

West Virginia Board of Funeral Service Examiners
BOARD MEETING
September 25, 2018

A quorum of the Board being present, the meeting was called to order at 1:00 p.m. by Eugene Fahey, President. Members in attendance were Robert Fields, Brian Nichols, Ron Waybright, Fred Kitchen and Rich Bishoff.. Non members present were Regina Foster, Executive Director, Constance Sloan, Mark Weiler, Assistant Attorney General, by telephone, and Romanda Marling, Esq.

On motion of Fred Kitchen, seconded by Ron Waybright, the Board voted unanimously to go into Executive Session, pursuant to WV Code §6-9A-4(b)(A), for the purpose of discussing pending litigation. Rich Bishoff recused himself from the discussion and left the room. Ms. Marling also left the room.

On motion of Fred Kitchen, seconded by Ron Waybright, the Board voted unanimously to return to public session. Rich Bishoff and Romanda Marling then returned to the room.

The Minutes of meetings held on September 27, 2016, July 5, 2017, July 14, 2017 and July 25, 2016 were received and reviewed by the members of the Board and on motion of Brian Nichols, seconded by Rich Bishoff, the Board voted to neither accept or reject those minutes and instructed the Executive Director to place the same with the disclaimer in the Board's Minutes Book.

The Minutes of the Board for June 29, 2018 and July 19, 2018, were reviewed and on motion by Robert Fields,, seconded by Brian Nichols, those minutes were unanimously approved.

Brian Nichols moved that the PCard expenses for July 1, 2018 through August 31, 2018 be approved. The motion was seconded by Fred Kitchen and the members voted unanimously to approve the same.

On motion of Ron Waybright, seconded by Fred Kitchen, the Financial Reports for July 15, 2018 through September 15, 2018 were unanimously approved.

On motion of Rich Bishoff, seconded by Ron Waybright, payment for the dues to WV Association of Licensing Boards was unanimously approved.

The Board then took up the matter of the application by James (Jamie) Brogan for reciprocal license. After some discussion, Brian Nichols moved, seconded by Rich Bishoff, that Mr. Brogan be required to appear before the Board at its next meeting on January 8, 2019, at which time he was to bring a current application, complete with the names, addresses and telephone numbers of the funeral homes you have been employed at for the past five (5). The motion carried unanimously.

The Board then reviewed and discussed the request by Frederick D. Myers for reinstatement of his license without complying with the Board's order of April 2012. Fred Kitchen moved that the Board deny the request. The motion was seconded by Robert Fields and passed by unanimous vote.

The Board then discussed the matters raised by Bridget Adkins relating to requiring a funeral home to change or delete a former owners name from the funeral home name. Brian Nichols moved, seconded by Ron Waybright, that the Board take no action on the matter as the Board has no statutory authority to do so. The motion carried unanimously.

The Board then took up the recommendations of the Complaint Committee as follows:

Complaint 2018-01 (Matics Funeral Home). On motion of Fred Kitchen, seconded by Rich Bishoff, the Board voted unanimously to dismiss the complaint as there is no violation of the Funeral Service Examiners Act.

Complaint 2018-01A (Charleston Mortuary Service). On motion of Fred Kitchen, seconded by Rich Bishoff, the Board voted unanimously to REPRIMAND the Licensee in Charge, Thomas VanMeter, and to place him on six (6) months probation for violating Rule 6-1-2.8.5 prohibiting a mortuary service from offering services to the public under any circumstance.

Complaint 2018-02 (Gregory Page Funeral Home). Fred Kitchen moved, seconded by Rich Bishoff, that the complaint be dismissed as there was no violation of the Funeral Service Examiners Act. The Board voted unanimously to dismiss the complaint.

Complaint 2018-03 (Reger Funeral Home). On motion of Fred Kitchen, seconded by Rich Bishoff, the Board voted unanimously to dismiss the complaint but to advise the funeral home that in the future they should provide other funeral homes with a completed Statement of Goods and Services and retain a signed copy in their file.

On motion of Robert Fields, seconded by Rich Bishoff, the Board voted to return to public session.

Licenses were signed for the following:

Funeral Directors:

Brittany M. Carr
Lori A. Mersing

Crematory Operators:

Andria D. LaFontaine
David A. Taylor

Apprentices:

James R. Woods, Jr.
David S. DeLawder

Funeral Homes:

Lobban Funeral Home, LLC (new ownership)

The next meeting date will be January 8, 2019, at 1:00 pm. Complaint Committee will meet at 10 am that same day.

There being no further business to be conducted, the Board adjourned.

Executive Director

Board President