



Texas Funeral Service Commission

333 Guadalupe Street #2-110, Austin, Texas 78701

512-936-2474

Texas Funeral Service Commission Meeting Minutes June 18, 2019

- I. Presiding Officer Compean called the Texas Funeral Service Commission meeting to order at 9:00 a.m. He welcomed Erin Bennett from the Office of the Governor.
- II. Invocation was given by Syd Waldman License #115026.
- III. Roll call was taken. A quorum was present. Without objection, Commissioners Hefley and Commissioner Olinger were marked absent, excused.
- IV. Commissioner Tips made a motion to approve the meeting minutes from the March 19, 2019 meeting. Commissioner Allen seconded. Motion was approved.
- V. Presiding Officer Compean opened the floor for public comment. Public comments were received from Jay Carnes, Tim Baker, Bill Vallie, and Paul Moore.
- VI. Linda Fellingner reported on the agency's Fiscal Year 2019 3rd Quarter Operating Budget and Fiscal Year 2019 2nd Quarter Performance Measures for the agency's Financial Report.
- VII. Executive Director Janice McCoy gave a report on the following items: approvals granted by Executive Director under 22 Tex. Admin. Code §203.16 - Consequences of Criminal Conviction and updated Commissioners on the legislative session and stakeholder meetings.
- VIII. Staff Attorney Kyle Smith provided an update on the Fiscal Year 2019 3rd Quarter Closed Complaints and on Cease and Desist letters issued/repealed during the 3rd Quarter.
- IX. Executive Director McCoy discussed the application for an exemption from a preparation room under 22 Tex. Admin. Code §203.10 for Morris-Bates Funeral Home #1464. Paul Moore answered questions from the Commission. Commissioner Tips made a motion to grant the preparation room exemption for Morris-Bates Funeral Home #1464 in accordance with 22 Tex. Admin. Code §203.10. Commissioner Shaffer seconded. Motion was approved.
- X. Executive Director Janice McCoy discussed final adoption of amendments to 22 TAC Chapter 204, Fees. Commissioner Scepaniski made a motion to adopt the proposed amendments to 22 Tex. Admin. Code §204.2 - Individual Application Fees, §204.4 - Individual Renewal Fees, and §204.7 - Establishment Fees for Funeral Homes, Commercial Embalming Facilities, and Crematories, and to direct the Executive Director to file the adopted amendment to 22 Tex. Admin. Code, Chapter 204, with the Texas Register. Commissioner Tips seconded. Motion was approved.

Meeting Recessed at 9:38 a.m.

Meeting Resumed at 9:56 a.m.

- XI. Executive Director Janice McCoy discussed the possible adoption of amendments to 22 Tex. Admin. Code, Chapter 203, Subchapter A – Licensing. Commissioner Scepaniski

made a motion to approve the proposed amendments to 22 Tex. Admin. Code, Chapter 203, Subchapter A, specifically §203.1, §203.3, §203.4, §203.5, §203.8, §203.9, §203.10, §203.11, and repeal of §203.14 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 Tips seconded.

Commissioner Tips made a motion to amend §203.1(f)(1) by changing the words “up to” to instead read “beginning.” Commissioner Shaffer seconded. The motion passed.

Commissioner Scepaniski made a motion to amend §203.8(e)(1) by removing the strike-through in the phrase “who actively practice” so the language would remain in the rule. Commissioner Shaffer seconded. The motion passed.

Commissioner Allen made a motion to amend §203.8(h)(1) by striking the word “four” and replacing it with “eight.” Commissioner Tips seconded. The motion passed.

Commissioner Scepaniski made a motion to strike the proposed new subsection §208.8(1) in its entirety and renumber remaining subsections accordingly. Commissioner Shaffer seconded. The motion passed.

Commissioner Tips made a motion to amend §203.9(a)(1) by striking staff’s proposed amendment, “All forms submitted must provide for a placeholder for the establishment’s license number to be inserted upon issuance of the license” and instead add the phrase “and a placeholder for the establishment’s license number” after “establishment’s name.” Commissioner Allen seconded. The motion passed.

Commissioner Allen made a motion to strike the amendments to §203.10 so the rule remains unchanged from current language. Commissioner Shaffer seconded. The motion passed.

The original motion by Commissioner Scepaniski, as amended, passed.

- XII. Commissioner Scepaniski made a motion to approve the proposed amendments to 22 Tex. Admin. Code, Chapter 203, Subchapter B, specifically §203.24, §203.25, §203.26, §203.27, §203.31, §203.33, and §203.35 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 Tips seconded.

Commissioner Tips made a motion to strike staff’s proposed amendments to §203.25 so the rule remains unchanged from current language. Commissioner Shaffer seconded. The motion passed.

Commissioner Shaffer made a motion to amend §203.31a(1)(c) to strike the words “the faucet.” Commissioner Allen seconded. The motion passed.

The original motion by Commissioner Scepaniski, as amended, passed.

Meeting Recessed at 11:55 a.m.

Meeting Resumed at 12:15 p.m.

- *XVII. Miguel Bandy (Funeral Director/Embalmer #113640), made comments on his application under 22 Tex. Admin. Code §203.18 – Reissuance of Revoked Funeral Director and/or Embalmer License. Carl Bandy Sr. gave statement of support. Commissioner Shaffer

made a motion under 22 Tex. Admin. Code §203.18 that the Commission re-issue a license to Mr. Bandy, assuming he meets the other qualifications of licensure, on a probated status for a period of two years through the execution of an Agreed Order with the Executive Director and that any violations of the Agreed Order would result in an immediate revocation of the license. Commissioner Tips seconded. Motion was approved.

*XVI. Larry Rankin made comments on his application under 22 Tex. Admin. Code §203.16 – Consequences of Criminal Conviction. Commissioner Allen made a motion under 22 Tex. Admin. Code §203.16 that the Commission issue a provisional license to Mr. Rankin assuming he meets the other qualifications of licensure. Commissioner Tips seconded. Motion was approved.

XIII. Commissioner Scepaniski made a motion to approve the proposed amendments to 22 Tex. Admin. Code, Chapter 203, Subchapter C, specifically §203.41, §203.42, §203.43, §203.44, §203.45, §203.47, and the Penalty & Sanction Schedule 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, contingent upon review by legal counsel.

Commissioner Tips made a motion to amend §203.41(c) to add a sentence to read “A redacted copy of the complaint may be provided to the Respondent upon request.” Commissioner Shaffer seconded. The motion passed.

The original motion by Commissioner Scepaniski, as amended, passed.

XIV. Commissioner Scepaniski made a motion to approve the proposed amendments to 22 Tex. Admin. Code, Chapter 205, §205.5, and the repeal of §205.1 and §205.2 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 Allen seconded.

XV. Commissioner Scepaniski made a motion to approve the repeal of 22 Tex. Admin. Code Chapter 206 for publication in the Texas Register. Commissioner Allen seconded. The motion passed.

XVIII. Commissioners discussed the Executive Director’s compensation. Commissioner Scepaniski made a motion to increase the Executive Directors’ compensation by \$2,500 per year starting September 1, 2019. The motion failed for lack of a second.

XIX. Meeting adjourned at 2:46 pm.

Minutes of the June 18, 2019, meeting are respectfully submitted and approved.

Janice McCoy
Executive Director

Greg Compean
Presiding Officer

Date signed

Date Signed

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