

West Virginia Board of Funeral Service Examiners  
SPECIAL BOARD MEETING  
July 14, 2017

This was a Special meeting called for the purpose of conducting settlement negotiations in the Harding matter and was conducted via telephone. Members present by telephone were Ira Handley, John Taylor, Sally Attili, Ron McVey, Bill Davis, Craig Rotruck and David Deal. Non members present in the Board Office were Regina Anderson, Executive Director, Connie Sloan and Mark Weiler, Assistant Attorney General.

Mr. Handley brought the meeting to order and turned it over to Mark Weiler to explain the proposal from Mr. Harding's attorney. Mr. Weiler stated that before going into Executive Session to consider the proposal he wanted to make sure that the members had no conflict of interest in the matters to be discussed. He then asked David Deal if he did business with Tri-State Mortuary Service and Mr. Deal responded "yes". When asked why, Mr. Deal responded "because he's cheaper than the others." Mr. Weiler asked him whose name was on those papers and he said Chad Harding. Mr. Weiler said "then you don't think you have a conflict because you use his services?" Mr. Deal responded, "No I do not, I don't talk with him and I hardly ever see him, I deal with his drivers. We aren't buddies or anything, we don't go to dinner or socialize and I don't know why you are picking on me."

Mr. Weiler then asked if anyone else might have a conflict, like attending church or something. There was no response. Mr. Weiler advised the Board that Mr. Harding and his attorney were in another location in the office in order to facilitate the settlement negotiations.

John Taylor moved, seconded by Bill Davis, to go into Executive Session. John Taylor, Craig Rotruck, Bill Davis, Ron McVey, Sally Attili and David Deal voted in favor of the motion. There were no opposing votes.

The motion to return to public session was made by Sally Attili, seconded by Bill Davis and those voting in the affirmative were John Taylor, Ron McVey, Craig Rotruck, David Deal, Bill Davis and Sally Attili. There were no opposing votes.

Craig Rotruck, seconded by John Taylor, moved that the Board attorney offer a counter offer to Chad Harding's attorney within the parameters discussed in Executive Session. Those voting in favor of the motion were John Taylor, Ron McVey, Craig Rotruck, David Deal, Bill Davis and Sally Attili. There were no opposing votes.

The offer as discussed in Executive Session was presented by Mr. Weiler to Mr. Harding's attorney and they responded with a counter offer. David Deal moved, seconded by Sally Attili to go into Executive Session to discuss the counter offer. Those voting in the affirmative John Taylor, Ron McVey, Craig Rotruck, David Deal, Bill Davis and Sally Attili. There were no opposing votes. After some discussion, Ron McVey moved, seconded Sally Attili, to return to public session.

David Deal moved, seconded by Craig Rotruck, that the Board submit a counter offer to Mr. Harding's attorney within the terms and conditions discussed in Executive Session. Voting in the affirmative were Craig Rotruck, Ron McVey, Sally Attilli, and David Deal. Those opposed were John Taylor and Bill Davis. The motion carried on a 4-2 vote.

John Taylor moved, seconded by Bill Davis, that the Board attorney be authorized to negotiate the terms of any probation period. Voting in the affirmative were Craig Rotruck, David Deal, Sally Attilli, Bill Davis and John Taylor. Noting NO was Ron McVey. The motion carried on 5-1 vote.

At this time David Deal had to leave to attend a funeral.

Mr. Weiler left the room to meet with Mr. Harding's attorney to go over the offer by the Board. Mr. Weiler informed the Board that after she had conferred with her client, they had a counter offer. Ron McVey moved, seconded by Sally Attilli that the Board return to Executive Session to discuss the offer. Those voting in the affirmative were John Taylor, Ron McVey, Craig Rotruck, Bill Davis and Sally Attilli. There were no opposing votes.

After discussing the latest proposal, Bill Davis moved, seconded by Ron McVey to return to public session. Those voting in the affirmative were John Taylor, Ron McVey, Craig Rotruck, Bill Davis and Sally Attilli. There were no opposing votes.

Ron McVey moved, seconded by Craig Rotruck to accept the proposal by Mr. Harding's attorney. Those voting in the affirmative were Craig Rotruck, Ron McVey and Sally Attilli. John Taylor and Bill Davis voted NO.

John Taylor requested that the Minutes reflect his NO vote on the proposal.

Sally Attilli moved that the Board adjourn. Ron McVey seconded the motion. John Taylor, Ron McVey, Craig Rotruck, Bill Davis and Sally Attilli voted in the affirmative. There were no opposing votes

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Executive Director

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Board President

THE CURRENT BOARD MEMBERS WERE NOT ON THE BOARD AT THIS TIME AND CAN NETHER ACCEPT OR REJECT THESE MINUTES AND INSTRUCTS THE EXECUTIVE DIRECTOR TO PLACE THE SAME IN THE BOARD'S MINUTES BOOK.  
9/25/2018