

Board Of Funeral Service Examiners  
Board Meeting

September 11, 2019  
9:00 a.m.

Members, Staff & Attorney Present: Eugene Fahey, President, Robert Fields, Bryan Nichols, Ronald Waybright, Rich Bischoff, Fred Kitchen and John Valentine, Regina Anderson, Executive Director and Anthony Eates, Attorney

Guests Present: John Thaxton, Caleb David, Natalie Schaefer, J.W. Casto, Robert C. Kimes, Stephen Leavity and Linda Lyter

Call meeting to order at 9:00 by president of the board - Quorum established.

A motion is made by Rich Bischoff to approve the meeting minutes for July 2, and amended July 18, 2019 minutes to reflect the correction to the spelling of Anthony Eates last name. Seconded by John Valentine. Motion approved.

The president requested the agenda items be moved around due to guests being in attendance. A consensus is made to move the complaint committee recommendation to follow the approval of the prior board meeting minutes on the agenda. There is a consensus of the board for no action to be taken on complaint # 2019-06. A motion is made by Bryan Nichols to dismiss the complaint with no board action. Seconded by Rich Bischoff. Motion approved.

A motion is made by Fred Kitchen to accept the resignation of the Office Manager, Constance Sloan, in relation to the consideration of continued employment or discharge. Seconded by Robert Fields. Motion approved.

Regina Anderson requested the discussion of the continuation or discharge of her employment be considered in open session.

Discussion of consideration of continued employment or discharge of the executive director. A motion is made by Robert Fields to discharge the executive director, Regina Anderson. Seconded by Fred Kitchen. Motion approved. The board thanked Regina for her years of service to the Board and wished her well. She was dismissed from the meeting and requested to leave the office as soon as possible. The last day of her employment is at the end of the current pay period which is Friday September 13, 2019. A short recess was called at 9:12 a.m.

The Board reconvenes the meeting following a 20 minute recess.

Gene Fahey, president asks Linda Lyter if she would agree to serve as the temporary executive director for the board. Lyter agrees. A motion is made by Rich Bischoff to hire Linda Lyter as interim executive director.

A motion is made by Rich Bischoff that unemployment compensation would be covered for a former employee who is discharged with no cause. Seconded by Bryan Nichols. Motion approved.

Interim Executive Director Salary - A motion is made by John Valentine for the amount of the annual salary of \$28,000 for Linda Lyter, the interim executive director effective immediately. Seconded by Ron Waybright. Motion approved.

Memorandum Of Understanding - A motion is made by John Valentine for the Board of Funeral Service Examiners to be included in the updated Memorandum of Understanding with the following boards: Massage Therapy Licensure Board, Board of Acupuncture and the Board of Sanitarians; to include the reimbursement for the executive director salary and any taxes or fees associated to the salary amount; to include duties and responsibilities for an administrative assistant at the same hourly rate as the administrative assistant position for the Massage Therapy Board. Seconded by Bryan Nichols. Motion approved.

A motion made by Rich Bischoff to adjourn the meeting, seconded by Bryan Nichols. Motion approved.

Board Of Funeral Service Examiners  
Emergency Board Meeting  
Conference Call Meeting  
September 13, 2019  
1:30 p.m.

Members present via conference call: Eugene Fahey, President, Bryan Nichols, Ronald Waybright, Rich Bischoff, Fred Kitchen and JohnValentine.

Absent: Robert Fields

Staff Present: Linda Lyter, Interim Executive Director

Call meeting to order at 1:30 by president of the board - Quorum established.

Personnel Matters: Annual leave payment for former executive director.

A motion is made by Rich Bischoff to approve the payment of the annual leave balance for the former executive director, whereas, she would remain on the payroll until her annual leave is exhausted and to also include the insurance coverage until her leave is exhausted. Seconded by Fred Kitchen. Motion approved.

A motion is made by Rich Bischoff that unemployment compensation would be covered for a former employee who is discharged with no cause. Seconded by Bryan Nichols. Motion approved.

Interim Executive Director Salary - A motion is made by John Valentine for the amount of the annual salary of \$28,000 for Linda Lyter, the interim executive director effective immediately. Seconded by Ron Waybright. Motion approved.

Memorandum Of Understanding - A motion is made by John Valentine for the Board of Funeral Service Examiners to be included in the updated Memorandum of Understanding with the following boards: Massage Therapy Licensure Board, Board of Acupuncture and the Board of Sanitarians; to include the reimbursement for the executive director salary and any taxes or fees associated to the salary amount; to include duties and responsibilities for an administrative assistant at the same hourly rate as the administrative assistant position for the Massage Therapy Board. Seconded by Bryan Nichols. Motion approved.

A motion made by Rich Bischoff to adjourn the meeting, seconded by Bryan Nichols. Motion approved.

Board Of Funeral Service Examiners  
Board Meeting  
179 Summers Street, Suite 319  
Charleston, WV 25301

October 28, 2019  
1:00 p.m.

Members, Staff & Attorney Present: Eugene Fahey, President, Robert Fields, Rich Bischoff, Fred Kitchen, Bryan Nichols, John Valentine, Ronald Waybright, Linda Lyter, Executive Director, Kendra Zamora, Administrative Assistant, Grady Bowyer, John McDowell, Greg Nowlin, Inspector and Anthony Eates, Attorney

Guests Present: None

Call meeting to order at 1:00 by president of the board - Quorum established.

A motion is made by Bob Fields to approve the meeting minutes for September 11 and September 13, 2019. Seconded by Bryan Nichols. Motion approved.

James Brogan appeared before the board regarding license requirements for reciprocity. He was instructed that he needs to pass the state rules and regulations exam prior to becoming licensed in WV.

Lyter presented finance report to the board. Motion made by Bryan Nichols to approve the finance report. Seconded by Rich Bischoff. Motion approved.

Lyter presented P-card report for September and October 2019. Motion made by Fred Kitchen to approve the P-card report, Seconded by Bryan Nichols. Motion approved. Lyter presented the board with a copy of the Purchasing audit report. The response to the audit is due in January 2020. A motion is made by Bob Fields to acknowledge receipt of the report. Seconded by Fred Kitchen. Motion approved.

Lyter to provide executive director report: Update on status of required rules that were passed during the special legislative sessions this year. License applications are current and printed. Lyter noted it's been a team effort among all staff and the board during this transition period. Thanks to everyone.

Motion is made by John Valentine to go into executive session and seconded by Rich Bischoff. Motion approved.

Discussion of personnel matters - need to schedule a conference call as soon as possible.

A motion is made by John Valentine to come out of executive session. Seconded by Fred Kitchen.

Motion approved.

A motion to approve continuing education providers for National Funeral Director's Association (NFDA) and Preferred Funeral Directors International/MJK Marketing. Seconded by Ron Waybright. Motion approved.

Work session: Lyter mentioned the availability of a grant to attend The International Conference of Funeral Service Examiners, Inc.'s. annual meeting in February 2020. Must submit grant application for approval by the national board. A motion is made by John Valentine for Lyter to apply for the grant to attend. Seconded by Rich Bischoff. Motion approved.

Discussion of online education programs, arrangements of funeral services, training & supervision and general pricing lists.

The board also discussed the need to update the website and to add Frequently Asked Questions (FAQ's) to the website. The board members are to submit questions and answers to be added to the website.

Discussion of cremations in relation to procedures and signing off on them.

Board would like to continue with work sessions at various times throughout the year.

Board would like a job description for each employee position.

Next meeting will be held on November 14, 2019 for a conference call meeting

Next regular scheduled meeting to be held on December 10, 2019 at 1:00 p.m.

Motion made by John Valentine to adjourn meeting. Seconded by Rich Bischoff. Motion approved.

Board Of Funeral Service Examiners  
Board Meeting  
Conference Call Meeting  
November 14, 2019  
3:00 p.m.

Members present via conference call: Eugene Fahey, President, Bob Fields, Bryan Nichols, Ronald Waybright, Rich Bischoff, and John Valentine.

Absent: Fred Kitchen

Staff Present on call: Linda Lyter, Executive Director, John McDowell, Grady Bowyer, Alice Long and Anthony Eates, Board Attorney

Call meeting to order at 3:05 by president of the board - Quorum established.

Personnel Matters: To consider continuation or termination of employment for inspector, M. Talbott and to increase hourly rate for A. Long.

Lyter provides the board with salary overpayment information for Talbott. A motion is made by Rich Bischoff to terminate the employment of Michael Talbott, effective immediately. Seconded by Bob Fields. Motion approved.

Rich Bischoff makes a motion to authorize the board attorney to take the necessary action to recoup the overpayment of funds to Talbott that include overpayment of taxes and standard deductions. Seconded by Bob Fields. Motion approved.

Lyter provides the board with information relating to the hourly rate for Alice Long. A motion is made by Rich Bischoff to increase the hourly rate from \$10.00 per hour to \$12.00 per hour for Alice Long. Seconded by Bryan Nichols. Motion approved. Lyter to submit to payroll.

Lyter updates the board regarding the licenses to be signed at the December meeting.

Discussion of board members to provide questions and answers for a Frequently Asked Questions (FAQ) section for the website to be e-mailed to Lyter for the December board meetings. Other issues with website were discussed.

A motion made by Rich Bischoff to adjourn the meeting, seconded by Ron Waybright. Motion approved. Next meeting is scheduled for December 10, 2019 at 1:00 p.m.

---

Linda Lyter, Executive Director

---

Eugene Fahey, President

Board Of Funeral Service Examiners  
Board Meeting  
179 Summers Street, Suite 319  
Charleston, WV 25301

December 10, 2019  
1:00 p.m.

Members, Staff & Attorney Present: Eugene Fahey, President, Robert Fields, Rich Bischoff, Fred Kitchen, Bryan Nichols, John Valentine, Ronald Waybright, Linda Lyter, Executive Director, John McDowell, and Anthony Eates, Attorney

Guests Present: None

Call meeting to order at 1:00 by president of the board - Quorum established.

A motion is made by Bryan Nichols to approve the meeting minutes for October 28, 2019. Seconded by Rich Bischoff. Motion approved.

Complaints review: 2019-07. Stated it was closed.

Bob Fields makes a motion to dismiss and close complaint #2019-08. Seconded by Fred Kitchen. Motion approved.

Complaint # 2019-09 remains open pending any criminal case.

Lyter presented finance report to the board. Motion made by Rich Bischoff to approve the finance report. Seconded by Ron Waybright. Motion approved.

Lyter presented P-card report for November 2019. Motion made by John Valentine to approve the P-card report, Seconded by Bryan Nichols. Motion approved.

Lyter executive director report: Legislative update on status of required rules, potential savings of creating a multi-professional agency for some of the boards. Mailed the continuing education provider renewals. Lyter & Bowyer to complete annual reports. Grant was approved to attend meeting in February 2020. Discussed state exam review. Monthly invoices are paid and current. Discussed potential fee increases for the 2020 rule-making time period. Discussed inspections and possibility of hiring someone to replace Talbott.

Licenses signed by board members.

Next regular scheduled meeting to be held on February 12, 2019 at 12:00 p.m.

Motion made by John Valentine to adjourn meeting. Seconded by Fred Kitchen. Motion approved.

Board Of Funeral Service Examiners  
Board Meeting  
179 Summers Street, Suite 319  
Charleston, WV 25301

February 12, 2020  
12:00 p.m.

Members & Staff Present: Eugene Fahey, President, Bryan Nichols, John Valentine, Ronald Waybright, Linda Lyter, Executive Director, John McDowell, Grady Bowyer and Kendra Zamora.  
Members Via Phone: Rich Bischoff and Fred Kitchen.

Absent: Robert Fields and Anthony Eates, Attorney.

Guests Present: Robert Kimes, Lee Pivont and Randall Parsons.

Call meeting to order at 12:00 p.m. by president of the board - Quorum established.

A motion is made by Bryan Nichols to approve the meeting minutes for December 10, 2019.  
Seconded by Ron Waybright. Motion approved.

Complaints review: 2019-07. A motion by Fred Kitchen to close complaint # 2019-07. Seconded by John Valentine. Motion approved.

Complaint # 2019-09 remains open pending any criminal case.

A motion made by Rich Bischoff to close complaint # 2020-00. No violation of law. Seconded by Fred Kitchen. Motion approved.

A motion made by Fred Kitchen to close complaint # 2020-01. No probable cause or violation. Seconded by Rich Bischoff. Motion approved.

Exam review - Jorge Rodriguez. Request letter from Int'l Conference for Funeral Srv. Ex. Inc. to determine if Puerto Rico Exam equivalent to their national exam.

Lyter presented finance report to the board. Motion made by Rich Bishoff to approve the finance report. Seconded by Bryon Nichols. Motion approved.

Zamora presented P-card report for December 2019 and January 2020. Motion made by John Valentine to approve the P-card report, Seconded by Bryan Nichols. Motion approved.

Lyter executive director report: Legislative update on status of required rules, bills related to Chapter 30 Boards. Annual report will be submitted as soon as possible. May need to consider potential fee increase, create new series for fees, rule revisions, etc. Budgets are due in early May for FY 2021. Lyter & McDowell to attend annual conference meeting next week. Mailing of renewal forms



discussed. Purchasing Audit regarding response deadline extended to the end of February. Lyter & McDowell attended the Association training meeting for DHHR presentation regarding indigent burials.

Inspection report provided by McDowell.

Database presentation by Bowyer - A motion is made to approve an online license renewal database for \$1500.00 designed by the Office of the State Treasurer by Ron Waybright. Seconded by Fred Kitchen. Motion approved.

Licenses signed by board members. Will hand deliver and mail to members not at meeting.

Next regular scheduled meeting to be held on April 1, 2020 at 12:00 p.m.

Motion made by Fred Kitchen to adjourn meeting. Seconded by Rich Bischoff. Motion approved.

Board Of Funeral Service Examiners  
Board Meeting  
179 Summers Street, Suite 319  
Charleston, WV 25301

May 19, 2020  
1:00 p.m.

Members & Staff Present: Eugene Fahey, President, Robert Fields, Vice President, Linda Lyter, Executive Director, John McDowell, and Grady Bowyer. Members Via Phone: Rich Bishoff, Fred Kitchen, Brian Nichols, Ronald Waybright, John Valentine and Anthony Eates, Attorney.

Call meeting to order at 1:07 p.m. by president of the board - Quorum established.

A motion is made by Rich Bishoff to approve the meeting minutes for February 12, 2020. Seconded by Fred Kitchen. Motion approved.

Complaint # 2019-09 remains open pending any criminal case. Send inspector to funeral home

Complaint # 2020-02 remains open. No written response from funeral home. Need response relating to the assignment of benefits and statement of goods.

Complaint # 2020-03 remains open. Attorney to send letter to the licensee's attorney for additional response.

Complaint # 2020-04 remains open. Inspector to schedule appointment with contact person for funeral home to pick-up cremains.

A motion is made by Rich Bishoff to close complaint # 2020-05. No probable cause or violation of law. Seconded by Bob Fields. Motion approved.

A motion is made by Rich Bishoff to close complaint # 2020-06. No probable cause or violation of law. Seconded by Bob Fields. Motion approved.

A motion is made by Fred Kitchen to close complaint # 2020-07. No probable cause or violation of law. Seconded by Bob Fields. Motion approved.

A motion is made by Fred Kitchen to initiate a board complaint against a licensee, DB for permitting a person to practicing without a license under his supervision. Seconded by Rich Bishoff. Motion approved.

A motion is made by Fred Kitchen to close complaint # 2020-08. No probable cause or violation of law. Seconded by Bob Fields. Motion approved.

A motion is made by Bob Fields to move the Funeral Home Closure Issue to the end of the agenda.

Seconded by Fred Kitchen. Motion approved.

A motion is made by John Valentine to postpone any potential fee increases at this time. Will be reviewed at a later date, if necessary. Seconded by Bryan Nichols. Motion approved.

Lyter presented finance report to the board. Motion made by Rich Bishoff to approve the finance report. Seconded by Ron Waybright. Motion approved.

Lyter presented P-card report for February, March and April 2020. Motion made by Bob Fields to approve the P-card report, Seconded by Fred Kitchen. Motion approved.

Lyter executive director report: Legislative update on status of required rules, board rules review and study resolutions related to the Chapter 30 Boards. Lyter & McDowell provided summary of the conference (International Conference of Funeral Service Examiners) attended in February. BRIM - Policies presented to the board for approval. Motion is made by Bob Fields to adopt the Safety Committee and Defensive Driving policies. Seconded by Fred Kitchen. Motion approved. Discussed the importance of cyber security, PII protection and confidentiality.

Lyter discussed the possibility of sharing office space with other smaller boards in the building. They are Board of Hearing Aid Dealers and the Board of Landscape Architects.

Bowyer provided an update on online renewals and the mailing of 2020 renewal forms. Working closely with Treasurer's Office to get everything ready to roll-out and mailing of forms.

The five (5) year apprentice renewals - discussion of the grand fathering clause that relates to the apprenticeships that are greater than the 5 year time frame. A motion is made by Bob Fields to approve Daniel Brown and Micheal Quesenberry due to being grand fathered in as apprentices. Seconded by Fred Kitchen. Motion approved.

A motion is made to deny renewal of the apprenticeships of Ryan Rosenau, and Brandon Lee Waters that are greater than the 5 year time period that may include an additional year with board approval. They did not qualify for renewal and/or meet the requirements of the grand father clause. They would need to re-apply for the apprenticeship as opposed to renew.

The Board discussed the funeral home closure issue and concluded that there was no action that could be taken by the board regarding this matter.

Licenses signed by board members. Will hand deliver and mail to members not at meeting.

Next regular scheduled meeting to be held on July 14, 2020 at 12:00 p.m.

Motion made by Bob Fields to adjourn meeting. Seconded by Ron Waybright. Motion approved.

Board Of Funeral Service Examiners  
Board Meeting  
179 Summers Street, Suite 319  
Charleston, WV 25301

July 14, 2020  
12:00 p.m.

Members Present: Eugene Fahey, President, Robert Fields, Vice President, Rich Bishoff, Fred Kitchen, Bryan Nichols, Ronald Waybright Member Via Phone: John Valentine

Staff Present: Linda Lyter, Executive Director, Grady Bowyer and John McDowell  
Absent: Anthony Eates, Attorney

Call meeting to order at 12:06 p.m. by president of the board - Quorum established.

A motion is made by Rich Bishoff to approve the meeting minutes as amended for May 19, 2020. Seconded by Fred Kitchen. Motion approved.

Complaint # 2019-09 A motion is made by Rich Bishoff to close this case. No probable cause or violation of law. Seconded by Robert Fields. Motion approved.

Complaint # 2020-02 remains open. No written response from funeral home. Still need response relating to the assignment of benefits and statement of goods.

Complaint # 2020-03 A motion is made by Fred Kitchen to close the case. No probable cause or violation of law. Seconded by Robert Fields. Motion approved.

Complaint # 2020-04 A motion is made by Fred Kitchen to close this case. Cremains delivered to family member. Seconded by Rich Bishoff. Motion approved.

Complaint # 2020-09 remains open. Need additional input from board attorney.

Executive Director's Report: Legislative Update & Rules Review, vendor contract renewals, BRIM PII Privacy Policy and Michael Talbott payroll reimbursement and Regina Anderson regarding an unemployment claim received.

A motion is made by Fred Kitchen to approve Series 1 Rules revisions. Seconded by Ron Waybright. Motion approved.

A motion is made by Rich Bishoff to approve Series 2 Rules revision Seconded by Robert Fields. Motion approved.

A motion is made by Robert Fields to approve the new Series 7 Rules for fees. Seconded by Rich Bishoff. Motion approved.

A motion is made by Robert Fields to approve the PII Privacy Policy. Seconded by Ron Waybright. Motion approved.

Lyter presented finance report to the board. A motion is made by Rich Bishoff to approve the finance report. Seconded by Bryan Nichols. Motion approved.

Lyter presented P-card report for May and June 2020. A motion is made by Ron Waybright to approve the P-card report. Seconded by Rich Bishoff. Motion approved.

A motion is made by Fred Kitchen to approve Matthews International continuing education provider. Seconded by Bryan Nichols. Motion approved. Any new courses offered by providers will be brought before the board for approval. Existing or previous courses can be approved by staff. Discussion of Board sponsored courses to offer in the spring.

Lyter again discussed the possibility of sharing office space with other smaller boards in the building as the leases are due to renew so as to report to legislative staff at upcoming meetings. They currently include Board of Hearing Aid Dealers and the Board of Landscape Architects. A motion is made by Rich Bishoff to explore options for the sharing of office space. Seconded by Ron Waybright. Motion approved.

Bowyer provided an update on license renewals and database.

Inspection report provided for FY 2020.

The Board discussed a work session meeting at 10:30 a.m. on October 13, 2020 for review of the state law exam and other board business.

Licenses signed by board members. Will mail to member not in attendance.

Next regular scheduled meeting to be held on September 22, 2020 at 12:00 p.m.

A motion is made by Bryan Nichols to adjourn meeting. Seconded by Ron Waybright. Motion approved.