

APPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS
FORMAL HEARING
JANUARY 18, 2011

The Virginia Board of Funeral Directors and Embalmers convened on January 18, 2011, at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

BOARD MEMBERS PRESENT: Michael J. Leonard, FSP, President
Robert B. Burger, Jr., FSP, Vice-President
Blair Nelsen, FSP, Secretary-Treasurer
Barry Murphy, FSP
Billie Watson Hughes, FSP
Randy T. Minter, FSP
Willard D. Tharp, FSP
Walter Bell, Citizen Member

DHP STAFF PRESENT: Lisa R. Hahn, Executive Director
Lynne Helmick, Executive Deputy Director
Kathy Truesdale, Discipline Operations Manager
Cynthia Gaines, Adjudication Specialist
Loretta Hopson-Bush, Senior Investigator

MEMBERS FROM THE OFFICE OF THE ATTORNEY GENERAL PRESENT: Amy Marschean, Senior Assistant Attorney General, Board Counsel
Wayne T. Halbleib, Senior Assistant Attorney General
Patrick Dorgan, Senior Assistant Attorney General, OAG

OTHERS PRESENT: Robert Diggs, Sr. (*on behalf of Mr. Bland*)
Taylor Stone (*on behalf of Mr. Bland*)
Al Harley (*on behalf of Mr. Bland*)

COURT REPORTER: Lynn R. Taylor, Farnsworth & Taylor Reporting, LLC

CALL TO ORDER The Formal Administrative Hearing of the Board was called to order at 1:05 p.m.

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

MATTER SCHEDULED: **Fenton L. Bland, Jr., FSP Reinstatement Applicant**
Case Number: 134699

DISCUSSION:

Mr. Bland appeared before the Board in accordance with the Notice and Statement of Particulars dated January 3, 2011, after having waived his right to thirty days notice prior to the convening of this proceeding. Mr. Bland was not represented by counsel.

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. Nelsen, and duly seconded by Mr. Minter, 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. Bland at 2:45 p.m. Additional, Mr. Nelsen moved that Ms. Hahn, Ms. Helmick, Ms. Marschean, and Ms. Truesdale attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

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 3:37 p.m. and announced its decision.

ACTION:

Upon a motion by Mr. Nelsen, and duly seconded by Mr. Minter, the Board made certain Findings of Fact and Conclusions of Law and voted to deny the reinstatement of the license for Mr. Bland. It was further ordered that Mr. Bland shall not petition the Board for reinstatement for a period of at least twenty-four months from entry of the Order.

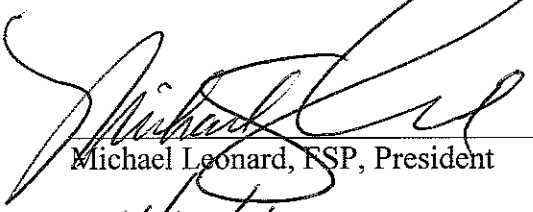
VOTE:

A vote of six (6) to deny the reinstatement and two (2) to grant the reinstatement of Mr. Bland's Funeral Service Provider license.

ADJOURNMENT:

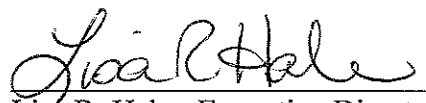
The Board adjourned at 3:47 p.m.

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.



Michael Leonard, FSP, President
4/12/11

Date



Lisa R. Hahn, Executive Director
4/12/11

Date