

APPROVED
VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
July 16, 2013

The Virginia Board of Funeral Directors and Embalmers convened on July 16, 2013, at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia.

BOARD MEMBERS PRESENT: Blair Nelsen, FSL, President
Christopher Vincent, FSL
Mike Leonard, FSL
Bob Burger, FSL
Bob Oman, FSL
Eric Wray, FSL
Randy Minter, FSL
Walter S. Ball, Citizen Member

DHP STAFF PRESENT: Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Kathy Petersen, Discipline Operations Manager
Peter Opper, Adjudication Specialist
Joyce Shelton-Jones, Senior Investigator - HQ

MEMBERS FROM THE OFFICE OF THE ATTORNEY GENERAL PRESENT: Ishneila Moore, Assistant Attorney General, Board Counsel
Lauren Maxey, Office of the Attorney General – Intern

RESPONDENT: Fenton L. Bland, Jr.

RESPONDENT'S COUNSEL : Charles Cuthbert, Jr., Esq.

OTHERS PRESENT: Mitchell Colvin
Billie Watson-Hughes, FSL – via telephone
Scott S. Johnson
Fontaine L. Bland

COURT REPORTER: Wanda Blanks, Certified Court Reporter
Farnsworth & Taylor Reporting

CALL TO ORDER The Formal Administrative Hearing of the Board was called to order at 1:03 p.m.

**ESTABLISHMENT
OF A QUORUM:**

With eight (8) members of the Board present, a quorum was established.

**MATTER
SCHEDULED:**

Fenton L. Bland, Jr., FSL – Reinstatement Applicant
License Number: 0502-860051 - Revoked
Case Number: 149194

DISCUSSION:

Mr. Bland appeared before the Board in accordance with the Notice and Statement of Particulars dated June 14, 2013. Mr. Bland was represented by Charles Cuthbert, Jr., Esq.

The Board received evidence and sworn testimony from the Commonwealth and Respondent'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 Mr. Fenton L. Bland, Jr. Additionally, Mr. Oman moved that Ms. Hahn, Ms. Helmick, Ms. Petersen, Ms. Currier and Ms. Moore 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 2:19 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. Leonard seconded the certification and the Board reconvened open session at 3:16 p.m.

ACTION:

Upon a motion by Mr. Oman, and duly seconded by Mr. Burger, the Board voted to reinstate the Funeral Service Licensee license of Mr. Bland upon successfully passing the Virginia State Board Examination. Mr. Bland's license will be reinstated and placed on probation for not less than three (3) years from the date of reinstatement. He shall not serve as a Manager of Record and shall not take part in consultation, preparation or writing of any preneed contracts. He shall provide the Board with quarterly self reports, evidence of Federal restitution payments, and evidence that any future employer(s) have been given a copy of his Board Order. A roll call was taken.

VOTE:

Mike Leonard	Yes
Eric Wray	Yes
Randy Minter	No
Bob Burger	Yes
Blair Nelsen	Yes
Walter Ball	Yes
Bob Oman	Yes
Chris Vincent	Yes

The motion requires the affirmative vote of three-fourths of the members present at the hearing as noted in §54.1-2408.2 of the *Code of Virginia*. The vote of seven affirmative votes and one negative vote, therefore the motion carries.

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.

Blair Nelsen, FSP, President

Lisa R. Hahn, Executive Director

Date

Date