

Washington State Funeral and Cemetery Board meeting transcript

August 21, 2024

David Ittner (00:00:02):

The Washington State Funeral and Cemetery Board. The time is now 10:00 a.m. on Wednesday, August 21st 2024, and I'm calling the special board meeting to order.

(00:00:11):

We'll be providing an opportunity for public comment later in this meeting. As a courtesy, we encourage everyone to mute their mics or your phone if you called in and you're not speaking to reduce the background noise when others are speaking.

(00:00:21):

Also for board members to help us capture information correctly, please state your name when making comments. Thank you.

(00:00:29):

All right. Agenda item number two, roll call. Sydney, would you please call the roll? Board members please respond if you are in attendance.

Sydney Muhle (00:00:38):

Chair Ittner?

David Ittner (00:00:39):

Present.

Sydney Muhle (00:00:41):

Vice Chair Gutierrez-Zamora.

(00:00:50):

Dante, can you can hear me?

David Ittner (00:00:52):

His mic is muted.

Dante Gutierrez-Zamora (00:00:58):

All right. Present. Sorry.

Sydney Muhle (00:01:00):

Thank you. Board Member Cameron.

Pete Cameron (00:01:05):

Present.

Sydney Muhle (00:01:06):

Board Member Little?

Richard Little (00:01:08):

Present.

Sydney Muhle (00:01:09):

Board Member Ward.

(00:01:14):

Board Member Ward may be running late, but we have our quorum.

David Ittner (00:01:21):

All right. Thank you. Agenda item number three, approval of the agenda. We need a motion to approve.

Richard Little (00:01:33):

So moved.

David Ittner (00:01:36):

Thank you. Is there a second?

Pete Cameron (00:01:36):

It's Pete. I'll second.

David Ittner (00:01:41):

Thank you, Pete. All right. Just one second. All right, any further discussion?

(00:01:53):

Hearing none. All in favor say aye.

GROUP (00:01:55):

Aye.

(00:01:55):

Aye.

(00:01:55):

Aye.

David Ittner (00:01:59):

Any opposed? Any abstentions? All right, motion passes.

(00:02:05):

All right, agenda item number four, approval of minutes. Is there a motion to that effect?

Richard Little (00:02:12):

This is Rick. I so move.

David Ittner (00:02:16):

Thank you, Rick. Do I have a second?

Pete Cameron (00:02:21):

This is Pete. I'll second.

David Ittner (00:02:23):

Thank you, Pete. Any discussion on the minutes? Hearing none, all in favor say aye.

GROUP (00:02:31):

Aye.

(00:02:33):

Aye.

(00:02:33):

Aye.

David Ittner (00:02:36):

Any opposed? Any abstentions? Motion passes. Thank you.

(00:02:45):

Okay, agenda item number five is old business. International Conference of Funeral Services Examining Board's report. Case update.

Sydney Muhle (00:02:54):

I apologize, that was a typo.

David Ittner (00:02:57):

Oh, which part?

Sydney Muhle (00:02:59):

Just the case update.

David Ittner (00:03:01):

Oh, okay. So which part, where are we at then? Are we...

Sydney Muhle (00:03:09):

So we're at 5.1, case update. I apologize. We don't have a [inaudible 00:03:14] from ICFSEB.

David Ittner (00:03:16):

Oh, I see what's going on. Okay, got it. Makes sense. All right, it looks like Pam, lead the discussion then of the case update.

Pam Griese (00:03:27):

Hi everybody. Let me get to it. So I provided for you an update on agreed order that the board had from 2020 regarding Catherine and Tony Tates' businesses, Columbia Memorial Gardens Cemetery, and Columbia Memorial Chapel in Pasco.

(00:03:47):

I just kind of wanted the board to see what the outcome of that whole situation was because it's actually having a positive impact on the community and just want you to hear a happy ending for once.

(00:04:08):

So back in 2021, I did an audit of the cemetery's trust funds. The funeral trust funds were held by a trust company, a third party trust company. So those funds were not as in danger of misuse compared to the cemetery trust funds.

(00:04:33):

And I did find that at the time that the new owners purchased both businesses that the cemetery prearrangement trust fund was practically at zero. You can see the figures on my report.

(00:04:52):

And so in 2021, I determined an estimated liability to the prearrangement trust fund of over \$150,000. The new owners had to reconcile by following through to see what items had been purchased and delivered or purchased and stored what cemetery prearranged items were actually stored, and the condition that they were stored in. And the new owners actually found a liability to the cemetery prearrangement trust of over 200,000.

(00:05:35):

So also at the time of the acquisition of this cemetery, there were several markers that had been paid for by consumers but were not provided by the former owners. And the new owners immediately stepped in and started one by one handling all those markers.

(00:05:59):

And actually when Riley Milo and I went and did our examination in 2024, they had provided over \$202,000 worth of merchandise and services to families without getting any payment for those items because they were all outstanding issues that the previous owner had left for them to take care of.

(00:06:30):

So now that they are past this point, they are starting to build that Cemetery Prearrangement Trust Fund.

(00:06:38):

The payments that they were making to the former owners are now being diverted to the cemetery prearrangement trust fund because they were able to legally demonstrate that they don't owe the former owners anymore based on what they've already had to pay out to take care of the shortfalls.

(00:07:00):

So they're depositing \$3,000 a month starting back in May of this year, and they also are not taking withdrawals for pre-acquisition contracts since the money wasn't there to start with. So that will also reduce the cemetery prearrangement trust liability.

(00:07:24):

So they also remodeled the funeral home. It was in bad disrepair. And they've completely, it's like a brand new funeral home now. It's beautiful. Riley and I both were really impressed with it, with what they've done.

(00:07:45):

So I just wanted you to hear that with the right successor owners, even something as dire as the situation with the Tates can be turned around and become an asset to the community.

David Ittner (00:08:06):

Well, thank you, Pam. That indeed is a piece of good news and very thankful for those new owners and the work that they've done to salvage that organization for sure.

(00:08:17):

Thank you for a great report.

Pam Griese (00:08:21):

Thank you.

David Ittner (00:08:21):

Any questions or discussion on that from any board members at all?

Pete Cameron (00:08:28):

No, this is Pete. But I'd agree that's a great turnaround and kudos to them for stepping up and protecting families and that's just great to hear.

David Ittner (00:08:41):

Absolutely. All right. We'll move on to item number six, new business. 6.1 death rate surge discussion. Sydney.

Sydney Muhle (00:08:54):

Thank you, Mr. Chair. This is an item that came out of public comments at the last board meeting.

(00:08:59):

We received comments from the People's Memorial group regarding the anticipated surge in death rate and wanting to know what the board was doing to address that anticipated issue that will be facing this industry.

(00:09:18):

So because the board couldn't respond to the public comments at that time, they requested that this item be brought back so that it could be addressed. So just wanting to give a little bit of lead into that.

(00:09:33):

This is tying into the work that is being done by the Licensing Future Task Force and something that is being addressed, but as is the case with almost any industry, it's just not a quick turnaround for any changes that we can make. It'll take time once those changes are made for there to be an impact.

(00:09:57):

So I know that that's an issue that is facing this industry. The board is well aware of it. They're working to address that. It's not something that the public will necessarily see a really quick impact on.

(00:10:13):

So wanted to open it up for the rest of the board to make comments since this was an item that you guys had requested be added to the agenda.

David Ittner (00:10:24):

Yeah. Thank you, Sydney. I would just say to your point, we've had lengthy discussions at the committee level on the pending potential increase in death rate over the next 5, 10, 20 years and also how that plays into the licensing and issues that we face in terms of finding funeral directors and new funeral directors in the industry.

(00:10:49):

So we're looking at all different options to address alternative pathways to licensure and other things that would bring more good people into the industry.

(00:11:01):

So I think the board is looking at that and takes it very seriously since most of us are owner-operators of some sort and are experiencing some of the pressures from that.

(00:11:16):

Pete, I don't know if you're on the committee. I'm not sure if you have any commentary on that piece.

Pete Cameron (00:11:24):

Yeah, just to reiterate that, we are looking at a number of different options to help ease things at the state level. A lot of this is going to be market driven in different areas of the state.

(00:11:39):

So whatever we can do at the state level to help free up that process and make things not necessarily simpler, but to allow for that expansion to happen.

(00:11:55):

We are going to be in a world of hurt in a few years down the road here. So yeah, the committee is working on it and there's a lot of good things happening.

Sydney Muhle (00:12:07):

And Mr. Chair, we do have a member of the public who's raised their hand to speak, but it's up to the board if you guys want to allow that on this item as it is outside of the public comment period.

David Ittner (00:12:17):

Yeah, I'm all right with that. That'll be fine.

Casey Husseman (00:12:26):

Hi, this is Casey Husseman, Executive Director of the People's Memorial Association. I was the one who put this question to the board last session.

(00:12:33):

I've heard Ittner and Cameron both say that they're looking at a number of different options. Can you please name what a couple of those different options are that this board is exploring?

(00:12:43):

Thank you.

David Ittner (00:12:48):

Sydney, do you want me to take that or would you like to?

Sydney Muhle (00:12:50):

It's up to you. I can take it if you'd like.

David Ittner (00:12:53):

Go for it.

Sydney Muhle (00:12:56):

The committee has looked at a couple of different options that would involve rule changes. Rule changes, hopefully there's a couple of places where it may require legislative action, but we're looking at rule changes because those are things that the board can make a little bit more

easily, a little more quickly without needing to go to the legislature for large changes that may or may not make it through.

(00:13:25):

So a couple of those are just allowing for consideration of alternative pathways, opening up a little bit more of the education to see if there are other areas of education that we can start pulling people in from and attracting them into the industry, including some different backgrounds.

(00:13:47):

They've also looked at allowing for different levels of intern license to kind of fill in some gaps that they're seeing in the industry.

(00:13:57):

I think the recommendation that is going to be coming out of that committee, they haven't finalized that yet, but what we've reported to the board so far out of that committee is to look at reducing the five-year time cap on internships, allowing people who begin their internship but need a little additional time to complete it, allowing them that opportunity to stay in the industry and continue to work as an intern and keep fulfilling that time commitment.

(00:14:31):

That's an area that we're seeing a lot of requests come out of that, especially through the pandemic. A lot of people's education and internships were kind of placed on hold or they weren't getting as many opportunities to do what they needed to do to fulfill those requirements. And the board had a number of requests come in to extend internships post COVID.

(00:14:59):

So we really believe that that's an area that will help bridge that gap a little bit, give interns a little bit more breathing room to get their licensure, to get their full funeral director and embalmer licensure and hopefully be able to start bridging that gap with a little bit more immediate effect.

(00:15:19):

And then looking to do some outreach again with some of those alternative education pathways to see who we can pull into the industry from that route.

(00:15:30):

A lot of people have exposure to the industry but maybe aren't directly connected educationally. People in emergency services who work a lot of different shifts but have the background and the knowledge to be able to work in the industry.

(00:15:48):

And so seeing how we can start to pull them in, get them their education requirements so that they can meet the licensure requirements and kind of go that route.

(00:15:58):

So looking at a lot of different alternatives, but I think the immediate one is going to be looking at removing that time cap on interns.

David Ittner (00:16:09):

Thank you, Sydney. Yeah, at the end of the day, it's about reducing or modifying the barriers to entry into the profession of being a funeral director without obviously diluting the importance of the work that we do.

(00:16:28):

So it's creating different pathways to get there and become licensed, whether that's through like as Sydney pointed out, the educational requirements that are currently in place.

(00:16:43):

I know that before the five-year time cap that was put in place, there were many, many good people that were working as intern funeral directors; that once the five-year cap was installed had to leave the business because they simply couldn't or didn't want to go back to school to earn whether it's a two-year degree or complete all the educational requirements.

(00:17:07):

So similar to Sydney's pointed out some different options for, or the example would be the architectural licensure process where they created more, I guess, again the phrase is alternative pathway to licensure, but through almost what the equivalent of on-the-job training would be.

(00:17:30):

So anyway, some of it is rulemaking and of course some of it reaches into the legislative process, which is a little more complex.

Sydney Muhle (00:17:42):

I see Mr. Husseman has his hand raised again.

David Ittner (00:17:47):

Just one last comment just in the interest of time.

Casey Husseman (00:17:51):

Thank you. Having worked with a number of funeral directors, it was my understanding that the reason the five-year limit to funeral director internship was put into place was that it was common practice for funeral homes to keep a working funeral director at the intern level in order to not pay them more when they then had addressed licensed funeral director status.

(00:18:14):

Can I get any comment on how this is going to incentivize more workers if the result may be that people are staying on longer but at the lower pay level?

Sydney Muhle (00:18:25):

So that is something that the committee is still working to address to ensure that there is equity in the practice. But what we're finding right now is that that five-year cap on the internship is really a barrier to interns being able to complete their internship requirement and get full licensure.

(00:18:49):

So the committee is still reviewing that and will definitely be bringing forward a recommendation on how to properly address that, but we also want to make sure that we're meeting the needs of those interns as well. And so it's about finding that balance.

David Ittner (00:19:07):

Thanks, Sydney. I appreciate the comments as well. All right, moving on to agenda item 6.2, disposition of facility equipment discussion. Sydney?

Sydney Muhle (00:19:17):

This is another one that came out of public comments again from the People's Memorial Association regarding disposition of facility equipment specifically for crematories, and noting that there are some technological advancements in facility equipment but that a lot of facilities may be hesitant to replace that particularly regarding environmental concerns and regulations that have been placed on them.

(00:19:49):

This is one that I personally don't have a lot of background in, but the board had again requested an item to address this. So I wanted to open it up for board comment to respond to that.

David Ittner (00:20:07):

I think maybe the appropriate process here would be to form kind of an ad hoc committee just to discuss it and just dive into the concern itself; but also just some of the barriers that I guess facilities are facing.

(00:20:24):

I'm not sure that this is technically within the board's jurisdiction in terms of things that we could impact, but I think that would be part of that discussion.

Sydney Muhle (00:20:37):

Yeah. I think it kind of borders on falling outside of the board's jurisdiction, but I think an ad hoc committee just to take a look at it and see if there is anything, because there may be some impacts that Pam or Riley might be seeing through some of their work or maybe hearing comments on.

(00:20:57):

So I think it's good for the board to at least get an understanding of what's going on with that and if there are any regulations that are causing barriers for our licensees and just get a handle on it. So I think an ad hoc committee is appropriate if a couple of members want to volunteer for that.

David Ittner (00:21:16):

That'd be great. I'd be willing to serve on that committee.

Dante Gutierrez–Zamora (00:21:26):

I could speak to that committee as well, having had to move a crematory here and dealing with some of the issues.

(00:21:33):

None of them really were specifically board issues. We had other issues with other agencies through the state, but it is very correct that it's not easy to even move a machine, much less get a new machine going.

Pete Cameron (00:21:49):

Yeah, this is Pete. I could go ahead and speak to that on that committee too, with our group installing alkaline hydrolysis and the trials and tribulations that we went through with that.

Sydney Muhle (00:22:02):

Okay. Well, that is our three members for the committee, so we'll look at putting together a committee meeting in this next quarter and look to report back at the next meeting.

David Ittner (00:22:12):

All right, thank you everyone. Agenda item 6.3, request from IOOF Cemetery and High Valley cemetery. Pam?

Sydney Muhle (00:22:38):

Give her just a moment. She's in the building and they may be having some technical difficulties with the conference room.

David Ittner (00:22:44):

All right.

Pam Griese (00:22:44):

More operator difficulties than technical difficulties. So the IOOF and High Valley Cemeteries in Ellensburg have been depositing a hundred percent of their cemetery prearrangement merchandise and services into their trust fund.

(00:23:04):

And at the time of a maturity or cancellation of those contracts, they are only withdrawing the amount that was deposited, which has resulted in an additional amount of money in those funds.

(00:23:25):

And given that now that they are serving some of those prearrangement contracts, they wanted to be able to take the asking price from the trust and I told them they couldn't do that. They had

to withdraw what they deposited plus any earnings and they didn't think they were able to calculate the allocation of earnings.

(00:23:54):

So they've come up with an alternate plan to separate the 50% that is above the minimum liability from the pre-arrangement and then they also want to take a portion of the accumulated earnings as well, separate those into an account that then they can supplement their withdrawals when they do have a contract that matures.

(00:24:24):

I have committed to meet with them when they have an outcome from this request to make sure that accounts are properly identified because once those funds are reduced down to the 50% plus accumulated earnings for that 50%, then they will need to make sure that funds are properly identified so that there will be no misuse of actual cemetery pre-arrangement trust funds.

(00:25:06):

But since this is not a method of withdrawal permitted in the regulations, I suggested that they request from the board, make the request so that they can move forward without... I don't want Pam saying that they can do this. I want that to be from the board.

(00:25:31):

So that is their request and their proposal is a little convoluted, but just be assured that I will be working with them to make sure that everything they're doing is in compliance with the regulations.

David Ittner (00:25:53):

All right, thank you Pam. Just question, I know that this issue has come up in the past and the board has granted an exception to the process of distribution. Is that correct?

Pam Gries (00:26:10):

Yes. Yes.

David Ittner (00:26:11):

May not be the same process, but-

Pam Gries (00:26:14):

Yes.

David Ittner (00:26:16):

Okay. Do any board members have comments or questions with regards to this request?

Pete Cameron (00:26:28):

This is Pete. I was trying to read through, Pam, what you had put together with the numbers in that, and you're right, it is a little bit convoluted.

(00:26:39):

Is this reasonable for the board to ask you to help monitor this going forward and would this have the potential to have some shortcomings in the future?

Pam Griese (00:26:57):

Well, with the current trustees for the cemeteries, the same board of trustees for both cemeteries, obviously they have a very conservative plan to maintain that top 50% if you will, that they wish to separate from the pre-arrangement trust fund.

(00:27:26):

Of course there is the concern that I have, which is why I want the funds to be properly identified, and I want to make sure that they understand they cannot make withdrawals of the earnings from the pre-arrangement fund like they do for the endowment care funds; making sure that they have a good understanding of what the requirements are.

(00:27:59):

So we can't speak to people's mindsets in the future, but certainly I can help them put the guardrails up for proper identification and processes [inaudible 00:28:13] them.

(00:28:13):

Of course, they will be still subject to the routine audits every third year, but we could certainly audit more frequently because the board does have that authority to audit when requested for reasons.

David Ittner (00:28:36):

And do you know what I see, just again looking through this again with regards to the... I guess they're labeling it as an excess to cover inflation.

(00:28:49):

Do we know what rate of, I guess growth or return that that is equivalent to? My only concern really here is that, I mean, leaving the principal amount that was deposited plus an appropriate amount of growth in the fund.

(00:29:10):

I don't know exactly how they calculated those numbers or what the percentages are, but that's really my main concern.

Pam Griese (00:29:18):

Yeah. And I've had numerous conversations with them to try to snip this down to something that is not as convoluted and this is the best we can come up with at the moment.

(00:29:32):

I think when I meet with them in person and go over everything with them, I will be holding firm that they can't take it all the way down to just the 50% liability; they have to account for accumulated earnings for that 50%.

(00:29:58):

So yeah, I try to get more specific information and they just keep telling me that they're way overfunded and I don't think that they're planning to just go spend all that money. I think they're planning to maintain it in a fund.

(00:30:17):

At least that's what they've communicated to me is that they just want to reserve funds so that at the time of need, they can withdraw from the pre-need and then with their reserve account, an amount that's equal to what the current retail cemetery fees are.

David Ittner (00:30:42):

Okay. Well, I mean, I guess without being able to really see what that growth rate calculation is, at first glance it does appear that they are being conservative with the dollar amounts. So I guess we would be looking for a motion to approve this proposal.

Pete Cameron (00:31:21):

This is Pete. I move that we accept this as presented.

David Ittner (00:31:27):

All right. Is there a second?

Richard Little (00:31:35):

This is Rick. I'll second it.

David Ittner (00:31:39):

All right. Thank you, Rick. Any discussion, any further discussion on this topic? All right, hearing none, all in favor say aye.

GROUP (00:31:51):

Aye.

(00:31:52):

Aye.

David Ittner (00:31:54):

Any opposed? Any abstentions? All right, the motion passes. Thank you, Pam, for a great breakdown of that situation. It doesn't appear to be an easy one.

(00:32:13):

Okay, moving on to agenda item number seven, complaint cases for review. We will begin with item 7.1, Mr. Little.

Richard Little (00:32:25):

Okay. This is case number 2024.04.071900FDE. The complainant alleged unlicensed practice by removal service with an expired funeral establishment license.

(00:32:44):

The facts are the removal service in the complaint applied for a business license in September of 2022. Four months later, the license was up for renewal at the end of January, 2023.

(00:32:58):

It was over a year later that this was brought up through the complaint. Once the establishment was told through the investigation that their license was delinquent, the establishment paid the renewal immediately. They're now current with their license. This was another removal service I was complaining against, a removal service.

(00:33:19):

I think that with the changeover and all the dates that the renewals are due, this is the first time that this has ever happened with them. I just would say that this be closed with no further action.

David Ittner (00:33:42):

All right. Thank you, Mr. Little. Do we have a motion to that effect?

Dante Gutierrez–Zamora (00:33:48):

This is Dante. I'll go ahead and move.

David Ittner (00:33:52):

Thank you, Dante. Do we have a second?

Pete Cameron (00:33:56):

This is Pete. I'll second.

David Ittner (00:33:59):

Thank you, Pete. Any further discussion? All right. All in favor say aye.

GROUP (00:34:07):

Aye.

(00:34:08):

Aye.

David Ittner (00:34:11):

Any opposed? Any abstentions? Motion passes. All right. Moving on to item 7.2. Dante.

Dante Gutierrez–Zamora (00:34:26):

Sure. This is a revisit of case number 2023-05-090500CEM.

(00:34:35):

Summary:

(00:34:36):

A complaint was opened on May 17th, 2023. The complainant seeks assurance that the respondent cemetery will not sell further rights of interment in the grave that he has inherited.

(00:34:49):

Facts:

(00:34:50):

The complainant first contacted the board March, 2023 by phone stating his concern that the respondent would sell additional rights of interment in his grave after his death. The complainant got the idea that this could or would happen on July 31st, 2015 when he received an email from a representative of the respondent cemetery stating that his grave could accommodate up to 16 interment rights.

(00:35:15):

The complainant has transferred ownership of one grave, the one grave he owns, with the right of two interments into a trust to prevent the respondent from being able to, in his words, "Perpetually dig up my grave." The respondent has maintained copies of the complainant's correspondence which emphatically state that no further interments happen in his grave.

(00:35:37):

The respondent stated that they would follow the law about ownership and will comply with the complainant's wishes as directed through his trust.

(00:35:45):

While the complainant acknowledges through his correspondence dated April 11th, 2023, that the respondent cannot unilaterally sell additional burial rights, his repeated correspondence to the state board and his insistence on further assurance belie that point.

(00:36:03):

Despite the complainant's overestimation of the value of subsequent burial rights, the respondent has little or no incentive to sell or resell interment rights this way because of numerous and legal and public relations issues that would cause.

(00:36:17):

Other than documenting the complainant's wishes as they have and following the instructions of his heirs as they will, the respondent cannot do more to assure the complainant.

(00:36:29):

So I move that this case be closed with no further action.

David Ittner (00:36:36):

All right. Thank you, Dante. All right, do we have a motion to that effect?

Pete Cameron (00:36:45):

This is Pete, so move.

David Ittner (00:36:49):

Thank you, Pete. A second?

Richard Little (00:36:52):

This is Rick. I'll second it.

David Ittner (00:36:56):

All right, any further discussion? All right. Hearing none, all in favor say aye.

GROUP (00:37:05):

Aye.

(00:37:05):

Aye.

David Ittner (00:37:09):

Any opposed? Any abstentions? All right, motion passes. Moving on to item 7.3, Dante again.

Dante Gutierrez–Zamora (00:37:21):

Sure. Case number 2024-05-117200FDE. Summary on this one:

(00:37:33):

The complainant's son and daughter to their deceased mother filed a complaint alleging the respondent funeral home did not return their mother's cremated remains in a timely manner as it was supposed to be; nor did the respondent funeral home communicate in a satisfactory manner.

(00:37:48):

Facts on this one:

(00:37:49):

The death occurred April 25th, 2024. The arrangement conference took place on April 26th, 2024. Transfer from Valley Medical Center took place on April 27th, 2024 to a regional mortuary service.

(00:38:05):

Death certificate was filed and complete and a burial transit permit was available on April 29th, 2024. And cremation took place on May 11th, 2024. Cremated remains were returned and the complaint was filed. Both of those things happened on May 17th, 2024.

(00:38:26):

From arrangement to return, the process took 21 days. The complainants state that they contacted the respondent many times and never receive satisfactory answer to when she would be cremated. The respondent provided the investigator a copy of the cremation authorization

and other related documents. None stipulate the timeline for the cremation, when the cremation would take place.

(00:38:49):

Also, the complainants allude to an issue with parts for the retort delaying the cremation. While three weeks is not the most timely of service overall, 12 days from the permit being issued to a cremation taking place is well within the norm for the mortuary service that completed the cremation.

(00:39:12):

So again, I'm going to recommend that this one be closed with no further action.

David Ittner (00:39:18):

All right. Thank you, Dante. Do I have a motion?

Richard Little (00:39:24):

This is Rick. I so move.

David Ittner (00:39:30):

All right, thank you. Is there a second?

Pete Cameron (00:39:32):

This is Pete. I'll second.

David Ittner (00:39:34):

Thank you, Pete. Any discussion? All right. Hearing none, all in favor say aye.

GROUP (00:39:45):

Aye.

(00:39:46):

Aye.

David Ittner (00:39:49):

Any opposed? Any abstentions? Motion passes. All right, agenda item 7.4. Dante?

Dante Gutierrez–Zamora (00:40:00):

Sure. This one's 2024-06-151100FDE.

(00:40:07):

On this one, the summary:

(00:40:09):

The complainant has a issue with the respondent advertising their business as non-profit in their words on their website, their Facebook page as well as in a commercial.

(00:40:20):

The complainant cites RCW-4836A.120 that prohibits a fraternal benefit society from operating a funeral home or undertaking establishment. And the fact is the respondent is not a fraternal benefit society. So I recommend that we close with no further action.

David Ittner (00:40:44):

All right. Thank you, Dante. Do we have a motion?

Pete Cameron (00:40:51):

This is Pete. So move.

David Ittner (00:40:56):

Is there a second?

Richard Little (00:41:00):

This is Rick. I'll second it.

David Ittner (00:41:04):

Thank you. Any discussion?

Pete Cameron (00:41:09):

This is Pete. Just a quick question. Has the complainant been informed that this group is not a fraternal benefit society? Has that been cleared up?

Dante Gutierrez–Zamora (00:41:18):

Yes. Yeah. Basically it's somebody that competes in the same market and doesn't like the advantage that the respondent gets from advertising as a non-profit. The respondent is a non-profit and it's not a fraternal benefit society.

Pete Cameron (00:41:35):

Got it. Okay. Thanks.

Dante Gutierrez–Zamora (00:41:39):

Somebody read a law and thought they had a way to get them to advertise a different way.

Pete Cameron (00:41:44):

Right.

David Ittner (00:41:49):

All right. Any further questions? All right. Hearing none all in favor say aye.

GROUP (00:41:56):

Aye.

(00:41:56):

Aye.

David Ittner (00:42:01):

Any opposed? Any abstentions? Motion passes. Thank you so much everyone.

(00:42:13):

Looking to agenda item number 8, legal issues for deliberation. Item 8.1.

Nick Quijas (00:42:28):

Good morning, everyone. As indicated, we have a number of matters here for presentation to the board and I'll just take them in the order that they appear in the agenda.

(00:42:39):

So starting with the first matter, this is matter 2023-12-2842-00FDE. And this is a findings of fact, conclusions of law and default order being presented to the board today.

(00:42:57):

This regards a letter of intent to deny that was issued after an individual submitted an application for an embalmer license. That individual currently has a revoked funeral director license for a period of 10 years and as such, a letter of statement of intent to deny was sent out to deny the embalmer license on that basis as well.

(00:43:24):

They did not respond to that letter during the time period or at all to my knowledge. And therefore this default order is being presented to the board with the recommended denial of a period of 10 years from the effective date of the final order that revoked their funeral director license.

(00:44:00):

And Chair, I believe you're on mute if you are speaking.

David Ittner (00:44:05):

That always happens once during the meeting. Yeah, thank you for that description. Assuming everybody's had a chance to read through the default order, I'd be looking for a motion for approval.

Dante Gutierrez–Zamora (00:44:20):

This is Dante. I'll go ahead and move.

Richard Little (00:44:25):

This is Rick. I'll go ahead in a second.

David Ittner (00:44:29):

All right, thank you. Any discussion in this matter?

Pete Cameron (00:44:37):

Mr. Chair, this is Pete. I'm the case manager for this one, so I'm going to be abstaining from the vote.

David Ittner (00:44:44):

Thank you, Pete. All right, any comments, questions, discussion? All right, hearing none, all in favor say aye.

GROUP (00:44:58):

Aye.

(00:45:00):

Aye.

David Ittner (00:45:04):

Any opposed? Any abstentions other than Pete? All right. Hearing none, motion passes. All right, moving on to the next issue.

Nick Quijas (00:45:26):

Thank you. And the next matter is matter 2023-02-0215-00FDE. This involves a matter of a license to practice as an embalmer. The licensee was alleged to have taken photos of decedents without proper authorization to have done so.

(00:45:50):

The licensee was served with a statement of charges against them and did file an answer in which they declined to participate in the proceedings and admitted to the allegations.

(00:46:02):

The recommendation here is for a one year suspension of the licensee's license. So that is what is before the board today in the form of a default order due to the licensee's indication that they will not be participating in the proceedings.

David Ittner (00:46:23):

All right, thank you. So again, I'll need a motion for approval of this default order.

Richard Little (00:46:34):

This is Rick Little. So moved.

David Ittner (00:46:38):

Is there a second?

Pete Cameron (00:46:41):

This is Pete. I'll second.

David Ittner (00:46:44):

Pete, is there any discussion relative to this?

Pete Cameron (00:46:53):

Just a question. This is Pete. Had this person had any prior violations or incidents?

Nick Quijas (00:47:07):

None that I am aware of from working on the case. None were brought to my attention.

Pete Cameron (00:47:15):

Okay, thank you.

David Ittner (00:47:15):

Any further questions or comments? All right. Hearing none, all in favor say aye.

GROUP (00:47:27):

Aye.

(00:47:27):

Aye.

David Ittner (00:47:32):

Any opposed? Any abstentions? All right, motion passes. Thank you. All right. Item 8.3. Mr. Quijas.

Nick Quijas (00:47:50):

All right and the final matter here, it involves a single stipulated finding of fact conclusions of law and proposed agreed order.

(00:47:59):

The original, this matter does involve two underlying complaints and investigations that were tied together into one statement of charges.

(00:48:09):

This is for matters 2023-01-0099-00-00FDE and 2021-11-2856-00FDE, both involving the license to practice as a funeral establishment.

(00:48:31):

I can quickly summarize each of the two matters and how we arrived at this stipulation and proposed agreed to order before the board.

(00:48:40):

The first involves a allegation that the funeral establishment had overcharged a Crime Victims' Compensation Program.

(00:48:55):

There was an investigation into this. It was confirmed that that had occurred. And in the course of this investigation and discussions, the owner of the funeral establishment did provide proof that they had reimbursed the Crime Victims' Compensation Program for the overcharge and indicated they had also terminated the individual responsible for that overcharge.

(00:49:18):

They also have indicated a willingness to cooperate with any investigation into that specific individual that was responsible for this. And so that is the first matter involved here.

(00:49:30):

The second matter involves some allegations started with a complaint mainly regarding violations of standards for the establishment focusing a lot on cleanliness and related issues.

(00:49:50):

Investigation was performed of all of the establishment's locations, at which time a number of violations were found on a variety of things, many of them having to do with cleanliness and how the facility was being managed, as well as a funeral director intern who was improperly being listed as a funeral director prior to when they had obtained that title.

(00:50:16):

The establishment did work with... Well, they have, it's my understanding, been able to address all of the issues raised here.

(00:50:27):

Follow-up investigation was performed as part of settlement discussions here in which the board's investigator did find that all prior issues had been addressed and remedied by the establishment.

(00:50:42):

So in light of the actions taken by the establishment, the recommendation that's being put forward today is for a two-year stayed suspension of their license.

(00:50:55):

During that time, they would be responsible for ensuring no further violations and are also consenting to two additional inspections of their facilities to ensure that they are maintaining compliance with all applicable rules and statutes.

(00:51:14):

So that is what is before the board today.

David Ittner (00:51:24):

All right. Thank you for that description. I would be looking for a motion for approval to this agreed order.

Pete Cameron (00:51:38):

This is Pete. I so move.

David Ittner (00:51:42):

Thank you. Pete. Is there a second?

Richard Little (00:51:51):

This is Rick. I'll go ahead and second.

David Ittner (00:51:55):

Thank you, Rick. All right. Discussion? Questions?

Dante Gutierrez–Zamora (00:52:02):

This is Dante. Just like Pete, I'm case manager on this one. So I'll go ahead and abstain.

David Ittner (00:52:08):

Thank you, Dante. Any comments or questions relative to this case? Looking at the list of, I guess infractions if you will, observations I guess is the way it's listed in here.

(00:52:39):

There's quite the list of issues I'll say. So my only question would be we arrived at a state suspension. It looks like there's additional inspections that would be required. But beyond that, other than if they commit an additional violation, there's really, there's nothing else in there.

(00:53:11):

So can you just maybe speak to the decision on the state's suspension of a license?

Nick Quijas (00:53:22):

Sure, I can certainly speak to that. I think this was arrived at really primarily based on the establishment's willingness to address all of the issues. It was specifically and very much brought to their attention that there were a number of issues here as you noted.

(00:53:40):

They asked for the chance to show that they were working hard to do better and ensure that this didn't happen again. That was the reason for the follow-up inspection in which it was made abundantly clear to them that if any further issues we'd find, not only would that impede any kind of settlement, but also they could be on the hook for further violations. Instead they came back with a very clean bill of health.

(00:54:05):

And also my understanding is the investigator had a chance to speak to their employees, many of them whom were new. They were also working to really update their staff and address these issues and I received very positive feedback from the staff who were working there regarding the establishment.

(00:54:23):

I think the recommendation being put forward was in recognition of the work that they had put in to address the issues that were raised.

David Ittner (00:54:35):

Okay. Thank you very much. All right. Any further discussion or questions from the board?

(00:54:48):

All right. Hearing none. All in favor say aye.

GROUP (00:54:51):

Aye.

(00:54:51):

Aye.

(00:54:51):

Aye.

David Ittner (00:54:56):

Any opposed? And we have Dante with the abstention. All right. Motion passes. Okay, thank you very much.

(00:55:11):

It looks like we're moving on to agenda item 9, committee reports. Sydney?

Sydney Muhle (00:55:19):

Thank you very much. We'll start with the licensing future task force report. A lot of this was already covered earlier in the meeting.

(00:55:26):

Unfortunately, I do not have a new report for the board. This one was entirely on staff. As the board is aware, we are a little bit short staffed with the departure of Susan Nieves, and unfortunately we just were not able to schedule an additional meeting for the task force this quarter.

(00:55:44):

So we do anticipate having a new staff member on board with us middle of September and we'll start to be able to take on more of those meetings shortly thereafter.

(00:55:58):

So I apologize that we do not have an additional report, but we'll bring one back at the next quarter.

(00:56:06):

And then on the Pet Cemetery Review Committee, some draft legislation has been completed by staff and was reviewed by that committee and is now making its runs through all the proper channels to see what will come of that.

(00:56:30):

But other than that, we're at a little bit of a standstill with that committee just waiting to see what comments we get back on any proposed legislation if it were to go anywhere for this quarter. So we will keep the board posted on that.

(00:56:44):

So are there any questions on either of those?

David Ittner (00:56:55):

All right, no questions from me. Thank you Sydney, for those reports. If we can move on to item 9.2, staff reports.

Sydney Muhle (00:57:06):

All right. And I will be starting us off, I'll be covering the centralized investigations and audit unit report.

(00:57:13):

As the board is always aware, always a pretty significant number of cases, but the total that we have received in 2024 as of the end of July is 26.

(00:57:27):

So we currently have one that is in complaint intake. So it's not started the investigation yet. Nine that are currently in investigation, seven that are in legal review, 27 that are in case manager review. However, a number of those are all tied to a similar complaint, so that number is a little inflated at the moment.

(00:57:51):

And then 12 that have been closed for a grand total, or excuse me, 15 that have been closed for a grand total of 114. Are there any questions on the complaint status report?

Richard Little (00:58:14):

I'm just curious how this, in previous years, how the total of complaints. Is this an average amount?

Sydney Muhle (00:58:27):

I would say for this industry, this is a pretty average amount. So we've had a slight uptick. Again, right now those numbers are a little bit inflated because we do have a number that are all tied to one single respondent, and that case will eventually be making it before the board.

(00:58:48):

But even outside of that, I would say this is fairly normal among our five regulatory boards. This board does receive a disproportionately high number of complaint cases.

(00:59:01):

So it might be slightly up this year, but I don't think it's anything to be too concerned about. But we can certainly put together a report showing what the last five years or so has been, so the board can see that for the next meeting.

David Ittner (00:59:16):

Sure. Thank you.

Sydney Muhle (00:59:25):

All right. And then I will hand it off to Tanya Hessler, our program manager for the licensing and customer service support team to review the licensee count report.

Tanya Hessler (00:59:39):

Good morning. I'm Tanya Hessler. I'm the program manager in funeral and cemeteries is one of the programs under me. Here are the licensee counts across all of our license types.

(00:59:50):

We currently have 504 currently licensed cemeteries and 1,656 funerals for a total of 2,160.

(01:00:09):

Sydney, can you scroll to the next one? I think it breaks it down a little better.

Sydney Muhle (01:00:14):

That one?

Tanya Hessler (01:00:15):

Yes. Thank you. So across here's our new license types for 2024, excuse me. So across all of our licensing types, here are the new licensees that we've licensed to date, total of 176.

(01:00:37):

And then for 2024, here's the total across all licensing types of all the renewals that we've processed up until to date in 2024... 1,349.

David Ittner (01:00:55):

Thank you.

Sydney Muhle (01:00:59):

All right. So I guess before I move on, were there any questions for Tanya? All right, well then I'll move on to our action item list. So working on the licensing future task force as we've already discussed, Pet Cemetery Review Committee is also off and rolling and just waiting to hear back on that legislation.

(01:01:28):

We are still working to bring back some additional examples and data on the proposed move to the O6L Program Fund designation, but that agency request legislation is moving forward. So we'll keep the board posted and hopefully bring back a more in depth report for November.

(01:01:49):

We did provide all of the additional data for the licensee count and if the board would like, we can do a full year wrap up at the next meeting. And then Pam is working to follow up on-

Pam Griese (01:02:05):

I did that. I did that.

Sydney Muhle (01:02:07):

Oh, you did? Okay. So then that one is completed.

David Ittner (01:02:15):

All right. Thank you, Sydney. Thanks everyone for their reports. That brings us to agenda item 10, public comments.

(01:02:28):

The public may address the board on matters within the board's jurisdiction, either verbally during the meeting or by submitting written comments in advance. Verbal comments are limited to one three minute comment. Written comments are limited to no more than 500 words and must be emailed to board staff no less than two business days prior to the meeting.

(01:02:44):

In response to all public comments, the board is limited to requesting that the matter be added to a future agenda for discussion or directing staff to study the matter further.

(01:02:53):

Inflammatory comments and language will not be permitted.

Sydney Muhle (01:03:01):

And Mr. Chair, we have not had any written comments for this meeting.

David Ittner (01:03:05):

Okay. Are there any members of the public that would like to make comment at this time?
Hearing none. All right.

(01:03:26):

Moving on to agenda item 11, conclusion.

(01:03:30):

11.1 announcements. Do any board members have any announcements or additional reports that they would like to make at this time?

(01:03:35):

All right. Quiet group today.

(01:03:46):

Item 11.2, request for future agenda items. Are there any additional future agenda items that have not been discussed that any board members would like to request for the next meeting?

Pete Cameron (01:03:59):

Yeah, this is Pete. Can we get maybe an update on where we're at with board member status with positions being replaced?

Sydney Muhle (01:04:17):

I can certainly add that to the agenda for the next meeting. We do have two vacancies on the board at the moment and have already had a number of conversations with applicants.

(01:04:31):

Those notes have been forwarded back to the governor's office. And then we've also been provided some additional applications within the last couple of weeks and we'll be looking to have those conversations in September.

(01:04:44):

So hopefully by the next meeting, the governor's office will have at least made a couple of appointments and we'll have new board members to introduce at that point. But we can certainly provide a status report regardless at that next meeting.

David Ittner (01:05:00):

All right, thanks Sydney. Great question, Pete. Thank you. All right, any other agenda items to add? Okay, moving on. Item 11.3, review of action items for next meeting.

Sydney Muhle (01:05:18):

So we have the ad hoc committee that has been set up to look at the disposition facility equipment as well as an additional item to add a five-year comparison on the complaint status report for the next meeting. And then we'll bring back Mr. Cameron's request for an update on the board vacancies.

David Ittner (01:05:43):

Perfect. All right. I think that brings us to our last agenda item, adjournment.

(01:05:50):

The time is now 11:06 AM and this meeting is officially adjourned.

(01:05:57):

Thank you all for being here. Thank you all for the great reports.

GROUP (01:06:00):

Thank you all.

(01:06:00):

Thank you.