

**APPROVED**  
**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS**  
**FORMAL ADMINISTRATIVE HEARING**  
**May 8, 2014 – 9:00 A.M.**

The Virginia Board of Funeral Directors and Embalmers convened on May 8, 2014, at the Department of Health Professions, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Training Room 1 (ABC), Henrico, Virginia.

**BOARD MEMBERS PRESENT:** Junius Williams, President  
Paul Welch, FSL  
Blair Nelsen, FSL  
Louis Jones, FSL  
Connie Steele, FSL  
Walter Bell, Citizen Member

**BOARD MEMBERS ABSENT:** Eric Wray, FSL  
Bob Oman, FSL

**DHP STAFF PRESENT:** Lisa R. Hahn, Executive Director  
Lynne Helmick, Deputy Executive Director  
Kathy Petersen, Discipline Operations Manager  
Missy Currier, Board Operations Manager/Compliance Manager  
Jan Willis, Adjudication Specialist  
Leith Ellis, Senior Inspector  
Ashley Moran, Senior Investigator

**MEMBERS FROM THE OFFICE OF THE ATTORNEY GENERAL PRESENT:** Erin Barrett, Assistant Attorney General, Board Counsel  
Wayne Halbleib, Sr. Assistant Attorney General

**COURT REPORTER:** Farnsworth Taylor Reporting

**CALL TO ORDER** The Formal Administrative Hearing of the Board was called to order at 9:29 a.m.

**ESTABLISHMENT OF A QUORUM:** With six (6) members of the Board present, a quorum was established.

**MATTER SCHEDULED:** **Commonwealth Mortuary Services**  
**James Hendrick, Owner**  
**License Number: 0501-000764**  
**Case Number: 151645**

**DISCUSSION:**

Mr. Hendrick appeared before the Board in accordance with the Notice and Statement of Particulars dated April 9, 2014. Mr. Hendrick was present and was not represented by counsel.

The Board received evidence and sworn testimony from the Commonwealth’s witnesses regarding the matters as set forth in the Statement of Particulars.

**CLOSED SESSION:**

Upon a motion by Mr. Nelsen, and duly seconded by Mr. Jones, the Board voted to convene a closed meeting pursuant to 2.2-3711.A(27) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Commonwealth Mortuary Services. Additionally, Mr. Nelsen moved that Ms. Hahn and Ms. Barrett attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The Board convened into closed session at 11:39 a.m.

**OPEN SESSION:**

Mr. Nelsen certified that the matters discussed in the preceding closed session met the requirements of § 2.2.-3712 of the *Code of Virginia*; Mr. Jones seconded the certification and the Board re-convened open session at 12:26 p.m.

**ACTION:**

Ms. Barrett read the Findings of Fact and Conclusion of Law. Upon a motion by Ms. Steele and duly seconded by Mr. Nelsen, the Board accepted the Findings of Fact and Conclusion of Law, as read by Ms. Barrett.

Upon a motion by Mr. Jones and duly seconded by Mr. Nelsen, the Board Ordered that the right of Commonwealth Mortuary Services to renew or reinstate its license to operate as a funeral service establishment is SUSPENDED for not less than three years.

The Board further ordered that Commonwealth Mortuary Service shall be assessed a monetary penalty of Twelve Thousand Five Hundred Dollars (\$12,500.00), said penalty to be paid to the Board by certified check or money order within twelve (12) months from the date this Order is entered.

**VOTE:**

The vote was unanimous.

*The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.*

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Junius Williams, President

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Lisa R. Hahn, Executive Director

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Date

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Date