

UNAPPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
SPECIAL CONFERENCE COMMITTEE

The Special Conference Committee of the Virginia Board of Funeral Directors and Embalmers convened on June 1, 2009, at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia.

- MEMBERS PRESENT:** Randy T. Minter, FSP, Chair
Michael J. Leonard, FSP, Board Member
- STAFF PRESENT:** Lisa R. Hahn, Executive Director
Kathy Truesdale, Compliance Case Manager
Peter Opper, Adjudication Specialist
- CONFERENCE SCHEDULED:** **E. Andre Brown Funeral Establishment, Elgin Brown, Owner, License Number: 0501-000787 Case Number: 124099**
- CALL TO ORDER:** Mr. Minter called the conference to order at 2:10 p.m.
- DISCUSSION:** Mr. Brown appeared before the Committee in person in accordance with the amended notice of the Board dated May 28, 2009. Mr. Brown was not represented by counsel.
- The Committee reviewed the allegations in the notice of informal with Mr. Brown that he may have violated the laws and/or regulations governing the practice of funeral directors and embalmers.
- CLOSED SESSION:** Mr. Leonard moved that the Special Conference Committee of the Board of Funeral Directors and Embalmers convene a closed meeting pursuant to Section §2.2-3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of E. Andre Brown Funeral Establishment. Additionally, Mr. Leonard moved that Ms. Hahn, Ms. Truesdale, and Mr. Opper attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and carried unanimously.
- OPEN SESSION:** The Committee reconvened in open session at 4:10 p.m.
- Mr. Leonard moved that the Special Conference Committee of the Board of Funeral Directors and Embalmers certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was

convened. The motion was seconded and carried unanimously.

ACTION:

Mr. Minter moved to have Mr. Opper read the Findings of Fact and Conclusions of Law adopted by the Committee and the decision adopted by the Committee. The motion was seconded and carried unanimously.

E. Andre Brown Funeral Establishment, Elgin Brown, Owner, was Ordered to pay a monetary penalty of \$2500.00 payable to the Treasurer of Virginia within thirty (30) days of entry of the Order. If the monetary penalty is mailed, it shall be mailed by certified or registered mail. If said monetary penalty is not received within the prescribed deadline, an additional One Hundred Dollar (\$100.00) late fee shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of the date of entry of this Order shall constitute grounds for an administrative proceeding.

In the event that Elgin Brown or any future owner might seek to reopen E. Andre Brown Funeral Establishment, under that name or under a similar name, said establishment shall be placed on probation, the terms and conditions of which shall be determined at an administrative hearing.

ADJOURNMENT:

The Committee adjourn this case at 4:13 p.m.

Randy T. Minter, FSP, Chair

Lisa R. Hahn, Executive Director

Date

Date