

APPROVED

VIRGINIA BOARD OF FUNERAL DIRECTORS & EMBALMERS
FORMAL ADMINISTRATIVE HEARING
MINUTES
TUESDAY APRIL 17, 2018

Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233

CALL TO ORDER: The Formal Hearing of the Board was called to order at 1:02 P.M.

MEMBERS PRESENT: Larry Omph, FSL, Chair
Junius Williams, Citizen Member
Ibrahim Moiz, Esq., Citizen Member
Frank Walton, FSL
Connie Steele, FSL
Mia Mimms, FSL

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Corie E. Tillman Wolf, Executive Director
Kathy Petersen, Discipline Operations Manager
Candace Carey, Discipline Assistant

COURT REPORTER: Lori Larsen, Crane Sned & Associates, Inc.

MATTER SCHEDULED: **Joseph Leroy Charity, Jr., FSL**
License No.: 0502770023
Case No.: 182813

PARTIES ON BEHALF OF COMMONWEALTH: Wayne Halbleib, Senior Assistant Attorney General
Emily Tatum, Adjudication Specialist

COMMONWEALTH WITNESS: Karen Schaller, Senior Inspector

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

DISCUSSION:

Mr. Charity did not appear before the Board in accordance with the Board's Notice of Formal Hearing dated March 16, 2018. Mr. Halbleib stated the Notice was sent by certified mail and delivered to Mr. Charity on March 18, 2018. Additionally, Mr. Halbleib called Mr. Charity twice and left messages and emailed Mr. Charity on March 20, 2018. Mr. Halbleib stated he left a voice message and sent an email again on April 4, 2018.

Mr. Omph ruled that proper notice of the hearing was provided to Mr. Charity and the Board proceeded in his absence.

The Board received evidence and sworn testimony from the witness called by the Commonwealth.

CLOSED SESSION:

Upon a motion by Frank Walton, and duly seconded by Junius Williams, the Board voted to convene a closed meeting at 1:46 p.m., 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 Joseph Leroy Charity. Additionally, he moved that Ms. Barrett, Ms. Tillman Wolf, Ms. Petersen, and Ms. Carey attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Upon a motion by Ibrahim Moiz, the Board voted to reconvene at 2:05 p.m.

CERTIFICATION:

Mr. Walton certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Board reconvened in open session.

DECISION:

Upon a motion by Frank Walton and duly seconded by Junius Williams, the Board moved to assess a \$1000 monetary penalty and suspend Mr. Charity's right to renew his license until he provides written verification satisfactory to the Board that he has corrected the deficiencies noted in Findings of Fact 4 (a) through (f),

VOTE:

The vote was unanimous

ADJOURNMENT:

The Board adjourned at 2:07 p.m.

The decisions shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.



Larry Omgs, FSL, Chair

4/17/18

Date



Corie E. Tillman Wolf, Executive Director

7/13/18

Date