

**IDAHO BOARD OF MORTICIANS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 1/12/2016**

**BOARD MEMBERS PRESENT:** Craig L Geary - Chair  
James H Opdahl  
Debbie C Mikesell

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitchell Toryanski, Legal Counsel  
Eric Nelson, Board Prosecutor  
Debbie Sexton, Management Assistant  
Erin Anderson, Technical Records Specialist I

**OTHERS PRESENT:** Ed Robertson, Mortician  
Eric English, Mortician  
Sherri Rudai, Funeral Consumers Alliance  
Patricia Kolb, Funeral Consumers Alliance

The meeting was called to order at 8:59 AM MST by Craig L Geary.

**APPROVAL OF MINUTES**

Mr. Opdahl made a motion to approve the minutes of 7/14/2015 and 10/7/2015. It was seconded by Ms. Mikesell. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She said that any law change proposals would need to be submitted to the Governor's Office by August 1, and any proposed rule changes would need to be submitted by the third week of August. Discussion of the Board's pending law and rule changes were deferred to later in the meeting.

**FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$23,622.60 as of 12/31/2015.

## **DISCIPLINE**

Mr. Nelson introduced himself to the Board, and gave a brief description of his role with the Board. Mr. Nelson presented a memorandum regarding case numbers MOR 2016-1 and MOR 2016-2. After discussion, the Board gave recommendations for appropriate discipline.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Mr. Opdahl made a motion to approve the Bureau's recommendation and authorize closure in case I-MOR-2015-8 and I-MOR-2015-9. It was seconded by Ms. Mikesell. Motion carried.

Mr. Opdahl made a motion to approve the Bureau's recommendation and authorize closure in case I-MOR-2016-6. It was seconded by Ms. Mikesell. Motion carried.

## **CORRESPONDENCE**

The Board reviewed a Model Practice Application from The Conference (the International Conference of Funeral Service Examining Boards) for comments. The Board instructed Ms. Anderson to email The Conference back with the suggested comments.

## **OLD BUSINESS**

To Do List – The Board reviewed the to-do list.

Ms. Cory and Mr. Ellsworth discussed with the Board the current pending law and rule changes. The suggested changes to Rule 200 is for lack of activity for licensure applications and the additions to Rule 450 is regarding establishment applicant must be ready for inspection within 6 months of receiving approval from the Board. The proposed changes to Idaho Code 54-1112(4) were discussed as well, amending the Resident Trainee training period from two to three years. Provided further, no person shall be eligible to be licensed as a resident trainee for a total cumulative period of more than three (3) years in the state of Idaho unless approved by the board for good cause. *The three (3) year limitation includes all time practicing as a resident trainee or apprentice for a mortician license, funeral director license or both.*

Ms. Cory also discussed with the Board the addition to Idaho Code 54-1132. These proposed changes require the mortician selling a pre-need sales contract

to designate the funeral establishment he is currently employed with as the funeral establishment that will provide any funeral or cemetery merchandise to the customer. The second code stated that the funeral establishment that is designated in the pre-need contract will also maintain all contracts and documents associated with that pre-need sale. Mr. Geary informed the Bureau and the Board that the local association would support these suggested changes.

## **EXECUTIVE SESSION**

Mr. Opdahl made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Mikesell. The vote was: Mr. Geary, aye; Mr. Opdahl, aye; and Ms. Mikesell, aye. Motion carried.

Mr. Opdahl made a motion to come out of executive session. It was seconded by Ms. Mikesell. The vote was: Mr. Geary, aye; Mr. Opdahl, aye; and Ms. Mikesell, aye. Motion carried.

## **APPLICATIONS**

Ms. Mikesell made a motion to table the following applicant pending receipt of additional information. Once the additional information is received the Chair will review and inform Ms. Anderson if the applicant is eligible to take the Idaho jurisprudence exam:

#901142764

It was seconded by Mr. Opdahl. Motion carried.

Mr. Opdahl made a motion to continue to table applicant #901090400 pending receipt of additional information. It was seconded by Ms. Mikesell. Motion carried.

## **REQUEST FOR RECONSIDERATION**

The Board received a request for reconsideration from April Sistoni. Ms. Mikesell made a motion to deny Ms. Sistoni's request for reconsideration. It was seconded by Mr. Opdahl. Motion carried.

## **MCA/CONTINUING EDUCATION AUDITS AND REINSTATEMENTS**

The Board members reviewed and approved the MCA audit, CE audit, and CE for reinstatement.

## **QUARTERLY REPORT**

The Board members reviewed the quarterly report for active Resident Trainee permits. No action was taken.

## **CORRESPONDENCE**

Ed Robertson addressed the Board. Mr. Robertson is a retired mortician and suggested the Board consider an inactive license for retired licensees. Mr. Robertson also suggested the Board consider waiving the annual continuing education requirement for retired licensees. The Board members said they would add this topic to the agenda for discussion at the next Board meeting.

Ms. Mikesell made a motion to grant Mr. Robertson and Mr. English two hours of continuing education for their attendance to the open session of the 1/12/2016 Board meeting. It was seconded by Mr. Opdahl. Motion carried.

## **NEW BUSINESS**

Mr. Toryanski reviewed a Supreme Court decision regarding the North Carolina State Board of Dental Examiners, which has the potential to affect boards throughout the United States.

**NEXT MEETING** was scheduled for 7/12/2016 9:00 AM, MST.

## **ADJOURNMENT**

Ms. Mikesell made a motion to adjourn the meeting at 11:22 AM MST. It was seconded by Mr. Opdahl. Motion carried.

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Craig L Geary, Chair

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Debbie C Mikesell

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James H Opdahl

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Tana Cory, Bureau Chief