

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 July 23, 2009, at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Hearing Room 1, Henrico, Virginia.

MEMBERS PRESENT: Michael J. Leonard, FSP, Chair
Barry Murphy, FSP, Board Member

STAFF PRESENT: Lisa R. Hahn, Executive Director
Kathy Truesdale, Compliance Case Manager
Peter Opper, Adjudication Specialist

CONFERENCE SCHEDULED: **Bennie Smith, FSP**
License Number: 0502-900252 Case Number: 124348

CALL TO ORDER: Mr. Leonard called the conference to order at 9:07 a.m.

DISCUSSION: Mr. Smith appeared before the Committee in person in accordance with the amended notice of the Board dated July 13, 2009. Mr. Smith was not represented by counsel.

The Committee reviewed the allegations in the notice of informal with Mr. Smith that he may have violated the laws and/or regulations governing the practice of funeral directors and embalmers.

CLOSED SESSION: Mr. Murphy 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 Bennie Smith, FSP. Additionally, Mr. Murphy 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.

Mr. Murphy 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. Leonard 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.

1. Bennie Smith, F.S.P., shall provide the Board with verification that he has completed three (3) credit hours of continuing education in a combination of courses on “Rules and Regulations” and “Preneed Contracts” within 60 days of the date this Order is final. Said credit hours shall not be applied toward meeting the ten (10) credit-hour continuing education requirement for 2008-2010.

2. Mr. Smith shall submit certificates of continuing education at the time he applies for renewal of his funeral service provider license in 2010, and, as manager of record of Bennie Smith Funeral Home’s Virginia facilities, he shall require that all licensed staff of Bennie Smith Funeral Home’s Virginia facilities submit certificates of continuing education at the time they apply for license renewal in 2010.

3. Mr. Smith shall submit to the Board, within ten (10) days of the date this Order is final, a list of corrective actions taken in response to the February 11, 2009 facility inspection report.

4. Mr. Smith shall submit to the Board a policy statement addressing Preneed Contracts in Virginia and attest to the distribution of this policy statement to all staff of the Bennie Smith Funeral Home facilities in Virginia. Mr. Smith shall forward a copy of this policy statement to the Board within 30 days of the date this Order becomes final.

5. Henceforth, Mr. Smith shall inform the Virginia Board of Funeral Directors and Embalmers of any future violations of funeral service provider regulations in Maryland or Delaware by Mr. Smith or by any of his licensed funeral service providers.

6. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Bennie Smith, F.S.P., and an administrative proceeding shall be held to decide whether his license should be revoked.

7. Mr. Smith shall maintain a course of conduct in his capacity as a funeral service director commensurate with the requirements of § 54.1-2800 *et seq.* of the Code and the Board of Funeral Directors and Embalmers.

ADJOURNMENT: The Committee adjourn this case at 10:35 a.m.

Randy T. Minter, FSP, Chair

Lisa R. Hahn, Executive Director

Date

Date

DRAFT