

UNAPPROVED

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

The Virginia Board of Funeral Directors and Embalmers Special Conference Committee convened for an informal conference on Tuesday, September 9, 2008 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Suite 201, Hearing Room #1, Richmond, Virginia

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, Adjudication Specialist
Jeanette Meade, Acting Discipline Operations Manager
Melissa Currier, Discipline Administrative Assistant
Holly Manke, Administrative Assistant

OTHERS PRESENT:

None.

MATTER SCHEDULED

**Respondent: Carl T. Ames, Funeral Service Provider
Case Number: 120249**

CALLED TO ORDER

Mr. Minter called the conference to order at 1:00 p.m.

DISCUSSION

Mr. Ames was present and was not represented by counsel as in accordance with the Notice of the Board dated July 22, 2008.

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

Specifically, Specifically, during the course of your employment as Manager of Record at Brown and Carson Funeral Home, Virginia Beach, Virginia (“Brown and Carson”).

1. You may have violated §54.1-2806(2) and (10) of the Code, and 18 VAC 65-20-500 of the Regulations of the Virginia Board of Funeral Directors and Embalmers (“Regulations”) in that, between January and July 2007, you only signed one of 11 funeral contracts. The other 10 contracts were either unsigned or signed by individuals who denied signing the documents. Further, several of the individuals who made the funeral arrangements stated that you were not present when the contracts were prepared.

2. You may have violated §54.1-2806(20) of the Code, and 18 VAC 65-20-510 of the Regulations in that the embalming reports for funerals performed while you were manager of record are either missing or incomplete.

3. You may have violated §54.1-2806(20) of the Code, and 18 VAC 65-20-60 of the Regulations in that you failed to notify the Board that as of June 8, 2007, you were no longer living in Virginia and that you were no longer the manager of record for Brown and Carson.

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 Carl T. Ames, Funeral Service Provider. Mr. Leonard moved that Ms. Hahn, Mr. Egan, and Ms. Meade and Ms. Manke 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

Mr. 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. Carl T. Ames, F.S.P., holds License No. 0502-900395 issued by the Virginia Board of Funeral Directors and Embalmers. Said license shall expire on March 31, 2009.
2. During the course of his employment as Manager of Record at Brown and Carson Funeral Home, Virginia Beach, Virginia (“Brown and Carson”):

- a. Mr. Ames violated §54.1-2806(2) and (10) of the Code, and 18 VAC 65-20-500 of the Regulations of the Virginia Board of Funeral Directors and Embalmers (“Regulations”) in that, between January and July 2007, he only signed one of 11 funeral contracts. The other 10 contracts were either unsigned or signed by individuals who denied signing the documents. Further, several of the individuals who made the funeral arrangements stated that Mr. Ames was not present when the contracts were prepared.
- b. Mr. Ames violated § 54.1-2806(20) of the Code, and 18 VAC 65-20-510 of the Regulations in that the embalming reports for funerals performed while he was manager of record are either missing or incomplete.
- c. Mr. Ames violated §54.1-2806(20) of the Code, and 18 VAC 65-20-60 of the Regulations in that he failed to notify the Board that as of June 8, 2007, he was no longer living in Virginia and that he was no longer the manager of record for Brown and Cason.

The decision was read by Mr. Egan:

1. Carl T. Ames, F.S.P., be issued a REPRIMAND.
2. Mr. Ames shall be assessed a MONETARY PENALTY of Two Hundred Fifty Dollars (\$250.00), said penalty to be paid to the Board by certified check or money order made payable to the “Treasurer of Virginia” within thirty (30) days from the date this Order is entered. 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 this Consent Order is entered constitutes grounds for an administrative proceeding.
3. Mr. Ames shall not take a position in a funeral home as Manager of Record for not less than two (2) years.
 4. If, after two (2) years, Mr. Ames wishes to be employed as a Manager of Record of a funeral home; he shall send a letter to the Board attesting to the fact that he has read Chapter 28, Title 54.1 of the Code of Virginia, and the Regulations of the Virginia Board of Funeral Directors and Embalmers and understands the duties and obligations of a Manager of Record.

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 1:45 p.m.

MATTER SCHEDULED

Respondent: Sharone R. Delarge, Funeral Service Intern Applicant
Case Number: 120987

Mr. Minter called the conference to order at 2:00 p.m.

DISCUSSION

Ms. Delarge was present and was not represented by counsel and in accordance with the Notices of the Board dated July 14, 2008.

In accordance with § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), this conference is being held to consider your application to the Funeral Service Intern Program and to review allegations that you may have violated certain laws governing the practice of funeral services in the Commonwealth of Virginia.

Specifically, you may have violated §54.1-2806(1) of the Code in that:

1. On or about August 10, 1994, you were convicted of concealing merchandise/altering price, a misdemeanor
2. On or about February 21, 1995, you were convicted of filing a false police report, a misdemeanor.
3. On or about September 6, 2006, you were convicted of petit larceny, a misdemeanor.

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 Sharone R. Delarge. Mr. Leonard moved that Ms. Hahn, Mr. Mortier, and Ms. Meade and Ms. Currier 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

Mr. Mortier 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. By application received March 26, 2008, Sharone R. DeLarge, III, applied for licensure as a funeral service intern.
2. Given her earnest answers to questioning by the Board, desire to enter the profession, and juvenile nature of prior misdemeanor convictions, the Board finds that Ms. DeLarge's application for licensure as a funeral service intern should be accepted.

The decision was read by Mr. MortierGaines:

It is hereby ORDERED that upon submission of evidence that the application for Sharone R. DeLarge, to be licensed as a Funeral Service Intern be and hereby is GRANTED.

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 2:25 p.m.

MATTER SCHEDULED

Respondent: Robert Brunson, Jr., Funeral Service Provider
Case Number: 118974

Mr. Minter called the conference to order at 2:30 p.m.

DISCUSSION

Mr. Brunson was not present as in accordance with the Notices of the Board dated July 14, 2008.

In accordance with § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), this conference is was held to review allegations that you may have violated certain laws governing the practice of funeral services in the Commonwealth of Virginia. Specifically, you may have violated § 54.1-2806(3) of the Code in that, on or about September 4, 2007, you forged the cause of death and physician’s signature on a decedent’s death certificate.

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 Robert Brunson, Jr., FSP. Mr. Leonard moved that Ms. Hahn, Mr. Mortier, and Ms. Meade and Ms. Carrier 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

The decision was to close this case undetermined.

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 2:45 p.m.

Randy Minter, FSP, Chair

Lisa R. Hahn, Executive Director

Date

Date