

APPROVED

**VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
INFORMAL CONFERENCE COMMITTEE
MINUTES**

The Virginia Board of Funeral Directors and Embalmers Special Conference Committee convened for informal conferences on Tuesday, July 15, 2008 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Suite 201, Hearing Room #2, Richmond, Virginia

COMMITTEE MEMBERS PRESENT:

Randy Minter, FSP, Chair
Blair Nelsen, FSP

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Cynthia E. Gaines, Adjudication Specialist
Rashaun K. Minor, Discipline Operations Manager

OTHERS PRESENT:

James Mark Huffines, FSP, (Respondent's Manager of Record)

MATTER SCHEDULED

**Respondent: Newcomb-Allgood Funeral Home/Donald E. Allgood, Owner
Case Number: 119127**

CALLED TO ORDER

Mr. Minter called the conference to order at 10:10 a.m.

DISCUSSION

Mr. Allgood appeared before the Committee in person and in accordance with the Board Notice of Informal Conference dated May 22, 2008.

Mr. Allgood addressed the Committee.

The Committee reviewed the allegations in the notice of informal that Mr. Allgood may have violated certain laws and regulations governing the practice of funeral directing and embalming in the Commonwealth of Virginia.

Specifically, Newcomb-Allgood Funeral Establishment may be in violation of operating without a Manager of Record.

CLOSED SESSION

Upon a motion by Mr. Nelsen and duly seconded by Mr. Minter, the Committee convened a closed meeting pursuant to §2.2-3711.A (28) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Newcomb-Allgood Funeral Home. Mr. Nelsen moved that Ms. Hahn, Ms. Gaines, and Ms. Minor attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The vote was unanimous and in favor of the motion.

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* and the Committee re-convened in open session.

DECISION

Mr. Gaines read the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Newcomb-Allgood Funeral Home, was issued Virginia license number 0501 000633 August 19, 1992 and is due to expire January 31, 2009.
2. Newcomb-Allgood Funeral Home violated § 54.1-2806(20) and § 54.1-2810 of the Code, and 18 VAC 65-20-170A Regulations of the Virginia Board of Funeral Directors and Embalmers During in that between December 8, 2007 to May 12, 2008 Newcomb-Allgood operated with a manager of record.

The decision was read by Ms. Gaines:

1. Newcomb-Allgood Funeral Home shall be assessed a monetary penalty of Five Hundred Dollar (\$500.00). Said penalty is to be paid to the Board by certified check or money order within thirty (30) days from the date of entry of the Order. If the monetary penalty is mailed, it shall be sent 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 from the date the Order is entered may constitute grounds for an administrative proceeding.
2. Newcomb-Allgood Funeral Home shall be subject to one (1) unannounced inspection within 90 days of the final Order. Newcomb-Allgood shall be solely responsible for

the payment of a Three Hundred Dollar (\$300.00) inspection fee to be paid to the Board within thirty (30) days of the inspection. If the inspection fee is mailed, it shall be sent by certified or registered mail. If said fee 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).

Upon a motion by Mr. Nelsen and duly seconded by Mr. Minter, the decision of the Committee was adopted. The vote was unanimous in favor of the motion.

ADJOURNMENT

The Committee adjourned the matter at 10:45 a.m.

MATTER SCHEDULED

**Respondent: Alphanse Tucker, Funeral Service Provider
Case Number: 114623**

COMMITTEE MEMBERS PRESENT:

Randy Minter, FSP, Chair
Michael Leonard, FSP

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Mykl D. Egan, Adjudication Specialist
Nathan Mortier, APD Intern
Rashaun K. Minor, Discipline Operations Manager

OTHERS PRESENT:

Joseph E. Preston, Respondent's Attorney
Joyce Bland Tucker, Respondent's Wife
Antonio Tucker, Respondent's Son

CALLED TO ORDER

Mr. Minter called the conference to order at 11:09 a.m.

DISCUSSION

Mr. Tucker appeared before the Committee in person and in accordance with the Board Notice of Informal Conference dated June 5, 2008. Mr. Tucker was represented by counsel.

Mr. and Mrs. Tucker both addressed the Committee.

The Committee reviewed the allegations in the notice of informal that Mr. Tucker may have violated certain laws and regulations governing the practice of funeral directing and embalming in the Commonwealth of Virginia

CLOSED SESSION

Upon a motion by Mr. Leonard and duly seconded by Mr. Minter, the Committee convened a closed meeting pursuant to §2.2-3711.A (28) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Alphanse Tucker, Funeral Service Provider. Mr. Leonard moved that Ms. Hahn, Mr. Egan, and Ms. Minor attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The vote was unanimous and in favor of the motion.

OPEN SESSION

Mr. Leonard certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the *Code of Virginia* and the Committee re-convened in open session.

DECISION

Ms. Egan read the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Mr. Alphanse Tucker was issued Virginia Funeral Service Provider license number 0502 730710 issued January 1, 1973 and due to expire March 31, 2009.
2. Mr. Tucker violated Term 2 of the Board Order entered April 12, 2007, in that his facility was to be inspected two times a year during the probationary period, with a Three Hundred Dollar (\$300.00) inspection fee to be paid within 30 days of each inspection. Mr. Tucker failed to make the inspection fee payment in a timely matter for the inspection conducted on March 31, 2008.
3. Mr. Tucker violated Term 3 of the Board Order entered April 12, 2007, in that Mr. Tucker was to enroll in and successfully complete not less than five (5) hours of Board approved face to face continuing education in ethics and standards of practice within in one (1) year from the entry of the Order. Mr. Tucker failed to obtain prior Board approval and failed to complete said requirement in the prescribed time frame; said coursework was completed May 29, 2008.

The decision was read by Ms Gaines:

1. Mr. Tucker shall be CONTINUED on PROBATION for one (1) year and subject to one (1) unannounced inspection during the probationary period. Mr. Tucker shall be solely responsible for the payment of a Three Hundred Dollar (\$300.00) inspection fee to be paid to the Board within thirty (30) days of the inspection. If the inspection fee is mailed, it shall be sent by certified or registered mail. If said fee 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).
2. Mr. Tucker shall be assessed a monetary penalty of Four Hundred Dollar (\$400.00). Said penalty is to be paid to the Board by certified check or money order within thirty (30) days from the date of entry of the Order. If the monetary penalty is mailed, it shall be sent 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 from the date the Order is entered may constitute grounds for an administrative proceeding.

Upon a motion by Mr. Leonard and duly seconded by Mr. Minter, the decision of the Committee was adopted. The vote was unanimous in favor of the motion.

ADJOURNMENT

The Committee adjourned the matter at 12:10 p.m.

MATTER SCHEDULED

Respondent: Antoine Demetrese Hill, Funeral Service Provider
Case Number: 119355

COMMITTEE MEMBERS PRESENT:

Randy Minter, FSP, Chair
Michael Leonard, FSP

DHP STAFF PRESENT:

Lisa R. Hahn, Executive Director
Cynthia E. Gaines, Adjudication Specialist
Rashaun K. Minor, Discipline Operations Manager
Nathan Mortier, APD Intern

CALLED TO ORDER

Mr. Minter called the conference to order at 1:17 p.m.

DISCUSSION

Mr. Hill appeared before the Committee in person and in accordance with the Board Notice of Informal Conference dated June 11, 2008.

Mr. Hill addressed the Committee.

The Committee reviewed the allegations in the notice of informal that Mr. Hill may have violated certain laws and regulations governing the practice of funeral directing and embalming in the Commonwealth of Virginia

CLOSED SESSION

Upon a motion by Mr. Leonard and duly seconded by Mr. Minter, the Committee convened a closed meeting pursuant to §2.2-3711.A (28) of the *Code of Virginia*, for the purpose of deliberation to reach a decision in the matter of Alphanse Tucker, Funeral Service Provider. Mr. Leonard moved that Ms. Hahn, Mr. Egan, and Ms. Minor attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The vote was unanimous and in favor of the motion.

OPEN SESSION

Mr. Leonard certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the *Code of Virginia* and the Committee re-convened in open session.

DECISION

Ms. Gaines read the decision adopted by the Committee.

Upon thorough review of the evidence before it, the Committee **DISMISSED** and closed the matter of Antoine D. Hill, FSP, with no violation of the laws and regulations governing the practice of funeral services in the Commonwealth of Virginia.

Randy Minter, FSP, Chair

Lisa R. Hahn, Executive Director

Date

Date