

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**NOVEMBER 10, 2021**

- 1. CALL TO ORDER/GREETINGS:** Board President, Dr. Mark Bailey called the meeting to order at 1:02 p.m. and welcomed everyone to the open session.

*Board Members Present:* Dr. Mark Bailey, President; Michele Kutta, 1<sup>st</sup> Vice President; Robert Lang, 2<sup>nd</sup> Vice President; Kirk Helfenbein, Secretary; Dr. James Kalshoven; Brandon Wylie; Sheria Jennings; Melanie Oppat; Rev Richard Mosley; & Suzanna Kuriadom.

*Board Members Absent:* Robert Bradshaw.

*Board Staff Present:* Christy Collins, Executive Director; Zakiyyah Holmes, Licensing Coordinator; Jessica Terry, Office Secretary; Deborah Donohue, Esq., Interim Board Counsel; & Lillian Reese, Legislative and Regulations Coordinator.

*October Meeting Minutes:* Michele Kutta made a motion, which was seconded Rev. Richard Mosley and the Board unanimously approved the minutes as written.

- 2. PRESIDENT’S REMARKS:** Dr. Bailey thanked everyone for their attendance of this open session meeting. Dr. Bailey noted two recent holidays: The US Marine Corp Birthday (November 10) and Veterans Day (November 11). Dr. Bailey expressed gratitude to those who have served in the US Military.
- 3. ADMINISTRATIVE REPORT:** Executive Director Collins announced that the office hours remain unchanged and the office will close for all Maryland State Holidays, which includes Veterans Day. Mrs. Collins noted that there may be slight delays during the holiday season due to these mandatory holiday closures. Mrs. Collins reminded applicants that all applications must be submitted to the Board office three weeks prior to an open session Board meeting for committee review – a list of these dates can be found on the Board website. Mrs. Collins presented a document, “Frequently Asked Questions,” for Board approval to be uploaded to the Board’s website. Michele Kutta made a motion, which was seconded by Dr. James Kalshoven and the Board unanimously approved the document to be uploaded to the Board’s website. Mrs. Collins noted that the “Frequently Asked Questions” will be added to the Board website with live links that will direct licensees directly to the appropriate regulation/statutes and resources.
- 4. COMMITTEE REPORTS:**
- a. **Executive Committee:** Dr. Bailey reported the FY22 budget update: FY22 Expenditures - \$160,428.88; Fund Balance - \$26,969.66.
  - b. **Family Security Trust Fund:** Chair, Dr. James Kalshoven, reported that the Family Security Trust Fund balance is \$1,444,710.50. Dr. Kalshoven noted an increase of

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**NOVEMBER 10, 2021**

\$576.88 from the previous month's report. Dr. Kalshoven announced the upcoming Family Security Trust Fund Advisory Committee's upcoming meeting on December 8, 2021.

- c. **Pre-Need Committee**: Dr. Bailey reported on behalf of Chair Robert Bradshaw that the committee has no report at this time.

- d. **Establishment Committee**: Chair Kirk Helfenbein reported on the following:

Old Business: None.

New Business: None.

New Establishment: None.

New Restricted Establishment: None.

Change of Ownership: None.

New Crematory: None.

Mortuary Transport Company Permit: Chair Kirk Helfenbein presented the following applicant(s) for approval:

1. Heavens Transport Service, LLC. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
2. Platinum Sensations. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Name Change Request: Chair Kirk Helfenbein presented the following request for approval:

1. Cremation Society of Monocacy Valley. New Establishment Name: Acadia Society. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the request.

- e. **Licensure Committee**: Chair Michele Kutta reported on the following:

Old Business: Michele Kutta presented a new checklist available for the Mortician License Reinstatement/Reactivation Application.

New Business: Michele Kutta noted that as a result of Senate Bill 5 and House Bill 28 passed by the Maryland General Assembly in the 2021 Session, all applicants for

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**NOVEMBER 10, 2021**

renewal of licenses or certifications for health occupations are required to complete an Implicit Bias Training program which has been approved by the Cultural and Linguistic Health Care Professional Competency Program (MDH). This requirement becomes effective for first renewals after April 1, 2022. Ms. Kutta announced that all renewal applications sent to the Board will be required to have completion attestation of one of the approved Implicit Bias Training courses, which can be found on the Board website.

Apprentice: Chair Michele Kutta presented the following applicants for approval:

1. Anna Dulaney; Sponsor - James Schwartz, Myers-Durboraw Funeral Home, PA. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
2. Sylvia Fulwood Paylor; Sponsor - Gary March, Gary P. March Funeral Home, PA. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
3. Essy Tanase; Sponsor - Duane Bartley/Evans Funeral Chapel and Cremation Services. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Apprentice Change of Sponsor: Chair Michele Kutta presented the following request for approval:

1. Nicole Freeman; Sponsor - Lawrence Johnson, JB Jenkins Funeral Home. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the request.

Courtesy Card: None.

Crematory Operator: Chair Michele Kutta presented the following applicant(s) for approval:

1. Jamey Kidd; Cremation Center of Maryland. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Executor (Personal Representative): None.

Funeral Director: None.

Mortician: Chair Michele Kutta presented the following applicants for approval:

1. William Lanning; Sponsor - Gasch's Funeral Home. Motion for approval was made by the committee, which was seconded by Dr. James

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**NOVEMBER 10, 2021**

- Kalshoven, and the Board unanimously approved the application
2. Edward Staebler; Rest Haven Funeral Home. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.

Mortician Reinstatement/Reactivation: None.

Mortician by Waiver of Apprenticeship: None.

Registered Transporters: Chair Michele Kutta presented the following applicants for approval:

1. Dennis Caple, Sr.; Alvin's Anointed Hands, Inc. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
2. Chanell Gross; Alvin's Anointed Hands, Inc. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
3. Patricia Gross; Alvin's Anointed Hands, Inc. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
4. Janna Harrison; Heaven's Transport Service, LLC. Motion for approval was made by the committee, which was seconded by Dr. James Kalshoven, and the Board unanimously approved the application.
5. Yao Konan; Heaven's Transport Service. Motion for approval was made by the committee, which was seconded by Rev. Richard Mosley, and the Board unanimously approved the application.

Surviving Spouse: None.

- f. Continuing Education Units Committee: Chair Melanie Oppat, reported the following:

Old Business: Ms. Oppat reminded all licensees that if they would like to receive one CEU credit for attending today's virtual meeting to please email their name and license number to our Board Office at [mdh.bomfd@maryland.gov](mailto:mdh.bomfd@maryland.gov).

New Business: None.

The following educational offerings are considered automatically approved pursuant to COMAR 10.29.05.03:

**Delmarva Funeral Service Association (DFSA)**. *Wreaths Across America* (2 CEUs). 12/18/21, Parsons Cemetery.

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**NOVEMBER 10, 2021**

**Funeralcontinuingeducation.com.** 18 previously approved, online, self-study courses.

**Graystone Associates.** Holloway Funeral Home, 12/13-17/2021.

1. *Exceptional Value (7 CEUs)*
2. *Interpersonal Skills (7 CEUs)*

**National Funeral Directors Association.** *NFDA Virtual Convention Extension, 11/16-17/2021; 8 courses.*

**Selected Independent Funeral Homes & Kates-Boylston Publications.** *THRIVE Conference, 11/30/21.*

1. *Connecting with Your Community During and After COVID (1 CEU)*
2. *Building Blocks for a Successful Funeral Business (1 CEU)*
3. *Marketing and Technology Panel Forum: Your Best Marketing Plan Starts Here (1 CEU)*
4. *Shifting to an Outward Mindset (1 CEU)*

**Virginia Mortician Association.** *Virtual Education Summit, 11/04/21.*

**Wylie Funeral Homes, Edward Ranier.** *OSHA Compliance (3 CEUs), 2/19/22.*

**Zebra Credits, Inc.** 4 online, self-study courses.

1. Social Media Guidelines (1 CEU)
2. Senior Clients: Dealing with Dementia (1 CEU)
3. Cyber Security and the Bereavement Industry (1 CEU)
4. Time Management (1 CEU)

g. **Legislative Committee:** Chair Sheria Jennings reported on the following:

Old Business: Ms. Jennings announced proposed revisions to the proposed amendments to COMAR 10.29.03.01-.07 Inspection of Funeral Establishments and Funeral Service Businesses. Ms. Jennings presented proposed revisions to the amendments to the regulations for Board review and approval. Motion for approval was made by the committee, which was seconded by Rev. Richard Mosley, and the Board unanimously approved the revisions.

New Business: Ms. Jennings reported that a legislative work group is being formed for the purpose of discussion and research of advances in technology relating to mortuary sciences. Dr. Bailey announced that the Maryland Register will publish the proposed amendments to COMAR 10.29.06, 10.29.09, 10.29.12 for public comments from 11/05/2021 through 12/06/2021.

5. **OLD BUSINESS:** None.

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**NOVEMBER 10, 2021**

6. **NEW BUSINESS:** Dr. Bailey announced that the Board has begun discussions related to moving the Board's open session meetings from the current virtual mode to the pre-pandemic in-person meeting at the Baltimore office. Dr. Bailey noted that all meetings will continue to be virtual through at least January 2022. Dr. Bailey reported that committee meetings will continue to remain virtual, which has increased participation and productivity, until further notice.
7. **CLOSED SESSION:** Dr. Bailey requested a motion to close the open session at 1:44 p.m. (see attachment *PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT") UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)*).

**Motion to close meeting made by:** Michele Kutta; seconded by: Rev. Richard Mosley  
**Members in favor:** Michele Kutta, Robert Lang, Kirk Helfenbein, Brandon Wylie, Dr. James Kalshoven, Rev. Richard Mosley, Melanie Oppat, Sheria Jennings, Suzana Kuriadom; **Opposed:** N/A; **Abstaining:** N/A; **Absent:** Robert Bradshaw

**Purpose(s):** to obtain legal advice regarding the regulatory requirements for the disciplinary process and confidentiality of investigative files and to discuss an investigative proceeding on actual or possible criminal conduct.

**Members who voted to meet in closed session:** Michele Kutta, Robert Lang, Kirk Helfenbein, Brandon Wylie, Dr. James Kalshoven, Rev. Richard Mosley, Melanie Oppat, Sheria Jennings, Suzana Kuriadom

**Persons attending closed session:** Board members Dr. Mark Bailey, Michele Kutta, Robert Lang, Kirk Helfenbein, Brandon Wylie, Dr. James Kalshoven, Rev. Richard Mosley, Melanie Oppat, Sheria Jennings, Suzana Kuriadom; Christy Collins, Executive Director; Deborah Donohue, Interim Board Counsel

**Authority under § 3-305 for the closed session:** (b)(7) - to consult with counsel to obtain legal advice; (b)(12) – to discuss an investigative proceeding on actual or possible criminal conduct

**Topics actually discussed:** As listed above.

**Actions taken:** N/A

**Each recorded vote:** At 1:53 p.m., on motion by Michele Kutta and seconded by Robert Lang, the Board unanimously approved adjourning the closed session and returning to

**MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS**  
**OPEN SESSION MINUTES**  
**NOVEMBER 10, 2021**

the open session.

8. **COMPELLING PUBLIC PURPOSE DISCLOSURE:** Mr. Lang, Chair of the Complaint Committee, asked for a motion to disclose information in an investigatory file for a compelling public purpose. The Board received a complaint which was opened for investigation. The Committee requested a response from the licensee. The Committee determined that there is a possible violation of law and that another State agency has jurisdiction over conduct alleged in the complaint. Motion to find that a compelling public purpose exists to warrant disclosure of the investigative file to the other State agency and to authorize the Executive Director to make that disclosure on behalf of the Board was made by Ms. Kutta, which was seconded by Dr. Kalshoven, and the Board unanimously approved the motion.
9. **UPCOMING REMINDERS:** Dr. Bailey announced reminders of the following:
- Implicit Bias Training attestation will be required on all renewal applications to receive a current license after April 1, 2022.
  - Family Security Trust Fund Advisory Committee Open Public Meeting – Wednesday, December 8, 2021, 12:00 p.m., Location: Google Meet.
  - Next Open Session Board Meeting – December 08, 2021 at 1:00 p.m., virtually: Google Meet.
  - Jurisprudence Exam – Tuesday January 4, 2022; location TBD
10. **ADMINISTRATIVE MEETING STATEMENT:** At this time the Board, Board Counsel, Executive Director, and staff will be recessing the open session to convene our Administrative session in a meeting that is not open to the public on this day November 10, 2021 at 2:00 p.m. The Board will discuss matters not subject to the Open Meetings Act requirements contained in the General Provisions Article, Title 3. In particular, the Board will be discussing:
- Disciplinary matters, application deficiencies, and complaints which are required to be kept confidential pursuant to Md. Code Ann., Health Occ. § 1-401, COMAR 10.31.01.05, and COMAR 10.29.11 which provide that Board investigations and complaint proceedings are confidential and which are quasi-judicial functions to which the Open Meeting Act does not apply, per Gen. Prov. § 3-103(a)(1)(ii).
  - Employment vacancy for an inspector/investigator, which is a personnel matter to be discussed in closed session pursuant to Gen. Prov. 3-305(b)(1).
  - Paperwork required to be filed by board members, which is an administrative function to which the Open Meetings Act does not apply, per Gen. Prov. § 3-103(a)(1)(i).
11. **ADJOURNMENT:** Rev. Richard Moseley made a motion for adjournment, seconded by Dr. James Kalshoven, and with no objection, the meeting was adjourned at 2:02 p.m.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT") UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. *Complete items 1 – 4 before closing the meeting.*

**1. Recorded vote to close the meeting:** Date: 11/10/2021; Time: 1:44 p.m.; Location: Google Meet (virtual);

**Motion to close meeting made by:** Michele Kutta; seconded by: Rev. Richard Mosley

**Members in favor:** Michele Kutta, Robert Lang, Kirk Helfenbein, Brandon Wylie, Dr. James Kalshoven, Rev. Richard Mosley, Melanie Oppat, Sheria Jennings, Suzana Kuriadom; **Opposed:** N/A; **Abstaining:** N/A; **Absent:** Robert Bradshaw

**2. Statutory authority to close session (check all provisions that apply).**

**This meeting will be closed under General Provisions Art. § 3-305(b) only:**

(1)\_\_\_ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2)\_\_\_ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)\_\_\_ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)\_\_\_ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)\_\_\_ "To consider the investment of public funds"; (6)\_\_\_ "To consider the marketing of public securities"; (7)\_\_\_ "To consult with counsel to obtain legal advice"; (8)\_\_\_ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)\_\_\_ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)\_\_\_ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)\_\_\_ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)\_\_\_ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13)\_\_\_ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)\_\_\_ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process." (15)\_\_\_ "To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

**Continued →**



For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b)(7)	Disciplinary process and investigative files	To obtain legal advice regarding the regulatory requirements for the disciplinary process and confidentiality of investigative files.
§3-305(b)(12)	Disciplinary process and investigative files	To discuss an investigative proceeding on actual or possible criminal conduct.

3. This statement is made by Dr. Mark Bailey, Presiding Officer.

-----

(Form Rev.10/1/2018)