

APPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
January 14, 2014 – 1:00 P.M.

The Virginia Board of Funeral Directors and Embalmers convened on January 14, 2014, at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

BOARD MEMBERS PRESENT: Junius Williams, President
Christopher Vincent, Vice-President
Bob Oman, FSL
Paul Welch, FSL
Blair Nelsen, FSL
Louis Jones, FSL
Connie Steele, FSL
Walter Bell, Citizen Member

BOARD MEMBERS ABSENT: Eric Wray, FSL

DHP STAFF PRESENT: Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Kathy Petersen, Discipline Operations Manager
Missy Currier, Board Operations Manager/Compliance Manager
Peter Opper, Adjudication Specialist

MEMBERS FROM THE OFFICE OF THE ATTORNEY GENERAL PRESENT: Erin Barrett, Assistant Attorney General, Board Counsel

COURT REPORTER: Crane Snead & Associates, Inc.

CALL TO ORDER The Formal Administrative Hearing of the Board was called to order at 1:07 p.m.

ESTABLISHMENT OF A QUORUM: With eight (8) members of the Board present, a quorum was established.

MATTER SCHEDULED: **Abraham Applewhite, FSL**
License Number: 0502-900475
Case Number: 153813

DISCUSSION: Mr. Applewhite appeared before the Board in accordance with the Notice and Statement of Particulars dated December 13, 2013. Mr. Applewhite was present and was not represented by counsel.

The Board received evidence and sworn testimony from the Commonwealth's witnesses regarding the matters as set forth in the Statement of Particulars.

CLOSED SESSION: Upon a motion by Mr. Oman, 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 Abraham Applewhite, FSL. Additionally, Mr. Oman moved that Ms. Hahn, Ms. Helmick, Ms. Petersen and Ms. Barrett 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 1:39 p.m.

OPEN SESSION: Mr. Oman certified that the matters discussed in the preceding closed session met the requirements of § 2.2.-3712 of the *Code of Virginia*; Mr. Welch seconded the certification and the Board re-convened open session at 2:30 p.m.

ACTION: Upon a motion by Mr. Vincent and duly seconded by Mr. Oman, the Board determined that Mr. Applewhite is not prepared to resume unrestricted practice as a funeral service licensee. The Board denied Mr. Applewhite's petition for termination of the terms and conditions of probation placed upon his license his Funeral Service License in the Commonwealth of Virginia. The Board Ordered to continue Mr. Applewhite on Indefinite Probation for not less than 18 months subject to the terms and conditions as stated in the 2009 Board Order with the exception of terms 1(a) and 1(b) of said Order which have been satisfied. At the end of 18 months, Mr. Applewhite may petition a special conference committee of the Board for an unrestricted license. Mr. Applewhite is subject to other terms and conditions as outlined in the Board Order.

VOTE: The vote was unanimous.

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.

Junius Williams, President

Lisa R. Hahn, Executive Director

Date

Date