

Cemetery & Funeral Bureau
Advisory Committee Meeting Minutes

Thursday, October 28, 2010

Department of Consumer Affairs
1625 North Market Boulevard, Sacramento Room
Sacramento, CA 95834

Advisory Committee Members:

Andy Bryant
Royce Ann Ruhkola Burks
Anthony Wallace
Virgil County
George Prather

Guests:

Cheryl Moore
Joyce Estes
Betty Youngren
Anne Schillig
Steve Doukas
Chris Micheli
Bob Ackerman
Michael O'Connor
Stan Sandelius
Bob Fossgreen

Cemetery & Funeral Bureau Staff: Rick Wallinder, Bureau Chief; Lisa Moore, Deputy Bureau Chief; Joy Korstjens, Analyst; Phil Harris, Supervising Auditor; Tanya Lecky, Auditor; Kyungsun Gardiner, Auditor; Cat Litral, Analyst

DCA Staff: Kristy Schieldge, DCA Legal Counsel; Jeff Toney, Division of Legislative & Policy Review; and Kim Kirchmeyer, Deputy Director, Board and Bureau Relations

1. Introduction and Opening Remarks

Bureau Chief Wallinder called the meeting to order at approximately 10:30 a.m. and welcomed those in attendance. Mr. Wallinder explained that budgetary constraints had prevented the Bureau from holding an Advisory Committee Meeting since November 2008, but that staff had been busy in the meantime with enforcement, licensing, and auditing matters. There exist several areas of law overseen by the Bureau that need input, which was why this meeting was called. Mr. Wallinder then announced his imminent retirement as Bureau Chief.

2. Approval of Advisory Committee Meeting Minutes of November 18, 2008

Mr. Wallinder informed the attendees that distribution of these meeting minutes would have to be postponed and discussed at a later date as he had forgotten to bring the minutes to this meeting.

3. Discussion of Proposed Changes to Funeral Rules and Regulations

Mr. Wallinder explained that Bureau staff met several times during the last year with members of the advisory committee to review the funeral regulations (California Code of Regulations [CCR] Section 1200-1291) to ensure that they were current and relevant. Those proposed revisions (provided to advisory committee members prior to the

meeting and available to meeting attendees at the back of the room) are up for discussion today. Mr. Wallinder emphasized that the suggested changes were not final, just for discussion, and there would be at least one (formal) hearing prior to them being put forth as regulations. Mr. Wallinder stated that many of the changes, such as “board” to “Bureau” were simple, non-substantive changes. Legal Counsel Kristy Schiedge pointed out that any forms specifically referenced in the regulations by form number must be identified in the regulation package with a period of public comment, thereby making some section changes substantive rather than non-substantive.

Mr. Wallinder led a page-by-page review of the proposed changes, allowing comments and questions from all those in attendance. Many of the issues raised involved questions about proposed deletions and additions. Bureau Chief Wallinder explained that such revisions were necessary to clarify language and/or avoid redundancies as a result of combining the functions of the Cemetery Board and the Board of Funeral Directors and Embalmers into the current Bureau structure.

4. Discussion of Draft Cemetery Maintenance Standards Language for a Possible Rulemaking

After a brief break, Mr. Wallinder introduced this agenda item and advised the committee members that there had been changes to the draft language they had previously been provided and distributed an updated draft for discussion.

Mr. Wallinder began by stating that the language being put forth was an attempt to meet the requirement imposed by Business and Professions Code Section 9612. He mentioned that Section A of the document was primarily policy-related, and then went through the draft language. Many comments were made by those in attendance and discussion centered on workability of standards for all cemeteries regulated by the Bureau vs. what would be over-management or under-management (i.e. requiring grass to be mowed to a certain height or requiring grave markers to be raised and leveled within a specified timeframe). It was emphasized several times that the draft language presented during the meeting was intended to be a starting place on the mandate imposed upon the Bureau by the statute, which requires the establishment of minimum standards of care. Consensus at the end of the discussion was that the issue would need to be revisited, possibly by a focus group of cemetery licensees.

5. Public Comments on Items Not on Agenda

Steve Doukas, representing Commerce Holding Company, Incorporated, stated that he appreciated being able to comment during the agenda items.

Advisory Committee Member Felicia Winston was unable to attend the meeting, but provided a written statement via email that Mr. Wallinder read aloud for the meeting attendees.

Stan Sandelius, representing the Funeral Consumer Alliance of San Joaquin, gave a brief history of the consumer alliance movement. Mr. Sandelius asked that a consumer advocate be appointed to the Cemetery and Funeral Bureau Advisory Committee in place of Betty Cooper Youngren, who recently retired.

Bureau Chief Wallinder thanked the committee members and the audience for attending, and stated that the comments presented would be taken into consideration.

6. Adjournment

The meeting was adjourned around 2:00 p.m.