

OREGON MORTUARY AND CEMETERY BOARD MEETING

800 NE Oregon Street, Conference Room 1B

Portland, OR 97232

JANUARY 22, 2008

FINAL MEETING MINUTES – GENERAL SESSION

(Revised 04/08/2008)

Board Members Present:

Jon Cummings, President
Michael Kimoto, Vice President
Laura Mather, Secretary / Treasurer
Kevin Korn
Charles Kurtz
Joncile Martin
Lyn Stanger
Pamela Wachter
Jim Ward
Robert Wentzel

Staff Members Present:

David Koach, Executive Director
Lynne Nelson, Compliance Manager
Bill Bennington, Investigator (half-time)
Merill Cray, Investigator
Johanna Matanich, AAG
Carla Knapp, Office Manager / Licensing

Board Members Absent:

None.

Staff Members Absent:

Brandy Cochrane, Investigator (half-time)

Guests Present:

J C Aubry, Dignity Memorial
Mark Stehn, OFDA
Scott Logan, Finley-Sunset Hills / OFDA
Nancy Felton, CGC, CAG, CIAC
Chad Dresselhaus, AFCTS

Steve Schacht, SCI Oregon Funeral Services
Rick Bennett, AARP
Wally Ordeman, OFDA
Tim Corbett, Ptd Cath Arch / CIAC
Twyla Lawson, DAS / State of Oregon

I. CALL TO ORDER

II. GENERAL SESSION

President Ward called the general session of the Oregon Mortuary and Cemetery Board (Board) meeting to order at 8:33 am. He then requested a roll call. After roll call, President Ward directed the Board to go into executive session as authorized under ORS 192.660(2)(f), (h), (i) and / or (k).

III. EXECUTIVE SESSION

Advice of Counsel

The executive session adjourned at 9:07 am.

IV. GENERAL SESSION

The President then called the general session of the Board to order at 9:12 am.

A. Approval of Draft Meeting Minutes

November 27, 2007 Draft General Session Meeting Minutes

President Ward asked the Board to review the draft meeting minutes for November 27, 2007, and report if they have any changes, additions or corrections. Hearing none, he asked if there was a motion on the floor to approve. He then recognized Pamela Wachter.

Ms Wachter so moved. Mr Wentzel seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

B. President's Issues

1. Election of Officers

Continuing with Board business, President Ward noted that at the last Board meeting, Board members Pamela Wachter and Michael Kimoto were appointed as members of the Nominating Committee, for the purpose of developing a recommendation of officers for 2008. President Ward then asked the Chair of the Nominating Committee, Ms Wachter, to proceed over the election of officers.

Ms Wachter reported that the Nominating Committee convened via a telephone conference call at 8:30 am on Monday, January 14, 2008. Board Members Michael Kimoto and James Ward also participated. On behalf of the Nominating Committee, Chair Wachter presented the following nominations: Jon Cummings, President; Michael Kimoto, Vice President; and Laura Mather, Secretary / Treasurer.

President Ward then asked if there were any other nominations to be considered for the President. Hearing none, Ms Wachter moved to elect Jon Cummings as President. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

President Ward then asked if there were any other nominations to be considered for the Vice-President. Ms Stanger asked for discussion. After brief discussion of the importance of attending all Board meetings, Ms Wachter moved that the Board elect Michael Kimoto as Vice-President. Ms Mather seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

President Ward then asked if there were any other nominations to be considered for the Secretary / Treasurer position. Hearing none, President Ward asked if there was a motion to elect Laura Mather to the Secretary / Treasurer position. Mr Korn so moved. Mr Cummings seconded. All others were aye and the motion carried unanimously. Those voting in favor:

Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

President Ward then turned the gavel over to Jon Cummings.

2. Public Comment

President Cummings then asked if there was public comment before the Board continued with their business. Hearing none, he asked David Koach to proceed with his presentation.

3. Retiring Board Member, James Ward

On behalf of the Board, Mr Koach presented a plaque with a letter signed by the Governor, to Mr Ward, acknowledging Mr Ward's eight years of exceptional public service as a Member of the Board, including one year as Secretary / Treasurer and two years as President.

After words of appreciation were expressed by all present, Mr Ward thanked everyone and said it had been an interesting eight years, and he appreciated everything that the Board had done.

4. Consumer-Industry Advisory Committee: Investigations - Additional Recommendations (distributed as a handout at September 25, 2007 Board meeting).

President Cummings then recognized Rick Bennett.

Mr Bennett introduced himself as a member of the Committee. He said that they tried as a Committee to look at the process currently in place for handling investigations and he thought that these recommendations would provide more consistency on how investigations were handled.

After discussion as to whether the full Board was prepared to vote on these recommendations at this Board meeting, President Cummings asked Committee member, Tim Corbett, to start with the first recommendation: Recommendation 1 - Receiving a complaint or inquiry.

Mr Corbett said that a lot of this information was taken directly from forms already in place in an effort to make it consistent, whether the complaint came in over the telephone, or a was received as a written complaint.

Mr Koach asked if there was a specific problem that stimulated the idea of changing how complaints are received, was there a problem with the investigative report that staff prepares for the Board.

Ms Martin said she didn't think any one had a problem as to how we receive the information. The issue was to improve the procedure, by providing consistency.

Mr Corbett added that he thought that there was an unfair perception that there is some inconsistency, possibly a misunderstanding of the process. And this was an effort to make it so that everybody is treated the same, regardless of how it is received.

President Cummings then recognized Rick Bennett.

Mr Bennett said he didn't necessarily think that there has to be a problem identified. He thought that there were always ways to be more efficient, more cost effective.

President Cummings asked for any other comments. He recognized Charles Kurtz.

Mr Kurtz said he didn't know how complaints are recorded right now. He said it would be easier for him to make a decision if there was a comparison of the present investigative process with this proposed system.

President Cummings thanked him and then recognized Lynne Nelson, Compliance Manager.

Ms Nelson then explained the current method on how a complaint is received. She said that staff discussed the merits of the proposed form. By completing it for the variety of phone calls we receive, it would show our workload and it would show the things that we are doing. But not all of our calls rise to a level of a complaint. In a perfect world, every concern and complaint that came in would be assigned a case number because, by statute, we are required to investigate every concern. But when we see that the concern is because of a lack of knowledge on the part of the caller, we don't see that by giving them the information that they need should have to be documented on that same form, as their concern has been addressed. If this form has to be completed for every call that comes into the Board, she said that staff would be filling out forms all day.

President Cummings recognized Michael Kimoto.

Mr Kimoto said he was trying to get some clarification of the actual recommendation, was it adding a form to an arsenal as far as things that they can record things on, or was it to specifically say this is the process, you have to do everything this way.

Ms Martin responded that the recommendation was trying to get some consistency in the receipt of information.

President Cummings recognized Tim Corbett.

Mr Corbett said he thought the second recommendation might shed some light. He then read Recommendation 2 - Determining if a formal complaint exists.

He then discussed the three options for this recommendation. In cases where there may be a simple resolution, an offer of assistance by the inspector to assist the consumer by calling the licensee on the consumer's behalf, making it clear that this would not preclude the consumer from later filing a formal complaint. This could also be offered during an initial phone call.

The second option is a referral of the issue can be made to the Oregon Funeral Directors Association's Ethics and Mediation Committee for resolution, again making it clear that this would not preclude the consumer from later filing a formal complaint with the Board.

The third option would be the filing of a formal complaint against the licensee. Complainants would be encouraged, but not required, to review and sign the recommended form to ensure it accurately reflects the nature of the complaint.

He then said that this leads to the next piece, Recommendation 3 - Determining existence of formal complaints and how to address formal complaints. He said that obviously if the conversation comes up short, they don't actually say the words that this is a formal complaint, then you have an obligation to investigate those.

Mr Corbett then read Recommendation 4 - Licensee notification. The Committee thought that this piece was important to the industry. Licensees said that they are not always notified when there has been a complaint filed against them. Obviously there are cases where staff believes notification as to the nature of the complaint would impede their investigation, then the nature of the complaint should not be provided, but folks should be told that they are under investigation. He said that they saw nothing in the confidentiality statutes that appeared to preclude staff from providing more information to licensees.

Mr Corbett then read Recommendation 5 - Create an opportunity for the licensee and the complainant to address the Board prior to a determination of disciplinary action. The Committee felt that by offering this opportunity, it would reduce the number of hearings.

Mr Koach reported that there isn't a Board policy that says that licensees have the right to come to make an appeal before the Board decides whether or not to impose discipline. There have been times in the past where the Board has honored a request from a licensee to make an appearance before the Board, after the Board had issued a Notice of Proposed Discipline. If the Board decides to make a formal process allowing licensees to appear before the Board, before the Board reaches a decision to impose discipline or not, he asked that the Board ensure that complainants gets the same opportunity as well.

Mr Corbett then read the last of the recommendations, Recommendation 6 - Negotiating fines or actions after a Board decision. The Committee recommends that staff not act as a Board intermediary to negotiate disciplinary actions dictated by the Board.

President Cummings asked if there were any questions. He recognized Kevin Korn.

Mr Korn asked Board Counsel if the issue of a licensee coming before the Board before the hearing, was there any legal contention of that confidentiality statute.

AAG Matanich said the Board has the authority to invite someone to address them. But she said she wasn't sure if these recommendations cover applicants or non-licensees under investigation.

Mr Koach asked what was the purpose of the licensee coming before the Board before the Board makes a decision not as to a final action, but whether or not to initiate the administrative procedures that lead to a sanction. If the purpose for the licensee coming before the Board is for the Board to obtain investigative information that might be beneficial in affirming or refuting an allegation or determining whether or not a violation has occurred, he thought it was probably appropriate as an investigative technique and is consistent with the confidentiality laws.

But if the licensee simply wants an opportunity to come in and lobby the Board, he asked Board Counsel if that would be appropriate.

AAG Matanich responded that she didn't see any legal prohibition to allowing a licensee to address the Board at any point. If the purpose is not to further the investigation, then it would not be appropriate to provide them with any information about an investigation. And that would be based on the restrictions of ORS chapter 676.

Ms Martin said that the current system may be totally fair, but the perception is that it is not, and that in order to help erase the perception of unfairness, all the Committee is asking is an opportunity for the licensee to appear before the Board. Before the Board issues the notice of proposed violation, before, not after, before we get into all of this with the lawyers and the hearings and everything else.

Mr Ordeman said that the decision is very simple. The licensees, the industry, wants the opportunity to see the whites of the Board's eyes, a chance to say your piece before the hammer comes down.

Discussion followed as to the practicality of this method in a case that may have five to ten respondents. Maybe only three of the respondents could come to the next Board meeting, but two of them couldn't come until two more Board meetings down the road. Then discussion followed as to whether the licensee was negotiating whether or not they were guilty, or the amount of the civil penalty that might be imposed. Then discussion followed as to whether or not the consumer should also have the Board's attention before the Board votes to take no action against a licensee, in cases that the Board does find evidence of a violation.

President Cummings then directed the Board to take a ten-minute break at 10:29 am. The Board reconvened at 10:39 am. President Cummings then asked if anybody had more questions or comments. He then recognized Michael Kimoto.

Mr Kimoto said that if you look at the percentage of cases that the Board reviews versus the actual disciplinary actions that the Board imposes, the percentage is miniscule compared to the volume of cases. He felt that the process in place helps the Board get through the cases as they are presented.

Mr Corbett said that other than extending the decision one Board meeting, what is the impact other than 5 - 8 minutes in executive session.

Mr Kimoto said he thought it would be a huge impact on the Board as far as making phone calls, scheduling, when the whole purpose of this was to be more efficient. It will not work as it has been presented.

Mr Korn said that it would push things out a little further if they address us at one meeting, then it'll be two other months out before a decision can be made. He wondered if this opportunity could be sandwiched in after the proposed action is placed, not before.

Mr Corbett said that this process was not intended to be for everybody under investigation, only for those that you determine there was a violation.

President Cummings recognized Nancy Felton.

Ms Felton said that she thought since licensees have been told that they need to respond in writing, that they did not have the opportunity to address the Board in person.

Mr Kimoto said that the Board has discussed this at other Board meetings in general session. If the licensee requests in writing for an opportunity to talk to the Board, the Board can definitely consider it, and we haven't denied anybody.

President Cummings recognized Charles Kurtz.

Mr Kurtz said that it seems to him that if the Board is investigating an issue between the licensee and the complainant, they are investigating whether or not the licensee violated a law. He wasn't sure why the complainant could claim the same interest as the licensee in having the Board reconsider its decision.

Ms Stanger responded by pointing out that our responsibility as a Board is to the consumer, the protection of the public, not necessarily the protection of the licensee.

President Cummings recognized Joncile Martin.

Ms Martin said she wanted to remind people that whatever we decide about these recommendations, it is not etched in stone, it is a trial thing to see if it works, then if it doesn't, we deep six it. She said that if everybody understood the rules and the policies and the procedures there would be less friction between industry and the Board. The Committee tried to make some recommendations that we thought would make the Board more open and transparent and approachable. They are not perfect recommendations certainly, they are the best as a group could come up that we felt at least would be a good starting point to discuss the perception that this Board is inflexible, intractable, unapproachable, and mired in set routines and unwilling to change its way. She said she knew that this was not true. But, in the very beginning we understood that communication was not very good and we have been trying specifically to identify ways in which the process could be improved. She saw their recommendations as offering concrete suggestions of specific ways they thought the process of investigation could be improved to both the Board's benefit and to industry's and consumers.

Ms Nelson commented that every investigation cannot be handled the same way. And to say that you've got to follow these steps is only going to compound the problems and be more time consuming.

President Cummings asked if everybody felt like they had enough knowledge to vote on these recommendations now.

Ms Stanger said that since Board Counsel has indicated that there are some flawed items in the recommendations, she didn't think that they could vote on these today without addressing those flaws.

President Cummings recognized Charles Kurtz.

Mr Kurtz said that since he really didn't know the process now, it was pretty hard for him to respond in specific detail to these recommendations, but he did have one concern about them. He didn't understand why staff wasn't involved in preparing these recommendations to begin with. He then asked why staff didn't have an opportunity to provide this input before now, as they are the folks with all the technical information. He said he would like to see more staff work done here before we actually vote on these recommendations.

Ms Martin responded that staff was not involved for a number of reasons. The main reason was that there were two Board members on the Committee, and as the process went along we would ask staff how do you do this, what do you do about this, and we would bring it back to the Committee. Once we gave the recommendations to the Board, then staff took them back and looked at them and responded with their thoughts on them and then we have this open forum where the Board discusses them, staff talks about them. They are getting quite a bit of input, it is just the matter of timing. So, it is not like staff didn't have any input at all, or that we've ignored their input.

President Cummings then suggested that the Board take a lunch break. He asked if the Board would be able to vote on these recommendations after lunch. He recognized James Ward.

Mr Ward said that he thought a lot of information had been disseminated today and as far as opening up the lines of communications, he saw tremendous progress on that at this meeting. He didn't see how they would be able to vote on it today though, as there was a lot of information to go over.

President Cummings then asked if his recommendation was to discuss again at the following meeting?

Mr Ward said that was what he would recommend.

President Cummings asked how everyone else felt about that.

Ms Stanger asked if it was possible for the Committee to provide recommendations or ideas on how we can reduce the amount of tension between the Board and its licensees, and how we could educate the licensees about the process that is currently in existence, that is probably functioning okay, but only needs more information given to the licensees.

President Cummings recognized Tim Corbett.

Mr Corbett said that this is what the frustration from industry standpoint has been, not understanding the process, or a feeling or a perception that one time we do it this way, the next time we do it this way and it seems to be this moving target and we are trying to nail it down.

President Cummings recognized Lyn Stanger.

Ms Stanger said that based on the advice of Board's Counsel, we cannot just adopt these recommendations as written. We are going to have to nail down more appropriate recommendations before we can even re discuss this. She suggested that it might be a good idea for the Committee to rewrite them so that they are actually legal.

President Cummings recognized Kevin Korn.

Mr Korn asked if the Committee could be made aware of the concerns pointed out by the Board's Counsel, so that they could reformulate these a bit and come back.

President Cummings asked if there was anything else to be said on these recommendations? Hearing no response, he said it didn't sound like we could get it done today, so the Committee needs to mull it over and come up with some new ideas. He suggested that it be tabled for now. He then recognized Wally Ordeman.

Mr Ordeman said the whole idea behind Committee work was to help the Board. He didn't mind going back and reworking some of these things, that is what the Committee was there for. But if he was going to sit through these meetings, make the drives and come every three weeks, he wanted clear direction from the Board as to what you are asking us to redo.

President Cummings said okay. He then recognized Charles Kurtz.

Mr Kurtz said he would need to see some staff work on this material before he could make a decision. He would need to see the pros and cons, how they are different from what is going on right now, and why these can make an improvement. He felt that staff needed to be involved in this process.

Mr Corbett said that there was a memorandum from staff in the Board packet, wasn't that sufficient.

President Cummings said that the Board received it this morning. He then recognized David Koach.

Mr Koach said he certainly agreed with Mr Kurtz. The fact that staff was excluded from the meeting in October (2006), excluded from the Consumer-Industry Advisory Committee meetings, and is placed in a what has become and was certainly set up to be an adversarial process. Mr Koach said it was important that the Board understand the awkwardness of this situation that you put your staff.

President Cummings said he understood. As far as giving the Committee direction, he asked that they continue to work on the administrative rules. Some Board members obviously need more information and to try and vote and do anything now would be premature.

Ms Mather asked if the Committee had a copy of the AAG's Legal Review of CIAC recommendations for Investigations, dated January 16, 2008.

President Cummings said no, but we'll discuss after lunch.

Ms Nelson then volunteered to attend the February 18th meeting if she was invited.

President Cummings thanked her.

Ms Stanger said she had a question regarding that. Whose decision was it as to whether a staff member could attend these Committee meetings.

Mr Ward said that at the first organizational meeting that the Committee had, staff was asked not to attend specifically, but after that, it was up to the Committee.

Ms Stanger asked if it was appropriate or necessary to revisit that now, as it would be more productive for this Board to hear these opinions, recommendations, with a staff member on the Committee, in order to get a more cohesive recommendation, rather than spending a lot of time getting it during these kinds of bantering.

Mr Ward said that he was going to suggest that the Committee invite one of the staff to the next meeting, as he thought it would help a lot.

President Cummings then asked the rest of the Board how they felt.

After general agreement between Board members, President Cummings said he would take that under recommendation.

Mr Kurtz then said he would like to make a motion. He would like the Board to instruct the Committee to include staff in their further deliberations, and he so moved. Mr Wentzel seconded. Kevin Korn and Joncile Martin were opposed. All others were aye and the motion carried.

Ms Stanger said that for clarity, it might be that the Committee might want to have a portion of the meeting with staff present, and maybe a portion without.

LUNCH RECESS

Board meeting adjourned at 12:10 pm for lunch.

V. EXECUTIVE SESSION:

President Cummings reconvened the general session at 1:15 pm. He then directed the Board to enter into executive session as authorized by ORS 192.660(2)(f), (h), (i) and / or (k). Executive session was then adjourned at 3:00 pm.

VI. GENERAL SESSION:

The President then reconvened the general session at 3:10 pm.

B. President's Issues

1. Executive Director Recruitment

President Cummings then introduced Twyla Lawson, PHR, Senior Recruitment Consultant, from the Department of Administrative Services / Human Resources Services Division. She will be assisting the Board in the recruitment of the Board's new Executive Director.

Ms Lawson explained her role as facilitating the process for the Board, to make it easier, in order to get someone in the position as quickly as possible. She distributed and discussed the Recruitment Timeline Plan, which identified what she needed from the Board. She said that the draft timeline was tentative. Her next step would be to draft a job announcement after she received a current position description.

Once the recruitment announcement was drafted, and the timeline firmed, she said that we would have to have a public meeting after this one in order for the Board to adopt the final plan: recruitment announcement criteria, timeline (hiring process), and naming the Selection Committee. She then asked if the Board was going to appoint a Selection Committee. If so, she would first review all the applications to ensure that they meet the minimum qualifications. Then the Subcommittee would conduct the first round of interviews. Once they have narrowed down the selection to a few candidates, then the full Board would conduct interviews. And then a final public meeting is required for the appointment decision and the public vote to approve offer.

After discussion of the hiring process, where and how long to post the job announcement, the costs associated with placing newspaper ads, President Cummings appointed the following Board members to the Selection Committee: Pamela Wachter, Chair, Michael Kimoto and Robert Wentzel.

Lyn Stanger asked if there was a probationary period or a trial service.

Ms Lawson responded that since these are executive appointments, there is no probationary period. The Executive Director serves at the pleasure of the Board.

Discussion followed as to when to have the special session for adopting the final plan. The Board decided to meet via teleconference on February 5, 2008, at 1:00 pm, to review public comment, adopt the hiring standards, criteria and policy directives. The draft job announcement, draft timeline and position description will be included as well. Ms Lawson said she would send to the Board members the recruitment announcement before the teleconference. All handouts will also be available on the Board's website.

Ms Stanger then asked if it was necessary to accept the proposed resignation and recommend an interim executive director at this time, as that was never accomplished at the prior Board meeting.

After brief discussion, Mr Ward moved to accept Mr Koach's letter of intent to resign and keep him on staff as long as we need him. Ms Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

2. Public Comment

President Cummings then asked for public comment. Hearing none, he directed the Board to the next agenda item, Annual Review of Executive Director Financial Transactions.

3. Annual Review of Executive Director Financial Transactions

On July 16, 2001, the Department of Administrative Services put into effect a statewide policy that sets accountability and control standards for agency heads. Per Oregon Accounting Manual Policy Number 10.90.00.PO, all agencies are to address and develop procedures for review and approval of agency head transactions in regards to the following: monthly time reports for vacation and sick leave, requests for vacation payoff, use of exceptional performance leave, travel expense reimbursement claims, and agency purchasing cards. This policy is intended to ensure that these transactions are reviewed for completeness and accuracy.

During its regular meeting on September 25, 2001, the Board passed a motion to delegate to the President of the Board the authority to review and approve the financial transactions of the Board's Executive Director. On an annual basis, the full Board will review agency head financial transactions approved by the President. For that purpose, copies of Mr Koach's monthly time sheets, travel expense reimbursements, and vacation approvals for 2007, previously approved by President Ward, were distributed to Board members for their review and approval. The Executive Director does not use an agency purchasing card, has not used exceptional performance leave and has not requested any vacation payoff.

After review of the Executive Director's financial transactions, President Cummings asked for a motion to accept. Ms Mather so moved. Ms Wachter seconded. All others were aye

and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

As this concluded President's Issues, President Cummings requested that David Koach proceed to the next agenda item.

C. Executive Director's Issues

1. Death Certificate Filing Fee Legislative Concept

Mr Koach said that the issue that he felt needed a decision by the Board had to do with the death certificate filing fee. He wasn't recommending one way or the other whether the Board ought to do it, he just thought it was imperative that the Board keep its options open.

All executive agencies have until April 4, 2008 to submit legislative concepts. The fact that the window closes for executive agencies does not mean that it necessarily closes for legislators and associations and other people who have the power to lobby someone to introduce legislation. But as far as for the Board's capacity to independently keep its options open, he recommended that the Board instruct him to file a legislative concept proposing an increase in the death certificate filing fee, simply because if you don't do it, you may not have that option later on when you want it. The fact that a legislative proposal is put forward does not mean that the filing fee is increased. It just keeps that door open.

At this point we are cash poor. If the Board doesn't propose some sort of a revenue increase for the 2009 - 2011 biennium, the Board will lose another staff position, leaving a staff of four. There is even a possibility that with the current amount of revenue that we have, we would not only lose one, but we might have to lose two positions.

President Cummings asked how the full Board felt about Mr Koach going ahead with this legislative concept.

Mr Kurtz said it seemed to him that we needed to keep our options open. He recommended and so moved that the Board accept the Director's recommendation and direct him to file a legislative concept to meet the deadline. Discussion followed as to how much of an increase was necessary. President Cummings then asked if there was a second. Mr Korn seconded. More discussion followed regarding the indigent burial fund portion of the death certificate filing fee. Currently, the death certificate filing fee is \$7. Of that, \$2 goes towards the administration of the indigent burial fund. The Board receives the remaining \$5.

President Cummings then recognized Wally Ordeman.

Mr Ordeman said he thought Mr Koach was showing the Board an incredible amount of foresight by proposing this legislative concept. He thought it was absolutely the right thing to do. He said you could debate the merits of how much the increase is later, but he thought it was a brilliant move.

Mr Ward then called for the question. President Cummings said that the question has been called for, let us take the vote. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

President Cummings then asked Mr Koach to continue.

2. On-Line License Application and Renewal

Mr Koach said that this didn't require a decision on the Board's part, it was information, just his effort to keep the Board up to date and he thought it spoke for itself.

As this concluded Executive Director's Issues, President Cummings directed the Board's attention to the next agenda item, Investigations. He then recognized Laura Mather, Chair of the Complaint Review Committee.

D. Investigations

1. **2007-1047A** - Ms Mather said that the full Board reviewed this case during Executive Session and recommended, and she so moved, that the Board initiate Disciplinary Action on Allegations 2 through 14. Mr Ward seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.
2. **2007-1047B** - Ms Mather said that the full Board reviewed this case during Executive Session and recommended, and she so moved, that the Board initiate Disciplinary Action on Allegations 2 through 5. Mr Wentzel seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.
3. **2007-1040A, B; 2007-1046A, B, C; 2007-1049; and 2007-1016A, B, C** - Ms Mather said that the full Board reviewed these cases during Executive Session and recommended, and she so moved, that the Board take no action. Ms Wachter seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

At the conclusion of the Board's business under Investigations, Ms Mather recommended, and she so moved, that the Board release the Advice of Counsel, dated January 16, 2008, received from Johanna Matanich, Assistant Attorney General, regarding her memo on the Legal Review of the Consumer-Industry Advisory Committee's Recommendations for Investigations. Mr Korn seconded. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

President Cummings then requested that James Ward proceed to the next agenda item, Licensing.

E. Licensing

Mr Ward recommended and so moved that the Board approve agenda items E1 through 10b under Licensing. Ms Mather so moved. Mr Wentzel called for discussion regarding Mr Krake's request for Board approval of his funeral service practitioner apprenticeship while enrolled as part-time student in Mt Hood's Community College Funeral Service Education Program. After brief discussion, President Cummings called for the vote. All others were aye and the motion carried unanimously. Those voting in favor: Members Cummings, Kimoto, Korn, Kurtz, Martin, Mather, Stanger, Wachter, Ward, Wentzel. Those voting no: none.

President Cummings asked if there was any business to come before the Board. He recognized Lynne Nelson.

Ms Nelson then asked if anyone had a question about the memorandum regarding Status of Open Cases, Bi-monthly Report. Hearing none, President Cummings thanked everybody for their attendance and participation, and then he adjourned the meeting.

ADJOURNMENT - The general session was adjourned at 4:17 pm.