

APPROVED MINUTES

November 13, 2012

Vermont Board of Funeral Service
National Life Building North Fl 2,
Montpelier, VT 05620-3402

8:30 a.m. – Curriculum Committee

9:00AM – Board Meeting

Board Members present: Lyndon Mann, Peter Beck, Larry Gile, Robert Covey, and Mary Alice Bisbee

Staff Attending: Colin Benjamin, Board Counsel; Carla Preston, Case Manager, and Daniel Vincent, OPR Inspector, Terry Gray, Licensing Administrator; Chris Winter, Director OPR; Gabriel Gilman, State Prosecutor;

Visitors: Michelle Parent

1. **Call to Order:** Meeting called to order at 9:00 am by Chairman Mann
2. **Approval of Minutes:** A Motion to approve the Minutes of the September 11, 2012 Board Meeting was made by Mary Alice Bisbee and Seconded by Peter Beck. They were approved with the following corrections and additions: 1. The Oct. 2, 2012 meeting mentioned at the end of the Minutes is the V.F.D.'s meeting in Rutland. 2. Under #9 Old Business, Ms Bisbee noted that she "abstained" from voting on the revised Pre-Need Contract and did not vote "No."
3. **Education Committee Report:** 5 Continuing Education courses were approved by the Committee and 2 were denied approval.

Guest Michelle Parent with Vermont Interactive Technologies gave a brief presentation to update the board on their activities.

4. **Case Manager's Report:** Ms. Preston reported there are currently seven (7) 2012 cases pending for the Funeral Service Board. Four (4) cases are under investigation. Two (2) pending further review. Currently all conditioned licenses are in compliance.
5. **Concluded Reports:** Case Files 2012-516 and 2012-517—Motion was made by Mr. Beck to accept the closing report as written, seconded by Ms. Bisbee. Motion carried.
6. **Applications:** The Board approved the application for the following:

Christopher Pitcher for a Vermont Funeral Director and Embalmer license.

The Funeral Establishment License of the M.R. Davis Funeral Home under new ownership by Rolin Britch and

Approved the Application for a Removal License by Robert Kilpeck.

7. **Hearings:** Docket #2012-34 (Matthew J. Waller) Board reviewed stipulation and consent order. Prosecuting attorney Gabriel Gilman. Attorney Colin Benjamin presided for the board. a.) A Stipulation and Consent Order was presented by Case Manager Carla Preston for the Board's consideration. Board Member Robert Covey excused himself from the hearing and Board Member Larry Gile served as the Investigative Committee Member. Members Lyndon Mann, Mary Alice Bisbee and Peter Beck accepted the Stipulation and Consent Order on a Yes vote.

Chairman Mann noted to the Board that although he was not on the Agenda, Paul Gendron (Docket No. 2010-743) was present having come from Florida and was with his attorney, Paul Gillies. After a long discussion as to whether or not the hearing requested by Mr. Gendron should be granted, Ms Bisbee moved to allow the unscheduled hearing and Mr. Beck seconded the motion. The motion was approved. Colin Benjamin, Esq. was appointed by the Board as its Hearing Officer while Gabriel Gilman, State of Vermont Prosecutor represented the Office of Professional Regulations. Mr. Gendron was represented by Paul Gillis, Esq. Mr. Gendron's goal is to have his license as a Vermont Funeral Director fully restored without limitations or restrictions. Mr. Gillis presented Exhibits to the Board. After a full hearing, the Board went into Deliberative Session. The Finding of Fact, Decision and Order on the Petition for Removal of Conditions from Mr. Gendron's Vermont License will be forthcoming. I-Team member for this case was Larry Gile.

8. **Inspection Report** – Daniel Vincent

-Reviewed one inspection

-Mr. Daniel Vincent reported to the Board that he is still finding cases where Vermont Funeral Directors have accepted unspecified monies for pre-need contracts which is in direct violation of Vermont Law. A letter to all Vermont Funeral Directors and Funeral Establishments will be sent again explaining that prepaid funds may only be accepted and held in trust for goods or services specifically designated and itemized at the time of payment. Mr. Vincent also discussed with the Board compliance and non-compliance of non-guaranteed contracts.

9. **Old Business:** None

10. **New Business:**

-Budget Update: Chris Winters, Director of the Office of Professional Regulations, presented the Board of Funeral Services its projected Budget with assumptions and recommendations the Board consider a fee increase in 2013!

11. **Adjournment:** There being no further business, adjournment at 12:00

Future Meetings: January 8, 2013

Respectfully Submitted,

Terry Gray