

APPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
JANUARY 17, 2012

The Virginia Board of Funeral Directors and Embalmers convened on January 17, 2012, at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

BOARD MEMBERS PRESENT: Mike Leonard, FSP, Chair
Junius H. Williams, Jr., Secretary-Treasurer
Bob Oman, FSP
Chris Vincent, FSP
Eric Wray, FSP
Walter S. Bell, Citizen Member

DHP STAFF PRESENT: Lisa R. Hahn, Executive Director
Lynne Helmick, Executive Deputy Director
Kathy Petersen, Discipline Operations Manager
Missy Currier, Board Operations Manager
Tammie Jones, Adjudication Specialist
Marta Ishmael, Senior Investigator

MEMBERS FROM THE OFFICE OF THE ATTORNEY GENERAL PRESENT: Howard Casway, Senior Assistant Attorney General, Board Counsel
Wayne Halbleib, Senior Assistant Attorney General

RESPONDENT'S COUNSEL : Samantha Fredieu, Esq.

COURT REPORTER: Crane-Snead & Associates

CALL TO ORDER The Formal Administrative Hearing of the Board was called to order at 1:18 p.m.

ESTABLISHMENT OF A QUORUM: With six (6) members of the Board present, a quorum was established.

MATTER SCHEDULED: Sean Cummings, FSP
License Number: 0502-900567
Case Number: 137365

DISCUSSION: Mr. Cummings appeared before the Board in accordance with the Notice and Statement of Particulars dated December 22, 2011. Mr. Cummings was represented by Samantha Fredieu, Esq.

The Board received evidence and sworn testimony regarding the matters as set forth in the Statement of Particulars.

CLOSED SESSION: Upon a motion by Mr. Wray, and duly seconded by Mr. Oman, 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. Cummings. Additionally, Mr. Wray moved that Ms. Hahn, Ms. Currier, and Mr. Casway 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 2:24 p.m.

OPEN SESSION: Having certified that the matters discussed in the preceding closed session met the requirements of 2.2.-3712 of the *Code of Virginia*, the Board re-convened open session at 3:16 p.m.

ACTION: Upon a motion by Mr. Williams, and duly seconded by Mr. Wray, the Board voted to place the funeral service provider license of Mr. Cummings on SUSPENSION for a period of 12 months. Mr. Cummings shall pay a monetary penalty of \$5,000.00, shall not serve as a Manager of Record for any funeral establishment and shall notify the Board of the name of the Manager of Record for his facility. Mr. Cummings suspension shall be STAYED upon compliance with terms and conditions after six months of suspension. The motion was carried.

VOTE: The vote was unanimous, with six (6) affirmative votes.

ADJOURNMENT: The Board adjourned at 3:20 p.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.

Mike Leonard, FSP, Chair

Lisa R. Hahn, Executive Director

Date

Date