

Washington State Funeral and Cemetery Board meeting transcript - November 20, 2024

Alyssa Woods (00:00:08):

The lobby has been admitted.

Dave Ittner (00:00:14):

All right.

(00:00:16):

Well, good morning, everyone. I'm Dave Ittner, Chair of the Washington State Funeral and Cemetery Board. The time is now 10:00 A.M. on Wednesday, November 20th, 2024. And I'm calling the special Board Meeting to order.

(00:00:29):

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've called in when you're not speaking to reduce the background noise when others are speaking.

(00:00:41):

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

(00:00:49):

Agenda Item Number Two, roll call. Alyssa, would you please call roll? Board Members, please respond if you are in attendance.

Alyssa Woods (00:00:57):

Okay. Chair Ittner?

Dave Ittner (00:01:01):

Present.

Alyssa Woods (00:01:02):

Vice Chair, Gutierrez-Zamora?

Dante Gutierrez-Zamora (00:01:05):

I'm here.

Alyssa Woods (00:01:07):

Board Member Cameron?

Pete Cameron (00:01:09):

Present.

Alyssa Woods (00:01:11):

Board Member Little?

Richard Little (00:01:13):

Present.

Alyssa Woods (00:01:15):

Board Member Lovgren?

Paul Lovgren (00:01:16):

Present.

Alyssa Woods (00:01:19):

And then, Board Member Ward has an excused absence today. So back to you, Chair Ittner.

Dave Ittner (00:01:27):

All right, thank you, Alyssa.

(00:01:28):

Okay, Item Number Three, Approval of Agenda. I will need a motion.

Pete Cameron (00:01:38):

This is Pete. So move.

Richard Little (00:01:41):

This is Rick. I'll second.

Dave Ittner (00:01:45):

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

Board Members (00:02:44):

Aye.

Dave Ittner (00:02:49):

Any opposed?

(00:02:52):

Any abstentions?

(00:02:55):

All right, motion passes. Agenda Item number Four, approval of minutes. Has everybody had a chance to look those over?

(00:02:55):

If so, I would need a motion to approve the minutes.

Dante Gutierrez–Zamora (00:02:55):

This is Dante. I'll move that the minutes be approved.

Dave Ittner (00:02:55):

Thank you. Dante,

Pete Cameron (00:02:55):

This is Pete, I'll second.

Dave Ittner (00:02:56):

Thank you, Pete.

(00:02:56):

All right, any discussion or corrections of the minutes?

(00:02:56):

All right, hearing none, all in favor say, aye.

Board Members (00:02:56):

Aye. Aye. Aye.

Dave Ittner (00:02:56):

Any opposed?

(00:02:56):

Any abstentions?

(00:02:56):

All right. Minutes of August 21st, 2024 approved. Moving on to Agenda Item number Five, awards recognition. Recognition of former Board Member Cameron Smock. Debra, will you please lead the discussion?

Debra Allen-Ba (00:03:10):

Thank you. So, good morning. We did not have an opportunity, unfortunately, at the last Board Meeting, that Mr. Smock was in attendance to formally recognize him. So I wanted to, one, present the plaque to him. I wish he was in person so we could present it to him, but we will be mailing this out.

(00:03:36):

And I wanted to share a few words that Sydney Muhle asked me to share in regards to Cameron. She's not here, unfortunately, today to share them herself, but she really wanted to

let Cameron know how appreciative she was, and how grateful for his willingness, and his patience to share his wisdom and insight. And how, when she had started working with the Funeral and Cemetery Board, he was very instrumental in helping her to understand your industry and appreciate it. So, just a lot of gratitude. That was what we wanted to share and open it up for any other comments?

Dave Ittner (00:04:20):

Thank you, Debra.

(00:04:21):

Yeah, I would certainly echo those comments and have been very appreciative of Cameron over the years. I came into this industry as an outsider myself and just didn't know what was going on, 20-plus years ago. And when you're in those situations, you recognize people that have a sense of kindness and welcoming about them. And Cameron is certainly one of those people. And so, I can confidently say that he's impacted my career, both in what I do professionally and also on this Board.

(00:05:00):

I had the opportunity to watch Cameron serve as the Chair of this Board for a couple of years. And his calmness and ability to just work through situations has really helped me understand how things work on this Board. And so, I'm very appreciative of everything that Cameron has done, both for me personally, and for the cemetery and funeral industry in the State of Washington. Any other comments?

Richard Little (00:05:38):

I would really agree with that. Cameron, this is Rick. Cameron is a close friend of mine in the industry, so it's been a really difficult time for me to see him going through this journey. But we had a great celebration with him first part of this month and it was lots of fun. He wanted to have his own party to celebrate things. And I think, Dave, you were there, and a few others. But it was a great tribute to what he has accomplished throughout his career. And like David said, his calmness, and his knowledge. And it's going to be missed on this Board and as he moves forward.

Dave Ittner (00:06:37):

Thank you Rick.

(00:06:43):

Any other, anything else anybody would like to share there?

(00:06:50):

All right, well, thank you Debra. Appreciate the commentary there and the award.

(00:06:59):

All right, we'll move on to item 5.2, introduction of a new Board Member, Debra?

Debra Allen-Ba (00:07:09):

Again. Well, it is my pleasure to welcome our newest Board Member Paul Lovgren, who has joined us. He is actually replacing Cameron Smock in that position. Mr. Lovgren has over 30 years of experience in the death care industry. He's been in three different states, but the eight years with the Washington State, in Washington State. Looks like he's got interest in building respect for the industry by raising awareness of education, and with the laws, and the rules.

(00:07:51):

So, we would like to welcome him. And I offer him an opportunity to maybe share a little bit more about himself.

Paul Lovgren (00:08:03):

Well thank you folks. My name's Paul and I've been a funeral director for longer than I care to admit. And it's an industry that is very near and dear to my heart. Always has been. And I look forward to continuing my journey, learning from all of you, as well, and hopefully, being able to be a useful resource that folks can bounce ideas off of. Looking to be a big part of this. Thank you.

Dave Ittner (00:08:41):

Well, on behalf of the Board, Paul, welcome. I look forward to working with you. And I had the opportunity to meet Paul last month and really enjoyed that conversation. So I think we're in good hands. And although you've got some shoes to fill in Cameron's position, I'm sure you'll do a fine job. So, welcome to the Board.

(00:09:00):

All right. Moving on to Agenda Items 6.1 under New Business. International Conference of Funeral Service Examining Board's annual conference. Back to you Debra.

Debra Allen-Ba (00:09:17):

This agenda is very heavily landing on my shoulders here today.

Dave Ittner (00:09:22):

Yeah.

Debra Allen-Ba (00:09:23):

Thank you. So, just wanted to bring up the awareness for the Board needing to get a voting delegate to attend the International Conference of Funeral Services Examining Board's annual conference happening February, 25th through February 27th.

(00:09:43):

This year, the conference will be happening in Palm Springs, California. The deadline for registration is February 9th, which is before the next Board Meeting. So we will need to get somebody selected today. We did include in the packet the tentative agenda for the meeting. It looks like this will be the 121st annual meeting, so that's, obviously, auspicious, I don't know why. But I'm going to turn it back over to you, Chair Ittner, to ask for nominations.

Dave Ittner (00:10:29):

All right.

(00:10:29):

Are any Board Members planning to attend the conference already? I know Rick, you usually, and Pete, both, usually are attendees.

Richard Little (00:10:41):

I'll be there.

Paul Lovgren (00:10:43):

Yeah, this is Pete. I'm planning on going, as well.

Richard Little (00:10:47):

Yeah.

Dave Ittner (00:10:50):

Okay.

(00:10:50):

And I think it was Angela, who's not here today, but she attended last year, I believe?

Richard Little (00:10:56):

Yeah, we were both there last year.

Dave Ittner (00:10:59):

Okay. Well, I think Rick and Pete, both you have served as a delegate in the past. But I'm, anybody like to officially nominate, and/or accept the nomination to be the delegate, the voting delegate for Washington?

Paul Lovgren (00:11:21):

This is Pete, I can do it.

Dante Gutierrez–Zamora (00:11:24):

Okay, so Pete, this is Dante. I'll go ahead and nominate Pete Cameron as the voting delegate for the 121st annual meeting of the Board, the Conference.

Dave Ittner (00:11:38):

All right, perfect. Do we need a motion to pass this?

Debra Allen-Ba (00:11:48):

I don't think you do. I don't think so.

Richard Little (00:11:54):

I'll second it. That's fine.

Dave Ittner (00:11:55):

Okay.

Debra Allen-Ba (00:11:55):

All right.

Dave Ittner (00:11:56):

Well, we'll do it just in case, we'll do it. But we have a first from Dante, a second from Rick.

(00:12:04):

Any discussion, commentary on that?

(00:12:09):

All right, hearing none, all in favor say, aye.

Board Members (00:12:12):

Aye.

Dave Ittner (00:12:17):

Any opposed? Any abstentions?

(00:12:23):

Hearing none, motion passes. And Pete will be the voting delegate. Thank you.

Debra Allen-Ba (00:12:28):

Great. We'll be reaching out, get that travel and registration taken care of. Thank you.

Dave Ittner (00:12:36):

Perfect.

(00:12:38):

All right, item 6.2, adoption of 2025 meeting dates. I've reviewed the dates myself and can make all of them at this time, so we'll just open it up for discussion, Debra?

Debra Allen-Ba (00:12:53):

So, included in your packet was the proposed dates from the Board. We've proposed that for 2025, we continue with the Wednesday meetings. That seems to work for this Board. We will continue with the 10:00 A.M. meeting time. That also seems to work pretty well for this Board, unless you have other proposed times that would work better.

(00:13:17):

But what we are proposing is that the meetings would be on February 19th, May 21st, August 27th, and November 19th. I'm going to pull up a calendar view for you. This is what it will look like on the calendar.

(00:13:34):

So, one supporter as prescribed. And, when we put it together with the other, the total of the nine Boards and Commissions that we support, this is what the calendar looks like for our team.

(00:13:52):

Som as you can see, we are pretty busy, but we've got it scheduled so that we don't have any meetings on the same week.

(00:14:03):

We do have some flexibility within there, so if there are conflicts, this would be the time to have a discussion and let us know, so that we can look at different dates.

Dave Ittner (00:14:16):

All right, Board Members, any comments on the proposed meeting dates?

Dante Gutierrez–Zamora (00:14:25):

This is Dante, no conflicts, but is there a plan to do any of these in person or to try to again, to try to get an in-person meeting?

Debra Allen-Ba (00:14:34):

That is going to be up to the Board. I think we were hoping that we would be looking at a spring or summer opportunity for the Board to come together in person, that, similar to what we had.

(00:14:49):

The only caveat on that is that we'd want to make sure that the Board had a quorum in person before we did that, due to the expenses for traveling and making arrangements.

Paul Lovgren (00:15:04):

This is Pete. I guess my only comment would be the Wednesday, May 21st, that's, actually, is the week before Memorial Day weekend. And for those of us with cemeteries, we are gearing up for Super Bowl weekend. So is there a possibility of moving that back a week up to the 14th?

Debra Allen-Ba (00:15:34):

If we move it back the week of the 14th, that puts us with two meetings in one week. That is very difficult for the Board staff to support, particularly where we'd have two days of back-to-back Board Meetings.

Dante Gutierrez–Zamora (00:15:51):

This is Dante. How about the 28th? I'm looking at your integrated calendar. If we move it up to the 28th.

Debra Allen-Ba (00:16:00):

Okay. So look at-

Dante Gutierrez–Zamora (00:16:01):

There's no other meetings that week. There's a holiday on that Monday.

Debra Allen-Ba (00:16:09):

I think that would work for the Board.

Richard Little (00:16:12):

Yeah, I agree. That would be good.

Debra Allen-Ba (00:16:16):

Okay.

(00:16:19):

Alyssa?

(00:16:23):

This would be an Action Item for you to put that we will change that date from May 21st to May 28th.

Alyssa Woods (00:16:32):

Okay. I have that captured.

Debra Allen-Ba (00:16:36):

Great. Thank you.

Paul Lovgren (00:16:37):

Yeah, if that works for folks, I would appreciate that on behalf of those of us who are out in the dirt.

Richard Little (00:16:44):

Yeah.

Debra Allen-Ba (00:16:46):

Okay.

Dave Ittner (00:16:47):

Okay.

(00:16:47):

Again, I can't recall if we need a motion to approve...

Debra Allen-Ba (00:16:55):

This one, you do.

Dave Ittner (00:16:56):

... the calendar. You do, okay. All right. Well, it looks like we've modified the May meeting to the 28th. With that change, do I have a motion to approve the [inaudible 00:17:10]?

Richard Little (00:17:11):

This is Rick Little. I'll make a motion that we approve the meetings for 2025 with the addendum to change the main meeting from the 21st to the 28th.

Dave Ittner (00:17:29):

Thank you Rick.

Pete Cameron (00:17:33):

This is Pete. I'll second.

Dave Ittner (00:17:37):

Thank you, Pete.

(00:17:39):

Any further discussion?

(00:17:44):

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

Board Members (00:17:48):

Aye.

Dave Ittner (00:17:52):

Any opposed?

(00:17:57):

Any abstentions? All right, hearing none, the motion passes.

(00:18:03):

Thank you for getting everybody's calendars on the same page. Sometimes can be difficult.

(00:18:09):

All right, moving on to item 6.3. We have a Removal of Dedication. Okanogan County Cemetery, District Number Two, Debra?

Debra Allen-Ba (00:18:19):

I'm back up again.

(00:18:21):

All right, thank you.

(00:18:23):

The Department received a copy of an order filed in Okanogan County Superior Court on August 20th, 2024. This was to remove dedication of land as a cemetery property. The notice of hearing on the proposed Removal of Dedication was sent in writing to the Board on June 5th, 2024. This was also published in the Omak-Okanogan County Chronicle for three consecutive weeks. And they did also post in three conspicuous places on the property. So all the appropriate notices of the proposed removal were announced more than 60 days before the filing of the proceedings in the Okanogan County Superior Court.

(00:19:11):

This is a cemetery that is solely owned by the Okanogan County Cemetery District Number Two. The land has not had designated spaces or plots for burial of human remains. And doesn't have any in the foreseeable future, as well. There's been no placement of human remains on this property. And no contracts, deeds, or reservations for burial have been marketed, sold, or advertised.

(00:19:44):

So, the legal notice did include a description of the property as 5.21 acres in the southeast corner of the southeast one. There's a lot more, it gives you a lot of the parcel numbers, but I did not include that. We also, it looks like we had an oversight in terms of sending the legal notice to the Board for your information. So if you would like to see that, please let me know. But I believe that probably covers the information you need.

(00:20:15):

Let me know if there's any further questions I can answer.

Dave Ittner (00:20:20):

All right. We'll just start the process there. It sounds like they've dotted their eyes and crossed their T's there. And having gone through a similar process, it sounds like everything is in order. But I'll open it up to a motion to approve the Removal of Dedication.

Pete Cameron (00:20:45):

This is Pete, I so move.

Dave Ittner (00:20:48):

Thank you, Pete.

Dante Gutierrez–Zamora (00:20:49):

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

Dave Ittner (00:20:54):

All right. Thank you Dante.

(00:20:56):

Any discussion, questions, comments?

Richard Little (00:20:58):

I just think, this is Rick Little. Excuse me. I think that we'll get a lot more of these in the future when cemeteries are not being able to, burials going to be a lot less, and they have more property that they need to either sell or have a Removal of Dedication.

Dave Ittner (00:21:31):

Yeah. Not that it's necessarily pertinent, but is there any indication as to what they plan to do with the property?

Debra Allen-Ba (00:21:39):

It was not indicated within the announcement.

Dave Ittner (00:21:46):

All right.

(00:21:49):

Any further comments, questions?

(00:21:53):

All right.

(00:21:58):

First, second, I guess all in favor say aye.

Richard Little (00:22:02):

Aye.

Board Members (00:22:02):

Aye.

Dave Ittner (00:22:07):

Any opposed? Any abstentions?

(00:22:14):

All right, the motion passes.

(00:22:16):

Thank you, Debra.

(00:22:19):

Okay, we are moving on now to Agenda Item 6.4, Rulemaking Discussion. Again, it's back to Debra.

Debra Allen-Ba (00:22:29):

Tell you, it's going to be the first and last time I cover for Sydney, I'm telling you.

(00:22:36):

So this is actually an Agenda Item that Chair Ittner, you brought to our attention, and had a discussion with Pamela Grice, as well.

(00:22:47):

So, in 2017 when we were doing some rule changes and some cleanup, we were moving items from WAC 98 into WAC 308. And it looks like during that transition and making those, there were some omissions. Looks like there were some omissions within the definition section of that chapter. And one of those was the Total Return Percentage, which originally had limited the maximum distribution percentage to 5%.

(00:23:24):

There may have been some other omissions, I think we put together. We did not.

(00:23:29):

In your packet, I think we included those two chapters. So it showed you what it looked like when it was in WAC 98, and then what transferred over into WAC 308.

(00:23:43):

At this time, I think the proposal would one of two things. Either the department can do just a quick cleanup, we can propose some WAC changes, and then run it past you for approval. Or, you could form a subcommittee that can study this, and take a look at all of the WACs, and see what you would like to propose for changes that we could support you with.

(00:24:09):

So two pathways to getting this changed. And it's entirely up to the Board what they would prefer.

(00:24:20):

So I'm open for questions or discussion.

Dave Ittner (00:24:25):

Well yeah, I was working through that language. I was originally very surprised to see that it was omitted. And I was part of the process originally with working with a number of, I guess, constituents and the Board when this language was adopted. And I can confidently say the process was very thorough, and involved a lot of research, in terms of what other states were doing, what made sense for Washington.

(00:24:58):

And so, I think the language that was originally put together was well-thought-out and really fits what, I think, as a cemetery, and we're trying to do to be good stewards of our resources, our facilities.

(00:25:14):

And so, I would be in favor of having the Department put together a recommendation as opposed to a subcommittee to study the issue because I think it's been researched, and put together, and already, again, like I said, well-thought-out. But certainly open to comments and suggestions.

Pete Cameron (00:25:45):

Yeah, this is Pete. I would agree with that. And just want to say thank you, David, for all your work. I know sometimes that gets to be a tedious process to compare languages and making sure everything is covered in all different places that we have for reference.

(00:26:02):

So, yeah, I don't believe just by what was sent out here in the packet that we would need to form a full-on subcommittee and study this further.

Richard Little (00:26:15):

This is Rick. And I would also agree with that because once you do a subcommittee, it takes a lot longer. But I think if the staff would go ahead, and look at what the omissions were, and put it all together, then we can actually vote on it the next meeting or the meeting after.

Dave Ittner (00:26:40):

Yeah. I think the important piece that was just, so everybody's on the same page, that was left out was the Distribution Percentage having a floor of 3% and a ceiling of 5%. And at the time, the thought process there was to, A, but a floor of 3% allow, or make sure that cemeteries were actually spending an appropriate amount of money from their Endowment Care Fund to maintain the cemetery properties.

(00:27:11):

And then, a max of 5%, which is typically the ceiling on what most endowments, whether it be cemetery endowments, or educational endowments, or other types, from a safe perspective in terms of a max distribution percentage to maintain, I guess, the corpus in an Endowment Care Fund appropriately.

(00:27:37):

Like I said, those were numbers that were researched and pulled from a lot of different State Associations and State Boards. So, I think it's appropriate for us, for our purposes.

(00:27:54):

Debra, do we need a motion to give the Board that? Or we just, that's the direction we're going to go and then we'll come back and-

Debra Allen-Ba (00:28:01):

Yeah, I think this will be an Action Item that we'll go ahead and capture.

Dave Ittner (00:28:06):

Okay.

Debra Allen-Ba (00:28:07):

And we will, as Board Staff, will go ahead and take this on and make sure that we bring some draft language to the next meeting.

Dave Ittner (00:28:15):

Perfect. All right.

(00:28:20):

Well, thank you for that explanation.

(00:28:25):

And now we get to move on to Item number Seven, which looks like a hefty list here. So, here we go. Complaint cases for review. We'll start with Item 7.1, and that's Dante.

Dante Gutierrez–Zamora (00:28:43):

Sure.

(00:28:45):

One of 27-plus here.

(00:28:48):

Case number 2019-10-260000FDE. The summary. The complainant was given documents, and memorabilia discarded, and found at Pierce County Transfer station. The complainant and took an interest in the documents, and memorabilia, and research to, and what they pertain to. She filed an extensive complaint as to how the respondent, both personal representative and funeral director to the deceased whom the documents pertain to, handled the estate and funeral of the deceased. Discrepancies between the statement of goods and services, the death certificate, and the published obituary exist. Charges for autopsy repair are listed on the statement, where the death certificate lists that no autopsy was done. Charges on the statement as cash advances are for one cemetery, while the death certificate lists another, significantly less expensive cemetery, that was actually used. And a funeral service, apart from the graveside service, was listed on the statement, while only a graveside service was announced in the obituary.

(00:29:53):

Facts. The Respondent has a personal service agreement with Pierce County for unclaimed bodies. As per the respondent's response to the complaint, the respondent firm cremates unclaimed individuals when no relatives or assets are found, but they bury individuals when they discover the unclaimed individual has assets.

(00:30:13):

The owner of the respondent funeral home was appointed personal representative due to his status as creditor of the estate 12 days after the death of the individual. And contracted his own firm for goods and services. The Court that appointed the respondent did review the statement

of goods and services submitted by the respondent. The Court did not question the charges that might be inappropriate for disposition of an unclaimed body.

(00:30:39):

Filed. The respondent's dual role as personal representative and funeral director may present a conflict of interest in this instance. However, neither the Court that appointed the respondent as personal representative, nor the heirs to the deceased's estates have presented a complaint. The complainant, while well-meaning, does not have standing or claim to the deceased's estate.

(00:31:06):

So we went round and round with this. It was a difficult one, but, really, best recommendation we could come up with was to close with no further action.

Dave Ittner (00:31:19):

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

Pete Cameron (00:31:29):

This is Pete, I so move.

Dave Ittner (00:31:31):

Thank you, Pete.

Richard Little (00:31:35):

This is Rick. I'll second it.

Dave Ittner (00:31:40):

Thank you Rick.

(00:31:41):

All right, any discussion?

Pete Cameron (00:31:46):

So this is Pete. I guess my, really, only question was, has the respondent done this before or other unclaimed remains?

Dante Gutierrez–Zamora (00:32:00):

This is Dante. That wasn't in the report. And I don't know that we would know that. It was a pretty unique situation. And the main reason we didn't go any further was there was Courts, and appointments, and everything like that. So this one, is why it's taken so long to get to the Board. So, we don't know if he's had other situations where there was a significant amount of an estate to do something like this.

Pete Cameron (00:32:32):

All right. Okay. Thanks.

Pam Grice (00:32:37):

Mr. Chair, this is Pam Grice. As the investigator, I am able to answer Pete's question.

Dave Ittner (00:32:46):

Go ahead, Pam. Thank you.

Pam Grice (00:32:51):

I don't know whether it's the same outcome, as far as what's alleged in this complaint, but this respondent has this personal representative agreement in the County and handles most of the situations in that particular jurisdiction.

Dave Ittner (00:33:17):

Okay.

(00:33:19):

Thank you, Pam.

(00:33:21):

I just have a question with regards to, maybe Pam or Dante could answer this, the statement, "The Court did not question charges that might be inappropriate for disposition."

(00:33:34):

Do we know, or do we have a feeling for what those charges were necessarily, and if they seemed inappropriate?

Dante Gutierrez–Zamora (00:33:43):

This is Dante again. They were the ones listed in the initial complaint that things didn't seem to get done that were charged for.

Dave Ittner (00:34:01):

So if I'm understanding you correctly, there were things that-

(00:34:03):

So if I'm understanding you correctly, there were things that were charged for that didn't actually occur?

PART 1 OF 4 ENDS [00:34:04]

Dante Gutierrez–Zamora (00:34:08):

That would be very difficult to prove according to some of the discussions that we had after we submitted our initial recommendation.

Dave Ittner (00:34:19):

Okay. Interesting. All right, any other comments or questions from the board? Okay, I'm hearing none. I guess, all in favor of the recommendation to close with no further action?

Pete Cameron (00:34:47):

Aye.

Speaker 1 (00:34:47):

Aye.

Richard Little (00:34:47):

Aye.

Dave Ittner (00:34:59):

Okay. Any opposed? Any abstentions?

Paul Lovgren (00:35:07):

Yeah, I'm going to abstain.

Dave Ittner (00:35:12):

Was that Paul?

Paul Lovgren (00:35:14):

That was Paul. Sorry about that.

Dave Ittner (00:35:16):

Okay, thank you. All right, sounds like, from the sounds of it, the motion passes. All right, thank you. We'll move on to the next item, 7.2. That would be Pete.

Pete Cameron (00:35:43):

This is case number 2023-03-0408-00FDE. The complainant filed a complaint regarding staff members alleging they did not follow company policies regarding making disposition arrangements with client families. The complainant also alleges that staff members utilize an unlicensed funeral director intern to assist in making funeral arrangements.

(00:36:16):

The facts are that there are multiple allegations against staff members regarding specific procedures, paperwork, and internal processes at the location. However, none rise to the level of violating any rule or law or that would fall under the purview of the board. These are training and disciplinary issues that need to be handled within the structure of their organization.

(00:36:39):

The issue of using an unlicensed intern to make arrangements is normally a violation of RCW 18.235.130 subsection nine. But in this instance, the unlicensed intern was a longtime family friend whom the family requested to sit in on the arrangement and assist in writing obituary and gather vital statistics. The unlicensed intern did not present the general price list, fill out the statement of goods and services, and did not sign any contracts or documents. Those were all completed by the licensed funeral director making the arrangements. So I'm recommending that we close with no further action.

Dave Ittner (00:37:19):

All right, thank you. Pete. We have a motion to that effect?

Dante Gutierrez–Zamora (00:37:24):

This is Dante. Oh, go ahead Rick.

Richard Little (00:37:27):

It doesn't matter. This is Rick, I'll go ahead.

Dante Gutierrez–Zamora (00:37:30):

Go ahead, Rick, you first, I'll second.

Richard Little (00:37:32):

Okay. I would go with this, yeah. Sorry.

Dante Gutierrez–Zamora (00:37:38):

And Dante. I'll second.

Dave Ittner (00:37:41):

Thank you, Rick and Dante. All right, any discussion? All right, hearing none. All in favor say aye.

Richard Little (00:37:50):

Aye.

Speaker 1 (00:37:50):

Aye.

Pete Cameron (00:37:50):

Aye.

Paul Lovgren (00:37:50):

Aye.

Dave Ittner (00:37:55):

Any opposed? Thank you. Any opposed? Any abstentions? Motion passes. Thank you. All right. Agenda item 7.3. Back to you, Pete.

Pete Cameron (00:38:14):

Yeah, this is a identical complaint regarding an additional staff member from the previous case. So two separate complaints were filed against two separate staff members for the identical same thing. So this is case number 2023-03-0413-00FDE. Summary is that a complaint was filed regarding staff members alleging they did not follow company policies regarding making disposition arrangements with client families. Complainant also alleges that staff members utilized an unlicensed funeral director intern to assist in making funeral arrangements.

(00:38:57):

The facts are that there are multiple allegations against staff members regarding specific procedures, paperwork, and internal processes at the location. However, none rise to the level of violating any rule or law or that would fall under the purview of the board. These are training disciplinary issues that need to be handled within the structure of their organization. The issue of using an unlicensed intern to make arrangements, normally a violation of RCW 18.2353.130 subsection nine, but in this instance, the unlicensed intern was a longtime family friend whom the family requested sit in on the arrangements and assist in writing the obituary and gathered vital statistics. The unlicensed intern did not present the general price list, did not fill out the statement goods and services, and did not sign any contracts or documents. Those were all completed by the licensed funeral director making arrangements. So I'm recommending that we close this with no further action.

Dave Ittner (00:39:55):

Thank you, Pete. Do we have a motion?

Richard Little (00:39:59):

So moved. This is Rick.

Paul Lovgren (00:40:02):

This is Paul, I'll second that.

Dave Ittner (00:40:05):

Thanks, Paul. Any discussion?

(00:40:12):

Pete, this is Dave. Question on, is this a second complaint against the same unlicensed intern or are there multiple unlicensed intern people?

Pete Cameron (00:40:26):

So the complainant is the same person, filed two separate complaints against two separate staff members who were making the arrangements along with the same unlicensed intern.

Dave Ittner (00:40:40):

I see. Okay, that makes sense. All right, thank you. Any further comments? All right. All in favor, say aye.

Richard Little (00:40:58):

Aye.

Paul Lovgren (00:40:59):

Aye.

Dante Gutierrez–Zamora (00:40:59):

Aye.

Dave Ittner (00:41:01):

Any opposed? Any abstentions? All right, motion passes. Thank you. Moving on to item 7.4, Rick.

Richard Little (00:41:14):

Okay. This is case number 2023-06-1246-00FDE. The complainant funeral director alleged that the funeral home failed to properly identify human remains resulting in the burial of the wrong human remains. The facts are the funeral home in question used the removal service that did not place the identification band upon the decedent until they transported the decedent to a different removal service for storage. Three days later, the funeral home, using the same removal service, transported another decedent without an identification band and gave the storage removal service the name of the decedent in question. The complainant funeral director who went to the storage removal service, picked up the decedent that was misidentified, embalmed buried without a viewing per family request. The funeral home in question, after realizing the mistake, contacted the complainant funeral director who just buried them, misidentified decedent that day. Both families in question were contacted and viewed the decedents prior to their dispositions.

(00:42:31):

The funeral home in question paid for all expenses for the disinterment and reinterment of the decedent in question. The other decedent had an identification viewing prior to cremation. The funeral home also provided the removal of service identification bands to use in the future.

(00:42:51):

In my opinion, the removal service would negligent and properly identifying the decedent at the place of death with an identification band and was also operating on an expired business license. The two families were taken care of properly promptly, and the decedents were taken their final dispositions. I would like to close with a letter of education to the removal service for not using the identification bands at the place of death and to make sure they keep their license current. I did review the letter of education prior to this meeting and I approved it. So I move that this to be closed with the letter of education.

Dave Ittner (00:43:44):

Okay. Thank you, Rick. Okay. Do we have a motion to approve closing with a letter of education?

Pete Cameron (00:44:00):

This is Pete. So moved.

Dave Ittner (00:44:03):

Thank you, Pete. Do we have a second?

Paul Lovgren (00:44:12):

This is Paul, I'll second.

Dave Ittner (00:44:15):

Thank you, Paul. Any discussion?

Dante Gutierrez–Zamora (00:44:19):

So this is Dante. Just a quick question. So the letter of education is not actually to the respondent but to the removal service they used, am I reading that right?

Richard Little (00:44:32):

Excuse me. Yes.

Dante Gutierrez–Zamora (00:44:32):

Okay.

Richard Little (00:44:36):

Because the next one will be, the next complaint case will be part of this.

Dante Gutierrez–Zamora (00:44:41):

Okay.

Pete Cameron (00:44:45):

This is Pete. Was there anything in the letter for any sort of follow-up or confirmation from the removal service that they've changed their practices and they'll be installing ID bands at the time of removal? Do we have any way to confirm that this shouldn't happen again?

Richard Little (00:45:05):

Yeah. I mean, the letter was very specific and lengthy, so I was very pleased with that.

Pete Cameron (00:45:21):

Okay.

Dave Ittner (00:45:24):

Okay. So I just want to make sure I'm clear on this as well. So there's not a complaint necessarily for the actual removal service?

Richard Little (00:45:42):

Yeah, that's... No.

Dave Ittner (00:46:01):

Okay. All right. Okay. Just thinking. Apologies. In this situation, was there consideration given to formal action either against the removal service... I guess from a procedural standpoint, I'm not even sure if that's possible without a complaint, but so I'm just kind of thinking out loud here, but I don't know if maybe somebody could help me answer that question.

Richard Little (00:46:30):

No, that's why I went with the letter of education, because of the...

Dave Ittner (00:46:39):

The complaint being with the funeral home and not the... Okay.

Richard Little (00:46:40):

Right.

Dave Ittner (00:46:46):

All right. Any other questions or comments? All right. All in favor say aye.

Dante Gutierrez–Zamora (00:46:58):

Aye.

Pete Cameron (00:46:58):

Aye.

Paul Lovgren (00:46:58):

Aye.

Dave Ittner (00:47:05):

Any opposed? Any abstentions? All right, motion passes. Thank you. Moving on to agenda item 7.5 Mr. Little.

Richard Little (00:47:21):

This is also in reference to this case. The case number of this one is 2023- 08-1751-00FDE. The cemetery alleged that the funeral home buried the wrong human remains. Once a mistake was realized, after receiving the correct decedent, the funeral home did the disinterment of the wrong decedent and buried the correct decedent the same day without the disinterment and burial transit permit.

(00:47:54):

The facts are this case in review is reference to case number 2023-06-1246-00FDE. On the disinterment of said decedent, the funeral home inputted the name of the decedent that was supposed to be buried at the cemetery rather than the actual name of the decedent. They also put the wrong final destination on the disinterred, deceased on the disinterment authorization. The funeral home did not have an updated date on the burial transit permit for the interment of the correct decedent. When the cemetery called the error, the funeral home made the necessary corrections to the permit. So I recommend this to be closed and I reviewed the letter of education that was sent to the funeral home.

Dave Ittner (00:48:59):

Okay, thank you, Rick. All right, do we have a motion to that effect?

Dante Gutierrez–Zamora (00:49:04):

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

Dave Ittner (00:49:08):

Thank you, Dante. A second?

Pete Cameron (00:49:13):

This is Pete, I'll second.

Dave Ittner (00:49:20):

Discussion? Comments?

Pete Cameron (00:49:29):

This is Pete. So I guess I want to make sure I get the timeline right here. And what the funeral home actually did once the mistake was realized. The funeral home called the cemetery, did the disinterment, and then placed the correct decedent in that space same day, but did not have a properly filled out burial transit permit or the disinterment [inaudible 00:50:05]

Richard Little (00:50:06):

Yeah, and then they took care of that immediately.

Pete Cameron (00:50:15):

And this was the cemetery that filed this complaint?

Richard Little (00:50:19):

Yes.

Pete Cameron (00:50:21):

Okay. But at the end of the day, the proper decedents were taken care of-

Richard Little (00:50:28):

Yes.

Pete Cameron (00:50:28):

The way their families wished, the funeral home picked up the charges, and the cemetery has the correct body?

Richard Little (00:50:36):

Yes.

Pete Cameron (00:50:38):

Okay.

Dante Gutierrez–Zamora (00:50:42):

This is Dante. Just further comment, just making sure that the letter of education very specifically addresses the burying without a proper permit to the funeral home in question. I

understand they were trying to clean up a mess from a subcontractor, but breaking a rule to clean up a mess isn't the right way to go.

Richard Little (00:51:03):

No. No, it's all pretty clear.

Dante Gutierrez–Zamora (00:51:14):

Okay.

Dave Ittner (00:51:19):

And Rick, this is David, any indication in terms of the families involved and are they satisfied with the results?

Richard Little (00:51:28):

That's what I understand. Otherwise, we'd probably get a complaint from them.

Dave Ittner (00:51:37):

Okay. All right. Any further discussion? All in favor closing with the letter of education, say aye.

Dante Gutierrez–Zamora (00:51:48):

Aye.

Richard Little (00:51:48):

Aye.

Dave Ittner (00:51:54):

Any opposed? Any abstentions? All right, the motion passes. Thank you. Okay, agenda item 7.6 is my case, and so I'll turn it over to Dante.

Dante Gutierrez–Zamora (00:52:13):

Sure. Thank you, chair. So yeah, 7.6, Chair Ittner.

Dave Ittner (00:52:20):

All right, thank you. This is case number 2023-09-2104-00CEM. The complaint was filed at the Department of Licensing on September 7th, 2023 alleging the respondent failed to complete the engraving on her daughter's niche front with a reasonable amount of time. Within a reasonable amount of time. The complainant indicates the niche engraving were purchased in January of 2022. A copy of the complaint was sent to the respondent on September 26th, 2023 with a request for a written response. The respondent replied via email on November 17th, 2023 and indicated he would send a photo of the completed niche front when it arrives at the cemetery. The investigator sent an email on December 6th requesting a photo of the niche front and the respondent replied right back indicating he expected the niche front later that day. The investigator did not receive anything from the respondent and another email was sent on December 13th asking about the status of the niche front.

(00:53:16):

By January 8th, 2024 there was still no response about the niche front, so another email was sent. The investigator finally drove to the cemetery on January 31st and talked to the respondent about the complaint. A photo of the completed niche front was taken by the investigator. The respondent claimed he did not respond to the emails because he had been out ill and was not certain of the date of the engraving on niche, when it had been completed. So I recommend closing this case with a letter of education given that the work was done and the respondent failed to respond to the emails due to his illness.

Dante Gutierrez–Zamora (00:53:57):

Do we have a motion to that effect?

Pete Cameron (00:54:03):

This is Pete. So moved.

Dante Gutierrez–Zamora (00:54:07):

A second?

Paul Lovgren (00:54:08):

This is Paul, I'll second.

Dante Gutierrez–Zamora (00:54:11):

Any comments?

Pete Cameron (00:54:17):

This is Pete. Is the complainant satisfied with the results? At the end, is everything done the way it was supposed to?

Dave Ittner (00:54:30):

Yes, the results of the engraving are appropriate. Just the complainant was not happy with the timeline.

Pete Cameron (00:54:39):

Right. Okay, thanks.

Dante Gutierrez–Zamora (00:54:45):

Any further discussion? Then we'll call it to a vote. All in favor, say aye.

Richard Little (00:54:54):

Aye.

Paul Lovgren (00:54:54):

Aye.

Dante Gutierrez–Zamora (00:55:01):

Any opposed? Any abstentions? So that one is approved. 7.7, Chair Ittner.

Dave Ittner (00:55:14):

All thank you. This case number 2023-09-2113-00CEM. The complaint was filed with the Department of Licensing on September 15th, 2023 alleging the respondent moved their infant daughter's cremated remains from a niche in the cemetery without their notification or permission. Cemetery staff have been unable to find records to verify the location of their daughter's cremated remains.

(00:55:40):

The complainants had a stillborn baby girl. On August 6th, 1974. The baby was identified as Baby Girl Redacted. The arrangements for cremation of Baby Girl Redacted were handled at the respondent's funeral home. Complainants recalled visiting the cemetery and seeing the niche wall with an inscription, Baby Girl Redacted. Their children and other family members also recall seeing a niche with Baby Girl Redacted inscribed at the respondent cemetery.

(00:56:07):

Respondents went to the cemetery on August 21st, 2023 to purchase interment rights for themselves. While at the cemetery, they went to see their daughter's niche only to discover it was no longer there. The cemetery staff were unable to find any cemetery records for Baby Girl Redacted. On September 11th, 2023 the complainants returned to the cemetery where staff claimed to have found a record for their daughter's remains. Cemetery staff provided an index card for Infant Girl Redacted. The card indicated the baby was cremated on August 9th, 1974 and placed in the community vault, Rhodo Crypt, 139AI-10-76. The complainants were told the community vault was moved when the Rhododendron Corridor was remodeled in the 1990s.

(00:56:55):

The general manager for the respondent location stated the community vault from the Rhododendron Corridor was buried in the Garden of Rest around 1994. The former grounds manager still employed by the respondent personally handled the transfer of the community vault into the grave at Garden of Rest. The general manager indicated the urns buried in the community vault were not able to be recovered and that was due to the condition of the urns in the burial vault. The former grounds manager claims management's intent was for the urns to be irretrievable as they were few records available for the urns and they may have been damaged by water and the elements. In the investigator's November 2nd, 2023, email to the general manager, they asked if the cemetery has an inventory of urns in the community vault. [inaudible 00:57:40] said the only records, the burial cards which did not appear to have been updated for Baby Girl Redacted when the community vault was moved from the Rhododendron Corridor.

(00:57:49):

So in this situation, it sounded like in the original placement in the seventies, it was a community placement and also no records exist of any sort of niche placement. And then the other factor here is the organization, the changed hands. And so the people that own this organization now, were not the folks that were running the organization at the time of the movement, the original placement, and also the movement of the urns from the Rhododendron Corridor. So with that I recommend closing this case with a letter of education.

Dante Gutierrez–Zamora (00:58:41):

Okay. Do we have-

Pete Cameron (00:58:47):

This is Pete, so moved.

Dante Gutierrez–Zamora (00:58:52):

The second?

Richard Little (00:58:54):

This is Rick, I'll second it.

Dante Gutierrez–Zamora (00:58:57):

Any discussion?

Richard Little (00:59:00):

This is Rick. Was the letter of education never presented? Yet.

Dave Ittner (00:59:07):

It has not been approved yet.

Pete Cameron (00:59:17):

This is Pete. Do we know, or is there any follow up with family's reaction to this information? Are they satisfied with that explanation?

Dave Ittner (00:59:34):

I don't believe that they're completely satisfied. I think the assumption is the remains are in the community vault and unable to be retrieved. I believe that is what the assumption of both the family and the new owners of the cemetery.

Pam Grice (00:59:56):

Chair, this is Pam, the investigator.

Dave Ittner (01:00:00):

Hi, Pam.

Pam Grice (01:00:02):

I have a comment. The family is not satisfied with the cemetery's response, and I have been in communication with them within the last month and this is not satisfactory to them.

Dante Gutierrez–Zamora (01:00:32):

Thank you, Pam. Further discussion?

Dave Ittner (01:00:43):

I think the main challenge with this case, this situation, is that the management and the ownership of the original cemeteries no longer exists, and so this is a new group that owns and operates this location.

Dante Gutierrez–Zamora (01:01:08):

Okay. With that, we'll go ahead and call to vote. All in favor of approving, say aye.

Pete Cameron (01:01:17):

Aye.

Dante Gutierrez–Zamora (01:01:20):

Aye.

Richard Little (01:01:20):

Aye.

Dante Gutierrez–Zamora (01:01:23):

Any disapprove, nay? Any abstentions? And I think that carries, so turn it back over to Chair Ittner.

Dave Ittner (01:01:41):

All right, thank you, Dante. We're looking at agenda item 7.8 and that is back to you.

Dante Gutierrez–Zamora (01:01:48):

All right. So this will be case 2023-12-2770-00CEM. The complainant alleges that the respondent cemetery did not provide a deed for the purchase of a crypt and failed to follow up regarding engraving of a crypt plate. The facts, the staff member of the respondent cemetery who assisted the complainant was no longer working at the cemetery. The respondent contacted the complainant after the complaint was filed with the Washington Attorney General and has sent the complainant proof for the engraving of the crypt plate and certificate of internment rights. So I'm going to recommend that we close this with a letter of education. While turnover is inevitable, it is the responsibility of a cemetery to follow up with clients when a staff member departs, is my thought.

Dave Ittner (01:02:41):

All right, thank you, Dante. Do we have a motion to that effect?

Paul Lovgren (01:02:46):

This is Paul, I'll make that motion.

Dave Ittner (01:02:49):

Thank you, Paul.

Paul Lovgren (01:02:51):

Correct.

Dave Ittner (01:02:51):

Do we have a second?

Richard Little (01:02:57):

This is Rick, I'll second it.

Dave Ittner (01:03:02):

Thank you, Rick. All right, any discussions?

Pete Cameron (01:03:08):

This is Pete. Has the letter been drafted and handled yet?

Dante Gutierrez–Zamora (01:03:14):

I have it right here in front of me. Reviewed it and it's very clear on where they fell short. It's my understanding, maybe we can get a clarification from staff that these don't go out until after we approve them as a board.

Grace (01:03:29):

That's correct. This is Grace.

Dante Gutierrez–Zamora (01:03:36):

Okay, thanks.

Dave Ittner (01:03:39):

Dante, this is Dave. What was the timeline from the complaint to-

Dante Gutierrez–Zamora (01:03:44):

Looks like December 28th, I mean December 8th, 2023. And it looks like the proof was given January 19th, certificate of internment rights January 5th. Yeah. So September 1st on the purchase of the property, yeah, just looking at the letter of education. So from September to January. So significant.

Dave Ittner (01:04:15):

Okay. All right, thank you. All right, any further discussion? All in favor, say aye.

Richard Little (01:04:28):

Aye.

Paul Lovgren (01:04:32):

Aye.

Pete Cameron (01:04:32):

Aye.

Dave Ittner (01:04:35):

Any opposed? Any abstentions? All right, motion passes. Okay, Dante, back to you again.

Dante Gutierrez–Zamora (01:04:48):

All right, so this will be case number 2023-12-2780-00FDE. The complainant alleges that respondent cremated a fetal remains prior to filling a Washington State Fetal Death Certificate and obtaining a Washington State Burial Transit Permit. The facts, the fetal demise occurred on November 3rd, 2023. The remains were cremated On November 22nd, the Fetal Death Certificate had not been filed and the Burial Transit Permit had not been obtained. The respondent claims that there was an error in their internal process that caused this issue. Paperwork was inadvertently placed in a location signifying that all the paperwork was complete. The respondent has reviewed and improved internal processes to avoid an issue like this in the future. And again, I'm going to recommend that this one be closed with the letter of education.

Dave Ittner (01:05:51):

All right, thank you, Dante. Do we have a motion to that effect?

Pete Cameron (01:05:59):

This is Pete, so moved.

Dave Ittner (01:06:04):

Thank you, Pete.

Richard Little (01:06:08):

This is Rick, I'll second it.

Dave Ittner (01:06:12):

Thank you, Rick. Do we have any discussion?

Pete Cameron (01:06:16):

Yeah, this is Pete. Dante, can you clarify, the complainant, was this a self-reporting by a staff member or how was this discovered?

Dante Gutierrez–Zamora (01:06:39):

Oof. I'm going to have to defer to Pam on this. I don't quite remember who filed the complaint. I think it was probably the agency. I think it was probably the Department of Health. Am I right, Pam?

Pam Grice (01:06:55):

Yes, it was the registrar.

Pete Cameron (01:07:01):

Okay, thank you.

Dave Ittner (01:07:11):

All right. Any further discussion? All in favor of a recommendation to close with a letter of education?

Paul Lovgren (01:07:20):

Aye.

Richard Little (01:07:23):

Aye.

Pete Cameron (01:07:23):

Aye.

Dave Ittner (01:07:27):

Any opposed? Any abstentions? All right, motion passes. Moving on to agenda item 7.10. Dante.

Dante Gutierrez–Zamora (01:07:42):

Sure. And this one will be case number 2023-12-2805-00FDE. The complaint alleges that the respondent failed to cremate her husband's remains within a reasonable amount of time. The facts, the complainant's husband died on November 6th, 2023. The complainant-

(01:08:03):

... and died on November 6, 2023. The complainant finalized arrangements on November 7th. The Washington State burial transit permit indicated that the date of disposition would be November 8th. After contacting the respondent twice in November, the complainant stopped by the respondent funeral home on December 4th, 2023 and was told that the cremation had not taken place. The cremation took place on December 5th, 2023.

(01:08:31):

Legal counsel for the respondent attributes staffing and capacity issues at the crematory for the delay. Legal counsel also calls the delay unfortunate, but asserts that no relevant laws or administrative rules were broken. Legal counsel also claims that the staffing and capacity issues have been resolved.

(01:08:54):

My thought process on why I want to close this with a letter of education, while no specific RCW or WAC may have been violated, cremating nearly a month after the date indicated on the authorization is at the very least disingenuous, if not deceptive.

PART 2 OF 4 ENDS [01:08:04]

Dave Ittner (01:09:14):

All right. Thank you, Dante. We have a motion to close with the letter of education?

Paul Lovgren (01:09:21):

This is Paul. I'll make that motion.

Dave Ittner (01:09:24):

Thank you, Paul.

Paul Lovgren (01:09:25):

Correct.

Richard Little (01:09:29):

This is Rick. I'll second it.

Dave Ittner (01:09:33):

Thank you, Rick. Any discussion?

Pete Cameron (01:09:44):

Yeah, this is Pete. Just a quick question. It states here that legal counsel for the respondent attributes staffing and capacity issues at the crematory for the delay. Is this a third party crematory or an outside crematory that the funeral home uses, or do they also own and operate the crematory?

Dante Gutierrez–Zamora (01:10:10):

Again, I'll defer to Pam on this, but I believe this is a group and they're using a third party.

Pam Grice (01:10:19):

That's correct, Dante.

Dave Ittner (01:10:24):

Okay.

Dante Gutierrez–Zamora (01:10:26):

Thank you.

Dave Ittner (01:10:29):

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

Group (01:10:36):

Aye.

Dave Ittner (01:10:42):

Any opposed? Any abstentions? Motion passes. Thank you. All right. I'll turn it over to Dante for the next agenda item, 7.11.

Dante Gutierrez–Zamora (01:10:55):

Perfect. Item 7.11, David?

Dave Ittner (01:11:01):

All right. This is case number 2024-01-0258-00CEM. The complaint was sent to the Department of Licensing on December 27th, 2023, alleging the respondent failed to honor the purchase of an opening, closing and vault box his father paid for in advance, nor would they offer a refund for the fees paid. The complainant claims the cemetery staff told the family the vault box would not fit in the grave. He was also upset that the cemetery wanted to charge an additional fee of half the value of the grave when the grave was already owned.

(01:11:34):

The complainant alleged that the current owner of the cemetery failed to honor the arrangements paid to the previous owner of the cemetery. Complainant's father died November 22nd, 2023. He and his family attempted to arrange for the placement of his father's urn on his parents' grave. The family was not happy with the information they received regarding the cost associated with placement of the complainant's father's urn in the cemetery. The respondent manager sent a written response to the complainant indicating the cemetery's family service counselor provided information to the family including the additional right of interment fee, opening and closing fee, graveside service fee, burial urn fee, processing fee, and memorial guidelines.

(01:12:14):

The investigator requested additional information from the respondent as to whether the decedent had prearranged his own placement at the cemetery. Records indicate the decedent did not prepay any cemetery services or merchandise for himself. Absent any records of prearrangement at the respondent cemetery, I recommended closure of this case.

Dante Gutierrez–Zamora (01:12:36):

Okay. A motion to that effect?

Richard Little (01:12:43):

This is Rick. So moved.

Dante Gutierrez–Zamora (01:12:47):

Second?

Paul Lovgren (01:12:49):

This is Paul. I'll second.

Dante Gutierrez–Zamora (01:12:52):

Any discussion? Hearing no further discussion, I'll call to a vote. All in favor say aye.

Group (01:13:03):

Aye.

Dante Gutierrez–Zamora (01:13:08):

Any opposed? Item 7.11 is approved. I'll turn it back over to Chair Ittner.

Dave Ittner (01:13:21):

All right. Item 7.12, Dante?

Dante Gutierrez–Zamora (01:13:24):

So this would be case number 2024- 02-0308-00FDE. The complainant filed a complaint through the attorney general's office on January 19th, 2024, alleging that the respondent refused to release her brother's cremated remains until fees were paid in full. Facts: the complainant's brother died August 1st, 2023. The respondent cremated the complainant's brother October 2nd, 2023 without having been paid. The cremated remains were released on February 21st, 2024 without fees for cremation or storage being paid.

(01:14:04):

In a copy of a text date January 19th, 2024 provided by the respondent, the complainant tells the respondent that he cannot hold her brother's remains for payment and that the complainant was going to contact the attorney general's office. She also states that the respondent failed to inform her that she could pick up her brother at any time and instead focused on a \$50 per day storage fee in order to force her to pay.

(01:14:33):

The cremated remains were released only after the complaint was filed and the complainant was forced to sign a statement allowing her spouse to pick up the cremated remains. In his communication with the board investigator, the respondent did not provide proof that he had let the complainant know that she could pick up her brother's remains. So, this is one that I'm recommending We close with the letter of education.

Dave Ittner (01:15:00):

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

Paul Lovgren (01:15:09):

This is Paul. So moved.

Dave Ittner (01:15:13):

Thank you, Paul.

Pete Cameron (01:15:16):

This is Pete. I'll second.

Dave Ittner (01:15:20):

Thank you, Pete. Do we have any discussion? I have a question.

Pete Cameron (01:15:30):

This is-

Dave Ittner (01:15:31):

Oh-

Pete Cameron (01:15:32):

Go ahead, Dave.

Dave Ittner (01:15:35):

Just a quick question for Dante. Was there proof showing that the respondent told the complainant that they couldn't pick up the remains without payment?

Dante Gutierrez–Zamora (01:15:48):

Was there proof that he told them specifically that?

Dave Ittner (01:15:53):

Yeah.

Dante Gutierrez–Zamora (01:15:54):

No, I don't believe that that was specifically stated. But the one kind of funny thing, and again, if Pam wants to add, I believe at the point of the investigation on this, the respondent was still saying he was going to go after the complainant for payment and just not quite getting that you can't hold the body for debt.

Dave Ittner (01:16:24):

Thank you. Pete?

Pete Cameron (01:16:28):

Yeah. This is Pete, and maybe this wasn't addressed in the complaint, but is it common for the respondent to cremate without being paid first?

Dante Gutierrez–Zamora (01:16:42):

It was mentioned in the investigation, Pete, that this is very much not their practice. And not real clear why he went ahead and cremated without getting paid. But no, their practice is to not cremate until they get paid.

Pete Cameron (01:17:02):

Okay. Thanks.

Dave Ittner (01:17:08):

All right. Any further discussion? All right. All in favor say aye.

Group (01:17:14):

Aye.

Dave Ittner (01:17:20):

Any opposed? Any abstentions? All right. Motion passes. All right, Dante, back to you for item 7.13.

Dante Gutierrez–Zamora (01:17:33):

Very good. We'll turn it to item 7.13, Chair Ittner.

Dave Ittner (01:17:41):

All right. This is case number 2024-02-0464-00CEM. The complaint was sent to the Department of Licensing on February 17th, 2024 alleging the respondent cemetery refused to provide services that were prepaid by her father for setting a VA marker. The complainant was also upset with the respondent staff for failing to return phone calls and charging additional fees for items that had been prepaid.

(01:18:09):

The complainant's father purchased two graves in 1971. He also paid for one individual bronze marker, two deluxe boxes, and one Grecian vase on November 16th, 1971. The respondent wrote to the complainant on November 16th, 2019. The letter provided a price quote for a marker base, as it is required by the cemetery and was not paid for in advance. The complainant claims the base was pre-purchased, as her father told her several times that everything had been paid for at the cemetery.

(01:18:39):

A copy of the cemetery contract dated March 4th, 1993 was provided by the complainant. The space next to the contract item Memorial Base indicates zero. It does not appear payment had been made for a marker base on this contract. Further communication ensued and the complainant acknowledged the respondent's frustration. And while the records do not include prepayment of a marker base, the cemetery will provide a marker base for no additional charge. The respondent also wrote that the cemetery would order and install the VA marker at no additional cost. So with that, recommend to close this with no further action.

Dante Gutierrez–Zamora (01:19:19):

Okay. Do we have a motion?

Richard Little (01:19:27):

This is Rick. So moved.

Dante Gutierrez–Zamora (01:19:30):

How about a second?

Paul Lovgren (01:19:30):

This is Paul.

Pete Cameron (01:19:30):

This is Pete. I'll second.

Dante Gutierrez–Zamora (01:19:37):

Okay, we'll go ahead with Pete. Any discussion? That will call it to a vote. All in favor say aye.

Group (01:19:52):

Aye.

Dante Gutierrez–Zamora (01:19:54):

Any opposed say nay. Any abstentions? So 7.13 passes, and I'll turn this back over to Chair Ittner.

Dave Ittner (01:20:10):

All right, we are on agenda item 7.14. Dante?

Dante Gutierrez–Zamora (01:20:15):

All right. This would be case number 2024-03-0501-00FDE. The complainant filed the complaint with the Department of Licensing because the respondent funeral did not notify him or his sister when their mother died. The facts: prior to her death, the deceased executed an advance directive for disposition of remains that clearly stated her wishes, and named a niece as her designated agent. Neither the niece nor the decedent mentioned the children. They were not any under obligation to do so. The respondent did not know about the children. Disposition took place at the direction of the designated agent named by the deceased. So, I'm going to recommend that we close this with no further action.

Dave Ittner (01:21:09):

All right. Thank you, Dante. We have a motion to that effect.

Paul Lovgren (01:21:14):

This is Paul. So moved.

Dave Ittner (01:21:16):

Do we have a second?

Pete Cameron (01:21:24):

This is Pete. I'll second.

Dave Ittner (01:21:29):

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

Group (01:21:39):

Aye.

Dave Ittner (01:21:45):

Any opposed? Any abstentions? All right. Motion passes. Moving on to agenda item 7.15. Dante?

Dante Gutierrez–Zamora (01:21:58):

Sure. Case number 2024-03-0700-00FDE. The complainant alleges that the respondent came to make a transfer at her facility and seemed impaired or under the influence. The complainant herself did not witness the behavior, but the two security staff who released the individual described the respondent as scatterbrained, unorganized, and unable to lift the gurney. One

side of the cot fell during the transfer and the complaint alleges that the respondent forgot to complete the appropriate paperwork.

(01:22:38):

Facts: In response to the allegation, the respondent let the investigator know that he has suffered hearing loss and is not able to follow conversations when he can't see the speaker's mouths. He also stated that the individual he was to transfer weighed approximately 300 pounds and was on a bottom shelf. The respondent states that one of the guards triggered the release on the cot and that is why one side fell. The respondent has been licensed to practice for over 40 years and limits interaction with the public due to his hearing loss. So I'm going to go ahead and recommend that we close this case with no further action.

Dave Ittner (01:23:20):

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

Richard Little (01:23:25):

This is Rick. So moved.

Dave Ittner (01:23:26):

A second?

Paul Lovgren (01:23:33):

This is Paul. I'll second.

Dave Ittner (01:23:37):

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

Group (01:23:47):

Aye.

Dave Ittner (01:23:52):

Any opposed? Any abstentions? Motion passes. Dante, I'll turn it back over to you.

Dante Gutierrez–Zamora (01:24:03):

Awesome. And right back to David for 7.16.

Dave Ittner (01:24:07):

All right. This is case number 2024-03-0702-00FDE. The complaint was filed with the attorney general's office on March 5th, 2024, which was forwarded to the Department of Licensing on March 14th, 2024. The complainant alleges the respondent failed to provide a certified copy of the death certificate and cremation of their family member within a reasonable amount of time.

(01:24:35):

The decedent was found dead on January 23rd, 2024 by his son. The complainant is the son's mother but was not married to the decedent at the time of his death. The son was identified as

the person with the right to control disposition. The son made cremation arrangements for the respondent on January 23, 2024. The decedent was cremated by a third party on February 11th, 2024. The cremated remains were released to the family on February 20th, 2024.

(01:25:01):

The son ordered a certified copy of the death certificate on February 26th, 2024. The certified death certificate was mailed from Snohomish Health District on March 4th, 2024. Verification from the U.S. Postal Service indicates the certified death certificate was delivered on March 7th, 2024. The respondent indicated the complainant is not a party to the disposition arrangements or death certificate copy order for the decedent. And being that the timeline was appropriate in this case, I recommend closure with no further action.

Dante Gutierrez–Zamora (01:25:30):

Okay. Do we have a motion?

Pete Cameron (01:25:40):

This is Pete, so move.

Dante Gutierrez–Zamora (01:25:42):

A second?

Richard Little (01:25:42):

Rick, I'll second.

Paul Lovgren (01:25:42):

This is Paul. I'll second. Sorry.

Dante Gutierrez–Zamora (01:25:50):

We'll go ahead with Paul. We'll call it Paul. And any discussion? I have a question, David. So if I'm reading this right, or maybe I'm getting a little punchy here, but the son is not the complainant, correct? The one that made cremation arrangements the day of the death?

Dave Ittner (01:26:19):

That is correct.

Dante Gutierrez–Zamora (01:26:20):

Okay. Yeah, I figured.

Dave Ittner (01:26:24):

Yeah.

Dante Gutierrez–Zamora (01:26:26):

Okay. Any further discussion? Okay, in that case, all in favor of approving, say aye.

Group (01:26:38):

Aye.

Dante Gutierrez–Zamora (01:26:39):

Any opposed? And any abstentions? With that, 7.16 carries, and I'll turn it back over to Chair Ittner.

Dave Ittner (01:26:53):

All right. Agenda item, 7.17. Dante.

Dante Gutierrez–Zamora (01:26:57):

Hey. So, this will be case number 2024-04-0864-00FDE. The complainant alleges that the respondent funeral home failed to honor the wishes of his mother's prearranged funeral plan. Specifically, he is concerned about a visitation not taking place and an obituary not being published, and a refund not being received by himself. He also raised issues about his mother's will and the politeness of the funeral home staff when he called to demand paperwork and a refund.

(01:27:33):

Facts: the complainant is one of five surviving children and was not the primary point of contact. Initially, a visitation was scheduled but later canceled due to the conditions of his mother's remains. An obituary was completed and published on the respondent funeral home's website. A refund was not issued to any of the five surviving family. Rather, the contract indicates a significant discount for services due to cost outpacing the growth in the prearrangement policy.

(01:28:03):

The respondent denies that their staff was rude to the complainant when he called with his demands. Also, the deceased individual's will is well outside the scope of the board and the respondent funeral home. So I'm going to recommend that we close this with no further action.

Dave Ittner (01:28:23):

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

Pete Cameron (01:28:29):

This is Pete. So move.

Dave Ittner (01:28:33):

Thank you, Pete. Is there a second?

Richard Little (01:28:37):

This is Rick. I'll second.

Dave Ittner (01:28:41):

Thank you. Do we have any discussion? All right. Hearing none, all in favor say aye.

Group (01:28:54):

Aye.

Dave Ittner (01:29:00):

Any opposed? Any abstentions? All right. The motion passes. Thank you. And Dante, I'll turn it back over to you.

Dante Gutierrez–Zamora (01:29:13):

Sure. David, item 7.18.

Dave Ittner (01:29:18):

All right. This is case number 2024-05- 1069-00CEM. The complainant filed a complaint with the Department of Licensing on May 8, 2024 alleging the respondent cemetery charged the same service fee twice and was unable to find her mother's marker that was paid for in 1984. He was also upset that the cemetery required the family to purchase another marker for the one they were unable to find.

(01:29:50):

The complainant's mother died January 3rd, 2024 and had purchased a government bronze marker and marker setting in January 1984 from the respondent funeral home. The complainant indicated the marker was set on the grave in the 1980s, but the family asked for the marker to be removed because they felt it was odd to have her name there when mom was not there. The complainant claimed the facility had no problem storing the marker.

(01:30:16):

Cemetery operations manager responded to the complaint on July 1st, 2024 and indicated their company purchased the cemetery in 1985. Cemetery staff were unable to find the grave marker. The respondent indicated they searched for the marker at multiple locations. The respondent also stated the complainant couldn't recall whether her mother took the grave marker home or if the cemetery stored the marker. The respondent offered to provide a new marker if the complainant had proof that the cemetery stored the grave marker.

(01:30:43):

The complainant did not have any documentation to support her claim that the cemetery stored the marker. The respondent provided the \$625 refund of the complainant on April 9th, 2024 for the duplicate charges. The complainant purchased a new marker and confirmed her mother's marker had been set on the grave. With that, I recommend closure with no further action.

Dante Gutierrez–Zamora (01:31:08):

A motion?

Paul Lovgren (01:31:12):

This is Paul. So moved.

Dante Gutierrez–Zamora (01:31:16):

A second?

Pete Cameron (01:31:19):

This is Pete. I'll second.

Dante Gutierrez–Zamora (01:31:22):

Discussion? Hearing none, let's call this to a vote. All in favor say aye.

Group (01:31:39):

Aye.

Dante Gutierrez–Zamora (01:31:41):

Opposed? Abstention? Okay. Item 7.19, David.

Dave Ittner (01:31:54):

All right, thank you. This is case number 2024-05-

Dante Gutierrez–Zamora (01:32:02):

Are we back online?

Speaker 2 (01:32:03):

Back on recording, yes.

Dante Gutierrez–Zamora (01:32:05):

Okay.

Dave Ittner (01:32:07):

All right.

Dante Gutierrez–Zamora (01:32:07):

All right, so 7.19. David?

Dave Ittner (01:32:11):

Yeah. Case number 2024-05-1271-00CEM. Department of Licensing received a complaint dated May 28th, 2024. The complainant's two brothers and her mother are inurned at the respondent cemetery in a single plot. Currently, there are two memorials in the plot, one memorial for each of the complainant's brothers. The complainant has been corresponding with the cemetery's manager about commissioning another memorial for her mother. Her mother's memorial would be the third in the plot.

(01:32:39):

The manager communicated to the complainant via email that to have a third memorial placed, the previous two would need to be removed and disposed of. The respondent cemetery has a rule, 16D of their rules and regulations dated 2010, that limits the number of memorials in a plot to one. The complainant expressed that her family did not wish to remove the memorials that their mother designed and paid for to honor her sons.

(01:33:02):

The respondent managed reiterated the cemetery's rules and that she was sorry for the difficulty, but no exception would be made. Given that the rules exist and have been communicated, I recommend closure with no further action.

Dante Gutierrez–Zamora (01:33:20):

Do we have a motion?

Paul Lovgren (01:33:26):

This is Paul. So moved.

Richard Little (01:33:27):

This is Rick. So moved.

Dante Gutierrez–Zamora (01:33:28):

Okay, Paul. And a second?

Pete Cameron (01:33:33):

This is Pete. I'll second.

Dante Gutierrez–Zamora (01:33:34):

Okay. Any discussion?

Pete Cameron (01:33:41):

Yeah, this is Pete. So, I guess I'm a little confused because if the rules and regulations say there can only be one memorial per space, but currently there's two on the space?

Dave Ittner (01:33:58):

That is correct.

Pete Cameron (01:33:58):

So, was that-

Dave Ittner (01:34:02):

I believe that rule change occurred subsequent to the original two markers being placed. So, they've made and adopted some rule changes. So, the request is for a third marker, and so they're not enforcing the one marker rule in terms of the existing memorials, but are not allowing the third to be placed.

Pete Cameron (01:34:31):

Going forward. Right. Okay. Thanks.

Dante Gutierrez–Zamora (01:34:44):

Okay. Any further discussion? Okay. All in favor say aye.

Group (01:34:49):

Aye.

Dante Gutierrez–Zamora (01:34:53):

Opposed? Abstain? Okay. So item 7.20, Chair Ittner.

Dave Ittner (01:35:08):

All right. Thank you, Dante. Case number 2024-06-1362-00FDE. The complaint was filed with the Department of Licensing on May 3rd, 2024. The complainant says that she authorized a memorial marker for her mother at the time when she died and was buried in the cemetery in November of 2023. The decedent had a prearrangement for cemetery goods, including a base and to have her name added to the memorial. When the complainant and her sister went to visit the burial site prior to writing the complaint, the memorial had yet to be placed.

(01:35:42):

Following the funeral services, the complainant contacted the respondent requesting an appointment to discuss the memorial design and proof review. At that time, the complainant communicated that she would be in touch when she was ready to proceed. The complainant visited the respondent location in March of 2024 and communicated that she wished to only include the year of death on the memorial.

(01:36:03):

A marker order form was submitted on March 21st and the proof was received on March 27th, 2024. The proof was emailed to the complainant's sister, as the complainant did not have an email address to receive the proof. So, one was mailed to her on March 29th, 2024. The complainant returned the proof by mail on April 8th. The respondent communicated with the complainant that completion is usually between 10 to 13 weeks.

(01:36:27):

The respondent manager stated that the process was expedited at no additional cost to the family. The marker was installed on June 6th, 2024 ahead of the 10 to 13 week anticipated delivery window. The respondent stated they contacted the complainant to inform her of the installation and that the complainant communicated that she was satisfied during the call. So with that, I would recommend closure with no further action.

Dante Gutierrez–Zamora (01:36:50):

Okay. Do we have a motion to that effect?

Richard Little (01:37:00):

This is Rick. So moved.

Pete Cameron (01:37:01):

Pete. So moved.

Dante Gutierrez–Zamora (01:37:03):

Let's go ahead with Rick. And a second?

Pete Cameron (01:37:07):

This is Pete. I'll second.

Dante Gutierrez–Zamora (01:37:08):

Okay. Any discussion? Hearing none, all in favor say aye.

Group (01:37:23):

Aye.

Dante Gutierrez–Zamora (01:37:24):

Any opposed? Any abstentions? Okay. All right. With that, I'll turn things back over to David.

Dave Ittner (01:37:39):

All right, thank you, Dante. Agenda item 7.21. Dante?

Dante Gutierrez–Zamora (01:37:45):

Sure. This is case number 2024-06-1411-00FDE. The complaint alleges that the respondent and the respondent funeral home provided disposition of a deceased individual without obtaining a burial transit permit. The facts: a ten-year-old child was shot, sorry about the misspell there, and died on Saturday, May 25th, 2024. Burial was scheduled on Sunday, May 26th, 2024 to accommodate the religious beliefs of the child's family. The respondent worked with both the complainant and the medical examiner's office where the death occurred in an emergency manner in order to complete the funeral record and obtain a burial transit permit. According to the respondent, by late afternoon on Sunday, May 26th, 2024, the record disappeared in the Washington Health and Life Event system and she was not able to access the record or obtain a burial transit permit that day. According to the respondent, the record did not reappear until Tuesday, May 28th, 2024. As per the burial transit permit that was subsequently issued, the complainant completed the record on Monday, May 27th, 2024. Completing disposition without proper authorization is a clear violation of RCW 70.58.230. The circumstances of the death accommodating religious beliefs of her community and the failings of the system in which the burial transit permit is generated, however, put the respondent in an untenable position. While it is the responsibility of the respondent to obey the laws in respect to disposition, it would benefit both the complainant [inaudible 01:39:34] that emergency procedures are in place to accommodate if a system to obtain burial transit permits in these situations could be independent of the electronic system which is being worked out. So because of the violation, I recommend that we close this with a letter of clarification.

Dave Ittner (01:39:56):

All right. Thank you, Dante. Appreciate that explanation. All right. Do we have a motion to that effect?

Pete Cameron (01:40:06):

This is Pete. So moved.

Dave Ittner (01:40:07):

All right. Do we have a second?

Paul Lovgren (01:40:15):

This is Paul. I'll second.

Dave Ittner (01:40:19):

Thank you, Paul. Any discussion?

Pete Cameron (01:40:25):

Well, this is Pete. I just would add a comment that this has happened at my location a couple of times, and other funeral homes that I've known of as well. So, hopefully this will help spark a relief for getting things done with the new system.

Dave Ittner (01:40:46):

Thank you, Pete. Any further comments? All right. All in favor of closing with a letter of education, say aye.

Group (01:41:01):

Aye.

Dave Ittner (01:41:05):

Any opposed? Any abstentions? Motion passes. All right. Moving on to agenda item 7.22. Pete?

Pete Cameron (01:41:18):

Well, you guys finally let somebody else in here. All right. So this is complaint number 2024-06-1447-00FTE. Two complainant funeral homes alleged that two human remains under the jurisdiction of the county medical examiner were improperly stored at a contracting funeral home location, resulting in severe decomposition.

(01:41:52):

The facts are that the county medical examiner's office entered into a lease agreement with a local funeral home to utilize a portion of their two locations to perform autopsies and hold...

(01:42:03):

... of their two locations to perform autopsies and hold remains in refrigeration while their facility was being remodeled. The contract allowed for funeral home staff to assist in moving, transporting, and releasing of the remains if needed. However, the human remains continued to be under the jurisdiction of the medical examiner as per RCW68.50.010, the coroner's jurisdiction over remains, while being stored at the funeral home or at its secondary location.

(01:42:33):

On Friday, May 10th, 2024, the medical examiner's staff finished their work on two remains. The medical examiner's staff asked the funeral home staff if they could take both of the remains to the secondary location, as the refrigeration unit at the main location was full. The funeral home

staff told the medical examiner's staff that they were too busy and could not do the transport. The medical examiner's staff did not make any further attempts to transfer the two remains. Instead, they left the remains covered in the garage storage area, but outside of the refrigeration unit, while the funeral home was closed for the weekend. On Monday morning, May 13th, the medical examiner's staff opened the garage and discovered the deteriorated condition of the two remains.

(01:43:22):

The two complainant funeral homes were not informed of the condition of the remains in advance of picking them up, and they were unable to perform the services that their client families requested. Although this incident occurred within a Washington State licensed funeral home establishment, which on its own would be a violation of WAC246.50.030, refrigeration or embalming of human remains, the two human remains referenced in this complaint case were under the jurisdiction and direct control of the medical examiner's office and their staff, of which this funeral cemetery board has no regulatory authority.

(01:44:04):

Based on the investigation done by board staff, the terms of the lease agreement, the statements of those involved and the findings of the county's independent investigation into this matter, I can find no violation of rule or law that was committed by the funeral home or its staff. Since the actions of the medical examiner's office staff fall outside the jurisdiction of the board, I'm recommending this complaint case be closed with no further action.

PART 3 OF 4 ENDS [01:42:04]

Dave Ittner (01:44:32):

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

Richard Little (01:44:36):

This is Rick. So moved.

Dave Ittner (01:44:41):

Thank you, Rick. Do we have a second?

Don Taylor (01:44:42):

This is Don Taylor, go ahead and second.

Dave Ittner (01:44:48):

Thank you. All right, any discussion? All right, hearing none. All in favor say aye.

Don Taylor (01:44:58):

Aye.

Dante Gutierrez-Zamora (01:44:58):

Aye.

Richard Little (01:44:58):

Aye.

Dave Ittner (01:45:03):

Any opposed? Any abstentions? All right, motion passes. All right, turning it back over to Dante for the next agenda item.

Dante Gutierrez–Zamora (01:45:18):

Item 7.23 will be David.

Dave Ittner (01:45:22):

All right, thank you. This is case number 2024-06-1492-00CEM. The complaint was submitted against the respondent cemetery on June 4th, 2024. The complaint states that her husband is buried at the respondent cemetery and that she would like to have his memorial marker changed to show his given name instead of his acting moniker. The complainant states that the use of her husband's name and occupancy in the cemetery to apply to signage and use on the establishment's website to promote tourism is not permissible. The respondent's records pertaining to the decedent state that he was survived by his wife and daughter, not the complainant who claims to be the decedent's wife. The respondent requested documentation from the complainant that would prove her authority to make changes to the memorial. The complainant mailed a letter following the request for documentation. The respondent says the letter contained what he described as a fabricated newspaper clipping announcing the marriage of the decedent and the complainant.

(01:46:27):

The Department of Licensing received a letter on the respondent's behalf from the decedent's daughter, which says that her and her mother have been the points of contact for the respondent regarding the decedent's interment. The daughter was also able to provide the decedent's death certificate and marriage certificate to her mother. The daughter also communicated that this instance of the complainant trying to gain control over the decedent's estate has not been the first time she has done so. So absent of any proof that the complainant was married to the decedent, I recommend closure with no further action.

Dante Gutierrez–Zamora (01:46:59):

Very good. Do we have a motion to that effect?

Paul Lovgren (01:47:02):

This is Paul. So moved.

Don Taylor (01:47:04):

I second.

Pete Cameron (01:47:12):

This is Pete. I second.

Dante Gutierrez–Zamora (01:47:15):

Okay. And then the first and the second. Do we have any discussion? Hearing none. All opposed? I mean, all in favor say aye.

Richard Little (01:47:25):

Aye.

Don Taylor (01:47:25):

Aye.

Pete Cameron (01:47:28):

Aye.

Dante Gutierrez–Zamora (01:47:31):

Any opposed? Any abstention? Okay, that carries and I will turn things back over to David.

Dave Ittner (01:47:42):

All right. Agenda item 7.24. Surprise surprise, Dante.

Dante Gutierrez–Zamora (01:47:47):

Sure. Home stretch case number 202406157200FDE. The complainant, a funeral director intern alleges that the respondent, her original sponsor, was unavailable for her training and allowed her to operate without oversight. She also complained that he terminated her sponsorship without not notifying or signing her reports. Facts. The complainant was hired in 2021 and issued a funeral director intern license on June 9th, 2021. The respondent was both her sponsor and the location manager at the funeral home where she worked. The respondent states that the complainant was initially able to complete training and work at the location she was assigned to.

(01:48:35):

Within the internship, however, the respondent states that there were issues which required the complainant to be offered reassignment to another location where she would be better suited due to a slower pace. The complainant did not take that offer, continued to work at the higher pace location and eventually resigned. In her complaint the complainant acknowledges written warnings of probationary period and an offer to transfer to another location.

(01:49:04):

The respondent sponsorship of the complainant ended on October 25th, 2022. While the deterioration of the sponsor-intern relationship is unfortunate, neither the intern success nor the maintenance of her intern training records were the responsibility of the respondent. So I'm going to recommend that we close this with no further action.

Dave Ittner (01:49:27):

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

Pete Cameron (01:49:36):

This is Pete. So moved.

Dave Ittner (01:49:37):

Thank you, Pete. Got a second?

Richard Little (01:49:43):

This Rick. I'll second it.

Dave Ittner (01:49:47):

Thank you. Any discussion? Hearing none. All in favor say aye.

Richard Little (01:49:56):

Aye.

Don Taylor (01:49:56):

Aye.

Paul Lovgren (01:49:56):

Aye.

Dave Ittner (01:50:02):

Aye. Aye. Any opposed? Any abstentions? Motion carries. Moving on to agenda item 7.25.

Dante Gutierrez–Zamora (01:50:16):

Yep. Thank you. Case number 202407162200FDE. The complainant filed a complaint with the Department of Licenses because the respondent took nine weeks to cremate her husband. Facts. The complainant's husband died March 27th, 2024. Cremation arrangements were made and paid for on March 29th, 2024. Death certificate was completed and burial transit permit was available April 1st, 2024. The complainant began logging communication attempts to the respondent on May 14th, 2024. After prior attempts to communicate with the respondent were unsuccessful.

(01:50:56):

The respondent returned a call on May 17th, 2024 and the complainant was able to request to speak to a manager on May 29th, 2024. The complainant contacted the Department of Licensing on May 31st, 2024. After the respondent was contacted by the Department of Licensing's investigator, they found the complainant's husband and completed the cremation. The respondent delivered the cremated remains and a refund on June 4th, 2024. Counsel for the respondent acknowledges poor customer service and states that protocols have been revised to ensure the cremation delays of this nature are avoided. So I'm going to recommend that we close this one with a letter of education.

Dave Ittner (01:51:42):

Thank you. Dante. Do we have a motion to that effect?

Paul Lovgren (01:51:50):

This is Paul. So moved.

Dave Ittner (01:51:55):

Thank you. We got a second?

Pete Cameron (01:51:59):

This is Pete. I'll second.

Dave Ittner (01:52:02):

Pete. Any discussion?

(01:52:10):

Well, this is Dave. Dante, just a question. Was there a reason given for the delay in the cremation?

Dante Gutierrez–Zamora (01:52:17):

I kind of insinuated it. It looks like the individual was lost in a big facility. They found the complainant's husband and completed the cremation after the Department of Licensing got involved.

Dave Ittner (01:52:41):

Any further discussion? All right. All in favor of closing with the letter of education. Say aye.

Dante Gutierrez–Zamora (01:52:49):

Aye.

Richard Little (01:52:49):

Aye.

Don Taylor (01:52:49):

Aye.

Dave Ittner (01:52:57):

Any opposed? Any abstentions? Motion passes. All right, moving on to agenda item 7.26. Dante.

Dante Gutierrez–Zamora (01:53:10):

All right, case number 202408211000FDE. The complainant alleges that the funeral home agreed to provide services, quoted prices, confirmed the total amount owed, and then refused to honor the verbal contract. Facts. The complainant's daughter died August 12th, 2024. As per request of her significant other, the complainant's daughter was transferred from the place of death into the care of the respondent. The complainant contacted the respondent later that day and said his daughter wanted terramation correctly known as natural organic reduction. The respondent let the complainant know that it did not offer that service directly, but could

coordinate with the provider that could. In their response, the respondent alleges that the complainant, after contacting the Natural Organic Reduction provider directly was attempting to create competition between its firm and the Natural Organic Reduction provider. The respondent stated that it was in the best interest of all parties concerned for it to step aside and allow the Natural Organic Reduction provider to provide the services.

(01:54:24):

On August 14th, 2024, the complainant called the respondent and was quoted prices for death certificate, initial transfer and disposition review. The respondent states that it assumed that the Natural Organic Reduction provider would assume the initial transfer fee. The initial transfer fee was not the responsibility of the Natural Organic Reduction provider nor the complainant because neither contracted the respondent to make the transfer. The complainant paid the initial transfer fee on August 15th, 2024 in part because the respondent refused to transfer the electronic record of the death certificate in Wales until he did so, the respondent blames miscommunication on prices on an intern who spoke to the complainant. The respondent blames the slow transfer of the electronic desk record to being locked out of Wales for having two users logged into Wales at the same time. And the respondent acknowledges that it did send an email requiring payment before releasing the record, but again, blames the intern. So I'm going to go ahead and recommend that we close this one with a letter of education.

Dave Ittner (01:55:40):

All right, thank you. Can we have a motion to that effect? [inaudible 01:55:47].

Pete Cameron (01:55:51):

This is Pete. So moved.

Dave Ittner (01:55:54):

Thank you Pete. Got a second?

Richard Little (01:55:58):

This is Rick. I'll second it.

Dave Ittner (01:56:03):

Thank you. All right. Any discussion?

Pete Cameron (01:56:09):

This is Pete. Has that letter been drafted?

Don Taylor (01:56:11):

Yes. Yeah, it's sitting right here in front of me. And I reviewed it and approved it.

Pete Cameron (01:56:19):

Meets your satisfaction?

Don Taylor (01:56:21):

Yeah. The two incompetence and holding a body for debt are the two points that are highlighted on that letter.

Pete Cameron (01:56:31):

Okay. Okay.

Dave Ittner (01:56:38):

Any further comments, questions? All right. All in favor of closing the letter of education, say aye.

Pete Cameron (01:56:50):

Aye.

Paul Lovgren (01:56:50):

Aye.

Richard Little (01:56:50):

Aye.

Dave Ittner (01:56:57):

Any opposed? Any extensions? All right. Motion passes. I'll turn it over to you, Dante.

Dante Gutierrez–Zamora (01:57:07):

Sure, David. This will be item 7.27 with many, many complaints. David.

Dave Ittner (01:57:18):

All right. Can I get a ruling? Do I need to read out all of the case numbers or can we simply just refer to the numerous cases in front of it here on the screen on the presentation. Happy to read if I need to.

Debra Allen-Ba (01:57:37):

I think that you could probably start with the first one and end with the last one and omit the ones in between.

Dave Ittner (01:57:45):

All right, that's perfect. Okay. We're referencing cases 2023-06-1160-00CEM all the way through case 2023-08-1736-00CEM. The Department of Licensing began receiving complaints on May 15th, 2023 from the complainants alleging the respondent failed to maintain the cemetery in an acceptable manner. The complaints alleged the cemeteries have failed to water the cemetery, trim around the grave markers, control weeds. Additionally, the cemeteries neglect the care by leaving gopher mounds and holes, leaving branches lying around, ignoring leaning and damaged markers, allowing people in the cemetery at all hours, and allowing ATV's to drive over graves. Several complaints alleged the condition of the cemetery is disrespectful to their family members who are buried at the cemeteries.

(01:58:43):

The complainants also alleged poor customer service by cemetery staff, including rude behavior and attitude, lack of compassion and sympathy, intolerance when customers were late for appointments. Failure by staff to maintain office hours, failure by staff to return phone calls and emails, failure by staff to answer questions and provide price information, argumentative and impatient with customers. Staff hangs up on customers, price information is not readily available, pushes customers out of the office door. Late delivery of pre-arrangement merchandising services.

(01:59:14):

Complaints about the respondent and respondent locations have been submitted to the department by over 20 complainants. Some photos submitted by the complainants show areas of the cemetery that appear to be maintained poorly and/or not watered. The respondent stated that they're facing some irrigation pump issues and are working through them, but the respondent seems to have a process for addressing maintenance issues. Their process appears to be very reactionary and delayed. The respondent did send photos of portions of the cemeteries that appears to be well maintained. There are several incidents where the respondent failed to deliver pre-arrangement or pre-arranged or ordered merchandise and services in a timely manner. The complaints and underlying case report documents indicate a cultural trend of poor customer service and follow through. The respondent acknowledged this type of behavior from one of their employees. Though the problems persisted for some time and impacted many customers.

(02:00:06):

The employee's no longer employed by the respondent. The respondent's communication within the complaints was mostly in the form of a generic letter. After further discussion and asking the investigator to look at the results from the original complaint, the investigators did visit the site, the locations to assess the progress and work done. In the result of the complaints, significant process improvement has been implemented. In addition, further explanation and context was given as to the employee-related issues behind many of the complaints. And that employee, again, is no longer being with the organization. So given all of that and the significance of the complaints themselves and also the work that the respondent has done since then, I recommend this case be closed with a letter of education.

Dante Gutierrez–Zamora (02:01:02):

Thank you, David. Do we have a motion to that effect?

Paul Lovgren (02:01:07):

This is Paul. So moved.

Dante Gutierrez–Zamora (02:01:10):

How about a second?

Pete Cameron (02:01:14):

This is Pete. I'll second.

Dante Gutierrez–Zamora (02:01:19):

Discussion? Okay, call to vote.

Pete Cameron (02:01:25):

This is Pete.

Dante Gutierrez–Zamora (02:01:25):

Go ahead. Go ahead, Pete.

Pete Cameron (02:01:27):

Yeah, this is Pete. David, it looks like a lot of these things listed in the complaint summary would be taken care of with some maintenance issues, watering and trimming and straightening markers and that sort of thing. Have those kind of issues been addressed as well as just the employee issues?

Dave Ittner (02:01:56):

Yes. It is my understanding after the investigator visited the site, that progress has been made in those areas and was also some additional documents and information was provided as to a significant source of the, I guess you would call it poor customer service. Veering on or edging up to unprofessional conduct was a result of one employee. So according to the investigator, again, going back out to the site, it appears that progress has been made.

Pete Cameron (02:02:36):

Okay, thanks.

Dave Ittner (02:02:39):

Yep.

Dante Gutierrez–Zamora (02:02:39):

Okay. Any further discussion? Okay. All in favor of approving say aye.

Pete Cameron (02:02:58):

Aye.

Paul Lovgren (02:02:58):

Aye.

Dante Gutierrez–Zamora (02:03:00):

Aye. Opposed? Abstentions?

Richard Little (02:03:05):

Aye. this is Rick.

Dante Gutierrez–Zamora (02:03:09):

Okay. All right. I think that motion passes and I will turn things back over to Chair [inaudible 02:03:17].

Dave Ittner (02:03:18):

All right, thank you. Moving on to agenda item 8.1 under reports, the committee and task force reports and I'll turn it over to Deborah.

Debra Allen-Ba (02:03:31):

Thank you. So this is an action item that the department has been unable to complete at this time. So due to competing priorities, this got back burnered. So we will need to bring this back to the next meeting.

Dave Ittner (02:03:52):

All right, thank you Deborah. We'll move on to agenda item 8.2. Staff reports, 8.21 centralized investigations and audits. [inaudible 02:04:05] report. Looks like Grace is providing an update here.

Grace (02:04:12):

Hello, this is Grace [inaudible 02:04:14], Investigation Supervisor with Social Investigations Audit Unit. So this report is showing what we had as of October 21st. We had one intake, five investigations [inaudible 02:04:30] with our compliance, our legal team. 72 in management review. That 72 included the 54 cases that you guys just went over and closed. So those will be getting closed out after the meeting and 24 cases that have been closed for me so far this year.

Dave Ittner (02:04:46):

All right.

Grace (02:04:46):

So questions on that, just let know.

Dave Ittner (02:04:55):

Any questions from board members. All right, thank you so much, Grace. We'll move on to next agenda item 8.221, our licensing and customer support service reports. And that is Julia. Do we have Julia Manley online here?

Julia Manley (02:05:34):

Sorry, Deb hadn't ...

Debra Allen-Ba (02:05:35):

I am sorry I hadn't unmuted Julia. So she was going to start from the beginning.

Julia Manley (02:05:41):

Hi everyone, I'm Julie Manley, I'm the Assistant Administrator for the Licensing and Customer Support Services team. And here we have our licensing report through October 15th, 2024. As you can see currently we have a grand total of 551 different cemetery licenses. These include the reduction facilities, crematories, cemeteries, and then under funerals we have the establishments, the interns, and the full licensees. Total number there is 1,698.

(02:06:20):

We were able to break this down by age group for those that are individually licensed, obviously we can't do that for businesses. And then we have our new licenses issued or renewed by month, both for all of them. And then we've broken down as well. Sorry, Deb. On the next page, our active funeral director and embalmer licenses. These are actually the interns. Any questions on that part?

(02:07:03):

Okay. And then on the next slide you'll see our new issuances by month so you can see how that's flowing. And then of course our renewals by month and those January numbers for renewals will continue to grow as the new expiration dates move forward. Happy to answer any questions.

Dave Ittner (02:07:37):

All right, thank you Julia. Any questions on the licensee account report or any other documents? Thank you for providing that information. We will move on to the next agenda. Item 8.23 boards, commissions and outreach service reports. The legislative update, Deborah.

Debra Allen-Ba (02:08:01):

This would be fairly brief. This is just to bring this back for the board's awareness that we are moving forward with our agency requested legislation to move our accounts from the dedicated standalone count to a combined account under what we call our 06L fund designation. I think we've described to you before how this actually provides somewhat of an overdraft protection. Although our accounting is required to be neutral, you are required to cover all of the funds for your program and this gives you a little bit of a cushion because it's combining our other programs. So if we have some situation where a large case costs quite a bit in operating expenses, it will give you a cushion and we won't have to do emergency fee increases.

(02:09:13):

So this was just to bring this back up to let you know that this is moving forward. This will be introduced in this next upcoming session and we'll continue to bring this back to your attention. I'll let you know how it progresses. Is there any questions that I can answer for you?

Dave Ittner (02:09:29):

I think we've thoroughly vetted this one in the past. I think we're making the right.

Debra Allen-Ba (02:09:40):

I think we have, yeah.

Dave Ittner (02:09:45):

All right, no questions. We'll move on to the next agenda. Item 8.2.3.2 action item list, Deborah.

Debra Allen-Ba (02:09:57):

Okay, so as I stated before, the licensing feature task force committee report and recommendations is still in progress. That will continue to be on our action items. I believe we

are also continuing to work on the pet cemetery review committee. I didn't hear that we've resolved that one yet. So that will also remain in progress. Staff will continue-

Dave Ittner (02:10:26):

Just a quick comment.

Debra Allen-Ba (02:10:27):

Yep, go ahead.

Dave Ittner (02:10:27):

I know we've made some significant process on both of those committees and have some recommended language that we've been working on. So there has been progress made. We just need to meet and finalize a few things there.

Debra Allen-Ba (02:10:44):

And hopefully we can get that finalized and we can present to the board at the next meeting in February. Staff will provide detailed examples and data to the board on pooling the funeral home and cemetery program into the O6L. We're still working on that, so that is still in progress. And then we do have one that is coming off the list, which is investigators to verify, respondent and case number 2023-12-284000CEM that they took steps to agree. I did get confirmation from Pam that, that is completed. So that will come off and we will not be reporting on that again. That is it.

Dave Ittner (02:11:30):

Thank you, Deborah. I believe, I don't know if this is the appropriate time to mention it, but I believe we created a committee to review and discuss the crematory equipment, number of crematory units and replacing the aging crematory units in the state. It was brought up by a number of the public and so we had drafted or created a committee, but I don't believe we've met yet. So I would maybe look to add that to the action item list.

Debra Allen-Ba (02:12:02):

Okay.

Alyssa Woods (02:12:07):

Sorry, Deb, I remember during the agenda setting with Sydney, we did bring that up so I'll make sure that that gets added to the action item list. But it was something that was discussed. I think since we hadn't met, we had taken it from this agenda. And so hopefully we'll be able to meet before we have our next meeting so we could report out then.

Dave Ittner (02:12:34):

Perfect.

Debra Allen-Ba (02:12:36):

So that will be added to the action items.

Dave Ittner (02:12:40):

All right. Okay. It looks like we're through reports and we're on to agenda item number nine. Public comments. 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. 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. Inflammatory comments and language will not be permitted. But with that, do we have any members of the public who have comments today?

(02:13:41):

All right, hearing none, we will move on to agenda item 10. Conclusion. 10.1, announcements. Do any board members have any announcements or additional reports that they would like to make at this time? All right, hearing none. We'll move to agenda item 10.2. Request for future agenda items. Are there any additional future agenda items that have not been yet discussed that any board members would like to request for the next meeting? All right. 10.3 Review of action items. Alyssa.

Alyssa Woods (02:14:34):

Thank you. So far I have the board staff will update the 2025 meeting date from May 21st to May 28th. Board staff will work with board member Cameron as the voting delegate at the ICF-SEB annual conference for travel. Staff will provide draft WAC language update to the board for approval at the next meeting. And then staff will work to schedule a meeting to finalize the task force report to the board and staff will schedule the disposition facility equipment subcommittee meeting with a report out to happen at the next meeting. Back to you, Chair.

Dave Ittner (02:15:23):

All right, great. Yeah, thank you so much, Alyssa. Okay, well I think the time has come, it's now 12:16 P.M. and there being no further items or anything to work through. I think we've done a pretty good job here today. This meeting is officially adjourned. Thank you so much.

Pete Cameron (02:15:47):

And have a happy holiday.

PART 4 OF 4 ENDS [02:15:50]