



# TEXAS FUNERAL SERVICE COMMISSION

O. C. "Chet" Robbins, Executive Director

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## Texas Funeral Service Commission Meeting Minutes

June 14, 2011

- I. Commissioner Evenwel called the Texas Funeral Service Commission Board meeting to order at 9:00 a.m. Due to Mr. Jim Crowson, Assistant Attorney General absence, in attendance was Ms. Vena Mohen, Assistant Attorney General.
- II. Commissioner Evenwel welcomed all in attendance and opened the meeting.
- III. Commissioner Fields made a motion to approve the minutes. It was seconded by Commissioner Odom. Motion was passed.
- IV. Commissioner Evenwel opened the floor for public comment. Testimony was given by Mr. Scott Allen, Brent Levenson and Timothy Salazar in regards to complaint number 2011115. Mr. Jim Bates spoke in regards to body tissue donation for research, Senate Bill 187; and funeral establishment logos.
- V. Executive Director, O.C. "Chet" Robbins, recognized Ms. Sandra Gonzalez with five years service and new employee Rodney van Oudekerke. He also recognized Mr. Kevin Hayburn, Assistant Attorney General.
- VI. The Texas Funeral Service Commission budget report was presented by Ms. Jennifer Noack. Ms. Noack also reported on the 2nd quarter and annual performance measures of the agency..
- VII. The Election of Assistant Presiding Officer was held and Commissioner Odom was selected by acclamation.
- VIII. Appointment of Commissioner Robertson to the Disciplinary Panel. Commissioner Fields made the motion to approve. Commissioner Salinas seconded. Motion approved.
- IX. Mr. Robbins, discussed the following legislative bills and updates: House Bill 3661 - removed the TFSC as being part of the bill; funeral bill passed regarding violations against the funeral director in charge and provisional licensee change of work hours; Senate Bill 864 – funding company's; Senate Bill 652, Sunset Bill - review year changed from 2015 to 2019; House Bill 2286 - Interment and Entombment ; Death Certificate date changes; Senate Bill 187- Body donation.
- X. Mr. Robbins discussed the possible rule changes from the stakeholders meeting held May 10, 2011 in regards to advertising and use of logos. Mr. Robbins also

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discussed that the Commission will be commencing a rule review every four years. Commissioner Evenwel discussed the possibility of web casting future meetings. Mr. Robbins will look into the matter and report on web casting at the September meeting.

- XI. Mr. Robbins discussed proposed amendments to the following Texas Administrative Code Rules 203.41, In Casket Identification; Rule 203.2, Clarification of First Call Definition. Commissioner Odom made the motion to propose the new amendments. Commissioner Robertson seconded. Motion was approved.
- XII Mr. Kevin Hayburn, Assistant Attorney General, discussed the proposed amendments to Texas Administrative Code Rule 201.15, Joint Memorandum of Understanding. Commissioner Fields made the motion to accept. Commissioner Robertson seconded. Motion was approved.
- XIII. Mr. Robbins discussed policy and procedures regarding license verifications and fees. Commissioner Odom made the motion to adopt the policy. Commissioner Fields seconded. Motion to adopt was approved.

A ten minute break was taken at 9:55 a.m.. The meeting reconvened at 10:05 a.m..

- XIV. Ms. Amanda Ellis representing Mr. Larry Dulany requested reinstatement of Mr. Dulany's individual license. Commissioner Becker made the motion to reinstate with a one year probation with an agreed order. Commissioner Salinas seconded the motion. Commissioner Allen requested a hand vote. Commissioner Robertson – No, Commissioner Salinas – Yes, Commissioner Fields – No, Commissioner Odom – No, Commissioner Allen – No, Commissioner Becker - Yes. Vote 4-2; Motion to reinstate was denied.
- XV. Mr. Robbins discussed possible action on Texas Administration Code Rule 203.29, Funeral Establishment Names, advertisement and logos. Mr. Bill Valley with the Texas Funeral Directors Association had no opposition. Mr. Jim Bates supports a rule amendment. There was also much discussion of Cremation Societies being licensed. No action to be taken at this particular time. It will be addressed at a future stakeholders meeting and will also be an agenda item for a future commission meeting.
- XVI. Mr. Kevin Hayburn discussed a proposal for decision regarding Docket No. 513-11-3698; Texas Funeral Service Commission v. Rylan C. Scott d/b/a Rylan C. Scott Funeral Services. Personal and Establishment licenses be revoked with administrative fees. Commissioner Robertson made the motion to adopt proposal for decision. Commissioner Allen seconded. Motion to adopt was approved.
- XVII. Discussion and possible action was held on the following for reconsideration of provisional licensure:  
  
Antelmo Hernandez - Commissioner Allen made the motion to approve for provisional licensure with a 2 year probation. Commissioner Odom seconded. Motion was approved.

Jonathan Jordan – Commissioner Robertson made the motion to approve for provisional licensure. Commissioner Salinas seconded. Motion was approved.

XVIII. In accordance to Rule 203.33, Consequence of Criminal Conviction, action was taken on the following:

Zachary McGee-Moody – Commissioner Robertson made the motion to approve with an Agreed Order until April 2012. Commissioner Becker seconded. Motion was approved.

Alice McConnell – Commissioner Odom made the motion to approve. Commissioner Fields seconded. Motion was approved.

Mario Roberts – Commissioner Salinas made the motion to approve with an Agreed Order. Commissioner Allen seconded. Motion was approved.

Marie Heitmeier – Commissioner Odom made the motion to approve. Commissioner Fields seconded. Motion was approved.

Sarah Rucker – Commissioner Fields made the motion to approve. Commissioner Allen seconded. Motion was approved.

Donald Coffman – Commissioner Odom made the motion to approve. Commissioner Allen seconded with an Agreed Order with probation of five years. Motion was passed. Commissioner Becker – No.

Ronald McKay – Commissioner Becker made a motion to deny licensure. Commissioner Allen seconded then withdrew. Commissioner Allen then made the motion to approve with an Agreed Order and probation of five years. Commissioner Odom seconded. Motion was approved.

Alan Capraro – Commissioner Fields made the motion to approve. Commissioner Robertson seconded. Motion was approved.

XIX. Ratification of Informal Conferences – Commissioner Allen made the motion to Ratify informal conferences held on May 11 and 12, 2011. Commissioner Robertson seconded. Motion was approved.

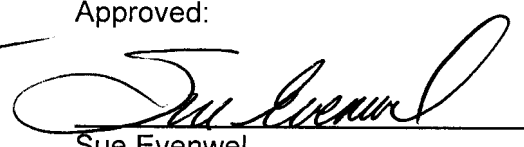
XX. The meeting adjourned at 11:40 a.m..

Minutes of June 14, 2011, are respectfully submitted and approved.

Respectively Submitted:

Approved:

  
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O.C. "Chet" Robbins  
TFSC Executive Director

  
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Sue Evenwel  
TFSC Presiding Officer

9/13/11  
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Date signed

9/13/11  
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