

Cemetery & Funeral Bureau  
Advisory Committee Meeting Minutes

Friday, June 17, 2011

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

**Advisory Committee Members:**

Fredrick Belt  
Caroline Flanders  
Merrill Mefford  
Phyllis Montero  
Cheryll Moore  
Robert Mull  
John Resich

**Guests:**

Marjorie Bridges  
George Prather  
Steve Bartel  
Bob Fossgreen  
Steve Doukas  
Danae Doukas  
Jerry Desmond, Jr.

**Cemetery & Funeral Bureau Staff:** Bev Augustine, Bureau Chief; Lisa Moore, Deputy Bureau Chief; Joy Korstjens, Analyst

**DCA Staff:** Gary Duke, DCA Legal Counsel

**1. Introduction and Opening Remarks**

Bureau Chief Augustine called the meeting to order at approximately 10:30 a.m. and welcomed those in attendance. Ms. Augustine introduced herself as the new Chief of the Cemetery and Funeral Bureau as of December 2010, and commented that Bureau staff had been very busy these last six months with different projects, including a new draft Strategic Plan, new Advisory Committee, and the continued formulation of cemetery maintenance standards regulations. She commended Deputy Bureau Chief Lisa Moore, DCA Legal Counsel Gary Duke, and Bureau Legislative Analyst Joy Korstjens on their hard work, and then Ms. Augustine asked the Advisory Committee Members to introduce themselves. The Advisory Committee Members, consisting of: Cheryll Moore, Merrill Mefford, Fredrick Belt, Caroline Flanders, Phyllis Montero, Robert Mull, and John Resich introduced themselves. Ms. Augustine praised them for coming to Sacramento for the Advisory Committee Meeting in light of the budgetary constraints preventing the Bureau from reimbursing their travel expenses, and commended them for being so committed to public service.

**2. Responsibilities of New Advisory Committee Members**

Ms. Augustine reviewed the Member Orientation and Reference Manual, stating that the Advisory Committee has the role of advising the Bureau on numerous issues, is not mandated by statute, and that Advisory Committee Members serve at the pleasure of the Bureau Chief and the Director of the Department of Consumer Affairs. She informed the Advisory Committee Members that their appointment consists of a one-year term, determined the election of a chair seemed unnecessary as the current Advisory Committee was half the size of the last one, and that there was no

compensation for serving (although normally travel would be reimbursed). Ms. Augustine ended the topic by affirming that the Bureau follows the provisions of the Bagley-Keene Open Meeting Act.

### **3. Discussion of Draft Language for Cemetery Maintenance Standards for Proposed Rulemaking**

Ms. Augustine deferred to Ms. L. Moore for the discussion of the cemetery maintenance standards. Ms. L. Moore gave a brief history of the Bureau's process in implementing the mandate imposed by SB 1490 (Ducheny, Chapter 401, Statutes of 2006). She then outlined the work by staff and stakeholders that resulted in the current draft, including the Cemetery Maintenance Standards Workshop held in March 2011, the revision to the language that followed, then the resulting Cemetery Maintenance Standards Focus Group, which revised the language some more. Ms. L. Moore emphasized all of this precedes the filing with the Office of Administrative Law, after which there will be a public hearing and comment period as the regulation goes through the formal rulemaking process. Several audience members stated that a lot of work had been done since the stakeholder meeting (March 2011 Cemetery Maintenance Standards Workshop), but a consensus among attendees was that some areas of the proposed regulation were still slightly confusing, and that the draft language needed further refining.

### **4. Discussion of Proposed Section 100 Changes to Funeral and Cemetery Rules and Regulations**

Ms. Korstjens and Ms. L. Moore gave an overview of what a "Section 100" change meant (non-substantive, such as changing "Board" to "Bureau" or "salesman" to "salesperson"). Mr. Duke emphasized that Section 100 changes are fairly easy and do not require a formal public hearing process because they are clean-up that didn't occur in the past (grammar, spelling, etc.), but that it's a time consuming project. Mr. Mefford commented that the regulations were difficult to find on the Bureau's Web site, and Ms. L. Moore informed him that a redesign of the Web site was included in the draft Strategic Plan. She invited attendees to send the Bureau an email with suggested changes. Mr. Mefford stated that he would like to see brokers with salespeople, and Ms. L. Moore and Mr. Duke gave a brief overview of the current twenty-five year old 'legacy' computer system utilized by DCA and its limitations, as well as the expected future implementation of the BreEZe computer system.

### **5. Discussion of Future Rulemaking Topics**

Ms. L. Moore began the discussion by stating that the Bureau would ultimately like to merge the Cemetery and Funeral regulations, but first statutes would need to be merged through the legislative process, which would allow for elimination of duplications. Funeral regulations that were previously identified as needing to be updated will go forward, but the Limited Liability Corporation (LLC) regulations need to be done first (SB 1225 Harman, Chapter 114, Statutes of 2008). Ms. Korstjens and Ms. L. Moore asked attendees if the stakeholder meeting format followed for the cemetery maintenance standards was preferred in formulating regulations and would work for the LLC regulations. The attendees agreed the process worked well. Mr. Mefford commented that the funeral regulations revisions suggested by the previous Advisory Committee Member subcommittee led to a good compromise, and was surprised they

weren't on the agenda; Ms. Korstjens assured him that those revisions weren't being disregarded, but were broken down into what could be accomplished with a Section 100 change versus what needed to go through the formal rulemaking process, which the Bureau could attempt to pursue in conjunction with the LLC regulation process.

## **6. Public Comment on Items Not on Agenda**

No comments were made.

## **7. Future Meeting(s)**

Ms. L. Moore thanked the Advisory Committee Members for attending on a voluntary basis and asked them if they wanted to meet three or four times a year. Ms. Augustine asked members to be aware that the Bureau doesn't know when it will be able to reimburse their travel expenses. The majority of Advisory Committee Members agreed that four times a year was fine, although Fridays were not preferred. Mr. Belt felt that meetings should only be called as necessary, and Ms. Augustine responded that twice yearly meetings were minimal for good public policy and good government, and promised not to hold meetings unless there was a substantial agenda.

Audience member Marjorie Bridges commented that she answers the Funeral Consumers Alliance hotline, and she felt the Bureau/Advisory Committee Members might be interested in the topics discussed with her callers. She stated she was willing to make a report for the next meeting agenda, although she wasn't sure what to do with the information, whether it belonged in this group or with the Legislature. Ms. Augustine said submitting the report (to the Bureau/Advisory Committee) would be fine. Jerry Desmond, Jr. of CMAC (Cemetery and Mortuary Association of California) stated his group has a consumer complaint process as well and offered to reach out and dialogue with members if the issues (faced by Ms. Bridges callers) were serious. Mr. Duke clarified that Ms. Bridges could email the report to the Bureau, and Bureau staff would distribute the information to the Advisory Committee Members.

## **7. Adjournment**

As there were no other comments, the meeting as adjourned at approximately 11:30 a.m.