

West Virginia Board of Funeral Service Examiners

BOARD MEETING
Charleston, West Virginia
June 9, 2009

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

Raymond Tomassene moved the Board go into Executive Session for the purpose of discussing the Complaint Committee recommendations. The motion was seconded by Craig Rotruck and carried unanimously.

After discussion of the Committee's recommendations, Chad Hutson moved the Board return to public session. The motion was seconded by Raymond Tomassene and carried unanimously.

John Attili moved the Board accept the following recommendations of the Complaint Committee:

COMPLAINT 2009-01

The complainant alleges that David Hardman of Hardman-Paletti Funeral Home in Weston, West Virginia, illegally exhumed her mother's body and failed to notify the family and minister of the date and time of the exhumation. The family learned of the exhumation when a family member drove by the cemetery and saw the grave being opened. The Division of Vital Registration has no record of a disinterment permit being issued to Hardman-Paletti Funeral Home for that disinterment and there were no legal proceedings filed in the Circuit Court, as required by law, for an exhumation. The funeral director, who has been practicing for approximately 30 years states he was unaware of the legal requirements for disinterment and exhumation.

The Committee found that all funeral directors had been advised with the past two years of the legal requirements for disinterments and exhumations and recommended that the Board send a stern letter of REPRIMAND to the funeral director for his failure to follow procedures established by law for disinterments and exhumations and for his failure to arrange for the presence of the family and their minister as they had requested. The Committee further recommends that the funeral director be required to take a course in ethics and submit proof to the Board of completion of the course.

COMPLAINT 2009-02

The complainant alleges that Fred A. Myers, Jr. and Frederick D. Myers, LIC of Myers Funeral Home in Elkview, West Virginia, engaged in fraud, dishonesty, deceit and unethical conduct in obtaining the its services. The respondents wilfully ignored two letters from the Board's Director asking for a written response to the complaint, as required by law.

The Committee found that the respondents obtained the services of the complainant by faxing to them a copy of a check purportedly written as payment in full for the services to be obtained from the complainant, in lieu of furnishing a credit card which was a requirement by the complainant for furnishing the services. Myers was purportedly mailing the check that day. Based on the representation os Myers that the check was being mailed that day, the complainant furnished the services requested. The check, however, was not mailed.

The Committee recommended that the respondents be REPRIMANDED and put on notice that further such activities may result in harsher sanctions. The Committee also recommends that the Board require Fred A. Myers, Jr. and Frederick D. Myers to appear at the next Board meeting to explain their willful failure to respond to the complaint as required by law.

COMPLAINT 2009-03

Jeffrey J. May, Sr. was indicted for embezzlement of money from the funeral home where he was employed. On March 13, 2009, the Director sent a letter to the respondent notifying him that the Board had been advised of his arrest on embezzlement charges and possible unprofessional conduct and requested a response from him to the allegations.

The respondent contacted the Director and advised he did not wish to go through the process of a disciplinary hearing and would voluntarily surrender his license and sign a Consent Agreement to that effect. The respondent has signed a Consent Agreement which revokes his license. The Committee recommends that the Consent Agreement be approved by the Board and that the President sign the Agreement on behalf of the Board.

Raymond Tomassene seconded Mr. Atilli's motion and the Board voted unanimously to adopt the recommendations of the Complaint Committee REPRIMANDING David Hardman and requiring him to take a course in ethics and submit proof to the Board; REPRIMANDING Fred A. Myers, Jr. and Frederick D. Myers and placing them on notice that further such activities may result in harsher sanctions; and to accept the voluntary surrender of the license of Jeffrey J. May, Sr. and authorizing the President to sign the Consent Agreement on behalf of the Board.

The Board then considered the request of Randy Heath Curry for an extension of one year in which to complete his apprenticeship. The Board, finding there is no reason to deny the request, on motion of John Stump, seconded by Raymond Tomassene, voted unanimously to extend Mr. Curry's apprenticeship one additional year.

The Minutes from the March 4, 2009 meeting were reviewed. Steve Varner noted that the Minutes should be amended to reflect that he and Craig Rotruck were both present. Chad Hutson also noted that he was supposed to participate via teleconference but due to telephone equipment problems was unable to do so. John Attilli moved that the Minutes of March 4, 2009 be approved with the amendments as to attendance. The motion was seconded by Chad Hutson and unanimously carried.

The financial reports for February, March and April 2009 were reviewed. On motion of John Attilli, seconded by Steve Varner, the financial statements were unanimously approved.

The P-Card purchases for the same period were reviewed and on motion of John Attilli, seconded by Steve Varner, the Purchase Card purchases were unanimously approved

Licenses were signed for the following individuals and establishments:

Funeral Directors:

Jonathan D. Clutter
Nicholas Todd Rine
Anthony M. Paletti
Noah Matthew Hinzman

Apprentices:

Kimberly Smith
C. Leon Houchins
Jeffrey L. Schuetz
Scott S. Fields, Jr.

Courtesy Cards:

Jeffrey K. Turner

Funeral Homes:

Stockert-Gibson-Sizemore Funeral Home (change of ownership)
Waybright Funeral Home (combined Waybright & Vail funeral homes)

Ben Williams then presented to Steve Varner a plaque acknowledging his service to the Board and expressed his appreciation for Mr. Varner's service and commitment to the Board. The plaque had been signed by the Board members.

The Board then moved to election of officers. John Attilli nominated Ben Williams to serve as President. The nomination was seconded by Craig Rotruck and the Board voted unanimously to continue Mr. Williams as President.

Steve Varner then nominated Raymond Tomassene for the office of Secretary. The nomination was seconded by Craig Rotruck and the Board voted unanimously to continue Mr. Tomassene as Secretary.

The Board discussed finalizing continuing education programs which will be offered to licensees in early spring. The Executive Director stated she would present to names of possible instructors and courses to be presented at the next Board meeting.

The next regular meeting of the Board will be October 7, 2009. The Board will also meet February 10, 2011 in conjunction with the Association Mid-Winter meeting.

On motion of John Attili, seconded by Craig Rotruck, the Board adjourned at 2:15 p.m.

Ben F. Williams, President

Constance Sloan, Executive Director