

**MINUTES**

**UTAH  
FUNERAL SERVICE LICENSING  
BOARD MEETING**

**August 18, 2010**

**Room 474 - 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:06 a.m.

**ADJOURNED:** 10:58 a.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Reginal V. Ecker, Chairperson  
Mitchell Blackburn  
Ned Nordgren  
Brent Russon

**Board Members Absent:**

Mary W. Bearson  
P Mark Brown  
Louie Hamner

**DOPL Staff Present:**

Mark Steinagel – Division Director  
Connie Call – Compliance

**Guests:**

Russell Atkin – Serenicare Utah Cremation Services  
Scott Russon – Utah Funeral Directors Association  
Joyce Mitchell – Funeral Consumers Alliance  
Jeff Allen – Nelson Rogers & Taylor  
Duane Lamoreaux - Serenicare  
Terry Eckersell – Serenicare  
Lance B Smith – Serenicare  
Patricia Russell – Self  
Phillip Perkes – Self

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Welcome Mr. P Mark Brown and Mr. Louie Hamner as new Board Members

Mr. Brown and Mr. Hamner were unable to attend this meeting. This issue was tabled until the November 17, 2010 meeting.

Mr. Russon seconded by Mr. Blackburn made a motion to re-elect Mr. Ecker as the 2010-2011 Board Chairperson. The motion carried unanimously.

Board Training

Due to Mr. Brown and Mr. Hamner having been unable to attend this meeting. This issue was tabled until the November 17, 2010 meeting.

Approve April 28, 2010 Board Meeting Minutes

Mr. Blackburn seconded by Mr. Nordgren made a motion to approve the April 28, 2010 Board Meeting Minutes. The motion carried unanimously.

**APPOINTMENTS:**

9:15 a.m. Compliance

Ms. Call described the duties and responsibilities of the Compliance Unit.

Ms. Call then explained Mr. Perkes is currently compliant with his Stipulation (Stipulation and Order). She added Mr. Perkes met with her prior to this meeting and has several questions regarding the requirements of his Stipulation.

9:30 a.m. Perkes, Phillip – First Probation Interview

Mr. Perkes appeared for his first scheduled probationary appointment with the Board. He explained he was charged on November 21, 2007 with Simple Battery, to which he pleaded Guilty on April 18, 2008. Mr. Perkes explained he later self reported this issue to this Division, and on June 16, 2010 signed a Stipulated Agreement with the Division.

Mr. Russon questioned what areas of the Stipulation Mr. Perkes had desired to discuss with the Board.

Mr. Perkes clarified,:

- 1) The time frame of probation should be reduced. Due to the length of time since the charge occurred, and the Division's slow response;
- 2) Section e) the psychosexual evaluation should not be required. Due to having already met this requirement during his criminal probation;
- 3) Section m) the Drug analysis testing should not be required. Due to the onerous nature of the requirement; and
- 4) Section n) the Active Practice requirement should not be required. Due to Funeral Establishments are likely not willing to hire an individual who is on a probationary license.

Mr. Steinagel clarified the necessity for each of the requirements listed in Mr. Perkes's Stipulation.

Ms. Call agreed to contact Compass Vision regarding setting up a Drug analysis test site in Wyoming, to assist Mr. Perkes in meeting the requirements of Section m).

The Board agreed to accept a letter from Mr. Perkes's Probation Officer, outlining his probationary requirements, to assist Mr. Perkes in meeting the requirements of Section e).

The Board questioned Mr. Perkes regarding his licensure status in Idaho and Wyoming. Mr. Perkes clarified; he voluntarily surrendered his Idaho license, due to his criminal charges. It was then added Mr. Perkes will notify Wyoming if he begins to practice in that State, and no administrative action has been taken.

Mr. Perkes is in compliance with his Stipulation and will next meet with the Board on November 17, 2010, with a letter from his Court Probation Officer outlining all requirements of his court ordered probation.

9:45 a.m. Rogers & Taylor Mortuary – J Jeffrey Allen, Director

Representatives of Rogers & Taylor Mortuary appeared for their scheduled appointment with the Board to ensure this Establishment meets all requirements of 58-9-302 (3).

After a detailed discussion it was determined Rogers & Taylor Mortuary meets all requirements for licensure, with Mr. Michael Chatterton as the Funeral Service Director.

10:00 a.m. Nelson Funeral Home – J Jeffrey Allen, Director

Representatives of Nelson Funeral Home appeared for their scheduled appointment with the Board to ensure this establishment meets all requirements of 58-9-302 (3).

After a detailed discussion it was determined Nelson Funeral Home meets all requirements for licensure, with Mr. Kenneth Borup as the Funeral Service Director.

10:15 a.m. Cremation Center of Southern Utah  
– Terry Eckersell, Director

Mr. Eckersell appeared for his scheduled appointment with the Board to ensure Cremation Center of Southern Utah meets all requirements of 58-9-302 (3).

After a detailed discussion it was determined Cremation Center of Southern Utah meets all requirements for licensure, with Mr. Terry Eckersell as the Funeral Service Director.

**DISCUSSION ITEMS:**

Examination & Proposed Rules Review

Mr. Ormond reviewed the proposed amendments to R156-9-302a and clarified:

Subsection (2) will be amended to reflect only the Funeral Service Intern will be required to “answer correctly all the law and rule questions in the open book examination contained in the application.”

Subsection (3) will be added to reflect the PreNeed Sales Agent and Funeral Service Director and Funeral Service Director by endorsement “shall pass the Utah Funeral Service Law and Rule Examination with a score of at least 75%.”

Subsection (4) will be added to reflect any “individual who fails the Utah Funeral Service Law and Rule examination may retake the failed examination as follows:

- (a) no earlier than 30 days following any failure, up to three failures within the first six months; and
- (b) no earlier than six months following any failure thereafter.”

Pre-Need Sales Contracts

This issue was table until the November 17, 2010 Board meeting for further discussion with the Utah Funeral Directors Association.

**CORRESPONDENCE:**

The Conference Report – Summer 2010

Reviewed, with no further action taken.

**NEXT MEETING:**

November 17, 2010

**ADJOURN:**

10:58 a.m.

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*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

11-17-2010

Date Approved

(SS) Reginal V. Ecker

Chairperson, Utah Funeral Service Licensing Board

11-17-2010

Date Approved

(SS) Clyde Ormond

Bureau Manager, Division of Occupational &  
Professional Licensing