.

10. Other Business

10.1. Any Other Business
None.

10.2. Action Items From This Meeting
None.

10.3. Agenda Items For Next Meeting
None.

11. Public Comment Opportunity

Loren Thomas with The International Conference of Funeral Service Examining Boards (ICFSEB) provided a quick update on testing. Some testing centers are now open with social distancing. It is more difficult to book space. If someone has a hard time finding a space they can call the ICFSEB at 479-442-7076.

12. Adjournment 10:10 am

*The Board may enter into closed session to discuss disciplinary proceedings.

Submitted by:



Rick Storvick, Administrator

10/6/20

Date

Approved by:



Cameron Smock, Board Chair

10/6/2020

Date