



Board of Funeral Service

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DRAFT BOARD MINUTES FOR MAY 8, 2024 BOARD MEETING/TELECONFERENCE

Members Present: James Jones, Vice-President
Chad Osthus, Secretary/Treasurer (via teleconference)
Michael Carlsen, Member
Sharel Delzer, Lay Member
Shawna Flax, Dept. of Health (Non-voting member)

Members Absent: Randy Brennick, President

Others Present: Brooke Tellinghuisen Geddes, Executive Secretary
Megan Borchert, General Counsel, Attorney General's Office
Jasper Diegel, SDFDA
Michael Sharkey, SDFDA
Doug Nohava, Minnehaha Funeral Home & Cremation Services
Jonathan Dyck, Osheim & Schmidt Funeral Home
Kelly Hyke, Hyke Funeral Home
Shauna Kjos-Miotke, Fiksdal Funeral Service
Mark Rustand, Rustand-Weiland Funeral Chapel
Tim Bachman, Miller Funeral Home
Robert Broderick, Osheim & Schmidt Funeral Home (via teleconference)
Jack Mitchell, NFDA

Call to Order/Welcome and Introductions: Jones called the meeting to order at 2:01 p.m. CDT.

Roll Call: Jones, yes; Osthus, yes; Carlsen, yes; Delzer, yes; Flax, yes; Brennick, absent. A quorum was present.

Public Hearing to Adopt Proposed Rules: The public rules hearing was conducted by Jones. Borchert provided a report on the draft rules and recommendations from LRC. The SD Funeral Directors Association asked for a friendly amendment to ARSD 20:45:02:01 due to the concern

regarding smaller funeral homes being open for inspection Monday through Friday from 9am to 5pm. Following discussion, the board agreed to remove the requirement for establishments to be open for inspection between those hours as the rule indicates funeral establishments must still make themselves available for inspection and refusal of inspection is still grounds for disciplinary action. Carlsen made a motion to adopt the draft rules with LRC edits for form, style, clarity and legality along with the amendment to ARSD 20:45:02:01 and correction to one typographical error. Delzer seconded the motion. **MOTION PASSED** by roll call vote: Jones, yes; Carlsen, yes; Delzer, yes; Osthus, yes; Brennick, absent.

Corrections or additions to the agenda: None

Approval of the agenda: Delzer made a motion to approve the agenda. Carlsen seconded the motion. **MOTION PASSED** by unanimous voice vote.

Public Comment: None.

Approval of the minutes from September 14, 2023: Carlsen made a motion to approve the minutes from September 14, 2023. Delzer seconded the motion. **MOTION PASSED** by unanimous voice vote.

FY Financial Update: Tellinghuisen Geddes reported fiscal year-to-date figures as of March 31, 2024: revenue of \$71,165.62; expenditures of \$67,269.11 and a cash balance of \$98,698.27.

Fee Increase Discussion: Tellinghuisen Geddes presented the financials for the last three fiscal years and indicated the board is running in a deficit and should expect to continue to run in a deficit with the current fee structure. She also indicated the board hasn't raised fees since 2009 but that expenses continue to rise each year. Tellinghuisen Geddes explained that the first step is setting an amount in statute for the fees to be capped at and then setting the actual fee at a lower amount in rules to give the board flexibility in the following years. Following discussion, the board agreed that a fee increase was needed to ensure the financial viability of the board. Carlsen made a motion to bring a bill in 2025 to increase the cap on director fees to \$400 and establishments (including both homes and crematories) to \$500. Osthus seconded the motion. **MOTION PASSED** by unanimous voice vote.

Inspection Update: Carlsen informed the board he has inspected two establishments and is just getting started. Jones will be starting sometime this summer. Both inspectors have their list of 2024 establishments that are to be inspected.

Election of Officers: Osthus made a motion to elect Jones as President. Carlsen seconded the motion. **MOTION PASSED** by unanimous voice vote. Carlsen made a motion to elect Osthus as Vice-President. Jones seconded the motion. **MOTION PASSED** by unanimous voice vote.

Legislative Updates: Tellinghuisen-Geddes and Borchert made the Board aware of the passing of HB 1117 which repealed the requirement for filing of prearranged funeral trust contracts with the Board as well as SB 57 which creates uniform procedures for the consideration of criminal histories and convictions in professional or occupational licensure. In addition, Borchert briefly mentioned bills that passed which increase board member per diem rates and travel reimbursements rates.

The Conference (ICFSEB) Annual Meeting-Jones: Jones provided a brief update on his travel to Myrtle Beach where he attended The ICFSEB Annual Meeting. Jones advised that the annual meeting next year will be in Palm Springs if another Board member wishes to attend.

SDFDA FY26 Contract Renewal: Osthus made a motion to approve the FY26 contract with SDFDA for \$2,500 to contribute to a speaker for the Annual Convention. Delzer seconded the motion. **MOTION PASSED** by unanimous voice vote.

Schedule Next Meeting: The next meeting is tentatively scheduled for October 17, 2024 at 4:00 p.m. CDT/ 3:00 p.m. MDT via Microsoft Teams.

The Board did not have a need to enter Executive Session.

Executive Secretary Contract Renewal: Delzer made a motion to approve the Executive Contract Renewal at the current rate. Carlsen seconded the motion. **MOTION PASSED** by unanimous voice vote.

Complaints/Investigations: The Board office reported complaint #170 as pending.

Any other business coming in between date of mailing and date of meeting: None.

Delzer made a motion to adjourn the meeting at 3:01 p.m. CDT. Carlsen seconded the motion. **MOTION PASSED** by unanimous voice vote.

Respectfully submitted,



Brooke Tellinghuisen Geddes
Executive Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.