

AGENDA

CONNECTICUT BOARD OF EXAMINERS OF EMBALMERS AND FUNERAL DIRECTORS

Tuesday, September 7, 2021 at 9:30 AM
Department of Public Health
410 Capitol Avenue, Hartford, CT

CALL TO ORDER

I. OPEN FORUM

II. MINUTES

Review and approval of the minutes from the June 1, 2021 meeting.

III. NEW BUSINESS

- A. Memorandum of Decision
David DeRubeis, Embalmer – Petition No. 2016-887

- B. Request to be an examiner for practical examinations
Jesse Gomes – License #002948

ADJOURN

This meeting will be held by video conference.

Board of Examiners for Embalmers and Funereal Directors via Microsoft Teams

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The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

The **Connecticut Board of Examiners of Embalmers and Funeral Directors** held a meeting on June 1, 2021.

BOARD MEMBERS PRESENT: Darrell L. McClam, Embalmer, Chairman
Frank W. Carmon, IV, Embalmer
Agnes Pier

BOARD MEMBERS ABSENT: Gerald Bosak, Jr., Embalmer

ALSO PRESENT: Jeffrey A. Kardys, Board Liaison
Alfreda Gaither, Hearing Officer

The meeting convened at 9:03 a.m. All participants were present via Microsoft TEAMS

I. OPEN FORUM

Mr. Carmon discussed the "Catholic Funeral Plan" which appears to be a funeral service contract which is being offered by the Catholic Cemeteries Association of the Archdiocese of Hartford. The Board is concerned that this offering is a violation of statutes that requires licensure pursuant to Chapter 385. The Board asked that this matter be referred to the Office of the Attorney General and to the Department of Public Health Investigations section.

II. MINUTES

The April 1, 2021 minutes were reviewed and approved on a motion by Mr. Carmon seconded by Ms. Pier.

III. NEW BUSINESS

Request to be an examiner for practical examinations

The Board reviewed a request from Jodel Vogt, Embalmer License #003127 who is offering to be an examiner for licensure practical examinations.

Mr. Carmon made a motion, seconded by Ms. Pier, to approve Ms. Vogt as a practical examiner. The motion passed unanimously

IV. ADJOURNMENT

There was no further business, and the meeting was adjourned at 9:55 a.m.

Respectfully submitted,

Darrell L. McClam - Chairman
Board of Examiners of Embalmers and Funeral Directors

**STATE OF CONNECTICUT
BOARD OF EXAMINERS
OF EMBALMERS AND FUNERAL DIRECTORS**

David DeRubeis
Embalmer License No. 002196

Petition No. 2016-887

MEMORANDUM OF DECISION

I

Procedural Background

On March 14, 2019, the Department of Public Health (“Department”) presented the Connecticut Board of Examiners for Embalmers and Funeral Directors (“Board”) with a Statement of Charges (“Charges”). Board (“Bd.”) Exhibit (“Ex.”) 1. The Charges allege that David DeRubeis (“Respondent”) violated certain provisions of Chapter 385 of the Connecticut General Statutes (“Conn. Gen. Stat.”), which would subject his embalmer’s license number 002196 to disciplinary action pursuant to Conn. Gen. Stat. §§ 19a-17 and 20-227, including § 20-227(4) and (5).

On April 1, 2019, the Charges and the Notice of Hearing were sent to Respondent, via his attorney Mary Alice Moore Leonhardt, by certified mail, return receipt requested, and email. The Notice of Hearing informed Respondent of a hearing scheduled in the matter for June 13, 2019. Bd. Ex. 3.

On April 18, 2019, Respondent filed an Answer to the Charges. Bd. Ex. 2.

On June 12, 2019, Respondent filed a Motion for Recusal of one of the Board members claiming a witness for the Department, D.S., was a former employee of the Board member. Bd. Ex. 4.

The hearing was held on June 13, 2019 and July 25, 2019. Respondent was present on both dates. On both dates, Attorney Mary Alice Moore Leonhardt represented Respondent and Attorney Diane Wilan represented the Department.

On June 13, 2019, after hearing argument from both parties and Respondent’s *voir dire* examination of D.S., the Board voted to table the Motion for Recusal because the board member who was the subject of the Motion for Recusal was not at the hearing and did not have an opportunity to be heard regarding the motion. Transcript (“Tr.”) of 6/13/19 Hearing, pp. 4-30.

On the same date, Respondent filed a Motion *in Limine* to Preclude Reference to and Evidence Relating to Text Messages (Motion *in Limine*). Bd. Ex. 5. On June 13, 2019, the Board, after hearing argument from both parties, denied Respondent's Motion *in Limine*. Tr. of 6/13/19 Hearing, pp. 31-47.

On June 17, 2019, the Board, through its Liaison, mailed a Notice of Scheduled Hearing to the parties, which continued the hearing to July 25, 2019. Bd. Ex. 6.

On July 2, 2019, the Department filed a Clarification of Connecticut Statutes and Regulations Governing Embalming Apprenticeships and Pre-Graduate Trainees. Bd. Ex. 7.

On July 8, 2019, Respondent filed an Objection and Rebuttal to the Department's Clarification Memorandum Dated July 2, 2019 with attachments. Bd. Ex. 8. On the same date, Respondent filed a Motion to Dismiss with attachments. Bd. Ex. 9.

On July 9, 2019, the Department filed its Objection to Respondent's Motion to Dismiss. Bd. Ex. 10.

On July 25, 2019, after hearing argument from both parties, the Board denied Respondent's Motion to Dismiss. Tr. of 7/25/19 Hearing, pp. 6-7.

On July 25, 2019, the Board also took no action on Respondent's Motion for Recusal due to the Board member's absence. Tr. of 7/25/19 Hearing, pp. 22-24.

The Board (excluding the member who was the subject of the Motion for Recusal) conducted the hearing in accordance with Conn. Gen. Stat. § 4-166 *et seq.* and § 19a-9a-1 *et seq.* of the Regulations of Connecticut State Agencies ("Regulations").

Following the close of the record, the Board conducted fact finding.¹ Each member of the Board involved in this decision attests that he or she was present at the hearing or has reviewed the entire record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence. *Pet v. Department of Health Services*, 228 Conn. 651 (1994).

II *Allegations*

1. In paragraph 1 of the Charges, the Department alleges that Respondent of Milford is, and has been at all times referenced in the Charges, the holder of Connecticut embalmer license number 002196.

¹ The Board member, who was the subject of the Motion for Recusal, did not participate in the hearing, fact finding, or the adoption of this Decision. Accordingly, the Board took no action on the Motion for Recusal.

2. In paragraph 2 of the Charges, the Department alleges that Respondent employed D.S., an unlicensed embalming student, at Cody-White Funeral Home in Milford, Connecticut, from approximately December 7, 2014 through March 15, 2016. D.S. was first registered by the Department to begin an embalmer's apprenticeship at Cody-White Funeral Home on February 25, 2016.
3. In paragraph 3 of the Charges, the Department alleges that at various times between December 7, 2014 and February 25, 2016, Respondent allowed D.S. to perform functions requiring an embalming or funeral directing license or registered apprenticeship, including:
 - a. Making removals, embalming bodies, and/or preparing human remains including casketing; and/or
 - b. Providing pricing information to families.
4. In paragraph 4 of the Charges, the Department alleges that at various times between December 7, 2014 and March 15, 2016, Respondent allowed D.S. to represent herself as a registered apprentice in the State of Connecticut.
5. In paragraph 5 of the Charges, the Department alleges that the above-described facts constitute grounds for disciplinary action pursuant to Conn. Gen. Stat. § 20-227, including, but not limited to:
 - a. § 20-227(4); and/or
 - b. § 20-227(5).

III

Findings of Fact

1. Respondent of Milford is and has been at all times referenced in the Charges, the holder of Connecticut embalmer license number 002196. Bd. Ex. 2, p. 1; Dept. Ex. 2, p. 1.
2. From approximately December 7, 2014 through February 17, 2015, Respondent employed D.S., as a funeral assistant at Cody-White Funeral Home in Milford, Connecticut ("Cody-White"). Bd. Ex. 2, p. 1. In this position, D.S. did office work, answered the phone, cleaned, and performed miscellaneous tasks at the funeral home that did not require a license. Tr. of 7/25/19 Hearing, pp. 92-93, 95; Respondent ("Resp.") Ex. 4, 5, 6.
3. From February 9, 2015 through May 9, 2015, the licensing section of the Department ("Licensing," a/k/a "PLIS" (Practitioner Licensing and Investigations Section)) issued D.S. a temporary permit to work as an embalmer pre-graduate trainee. Dept. Ex. 1, pp. 1, 3; Dept. Ex. 2, pp. 64-65.
4. From February 17, 2015 through May 9, 2015, D.S. worked at Cody-White Funeral Home as an embalmer pre-graduate trainee. Bd. Ex. 2; Resp. Ex. 3.

5. From May 10, 2015 through February 24, 2016, D.S. resumed her position as a funeral assistant at Cody-White. Bd. Ex. 2, p. 1; Resp. Ex. 3A.
6. On February 25, 2016, PLIS issued D.S. a temporary permit to practice as an embalmer apprentice. The permit expired on December 25, 2016. Dept. Ex. 1, p. 4; Dept. Ex. 2, p. 6.
7. From February 25, 2016 through March 15, 2016, D.S. worked as an embalmer apprentice at Cody-White. Bd. Ex. 2, p. 1.
8. The Respondent employed D.S., an unlicensed embalming student, at Cody-White Funeral Home in Milford, Connecticut, from approximately December 7, 2014 through March 15, 2016. D.S. was first registered by the Department to begin an embalming apprenticeship at Cody-White Funeral Home on February 25, 2016. Dept. Ex. 1, pp. 1, 3-4, Dept. Ex. 2, p. 64-65, 68; Bd. Ex. 2.
9. There is insufficient evidence in the record to establish that at various times between December 7, 2014 and February 25, 2016, Respondent allowed D.S. to perform functions requiring an embalming or funeral directing license or registered apprenticeship, including: making removals, embalming bodies, preparing human remains including casketing; and/or providing pricing information to families.
10. There is insufficient evidence in the record to establish that at various times between December 7, 2014 and March 15, 2016, Respondent allowed D.S. to represent herself as a registered apprentice in the State of Connecticut.

IV

Discussion and Conclusions of Law

Conn. Gen. Stat. § 20-227 provides in relevant part:

[T]he Board may take any of the actions set forth in section 19a-17 against a license or registrant if it finds the existence of any of the following grounds: . . .
(4) incompetency, negligence or misconduct in the carrying on of such business or profession; (5) violation of or noncompliance with the provisions of this chapter or the rules established hereunder. . . .

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-740 (2013). Except for allegations contained in paragraphs 1 and 2 of the Charges, the Board finds that the Department failed to meet its burden of proof as to the allegations contained in paragraphs 2 through 4 of the Charges. Findings of Fact (“FF”) 1-10.

Respondent admits that, at all times referenced in the Charges, he was the holder of Connecticut embalmer license number 002196. A preponderance of the evidence establishes that

the Respondent employed D.S., an unlicensed embalming student, at Cody-White Funeral Home in Milford, Connecticut, from approximately December 7, 2014 through March 15, 2016. A preponderance of the evidence also establishes that D.S. was registered by the Department as an embalmer's apprentice at Cody-White Funeral Home on February 25, 2016 and worked in that capacity at Cody-White Funeral Home from February 25, 2015 through March 15, 2016. FF. 2-8. There was no dispute in this case that D.S. during these time frames did not hold an embalmer's or funeral director's license. Therefore, the Department met its burden of proof with respect to the allegations contained in paragraphs 1 and 2 of the Charges. FF 1-8.

With respect to paragraphs 3 and 4 of the Charges, the Department did not meet its burden of proof of a preponderance of the evidence to prove the allegations contained therein. Based on the record before it, the Board finds that there is insufficient evidence for it to conclude that the Respondent allowed D.S. to engage in the conduct alleged in these paragraphs.

Because the Board has found insufficient evidence to support the allegations in paragraphs 3 and 4 of the Charges, there are no grounds for the Board to impose disciplinary action pursuant to Conn. Gen. Stat. § 20-227, including §§ 20-227(4) and (5). Thus, the Board is not finding on paragraph 5 of the Charges.

V

Order

Based on the record in this case, the above findings of fact and conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §§ 19a-17 and 20-227, the Board dismisses the Charges filed in the case of David DeRubeis, the holder of Connecticut embalmer license number 002196, in Petition No. 2016-887.

This Order shall become effective upon the signature of the Board chairperson.

Connecticut Board of Examiners for Embalmers,
Funeral Directors

Date

By: Darrell McClam, Chairperson

Jesse M. Gomes
20 Tanglewood Drive
Avon, Connecticut
06001

June 10, 2021

Connecticut Board of Examiners of
Embalmers and Funeral Directors
Mr. Darrell L. McClam, Embalmer, Chairman
410 Capitol Avenue, MS #13PHO
P. O. Box 340308
Hartford, Connecticut
06134-0308

Dear Mr. Chairman:

I hope this letter finds you well. I write to you to express my interest in becoming a future Practical Embalming Examiner for the State of Connecticut's Embalmer Apprentices.

My interest in being an examiner comes from my many years in funeral service and participating in multiple facets of the profession. Throughout my career I have dedicated myself to demonstrating and instilling the best practice of funeral service. I have worked to establish a strong background of technique, education, and safety, while keeping in mind the climate of change and working to advance the field. I have fostered a love for funeral service and I am eager to establish a secure future in our profession by participating in this role.

I have had the privilege of being able to administer and proctor many examinations in the academic setting specific to funeral service/mortuary science. I am well versed and familiar with both the American Board of Funeral Service Education's embalming learning outcomes and the State of Connecticut's embalming requirements and legislation.

My resume is included with this letter for your reference. Please feel free to reach out to me with any questions.

Kind regards,

A handwritten signature in black ink that reads "Jesse M. Gomes". The signature is written in a cursive style with a large, sweeping initial "J".

Jesse M. Gomes,
Licensed Embalmer and Funeral Director
MA, CFSP, CCO, CPC, Certified Celebrant,
Member-British Institute of Embalmers
Connecticut Embalmer's License Number: 2948

Enclosures

CC/Mr. Robert Binkowski, Department of Public Health, Practitioner Investigations

Jesse M. Gomes
20 Tanglewood Drive
Avon, Connecticut 06001
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(860) 978-5616

Summary

- Highly accomplished, progressive Funeral Service Professional looking to gain exposure to all unique aspects of Funeral Service. I wish to continue to develop and utilize “best practices” in the profession. I am motivated to earn further credentials from accredited and professional organizations to enhance me my practice both professionally and personally, as well to provide value to the institution I am serving. I am prepared to provide and receive constructive feedback, which will promote the betterment of Funeral Service and Funeral Service Education. My personal goals and initiatives include marketing funeral service, improving public relations and communications with the community and beyond, and expanding the Funeral Service Profession as a whole.

Skills

- Anatomical Embalming, Civilian Embalming, Specimen Procurement, Funeral Directing, Funeral Service, Funeral Service Mortuary Science Education, Crematory Operation
- At need and pre-need funeral service arranging
- Proficient in organizing a personalized remembrance ceremony for families as a Certified Celebrant
- Development of unique embalming techniques and embalming solutions to improve upon the preservation and appearance of human remains
- Higher Education Administration and accreditation (ABFSE, NECHE)
- Curriculum design, development of continuing education programs
- Executive committee duties-impacting Funeral Service policy and legislation
- Computer skills: Microsoft Office applications, Windows and Macintosh operating systems, Internet Explorer, funeral service software & Death Care Management Systems, Learning Management Systems, Zoom
- Proficient in active listening, adaptability, creativity, critical thinking, customer service, decision making, interpersonal communication, leadership, organization, public speaking, problem-solving, teamwork, troubleshooting, and outreach/public relations

Education

- | | |
|------|---|
| 2013 | <u>Lincoln College of New England (formerly Briarwood College) -
Southington, CT</u>
- Associates of Applied Science , Mortuary Science |
| 2009 | <u>Central Connecticut State University, New Britain, CT</u>
- Master of Arts , Biomolecular Sciences: Cell & Molecular Biology-
Anatomy |
| 2008 | - Bachelor of Science , Biomolecular Sciences |

Professional Experiences

Jesse M. Gomes
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- 2020-Current Quinnipiac University Frank H. Netter MD School of Medicine,
North Haven, CT, Director of Operations for the Human Anatomy
Laboratory and Director of the Anatomical Gift Program;
Embalmer/Funeral Director; Prosector in the Department of Human
Anatomy
- 2019-Current Goodwin College,
East Hartford, CT; Program Director of Funeral Service; Assistant
Professor of Funeral Service
- 2018-2019 Lincoln College of New England (Formerly Briarwood College)
Southington, CT, Program Director of Mortuary Science
- 2015-2019 Lincoln College of New England (Formerly Briarwood College)
Southington, CT, Assistant Professor of Mortuary Science, Anatomy,
General Science
- 2014-2020 Quinnipiac University Frank H. Netter MD School of Medicine,
North Haven, CT, Assistant Director of the Human Anatomy Laboratory;
Assistant Director of the Anatomical Gift Program; Auxiliary Embalmer;
Prosector in the Department of Human Anatomy
- 2018- Current Molloy Funeral Home,
West Hartford, CT, Licensed Funeral Director & Embalmer
- 2016- Current Connecticut Funeral Directors Association
Executive Committee Board Member

Certifications, Recognitions, Titles

- 2020 Inducted into the British Institute of Embalmers, MBIE
- 2019 Certified Celebrant; Insight Institution-National Funeral Directors Association
- 2017 Connecticut Funeral Directors Association, Executive Committee Board Member
- 2017 NFDA Arranger Training Certificate
- 2018 Certified Pre-Planning Consultant, CPC
- 2017 Certified Crematory Operator, CCO (Yearly Participation)
- 2015 Certified Funeral Service Practitioner, CFSP
- 2014 Licensed Embalmer & Funeral Director, State of Connecticut, 2948

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Professional Organizations

- Connecticut Funeral Directors Association (CFDA)
- National Funeral Directors Association (NFDA)
- National Funeral Directors & Morticians Association (NFDMA)
- Academy of Professional Funeral Service Practice (APFSP)
- Cremation Association of North America (CANA)
- American Board of Funeral Service Education (ABFSE)
- International Cemetery, Cremation & Funeral Association (ICCFA)
- University Mortuary Science Education Association (UMSEA)
- Selected Independent Funeral Homes
- Order of the Golden Rule (OGR)
- British Institute of Embalmers (MBIE)

References

- Dr. Betsey C. Smith, Associate Dean, School of Health Sciences, Quinnipiac University, Betsey.Smith@Quinnipiac.edu, (203) 582-8327
- Dr. Maureen Helgren; Director of Anatomy, Frank H Netter MD School of Medicine; Maureen.Helgren@Quinnipiac.edu, (203) 582-8681
- Mr. John Cascio, Executive Director, Connecticut Funeral Directors Association, connfda@aol.com, (860) 721-0234
- Mrs. Amanda B. Portelance, MA; Assistant Professor of Funeral Service, Goodwin College; APortelance@Goodwin.edu, (203) 988-9267
- Ms. Shauna K. Molloy, Funeral Director/ Embalmer, President/ Owner of Molloy Funeral Home, smolloy@molloyfuneralhome.com (860) 232-1322