

West Virginia Board of Funeral Service Examiners  
BOARD MEETING - MORGANTOWN, WV  
June 9, 2014

The meeting was called to order at 1:00 p.m. by President Chad Harding. Members present: Chad Hutson, Keith Kimble, Ira Handley, and John Fahey. Sarah Lobban and Chad Harding attended via telephone conference call. John Stump was absent. Non members present, Regina Foster, Executive Director and Constance Sloan, Administrative Assistant.

Keith Kimble moved to go into Executive Session pursuant to WV Code 6-9-4(4), seconded by John Fahey. The motion carried unanimously.

On motion of Chad Hutson, seconded by John Fahey , the Board voted to return to public session

The Board then moved to the recommendations of the Complaint Committee as follows:

COMPLAINT 2013-16

The Complainants daughter died in Seattle, WA and was cremated. Her ashes were shipped to complainant for burial in WV. To make a long story short, on January 23, 2013 she met with Tim Sizemore, the owner of the Stockert-Sizemore Funeral Home and arranged for the burial, purchase of a monument and for the funeral director to have a priest bless the grave. At the initial meeting she paid a deposit to the Mr. Sizemore in the amount of \$150 and later paid the balance of \$332 on her credit card. After going home she noticed the name was misspelled and called the funeral director who said he would have it corrected. He was supposed to contact the family when the grave was ready but did not do so.

On Memorial Day 2013 she visited the grave site and the monument had the daughter's last name misspelled even though the funeral director had assured her that it would be corrected before it was even cut. She claims she made numerous other calls to the funeral home with no success.

Later, she talked with Anthony Palette who advised he was buying the funeral home and met with him and he said he would take care of the situation. She told him about the cremation jewelry she had left at the mortuary which were to have ashes put in them and that her daughter's fiance was to take a small amount of ashes with him to Europe to scatter. Mr. Paletti told her she needed to buy a special thing t carry ashes out of the country and that the cost was \$50 which she paid to him at that time.

In October 2013 she talked to Mr. Paletti again and states that he told her it was not his problem and she should look to the former funeral director (Tim Sizemore)

to have the matters taken care of. In December 2013 having received no resolution of these matters she filed a complaint with the Board.

Tim Sizemore refused to answer the complaint and in a telephone call with the Board office stated he was practically bankrupt and living with a relative and had no source of income which I believe to be untrue. Anthony Paletti filed an answer and stated that he did not become the owner until December 19, 2013 and was not responsible for anything the former owner said or did.

The representations made by Anthony Paletti are not completely true. He was actively involved with that funeral home for the majority of 2013, even placing ads in the newspaper with his picture and adding his name to the funeral home. Board personnel personally told the him that he could not do what he did without the ownership of the funeral home being transferred to him. As a result, what happened is that the other person who was a partner of the former owner and who held a lien on the property, foreclosed and Anthony Paletti then bid it in. Even then, it was several weeks before the paperwork was filed in the Board office and only after he was called and told either get the paperwork here or close up did the Board finally get the paperwork for the new ownership of the funeral home.

The complainant instructed the Board not to bring the complaint before the Committee in February as she was trying to get the matter resolved with Mr. Paletti. She has now advised us that the ashes are buried in the grave that has been blessed by the priest and that she does not wish to proceed with the complaint.

The Complaint Committee recommends dismissal of the complaint with a letter being written to Mr. Paletti that his involvement with the funeral home prior to his purchase of the funeral home did obligate him to take responsibility for the actions of the former owners in this matter just as he is responsible to any problems which may occur with preneeds.

#### COMPLAINT 2014-02

Complainant's mother died on December 4, 2013 and her body was transported to Frey Funeral Home sometime later, approximately 9 hours later. The complainant states that the Mr. Frey told them that something had gone wrong in the embalming process having to do with tissue gases and that she could not be shown. Complainant says he suggested cremation and that they thought her body had already been sent to the crematory and she demanded to see the body, which she did. She then complains he did not get the death certificates and that they had to do it, however, it seems that the problem was that Hospice had not processed the death certificates.

Mr. Frey responds with a detailed description of the measures he took in the embalming process, and that his reference to cremation had to do with authorization for embalming. He further states that the complainant has not paid the bill and only complained after receiving a second notice.

The complainant received a copy of the funeral director's response. She was advised that the invoice submitted was within the prices on his price list and that she had, in fact, received a \$950 discount. We have received no response from her.

Mr. Frey can be brusque at time, however, he has always been fair with his consumers. It is true he should have given her a Statement of Goods and Services at the time of the arrangements conference or no later than the day of the funeral, however, I he stated he wanted to have the correct amounts for obituary costs, etc. As Hospice had not processed the death certificate he could not file it with Vital Registration.

Complaint Committee recommended dismissal of the complaint with a letter to the funeral director that in the future if he does not have the costs of certain cash advance items that he make a good faith estimate and give the family the Statement of Goods and Services at the time of the arrangements conference but no later than the day of the funeral. If the costs are less, he can refund money, if they are more he can bill for the difference. He would, of course, indicate on the Statement that these are estimated costs.

On motion of Chad Hutson, seconded by Ira Handley, the recommendations of the Complaint Committee were unanimously accepted by the Board.

On motion of John Fahey, seconded by Sarah Lobban, the Minutes of the February 4, 2014 meeting were approved unanimously.

On motion of Chad Hutson, seconded by John Fahey, the Financial Reports for January, February, March and April, 2014 were unanimously approved.

On motion of Ira Handley, seconded by Keith Kimble, the P-Card reports for January, February, March, April and May, 2014 were unanimously approved.

The Board was then updated on the criminal process for James Patton and Elk Funeral Home and the latest filing against Broyles-McGuire Funeral Home by the Attorney General.

The Board then discussed holding continuing education seminars in several locations around the State in September, October and early November. The Board was advised that the money had been set aside in the budget for payment of instructors, meeting rooms, etc. On motion of Chad Hutson, seconded by Sarah Lobban, the Board voted unanimously to hold the seminars and instructed the Board staff to proceed with plans for the same.

The need to fill the vacant position of Administrative Assistant was discussed, and on motion of John Fahey, seconded by Ira Handley, the Board unanimously voted to fill the position. Starting salary is to be \$35,000. The President and Secretary of the Board are to interview prospects and decide on the person to ultimately be hired.

The matter of election of officers of the Board was next on the Agenda. Chad Hutson made the motion that Chad Harding continue as President of the Board. The motion of seconded by Keith Kimble. There being no other nominees, the Board voted unanimously to elect Chad Harding as the President.

Chad Hutson then moved that John Stump continue as the Secretary of the Board, seconded by Sarah Lobban. There were no other nominees and the Board voted unanimously to elect John Stump as Secretary of the Board.

The following licenses were signed:

Funeral Homes

Hafer Funeral Home  
Myers Chapel

Funeral Directors

MarkS. Strickland (Duplicate)  
Deborah R. Tiller (Duplicate)

Crematories

Tri-State Cremation Society

Apprentices

Nathaniel C. Anderson  
Anthony M. Domico  
Jordan Lee Fenner  
Joshua J. Green  
Leslie J. Murray  
Andrew J. Reger

Crematory Operator

Blaine W. Means

The next meeting of the Board will be at the Board's office on October 7, 2014 at 1:00 pm with the Complaint Committee meeting at 10:00 am. that day.

There being no other business to be considered, on motion of Ira Handley, seconded, by Chad Hutson, and unanimously adopted, the meeting was adjourned.

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Chad R. Harding, President

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Regina J. Foster, Executive Director