

West Virginia Board of Funeral Service Examiners

BOARD MEETING  
Charleston, West Virginia  
January 14, 2009

The meeting was called to order at 1:00 p.m. by President Ben F. Williams. Members present: Chad A. Hutson, John S. Stump, John Attilli and Raymond Tomassene. Nonmember present: Constance Sloan, Executive Director.

Chad moved the Board go into Executive Session to discuss the recommendations of the Complaint Committee. The motion was seconded by John Attilli and carried unanimously. After a discussion of the recommendations, on motion of Raymond Tomassene, seconded by Chad Hutson, the Board voted unanimously to return to public session.

On motion of Raymond Tomassene, seconded by Chad Hutson, the Board voted unanimously to accept the recommendations of the Complaint Committee as follows:

**Complaint No. 2008-04:** The Committee found no evidence of a failure to practice within the customary and accepted standards of practice with regard to preparation, embalming, and casketing and that there is no evidence showing that there is a violation of any provision of the Embalmers and Funeral Directors Practice Act or rules of the Board or that Mr. Mathena was guilty of any of the acts contained in West Virginia Code 30-6-23 which would require the Board to take disciplinary action against his license. The Board accepts the recommendations of the Complaint Committee and this case is dismissed.

**Complaint No. 2008-05.** The Chambers & James Funeral Home sent letters to clients who had transferred preneed funeral contracts to the complaining funeral home. The letters in question contained derogatory remarks about the funeral director and also contained misstatements of fact regarding the law in the event the funeral home should close. The Committee recommended the defendant be formally reprimanded for the letter sent to a former client which is the subject of this complaint and that he be reminded that as the Licensee-in-Charge that he is responsible for the conduct of his employees. The Committee felt, however, that there was no reason to proceed further against the license of the defendant. The Board accepted the recommendation of the Committee, directed the Executive Director to send the funeral director a letter consistent with the recommendations of the Committee and voted to close the case.

The Minutes from the November 5, 2008 meeting were reviewed. There being no amendments or revisions offered, on motion from John Attilli, seconded by Raymond Tomassene, the minutes were unanimously approved.

The financial report for November, 2008 was reviewed. On motion of John Attili, seconded by Raymond Tomassene, the financial statement was unanimously approved. The P-Card purchases for the same period was reviewed and on motion of John Attili, seconded by Raymond Tomassene, the Purchase Card purchases were unanimously approved

The Board then discussed payment of dues to FARB John Attili moved, seconded by John Stump that the Board pay the annual dues to FARB. The motion carried unanimously.

The Board then discussed the matter of an apprentice whose license application indicated that he did not owe back child support at the time he applied for apprenticeship and an email received by the Director from Anthony Eates, AAG, relating to the “contract employment” of the apprentice by a funeral home. The Board then directed the Executive Director to contact Mr. Eates and ask him if making false statements is grounds for disciplinary action. On motion of John Attili, seconded by Chad Hutson, the Board voted to require the apprentice to appear at the March 2009 meeting to explain his actions.

Due to weather problems, Steve Varner and Craig Rotruck were unable to attend the Continuing Education Committee meeting scheduled earlier in the morning, therefore there were no recommendations from the CE Committee to be presented to the Board.

Licenses were signed for the following individuals and establishments:

**Funeral Directors:**

Fred Bailey  
James R. Krebbel  
Keith Boback  
Rebekah E. Cline (duplicate)

**Apprentices:**

C. Leon Houchins

On motion of Raymond Tomassene, seconded by John Stump, the Board adjourned at 1:40 pm.

---

Ben F. Williams, President

---

Constance Sloan, Executive Director