

**APPROVED**  
**VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS**  
**FORMAL ADMINISTRATIVE HEARING**  
**July 15, 2013**

The Virginia Board of Funeral Directors and Embalmers convened on July 15, 2013, at the Department of Health Professions, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Henrico, Virginia.

**BOARD MEMBERS PRESENT:** Blair Nelsen, President  
Christopher Vincent, FSL  
Bob Burger, FSL  
Eric Wray, FSL  
Randy Minter, FSL  
Walter S. Ball, Citizen Member  
Junius Williams, Citizen Member

**DHP STAFF PRESENT:** Lisa R. Hahn, Executive Director  
Lynne Helmick, Deputy Executive Director  
Kathy Petersen, Discipline Operations Manager  
Peter Opper, Adjudication Specialist  
Gayle Miller, Senior Investigator - HQ

**MEMBERS FROM THE OFFICE OF THE ATTORNEY GENERAL PRESENT:** Charis Mitchell, Assistant Attorney General, Board Counsel

**COURT REPORTER:** Farnsworth & Taylor Reporting

**CALL TO ORDER** The Formal Administrative Hearing of the Board was called to order at 10:08 a.m.

**ESTABLISHMENT OF A QUORUM:** With seven (7) members of the Board present, a quorum was established.

**MATTER SCHEDULED:** **Bennie Smith, FSP**  
**License Number: 0502-900252**  
**Case Number: 151005**

**DISCUSSION:** Mr. Smith appeared before the Board in accordance with the Notice and Statement of Particulars dated July 1, 2013. Mr. Smith was present and was not represented.

The Board received evidence and sworn testimony from the Commonwealth's witness regarding the matters as set forth in the

Statement of Particulars.

**CLOSED SESSION:** Upon a motion by Mr. Williams, and duly seconded by Mr. Vincent, 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 Mr. Bennie Smith, FSL. Additionally, Mr. Williams moved that Ms. Hahn, Ms. Helmick, Ms. Petersen, Ms. Currier and Ms. Mitchell 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 10:35 a.m.

**OPEN SESSION:** Mr. Williams certified that the matters discussed in the preceding closed session met the requirements of § 2.2.-3712 of the *Code of Virginia*; Mr. Wray seconded the certification and the Board reconvened open session at 12:02 p.m.

**ACTION:** Upon a motion by Mr. Minter and duly seconded by Mr. Wray, the Board voted to reinstate the Funeral Service Licensee license of Mr. Smith. Mr. Smith will be placed on probation which shall run concurrent with his Maryland Board Order. He shall not serve as a Manager of Record during his probationary period. He shall provide the Board with proof of one remaining CE credit required for renewal.

**VOTE:** The vote was unanimous.

**ADJOURNMENT:** The Board adjourned at 11:00 a.m.

*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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Blair Nelsen, FSP, President

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Lisa R. Hahn, Executive Director

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Date

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Date