

APPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
SPECIAL CONFERENCE COMMITTEE

The Special Conference Committee of the Virginia Board of Funeral Directors and Embalmers convened on January 12, 2010, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Suite 201, Hearing Room #4, Henrico, Virginia.

MEMBERS PRESENT: Willard D. Tharp, Chair
Robert B. Burger, Jr., FSP, Board Member

STAFF PRESENT: Rashaun K. Minor, Discipline Operations Manager
James Banning, Administrative Proceeding Division

CONFERENCE SCHEDULED: **Sean B. Cummings, FSP** License Number: **0502 900567**
Case Number: 126563

CALL TO ORDER: Mr. Tharp called the conference to order at 2:00 p.m.

DISCUSSION: Mr. Cummings appeared before the Committee in person in accordance with the notice of the Board dated November 24, 2009.

Mr. Cummings was represented by Johnny C. Cope, Esquire. Also in attendance for Mr. Cummings were Annette Harris, Serena Williams, and Keith Love.

The Committee reviewed the allegations in the notice of informal with Mr. Cummings, that he may have violated the laws and regulations governing the practice of funeral services.

Annette Harris, Director of Operations and Office Manager, Serena Williams, Secretary, and Keith Love, Jr., Courier for the funeral home provided testimony in support of Mr. Cummings.

CLOSED SESSION: Mr. Burger moved that the Special Conference Committee of the Board of Funeral Directors and Embalmers convene a closed meeting pursuant to Section §2.2-3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Sean Cummings, FSP. Additionally, Mr. Burger moved that Mr. Banning 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 motion was seconded and carried unanimously.

The Committee convened in closed session at 2:33p.m.

OPEN SESSION: The Committee reconvened in open session at 3:31 p.m.

The Committee had further discussion with Mr. Cummings.

CLOSED SESSION: The Committee convened in closed session at 3:40 p.m.

Mr. Burger moved that the Special Conference Committee of the Board of Funeral Directors and Embalmers convene a closed meeting pursuant to Section §2.2-3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Sean Cummings. Additionally, Mr. Burger moved that Mr. Banning 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 motion was seconded and carried unanimously.

OPEN SESSION: The Committee reconvened in open session at 3:46 p.m.

Mr. Burger moved that the Special Conference Committee of the Board of Funeral Directors and Embalmers certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

ACTION: Mr. Banning read the Committee's decision. The Committee adopted the decision. The motion was seconded and carried unanimously.

The Committee issued an Order to place Mr. Cummings' funeral service provider license on PROBATION for not less than 18 months with terms and condition and assessed a monetary penalty.

ADJOURNMENT: The Committee adjourn this case at 3:50 p.m.

The Special Conference Committee of the Virginia Board of Funeral Directors and Embalmers convened on January 12, 2010, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Suite 201, Hearing Room #1, Henrico, Virginia.

MEMBERS PRESENT: Michael J. Leonard, FSP, Chair
Barry Murphy, FSP, Board Member

STAFF PRESENT: Kathy Truesdale, Compliance Case Manager
Anne Joseph, Administrative Proceedings Division

CONFERENCE SCHEDULED: Doris A. McClenny, FSP License Number: 0502 900693
Case Number: 129892

Robert B. McClenny, Jr., FSP License Number: 0502 9000049
Case Number:129893

CALL TO ORDER: Mr. Leonard called the conference to order at 3:28 p.m.

DISCUSSION: Mr. McClenny and Ms. McClenny appeared before the Committee in person in accordance with the notice of the Board dated January 8, 2010.

The Committee reviewed the notice of informal with Mr. McClenny and with Ms. McClenny regarding their petition for release from probation and to resume competent and unrestricted practice of a funeral service provider with reasonable skill and safety. Mr. McClenny and Ms. McClenny provided evidence of their compliance with the Board's Orders.

The Committee convened in closed session.

CLOSED SESSION: Mr. Murphy moved that the Special Conference Committee of the Board of Funeral Directors and Embalmers convene a closed meeting pursuant to Section §2.2-3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Doris McClenny, FSP and Robert McClenny, Jr., FSP. Additionally, Mr. Murphy moved that Ms. Truesdale, and Ms. Joseph attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and carried unanimously.

OPEN SESSION: The Committee reconvened in open session.

Mr. Murphy moved that the Special Conference Committee of the Board of Funeral Directors and Embalmers certify that it heard, discussed or considered only public

business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

ACTION: Mr. Murphy moved to have Ms. Joseph read the Findings of Fact and Conclusions adopted by the Committee. The motion was seconded and carried unanimously.

The Committee reinstated the funeral service provider license of Doris McClenny and Robert McClenny full and unrestricted.

ADJOURNMENT: The Committee adjourn this case at 3:48 p.m.

Michael Leonard, FSP, Chair

Lisa R. Hahn, Executive Director

Date

Date