



TEXAS FUNERAL SERVICE COMMISSION

Texas Funeral Service Commission Meeting Minutes December 12, 2017

- I. Presiding Officer Olinger called the Texas Funeral Service Commission meeting to order at 9:00 a.m. Roll call was taken. All Commissioners were present.
- II. Presiding Officer Olinger recognized new Commissioners: public member Dianne Hefley and industry member Kristin Tips.
- III. Commissioner Compean made a motion to approve the meeting minutes from the September 12, 2017, Commission meeting. Commissioner Shaffer seconded. Motion was approved.
- IV. Presiding Officer Olinger opened the floor for public comment. Lauren Khan made a comment.
- V. The Texas Funeral Service Commission financial report was presented by Ms. Jennifer Noack. Ms. Noack reported on the agency's Fiscal Year 2018 1st Quarter Operating Budget; Fiscal Year 2018 Operating Budget; Fiscal Year 2017 Annual Financial Report; Fiscal Year 2017 4th Quarter Performance Measures; and Fiscal Year 2017 Annual Performance Measures.
- VI. Executive Director Janice McCoy gave a report on the following items: approvals granted under 22 Tex. Admin. Code §203.16 - Consequences of Criminal Conviction; Staff Update- Executive Director introduced new staff Inspector Kyle Stanton and Accountant Linda Fellingner; Database Update; and the Retained Records exemption under 22 Tex. Admin. Code §203.35.
- XI. * Discussion and possible action on the possible adoption of amendments to 22 Tex. Admin. Code by adding new Chapter 204 - Fees. Commissioner Allen moved to approve the proposed amendments to Title 22 Tex. Admin. Code by adding a new Chapter 204 - Fees, for publication in the Texas Register and grant the Executive Director authority to make editorial changes as necessary to clarify the rule and Commission intent and to comply with the formatting requirements of the Texas Register. Commissioner Compean seconded. Motion was approved.
- VII. Staff Attorney Kyle Smith provided an update on Number/Method of Closed Complaints and number of Cease and Desist letters issued/repealed.
- VIII. In accordance with 22 Tex. Admin. Code §203.16 - Consequences of Criminal Convictions, action was taken on the following.

Eliezer Bernal - A statement of support was given by Mr. Jose Moreno and Roger Hernandez. Commissioner Scepanski made a motion under 22 Tex. Admin. Code §203.16, to move that the Commission issue a provisional license to Eliezer Bernal assuming he meets the other qualifications of licensure on a probated status until 2021 through the execution of an Agreed Order with the Executive Director and that any

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violation of the Agreed Order would result in an immediate revocation of the license. Commissioner Tips seconded. Motion was approved.

Unique Green- Commissioner Scepaniski made a motion to defer the decision regarding the application for Provisional licensure. Commissioner Allen seconded. Motion was approved.

- IX. In accordance with 22 Tex. Admin. Code §203.17, Criminal History Evaluation Letter, action was taken on the following.

Angela King – A statement of support was given by Danny Mounger. Commissioner Scepaniski made a motion under 22 Tex. Admin. Code §203.17, to move that the Commission issue a letter of eligibility to Angela King stating there are no grounds for ineligibility based on her criminal history as of today, but that if she applies for a license it must be issued on a probated status for a period of the Provisional license duration, and that any violation of the Agreed Order with the Executive Director would result in an immediate revocation of her license. Commissioner Compean seconded. Motion was approved.

- X. Discussion and possible action on Texas Funeral Service Commission Invocation Policy.

At 11:16 a.m., Presiding Officer Olinger announced that the Texas Funeral Service Commission will go into a 10 minute break, to be followed by a closed session.

At 11:31 a.m., Presiding Officer Olinger announced that the Texas Funeral Service Commission will go into closed session pursuant to Tex. Government Code §551.071 and asked the Commissioners to move to Room 225A to obtain the advice of legal counsel, Assistant Attorneys General Austin Nimocks, Cleve Doty, and Veena Mohan, regarding agenda item X. Staff Attorney Kyle Smith joined the closed session.

At 12:02 p.m., Presiding Officer Olinger announced that the Texas Funeral Service Commission was reconvened in open session and no action was taken during closed session.

A statement was given by Syd Waldman.

Commissioner Compean made a motion to move that the Commission adopt the written invocation policy presented to the Commission in which the invocation is voluntarily delivered by a person who is an appointed representative from a database of licensed funeral directors and embalmers who are in good standing with the Commission. Commissioner Tips seconded. Motion was approved.

- XII. Discussion & possible action on Executive Director Compensation.

At 12:15 p.m., Presiding Officer Olinger announced that the Texas Funeral Service Commission will go into closed session pursuant to Tex. Government Code §551.074 and asked the Commissioners to move to Room 225A to obtain the advice of legal counsel, Assistant Attorneys General Austin Nimocks, Cleve Doty, and Veena Mohan, regarding agenda item XII.

At 12:24 p.m., Presiding Officer Olinger announced that the Texas Funeral Service Commission was reconvened in open session and no action was taken during closed session.

Commissioner Schaffer made a motion to approve a salary increase for the Executive Director to an annual salary of \$95,318. Commissioner Allen seconded. Motion was approved.

XIII.Meeting adjourned at 12:26 p.m.

Minutes of December 12, 2017, are respectfully submitted and approved.

Janice McCoy
Executive Director

Jean Olinger
Presiding Officer

Date signed

Date Signed

* Please note: Item on Agenda taken out of order.

DRAFT