

Washington State Funeral and Cemetery Board meeting transcript – February 21, 2024

Susan Nieves (00:00:02):

... Stated annotated agenda that I sent you this morning.

David Ittner (00:00:06):

I just had to call in, so it wasn't working for some reason on my laptop. So I think we're good now.

Susan Nieves (00:00:12):

Okay. Did you see the updated annotated agenda for this morning?

David Ittner (00:00:26):

Let's see, when was that sent?

Susan Nieves (00:00:27):

About 9:40 this morning.

David Ittner (00:00:33):

Oh, right here? I've got it.

Susan Nieves (00:00:33):

Okay.

David Ittner (00:00:33):

I've got it. I've got it here. Okay. I have it in front of me.

Susan Nieves (00:00:47):

Okay, cool. And Mr. Chair, we are ready when you are.

David Ittner (00:00:53):

All right. Good morning. I'm David Ittner, Chair of the Washington State Funeral and Cemetery Board. The time is now 10:04 on Wednesday, February 21st, 2024, and I'm calling the special board meeting to order. We will be providing an opportunity for public comment later in this meeting. As a courtesy, we encourage everyone to mute their mics or your phone, if you called in, and you're not speaking, to reduce the background noise, when others are speaking. Also, for board members, to help us capture information correctly, please state your name when making comments. Thank you

Susan Nieves (00:01:27):

Mr. Chair, before we move on, in that updated annotated, there's some additional language in those opening remarks that we'll need you to include this morning.

David Ittner (00:01:37):

Am I not reading the correct one here?

Susan Nieves (00:01:46):

Don't tell me I sent the wrong one. Let me send it again.

David Ittner (00:01:55):

Yeah, I believe I just... Oh wait, hold on. Okay, I've got it here.

Susan Nieves (00:02:03):

Okay.

David Ittner (00:02:10):

All right. So the additional comments, board meetings are open to the public, and the Board invites comments and discussion from guests. Guests may comment on any matter that concerns them and will be given three minutes to speak. However, board meetings are not adjudicated proceedings or hearings, so the committee cannot accept or consider direct oral testimony in support or opposition to any given complaint or application. Please do not comment or provide information on any enforcement matter. If you do so, you'll be asked to stop speaking and may be muted or asked to leave the meeting if you continue. All right, I believe that is the entirety of the additional comments. Item number two, roll call. Susan, would you please call roll? Board members, please respond if you are in attendance.

Susan Nieves (00:02:55):

I'll start with you. Chair Ittner?

David Ittner (00:02:56):

Present.

Susan Nieves (00:03:00):

Vice Chair Gutierrez-Zamora?

Dante Gutierrez-Zamora (00:03:02):

I'm here.

Susan Nieves (00:03:04):

Board Member Cameron?

Pete Cameron (00:03:04):

Here.

Susan Nieves (00:03:04):

Board Member Lesorde? Board Member Little?

Speaker 5 (00:03:21):

I think we're getting quite a bit of feedback from yours. Thank you.

Susan Nieves (00:03:25):

I'm going to repeat one more time, excuse me. Board member Lesorde? Moving on to Board Member Little?

Richard Little (00:03:35):

Present.

Susan Nieves (00:03:36):

Board Member Smock?

Cameron Smock (00:03:37):

Present.

Susan Nieves (00:03:38):

And Board Member Ward?

Angela Ward (00:03:43):

Here.

Susan Nieves (00:03:52):

Thank you.

David Ittner (00:03:53):

All right, thank you. Moving on to item number three, approval of agenda. Do I have a motion to that effect?

Susan Nieves (00:04:06):

[inaudible 00:04:06] For our members of the public who have joined, we're getting a lot of feedback. If you could please mute yourselves. Thank you.

Richard Little (00:04:20):

This is Rick Little. So moved.

Pete Cameron (00:04:28):

This is Pete. I'll second.

Susan Nieves (00:04:43):

Mr. Chair, we've lost you.

David Ittner (00:04:54):

There we go. Can you hear me now?

Susan Nieves (00:04:56):

Yes, we can.

David Ittner (00:04:58):

Okay. All in favor?

Cameron Smock (00:05:00):

Aye.

Pete Cameron (00:05:00):

Aye.

Dante Gutierrez–Zamora (00:05:02):

Aye.

David Ittner (00:05:02):

Any opposed? Motion passes. Thank you. All right, item number four, approval of minutes for a motion to approve the minutes from the last meeting.

Pete Cameron (00:05:22):

This is Pete. Will so move.

David Ittner (00:05:26):

Thank you, Pete. Is there a second?

Dante Gutierrez–Zamora (00:05:27):

This is [inaudible 00:05:37]

Susan Nieves (00:05:42):

Board Member Ward, for some reason, we're getting a lot of feedback. Thank you.

David Ittner (00:05:49):

All right. We have the first and the second. Any discussion? All in favor say aye.

Richard Little (00:05:57):

Aye.

David Ittner (00:06:01):

Any opposed? All right. Motion passes. Okay, moving on to item number five, complaint cases for review, 5.1, Mr. Smock.

Susan Nieves (00:06:28):

Board Member Smock, you're muted.

Cameron Smock (00:06:34):

My apologies. Thank you, Mr. Chair and Madam Assistant. This is in reference to case number 2018-08-2607-00FDE. The complaint summary, during an August 29, 2018 examination of the funeral prearrangement contracts for the respondent's funeral establishment, it was discovered that 375 prearrangement contracts were made one to eight months late in the years 2015, 2016, and 2017.

(00:07:19):

The facts, the funeral prearrangement contracts for the respondent's funeral establishment were transferred from one trust administrator to another administrator in August of 2017. Following an subsequent audit in October, 2022, several funeral prearrangement contracts listed showed a zero balance. The respondent indicated that he discovered that prearrangements made online were not being funded appropriately in the funeral trust and that he would need more time to address the audit exceptions. The respondent also indicated that the funeral trust was short by \$39,975 and 11 cents for credit card payments received, that were not sent to the pre-arrangement trust depository and that he would make up for the shortfall by sending funds to the trust in four monthly installments.

(00:08:22):

The respondent provided documentation to verify the deposits for the pre-arrangement contracts, that had a zero balance previously, had been reconciled to the appropriate prearrangement contracts. The respondent also indicated a change in the recordkeeping practices, which should prevent the trust funds from being missed or deposited. Bear with me, my apologies. So the recommendation, while there was a high number of prearrangement contracts with deposits made in violation of RCW 18.39-250, subparagraph three, as well as the fact that this took place over a three year period, as of now, the respondent has made deposits to all outstanding contracts. Therefore, I recommend this case be closed with a letter of education.

David Ittner (00:09:35):

All right, thank you, Mr. Smock. Is there a motion to that effect?

Dante Gutierrez-Zamora (00:09:47):

This is Dante. I'll move.

David Ittner (00:09:51):

Thank you, Dante. Do we have a second?

Pete Cameron (00:09:55):

This is Pete. I'll second.

David Ittner (00:09:58):

Thank you, Pete. Is there any discussion?

Pete Cameron (00:10:06):

This is Pete. I just wanted to clarify or confirm, in the letter of education that was sent, was there any allotment in there for follow up audits or rechecking to ensure that this doesn't happen again?

Cameron Smock (00:10:27):

Yes, there was.

Pete Cameron (00:10:31):

Okay, thank you.

David Ittner (00:10:37):

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

Dante Gutierrez–Zamora (00:10:47):

Aye.

David Ittner (00:10:51):

Any opposed? Any abstentions? Hearing none, the motion passes. All right. Moving on to item 5.2, Mr. Cameron.

Pete Cameron (00:11:09):

This is in regard to case number 2023-06-1216-00FDE. The complainant alleges that respondent's cemetery failed to secure personal items that went missing from her father's glass front niche inside their mausoleum. The facts are that the complainant placed a half dollar and a class ring next to her father's urn inside a glass front niche. At some unknown and undetermined point, those items went missing. The outside glass front and the urn were unharmed. The mausoleum is continuously locked and is only accessed by staff members and by property owners and their families, who are issued key cards. There's no security system or cameras in the mausoleum, so respondent is unable to determine exactly when the items were removed or by whom. The respondent's cemetery rules and regulations state, "The association distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, et cetera."

(00:12:34):

Since the incident occurred, respondent has offered to replace the ring, but complainant has so far refused. And the two parties are continuing to work on a resolution. Respondent has also started requiring a written itemization of all items placed and removed, signed, and a copy of photo ID attached, prior to opening any niche. There is no internet service at the mausoleum, but respondent is investigating other increased security measures. Notwithstanding the sentimental value of the items that are missing, theft of personal effects that are left at a cemetery or

mausoleum is not a violation of any rule or law and is clearly explained in the respondent's rules and regulations that are given to each family. Therefore, I'm recommending that the case be closed with no further action.

David Ittner (00:13:27):

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

Richard Little (00:13:35):

This is Rick Little. I will make a motion.

David Ittner (00:13:40):

Thank you, Mr. Little.

Cameron Smock (00:13:40):

This is Cameron Smock. I second.

David Ittner (00:13:44):

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

Cameron Smock (00:13:56):

Aye.

Angela Ward (00:13:56):

Aye.

David Ittner (00:13:56):

Any opposed? Any abstentions? All right. Hearing none, the motion passes. Thank you. We'll move on to item 5.3, Mr. Gutierrez-Zamora.

Dante Gutierrez-Zamora (00:13:56):

All right. This will be case number 2023-10-2160-00FDE. The summary, the complainant filed the complaint with the attorney general's office, stating that the respondent funeral home delayed filing a death certificate and delayed disposition, even though he was listed as the representative by the deceased for final disposition. The complainant correctly cited RCW 65.50.16 and indicated that he had standing according to RCW 65.50.160 subparagraph 3, sub B. "The designated agent of the deceased, as directed through a written document signed and dated by the decedent in the presence of a witness. The direction of the designated agent is sufficient to direct the type, place, and method of disposition," before the children of the deceased, which is RCW 68.50.160 3(d), "the majority of the surviving adult children of the deceased."

(00:13:56):

So the facts, the daughter of the deceased interjected herself into the arrangements and retained an attorney. The respondent delayed filing the death certificate and also delayed final disposition

until the daughter released her counsel and said she would no longer be trying to direct disposition. The death certificate was originally filed with the manner of death in place of disposition listed as unknown, the direction of the [inaudible 00:16:00] office. The respondent was able to amend the death certificate and complete the cremation as they were originally contracted to by the complainant, and the complainant and the daughter of the deceased ultimately ended up dividing the cremated remains. So I recommend that this matter be closed with a letter of education, which was sent to me and I reviewed and will be given to the respondent.

David Ittner (00:13:56):

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

Cameron Smock (00:13:56):

This is Cameron Smock. I move.

Richard Little (00:13:56):

This is Rick Little. I'll second.

David Ittner (00:13:57):

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

Dante Gutierrez–Zamora (00:13:58):

Aye.

Richard Little (00:13:58):

Aye.

Pete Cameron (00:13:58):

Aye.

David Ittner (00:14:03):

Any opposed? Any abstentions? Hearing none, the motion passes. All right, thank you. Moving on to item 5.4, Mr. Cameron.

Pete Cameron (00:17:22):

This is in regards to complaint case number 2023-11-2566-00FDE. Complainant funeral director alleges that the respondent funeral director intern was posting disturbing and inappropriate videos on social media while at work and in the course of performing their job duties.

(00:17:50):

The facts are that the existence of the videos was brought to the attention of the Funeral and Cemetery Board by a funeral director in Louisiana. Filmed by the respondent while they were working at the funeral home and also in the funeral home's van, while they were picking up human remains, they contained many disturbing and specific claims about the actual condition of the

remains, dressing and working with unembalmed bodies, and other activities related to the embalming process of a sensitive nature. The respondent's sponsoring funeral director, the sponsoring embalmer, and their employer claimed to have had no knowledge of the videos, and upon discovery, the respondent's employment was immediately terminated.

(00:18:36):

The videos have since been taken down, and the respondent has issued a public apology. So I'm recommending that a letter of education be issued to the respondent that addresses RCW 18.235.130, regarding unprofessional conduct, WAC 308.48.00, regarding proper care and privacy of working with human remains, and WAC 308.48.050. Regarding maintaining confidentiality in the performance of their job duties. And that letter has been drafted, reviewed, and approved by me and sent to the respondent.

David Ittner (00:19:27):

Okay. Thank you much, Mr. Cameron. Is there a motion to that effect?

Dante Gutierrez–Zamora (00:19:36):

This is Dante. I'll move we approve.

David Ittner (00:19:41):

Thank you, Dante. Is there a second?

Cameron Smock (00:19:43):

This is Cameron Smock. I second.

David Ittner (00:19:48):

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

Dante Gutierrez–Zamora (00:20:00):

Aye.

Angela Ward (00:20:00):

Aye.

Richard Little (00:20:00):

Aye.

David Ittner (00:20:05):

Any opposed? Any abstentions? The motion passes. Thank you. All right. Now, it's item 5.5, which I will turn over the reigns here to Dante.

Dante Gutierrez–Zamora (00:20:25):

So as you said, Chair, 5.5, Chair Ittner.

David Ittner (00:20:32):

All right, thank you. This is case number 2023-07-1409-00CEM. The complaint summary is as follows, complainant filed a complaint with the Department of Licensing on July 10th, 2023, alleging the respondent failed to complete her parents' grave marker as agreed upon August 13th, 2022. An additional complainant filed a complaint on July 16th, 2023 with the same allegations against the respondent.

(00:21:02):

The facts of the case are the complainant arranged for the burial of her parents' cremated remains and a companion marker on August 13th, 2022. The complainant also paid for the burial and grave marker on August 13th. She visited the grave on Memorial Day 2023 and discovered the grave marker had not been placed. The complainant talked to a man at the cemetery. He told her the marker had not been ordered. A copy of the complaint was sent to the respondent on July 10th, 2023 with a request for a written response. The respondent answered by email on August 4th, 2023 and included a photo of the completed companion marker. Subsequently, upon request, a photo of the marker set on the grave was requested and sent by the respondent. I'm recommending that this case be closed with a letter of education.

Dante Gutierrez-Zamora (00:21:54):

Thank you, Chair Ittner. We do have a little bit of background there, if people can mute themselves. Do I hear any motions?

Cameron Smock (00:22:06):

This is Cameron Smock. I move for approval.

Dante Gutierrez-Zamora (00:22:10):

Thank you, Mr. Smock. Do we have a second?

Pete Cameron (00:22:15):

This is Pete. I'll approve.

Speaker 9 (00:22:17):

Good morning. I'm here early for the meeting with the Vietnam vets.

Dante Gutierrez-Zamora (00:22:22):

Again, we're getting the feedback, if you'd be so kind as to mute yourselves. Okay. Any discussion? Hearing none, we'll take it to a vote. All in favor?

Pete Cameron (00:22:39):

Aye.

Angela Ward (00:22:39):

Aye.

Dante Gutierrez–Zamora (00:22:41):

Any opposed? The motion carries. And I think I turn things back over to Chair Ittner.

David Ittner (00:22:52):

Thank you, Dante. You did a fantastic job. All right, we are moving on to section six, legal issues for deliberation. 6.1, 2021-12-3109-00FDE. Assistant Attorney General Quijas will be presenting all three orders.

Assistant Attorney General Nick Quijas (00:23:21):

Good morning, Board. Thank you for having me this morning. As stated, I'm Assistant Attorney General Nick Quijas, and I do have three different proposed agreed orders this morning. These, just by way of background, all three of these orders do stem from the same complaint. However, they do involve some different charges that were brought against various parties involved here. And so, I can perhaps walk through these one at a time, but I'll perhaps provide a bit of background for the Board...

Pete Cameron (00:23:56):

Mr. [inaudible 00:23:57] and Chair, this is Pete. Just as a point of order, is this section needing to go into executive session? Or is this session open to the public?

Susan Nieves (00:24:12):

We can have this in open session. The only reason we would need to go into executive session is if the Board needs to consult with our Advising Assistant Attorney General, but this portion can be done in a public meeting, should be done in the public meeting, I should say.

Pete Cameron (00:24:28):

Okay. Thank you.

Assistant Attorney General Nick Quijas (00:24:34):

Thank you for that. As I was saying, I'll provide a bit of background for the Board here for these before going into the individual orders. The complaint here stemmed from a complaint that a decedent had been improperly cremated, rather than being embalmed, and that another decedent had been embalmed in their place, prior to being later cremated. In the course of this investigation into that complaint, it was confirmed that these decedents had been mistakenly switched and that one had in fact been embalmed when they were meant to be cremated and that the other individual unfortunately had been cremated when they were meant to be embalmed. And furthermore, in looking into this, the investigator noted that the owner of one of the involved funeral establishments, who is not a licensed funeral director, had been allegedly serving in a capacity essentially as a funeral director, performing those duties without a license.

(00:25:40):

And so, from this background, we have three separate statements of charges that were brought against the two different funeral establishments involved here, Universal Funeral Home and Cady

Cremation, as well as one funeral director who was involved, Shannon, Barbrich. Ms. Barbrich, by way of note, serves as the funeral director for Universal Funeral Home, who took in the request regarding the individual who was to be embalmed and then, worked with Cady Cremation, where she also served as the embalmer, but not as a funeral director. I hope that that is clear enough, at least as to the parties here involved. And I can then start with the first stipulated findings, conclusions, and proposed order that we have. The first matter that we have is number 2021-12-3109-00FDE, and this is for in the matter of Universal Funeral Home. And the allegations here involved unlicensed practice primarily involving the owner of the establishment who had, in the course of serving as an interpreter for Spanish speaking families, had perhaps had allegedly been involved directly as a funeral director.

(00:27:12):

The funeral director for his establishment was not always in the room while he was providing the services that require a funeral director license, and therefore, the charges brought against him involved unlicensed practice. We do have a, as I stated, a stipulated finding and conclusions and proposed order that was reached after settlement negotiations. And I can let the Board know, if the Board would like, some of the details that we discussed with this individual, the owner, if the Board would like to hear more prior to discussing the recommendation.

(00:27:56):

Not hearing anything, I can go ahead and provide a few details. The owner of the establishment, Mr. Gustavo Baca, did convey to us that he misunderstood perhaps the line between serving as an interpreter for his funeral director and acting directly as a funeral director. He conveyed to us that this is an area that he would like to work on and, in fact, was looking into further educational opportunities for himself as he recognizes that he serves an underrepresented community, and it's something he is very serious about continuing to pursue and, in fact, may be looking into pursuing a license as a funeral director, as he would like to ensure that he is doing this correctly.

(00:28:38):

And so, that was, I believe, an important detail in forming this recommendation for the Board and that I wanted to note for you. And so, the recommendation in the agreed order would be for a stayed suspension of three years for Universal Funeral Home, which the stay would simply be pending no further violations by the funeral establishment. However, if there was any further violations than this order, the stay would be revoked essentially. And so, that is what is being put forward in this proposed order. I'm happy to take any questions.

David Ittner (00:29:22):

Are there any questions from the Board?

Cameron Smock (00:29:28):

My only question is... I have a question.

David Ittner (00:29:38):

Mr. Smock?

Cameron Smock (00:29:40):

So as part of the agreed order, I noticed there is no financial penalty included. Was there any discussion regarding that? And what's the reason behind not including that?

Assistant Attorney General Nick Quijas (00:29:57):

I do believe there was some discussion of this and having, as part of the settlement, what was reached was the stayed suspension without a financial penalty. And for lack of a better explanation, that was the discussion and how we arrived at this.

Cameron Smock (00:30:18):

Thank you. No further questions.

Dante Gutierrez-Zamora (00:30:24):

Can I address that, Nick?

David Ittner (00:30:29):

Who was that? Thought I heard somebody else chime in.

Dante Gutierrez-Zamora (00:30:32):

Dante, so sorry. Can I address that, Nick? So as far as this particular individual, obviously, Nick described his violations, but as far as the incident itself, he was contracting from the outside. As we get to the next two, I think we'll see the financial penalties as well as the stayed suspensions.

Cameron Smock (00:30:58):

Thank you, doctor.

David Ittner (00:31:03):

All right. Assuming we need to have individual motions and votes for these agreed orders?

Susan Nieves (00:31:11):

Yes, please.

David Ittner (00:31:13):

All right, I'm looking for a motion for the approval of the agreed order item 6.1.

Cameron Smock (00:31:26):

This is Cameron Smock. I approve as presented.

David Ittner (00:31:32):

All right, thank you, Mr. Smock. Do we have a second?

Pete Cameron (00:31:36):

This is Pete. I'll second.

David Ittner (00:31:40):

Thank you, Pete. There any further discussion? All right. All in favor?

Cameron Smock (00:31:49):

Aye.

Pete Cameron (00:31:49):

Aye.

Richard Little (00:31:49):

Aye.

David Ittner (00:31:55):

Any opposed? Any abstentions? All right, motion passes. Thank you. All right, moving on to item 6.2. Mr. Quijas?

Assistant Attorney General Nick Quijas (00:32:12):

Thank you. And as noted before, this stems from the same incident. This next item is for number 2021-12-3112-00FDE and concerns the license for funeral establishment Cady Cremation Services. As noted previously, that this was a second funeral establishment involved with this. This was an establishment that was contracted by Universal Funeral Home to handle the embalming of the individual for which they had been contacted. They employed at least one funeral director and then, also a second individual, Shannon Barbrich, as their embalmer, who was the funeral director for Universal Funeral Home. And as noted before, the charges for Cady Cremation directly involve the mistaken switch of these two different decedents and the embalming and cremation without authorization to do so. And so, once again, the recommendation being put for the Board stems from settlement discussions that we did have with Cady Cremation and their owner, Steve Cady, as well as their intern, Eric Jensen, who was involved in this as well.

(00:33:43):

The recommendation being put forward is for a three year stayed suspension with a \$10,000 fine against the establishment. And I again can share a few details here. I perhaps have a bit less here. We did have a long discussion with Cady Cremation, and a few details I think worth sharing with the Board is that led to this recommendation were first noting the time period in which this occurred, which was in 2021. And it was noted that there were protocols in place prohibiting the opening of the bags containing decedents when they were noted to have had COVID-19 when they passed. And that was implicated here, as one of the decedents did have COVID-19 when they passed. That was noted as one issue that contributed to the incident here.

(00:34:38):

The other that was noted was that the funeral establishment's funeral director was out at this time with medical issues and has unfortunately subsequently passed from those medical issues. And so, while perhaps not completely mitigating, there was issues stemming from this, granted that also leads to some issues of inadequate supervision, but it was noted by the establishment, this was a difficult time they were going through. That said, the \$10,000 penalty, we felt was addressed to this issue at least fairly adequately, along with the stayed suspension of three years, that would be pending no further violations by the establishment. And so, that is the recommendation being put forward. And again, I'm happy to take any questions.

Pete Cameron (00:35:36):

Yeah, this is Pete. I know this was 2021, it's a little while ago, but since then, have they adequately staffed and rectified the lack of supervision by a licensed funeral director?

Assistant Attorney General Nick Quijas (00:35:54):

Thank you for that question. Yes. Sorry, yes, I can take that question. I will admit, my memory is failing me a bit as to their current status as a funeral director. I believe they did have a funeral director that was working for them at this time. And a question that I don't think you raised that I think is somewhat implicated is they also noted a number of procedures they had put in place to ensure that there was redundancies in place for the identification of any decedents to prevent against what they admitted was a very serious incident from ever occurring again.

Pete Cameron (00:36:39):

That was actually going to be my follow up question, so thank you.

Assistant Attorney General Nick Quijas (00:36:41):

And if there's no other questions, I will turn it over to the Board.

Richard Little (00:37:20):

Is David there?

Susan Nieves (00:37:21):

Mr. Chair, you're muted. Since we are having technical difficulties with Mr... Oh, and we can't turn it over to Dante on this one, my apologies.

Cameron Smock (00:38:14):

Can I just make the motion?

Susan Nieves (00:38:16):

I think so.

Cameron Smock (00:38:19):

Okay. I move that we, this is Cameron Smock, I move that we approve this agreed order as presented.

Richard Little (00:38:29):

This is Rick Little, I'll second it.

Susan Nieves (00:38:36):

Mr. Chair, are you back with us yet? Is there any further discussion? All right, hearing none, all those in favor, please signify by saying aye.

Cameron Smock (00:38:49):

Aye.

Richard Little (00:38:49):

Aye.

Pete Cameron (00:38:49):

Aye.

Susan Nieves (00:38:55):

All opposed? All right, motion carries. Mr. Quijas?

David Ittner (00:39:00):

I think I'm back. Can you hear me now?

Susan Nieves (00:39:06):

Yes, we can hear you.

David Ittner (00:39:09):

Okay somehow, it's muting. Yeah. Okay. It's muting me within the system somehow, and it says I'm not allowed to unmute.

Susan Nieves (00:39:16):

That is strange. I'm so sorry.

David Ittner (00:39:21):

Yeah, sorry. I got it. Okay. All right. 6.3, Mr. Quijas?

Assistant Attorney General Nick Quijas (00:39:29):

Yes. Thank you. And this is the final of these three orders that are all stemming from this incident. This is number 2023-01-0038-00FDE, and concerns the license to practice as funeral director of Shannon Barbrich. As noted previously when I was walking through this, Ms. Barbrich was the funeral director for Universal Funeral Home and the embalmer for Cady Cremation. And so, the allegations involving Ms. Barbrich do involve both of these sort of sets of charges that we've discussed up to this point, as Ms. Barbrich was the funeral director for Universal Funeral Home where there were the allegations of unlicensed practice, as well as she was the embalmer who was

involved in the mistaken embalming of an individual who was meant to be cremated. I will note that she was only the embalmer and was not involved in the mistaken cremation of the other individual, nor was she the funeral director for Cady Cremation, just to be clear as to what her role here was.

(00:40:41):

Again, the proposal here does stem from settlement negotiations with Ms. Barbrich, in which she expressed significant remorse for this. She does wish to be able to continue to work as a funeral director, understanding the very serious nature of the allegations brought against her here. And so, the recommendation being made was for a five year stayed suspension of Ms. Barbrich's license. She was in agreement to have a significantly increased oversight over her as a result of this for an extended period of time, as well as for a \$5,000 fine against her, with the option to pay those in annual installments of \$1,000 during the length of the stayed suspension. I am happy to take any questions that the Board might have regarding this one.

David Ittner (00:41:32):

Any members of the Board have questions?

Pete Cameron (00:41:33):

This is Pete. Does Ms. Barbrich have any other prior issues with licensure, any complaint cases or board actions that were taken against the license prior to this?

Assistant Attorney General Nick Quijas (00:41:59):

Thank you for that question. Yes, Ms. Barbrich did have one prior incident in which she was involved. I do not have that order in front of me. However, it unfortunately did involve a, I believe, a mistaken embalming or cremation, in which she was not the individual directly involved in the cremation, but had assisted with it and, therefore, was implicated as part of that mix-up at the time.

Pete Cameron (00:42:30):

So as a follow-up to that, was that far enough back or not a consideration in the discussions for current agreed order?

Assistant Attorney General Nick Quijas (00:42:41):

It was certainly a part of the discussions that we had Ms. Barbrich.

Pete Cameron (00:42:46):

Okay. Thank you.

David Ittner (00:42:55):

And can you comment on, Mr. Ittner, can you comment on the, given the previous related incident, somewhat related incident or similar incident, can you describe the discussion surrounding the stayed suspension versus an actual suspension?

Assistant Attorney General Nick Quijas (00:43:21):

I certainly can. The discussions, quite simply, were Ms. Barbrich felt as though, if this was an actual suspension, she would likely be done within the funeral industry. She was willing to agree to what became an increased financial penalty, with the recommendation then that it be a stayed suspension and a lengthy stayed suspension, as I would note. She was in agreement to a longer stayed suspension than the establishment for which she worked for was facing. And that was the result of that discussion.

David Ittner (00:44:00):

Okay. Thank you. Any further questions from the Board? All right. Do we have a motion to approve the agreed order?

Pete Cameron (00:44:21):

This is Pete, so move.

David Ittner (00:44:24):

Thank you, Pete. Do we have a second?

Richard Little (00:44:28):

This is Rick. I'll second it.

David Ittner (00:44:32):

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

Pete Cameron (00:44:42):

Aye.

Angela Ward (00:44:42):

Aye.

David Ittner (00:44:48):

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

Susan Nieves (00:44:58):

Mr. Chair, before we move on, I got a message from our Advising Assistant Attorney General, if we could go back to item 6.2 and redo the vote, with you running it, just for consistency, we would appreciate that.

David Ittner (00:45:13):

Yep. Okay. Moving backwards to item 6.2, I'll just jump right in. Is there a motion to approve the agreed order in item 6.2?

Cameron Smock (00:45:30):

This is Cameron Smock. So move.

David Ittner (00:45:35):

Thank you, Cameron. Do we have a second?

Pete Cameron (00:45:39):

This is Pete. I'll second.

David Ittner (00:45:42):

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

Richard Little (00:45:48):

Aye.

Cameron Smock (00:45:48):

Aye.

Pete Cameron (00:45:48):

Aye.

David Ittner (00:45:53):

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

Susan Nieves (00:46:03):

Thank you.

David Ittner (00:46:05):

All right, thank you, Mr. Quijas, for those presentations, and we will move on to section seven, item 7.1, committee task force reports. 7.1.1 is Licensing Future Task Force reports. Is there a report out from the committee members or Sydney?

Sydney Muhle (00:46:28):

I can take the lead on this one. Unfortunately, the Licensing Future Task Force has not been able to meet in the last quarter. Just between holidays and scheduling conflicts, we just haven't been able to bring that group together, so we are still working to get something on the calendar for them. And we'll bring them together and have hopefully a better report the next meeting.

David Ittner (00:46:51):

All right, thank you, Sydney. Moving on to item 7.1.2, Pet Cemetery Review Committee. Is there a report from the committee, any committee members, or Sydney?

Sydney Muhle (00:47:09):

And I guess I can lead us off, and then, if any committee members want to jump in, please feel free. We have had a little bit of a change from what the initial plan with the Pet Cemetery Review Committee was. We did have the pet cemetery legislation that had come up last year that did come

up for a proposal this year, again, for the 2024 legislative session. It was never introduced. The bill sponsor ended up deciding not to introduce that and is instead going to bring together a work group to address the subject, once this legislative session is over, so sometime April or May. So the Committee, as a result of that, has shifted their focus and has taken a stab at reviewing what the bill language was going to be and seeing what the priorities for the bill sponsor were, what the priorities are seeming to be for other stakeholders that are involved in trying to piece together where all of that fits and where the Board would certainly want to have input on.

(00:48:22):

So they're working on reviewing that, and then, we will be bringing them together again in March to update, see where everyone is at in their review, and looking ahead to, as best we can, see what that work group is going to involve. And then, we'll keep the Board updated as that continues. We've not had any indication from the bill sponsor, who they're going to want involved, if they're going to want representation from the Board, if they're going to start with staff and then, expand it to the Board. And so, we're kind of waiting to see what their initial thoughts are, but understanding that they are in the middle of a very fast and furious legislative session. We're just not getting a whole lot of response. The bill sponsor has indicated they don't even want to talk about it until we're through the session. So we're waiting to see.

(00:49:13):

Staff will obviously be pushing for board involvement, especially since we have a committee that is already established and ready to dive in, that can help represent the Board on this. And then, any final proposed legislation that could come out of it, we'll obviously be bringing to the full board for additional input, but it's kind of a waiting game right now, until we get an indication from the bill sponsor exactly what they're wanting to do. So I don't know if any other committee members have any input they want to offer or if there are any questions from the Board on that.

David Ittner (00:49:52):

This is Chair Ittner. I would just, first of all, thank you, Sydney, for that excellent review. I would say that the Committee and the Board feels this is an important issue, both for us and for our communities, but also one that needs to be handled thoughtfully and looking at all of the available information and putting something in place that will make sense and protect cemeteries and human remains. But we also understand that the pet issues are an important one. So I think the Committee has taken a very thoughtful approach so far to reviewing all of that. I don't know if anybody else has a comment or question on any of that.

Cameron Smock (00:50:43):

I think that's well said. I have nothing to add.

Pete Cameron (00:50:50):

This is Pete, same thing. Thank you.

David Ittner (00:50:55):

Okay. All right. Thanks again, Sydney. Moving on to item 7.1.3, Funeral Inspection Committee. Is there a report from the committee and/or Pam?

Sydney Muhle (00:51:18):

I can kind of kick this one off. I don't know if Pam will have any input to offer, but this group did meet with Pam in January. Unfortunately, we weren't able to pull together a meeting for December, but they were able to meet in January and were able to get some of the inspection group's initial questions and concerns addressed. And everything seemed to go really well. I know Pam really appreciated the feedback on just some different issues that she's seeing that maybe hadn't been encountered previously, which, as we all know, for Pam, that is few and far between. So for Pam to have several going was very interesting, I think for everyone. And Pam is in the meeting, but unfortunately, we are having just technical difficulties all around. So I don't know if any committee members have any input that they want to offer or Susan, Susan was kind enough to take the lead on getting that meeting kicked off for us, as I was double booked that day. But if anyone has any additional input they'd like to offer.

Cameron Smock (00:52:28):

I think you gave a good summary. So I don't have anything to add.

Richard Little (00:52:34):

This is Rick. I don't either. It's good. We're going to be meeting when these issues come up at least a few times a year. I think that's good.

David Ittner (00:52:50):

Great.

Sydney Muhle (00:52:51):

And I got a chat that says Pam agrees with all of that.

David Ittner (00:52:57):

Perfect. Well, thank you, Sydney. Thank you, Pam. Thank you, committee members. All right, moving on to item 7.2, staff reports. Sydney?

Sydney Muhle (00:53:09):

All right, so as always, starting off with our complaint status report, on the cemetery side, we have one case that has been closed, two that are in investigation, 50 that are under management review, but I believe several of those are connected, so that's the reason for that increased number, for a grand total of 53. And then, on the funeral side, we have seven that are still in investigation, eight that are in a legal review, 18 that are still in management review, two that have been reopened, for a grand total of 35. So grand total across both programs, one that is in a closed status, nine that are under investigation, eight in a legal review, 68 that are in management review, two that have been reopened, for a grand total of 88. And I'd be happy to answer any questions.

David Ittner (00:54:13):

All right, any questions from anyone?

Sydney Muhle (00:54:21):

All right, so for our licensee count, Susan, if we can go back one. Too far. Nope, sorry, we're on the right one.

Susan Nieves (00:54:31):

Sorry.

Sydney Muhle (00:54:32):

Too many colors all looking the same. It's okay. Sorry, this has been one of those weeks where there just hasn't been enough caffeine, so I apologize. So as you can see from the licensee count report, on the cemetery side, we have 468 licensees across the various licensing types. And then, 1,649 on the funeral side for a grand total of 2,117. And we can go to the next one please.

(00:55:06):

So this is just kind of a year over year look at how our stats have been doing, as far as licensee numbers, particularly for funeral directors and embalmers. And as you can see, on the funeral side, our numbers are holding very steady. There hasn't been a whole lot of fluctuation. I think we had a slight dip in 2021, and those have quickly rebounded. So I will say, across all of our different regulatory programs, I think the funeral side is holding steady the most out of all of them. So that's encouraging to see. And if we can go to the next one, this is just a look at our renewal and new licenses over the last year. And as you can see on our January, because that's where a large chunk of our renewals happens, that's where that comes from. But then, spread out slowly over the rest of the year. And our next one.

Pete Cameron (00:56:06):

Real quick, this is Pete, quick question on the renewals. I know I had heard reports out in the field of some of the directors having some issues and getting timing done with that, with getting the individual license renewed. Did we run into any significant headwinds or headaches or issues with that changing of the dates?

Sydney Muhle (00:56:30):

So we're actually getting ready to discuss the changing of the dates, and so, this was a request that I believe Board Member Cameron had made at the last meeting. So as the Board is aware, and I'm hoping most of our licensees are aware of, substitute Senate bill 5261 was passed during the 2023 legislative session. This was a customer initiated request to the legislature to make some changes to expiration dates for different licensing types. Several licensing types moved from January to March and then, others moved from date of birth to January 31st.

(00:57:11):

So to answer Board Member Cameron's question, we have not heard of a ton of issues thus far. Our licensing program manager was supposed to be here today and unfortunately she is out sick. And so, I haven't heard of any major issues going on. I know that they have had a lot of comments about

people questioning where the change came from and why it happened. I haven't heard of any issues with getting them put through, but if you are hearing of any, if you would like to send those our way, we will certainly share them with our licensing partners. And we do have our licensing customer service specialist here. So Jessica, if you have heard of any and would like to offer any input, we'd appreciate it.

Jessica (00:58:05):

Sure. Really, the only issue that I've seen is a lot of people are renewing early this year. I think that there was some miscommunication possibly between some of the licensees. A lot of them thought that their licenses were initially going to just automatically change to January 31st and it wasn't based off of where their birthday falls in this current year. So those people that have birthdays after 2/1 of this year, up until July 31st, they will get their paper renewal form in the mail, and we're asking that they renew by the paper form. And they generally are getting those about 60 days before their current expiration date goes out. And then, once they renew, then their license will change to January 31st.

Sydney Muhle (00:59:07):

Thanks, Jessica. Board Member Cameron, did that answer your question?

Pete Cameron (00:59:12):

It did, yes. I had taken a few questions from individual funeral directors and embalmers and basically calling me, asking me when to renew their license. So yeah, I referred them to the materials that were sent out, and hopefully, everybody's keeping up and current.

Sydney Muhle (00:59:33):

Thank you, we appreciate that. Were there any other questions on the expiration dates and the changes? All right, well then, I will turn it over to Susan Nieves to go over the action item list.

Susan Nieves (00:59:55):

On the action item list, we have the Licensing Future Task Force that Sydney said that we were unable to get a meeting before this board meeting, but I was able to get the Committee on a calendar date. And the future date is March 13th, that they will be meeting. I have done, Angie and I, have both taken care of her conference travel, and the Pet Cemetery Review Committee met last month. And I'm working on getting another meeting scheduled. The implementation of the new license dates Sydney just reported on and Sydney sent out the potential legislation review and feedback from the Department of Revenue back in December. So that's all I have for the action item list.

David Ittner (01:00:59):

All right. Thank you, Susan. I believe that is it for section seven. And we will move on to section eight, 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 DOLBoards@dol.wa.gov no less than two business

days prior to the meeting with the subject line "Public Comment: Funeral and Cemetery Board". 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.

(01:01:57):

Board meetings are open to the public, and the Board invites comments and discussions from guests. Guests may comment on any matter that concerns them and will be given three minutes to speak. However, board meetings are not adjudicated proceedings or hearings, so the Committee cannot accept or consider direct oral testimony in support or opposition to any given complaint or application. Please do not comment or provide information on any enforcement matter. If you do so, you will be asked to stop speaking and may be muted or asked to leave the meeting if you continue.

(01:02:30):

All right, with that, are there any public or comments from the public? All right. Hearing none, we will move on to section nine, conclusion. Somebody trying to speak there? Okay. All right. Section nine, conclusion. Item 9.1, 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 move on to 9.2, request for future agenda items. Are there any additional future agenda items that have not been discussed that any board members would like to request for the next meeting? All right, hearing none, moving on to item 9.3, review of action items and items for the next meeting. Susan?

Susan Nieves (01:03:55):

I didn't capture any items today. I'll keep working on the two committees, the Licensing Future Task Force and the Pet Cemetery Review Committees. And at the next meeting, we'll have a report out for the conference that is coming up, really, really shortly, the end of the month.

David Ittner (01:04:16):

Great. Awesome. Thank you, Susan.

Cameron Smock (01:04:20):

Mr. Chair?

David Ittner (01:04:22):

Yes, Mr. Smock?

Cameron Smock (01:04:24):

My apologies, if we can go back to 9.1 just for a moment, it may have already been announced, but both Pam and I have been invited to be part of a panel discussion later today for a conference on natural organic reduction in Tacoma. It is a two day conference, and the panel discussion this afternoon at 1:30 is on kind of the legislative process and the licensing process to bring natural organic reduction under the Department of Licensing. So Pam and I will do our best to represent

the efforts that we took collectively to respond to the legislation that was passed regarding the additional methods of disposition.

David Ittner (01:05:17):

Great. Thank you, and good luck to you in your presentation.

Susan Nieves (01:05:22):

I apologize. Mr. Chair. We do have one more announcement. If I could turn it over to Grace Hamilton, we have a brand new investigator to introduce to the Board today.

Grace Hamilton (01:05:34):

Yeah, thank you, Sydney. I just wanted to let you guys all know that we have filled the vacancy for the funeral director and embalmer, inspector, examiner. So Riley Milo is, I'm sorry, is on staff. She started January 16th. Her and Pam are, they just hit the ground running, and they're already out in the field doing inspections and audits. So we've got those two bodies of work back up and running. So just wanted to let you all know that we are fully staffed and introduce her to you.

David Ittner (01:06:19):

Great. Thank you, Grace. That's, I'm sure, well very much needed and glad to see that Pam has some help in that area.

Cameron Smock (01:06:26):

And Mr. Chair, just by way of support, I've had the privilege of working with Riley for a period of time, and I hold her in very high regard. So the Department of Licensing is very fortunate to have her join our department.

David Ittner (01:06:48):

Great, thank you. Welcome to the Cemetery and Funeral Board, or the department, I should say. All right, any other announcements? Okay. All right. Moving on to, well, first of all, just thank you everybody for the excellent reporting, thoughtful casework, and to Assistant Attorney General Quijas for working through all of those agreed orders. Thank you for everyone's help and work over the last few months. So we'll now move to item number 10, adjournment. The time is now 11:10 AM, and this meeting is officially adjourned, with the next board meeting being May 29th, 2024 at 10:00 AM. And that will be a virtual meeting. Thank you all for joining us.

Susan Nieves (01:07:43):

Thank you everyone.

Cameron Smock (01:07:45):

Bye.