

## **UNAPPROVED MINUTES**

July 14, 2015

Vermont Board of Funeral Service

89 Main St., 3<sup>rd</sup> Floor

Montpelier, VT 05620-3402

8:30 AM – Curriculum Committee

9:00AM – Board Meeting

Board Members present: Larry Gile, Michael Donahue, Daniel Coane, Alexandra Thayer and James Minor

Staff present: Gabriel Gilman, General Counsel; Terry Gray, Licensing Board Administrator; and Daniel Vincent, Inspector

Visitors: Greg Camp

1. **Call to Order:** Meeting called to order at 9:02 am by Chairman Larry Gile.
2. **Approval of Minutes:** Motion to approve the May 12, 2015 minutes made by Michael Donahue, seconded by Danny Coane. Motion Carried with 4-0-1. 1 abstention by Alexandra Thayer.
3. **Education Committee Report:** Education committee reviewed 14 courses. 7 approved and 7 denied. Approved courses shall be added to the list published to the Board's website at <https://www.sec.state.vt.us/professional-regulation/professions/funeral-service/continuing-education.aspx>. Courses listed on the denied list did not meet the requirements set forth in Rule 4.3.
4. **Case Manager's Report:** None
5. **Concluded Reports:** Carla Preston, Case Manager reported to the board, currently three case are pending, 1 case is on hold, one pending IT meeting and one under investigation.
6. **Applications:** None
7. **Hearing-** None
8. **Old Business:** None
9. **Inspection Reports –** None
10. **New Business:**  
3 V.S.A. § 129 (f) New Disciplinary Process  
General Counsel, Gabriel Gilman gave an overview of the new proposed disciplinary process.

Pursuant to 3 V.S.A. § 129 (f): A board may appoint a hearing officer, who shall be an attorney admitted to practice in this State, to conduct a hearing which would otherwise

be heard by the board. A hearing officer appointed under this subsection may administer oaths and exercise the powers of the board properly incidental to the conduct of the hearing. When a hearing is conducted by a hearing officer, the officer shall report findings of fact and conclusions of law to the board. The report shall be made within 60 days of the conclusion of the hearing unless the board grants an extension. The board may take additional evidence and may accept, reject, or modify the findings and conclusions of the hearing officer. Judgment on the findings shall be rendered by the board.

The Vermont Board of Funeral Service hereby delegates the OPR case manager standing authority to appoint a hearing officer to conduct disciplinary hearings in cases where: (1) in the judgment of the case manager, the case does not pertain to a question of professional judgment, or (2) a respondent is alleged to have defaulted.

Motion made by Michael Donahue to accept the above disciplinary process, seconded by Danny Coane. Motion approved by the majority vote of the board with a 3-1-1. Chairman Larry Giles voted no, one abstention by Alexandra Thayer.

Fee discussion for review of Continuing Education Courses.

A motion was made by Michael Donahue, seconded by Danny Coane to establish a \$25.00 fee for each educational course submitted to the board for review. This fee implementation needs to be put on the OPR 2016 bill for consideration by Legislature. Motion carries.

Limited Licensing (minimum requirements)

Dan Vincent, Inspector gave the board an overview of the current rule requirements on the establishments and the need to have clear guidance for limited licensing establishments. General Counsel, Gabriel Gilman suggested that he prepare a draft of language for the board to review at their September 8<sup>th</sup> meeting. This language will encompass defined rules on limited licensing establishment minimum requirements for rooms, such as, office space to meet the public and a separate room/area on the same premises for storage. The storage area must include a controlled environment.

Licensing Administrator, Terry Gray reminded the board of the new late fee penalty of \$100.00 that went into effect July 1, 2015. Greg Camp volunteered to insert the reminder into the Association newsletter as a helpful reminder to the licensees.

11. **Public Comment:** None

12. **Meeting Adjourned:** Meeting adjourned at 11:30 A.M.

Respectfully Submitted,

Terry Gray

Upcoming Meetings:

September 8

November 10