

West Virginia Board of Funeral Service Examiners
BOARD MEETING
January 8, 2019

A quorum of the Board being present, the meeting was called to order at 1:00 p.m. by Eugene Fahey, President. Members in attendance were Robert Fields, Brian Nichols, Ron Waybright, Fred Kitchen and Rich Bishoff. Non members present were Regina Anderson, Executive Director, Constance Sloan, Office Manager, and Mark Weiler, Assistant Attorney General.

Mr. Fahey asked the Secretary of the Board, Robert Fields, to read the Minutes of the Board for the meeting held on September 29, 2019. Mr. Fahey interrupted the reading to inquire as to whether or not James Brogan had been advised of the Board's decision relating to his reciprocal license application. Ms. Sloan replied yes and gave all Board members a copy of the letter to Mr. Brogan.

Mr. Fields continued reading the Minutes and was again interrupted by Mr. Fahey who inquired as to whether or not the attorney for Frederick Myers had been advised of the Board's decision to deny his request for reconsideration of the Board's order of April 2012. Mr. Weiler responded that he had called the attorney and advised him of the same. There was a discussion of not having any documentation in the file of what had transpired regarding notification. Mr. Fahey stated that the Board needed something from Mr. Weiler relating to the telephone conversation with Mr. Myers' attorney.

Mr. Fields then resumed with the reading of the Minutes and on the matter of Complaint No. 2018-01A Mr. Fahey again asked if the Consent Agreement had been prepared. Mr. Weiler responded that he had some questions about the action of the Board and that he had not prepared the Consent Agreement. Mr. Kitchen asked what time frame did the attorney have to prepare these agreements after the Board had requested him to proceed. Mr. Weiler stated that he would have to look at the time, it depends on when the six month's letter was sent which extended the time for the Board to act.

Mr. Fields proceeded to finish reading the Minutes with no further questions. On Motion of Robert Fields, seconded by Ron Waybright, the Minutes were unanimously approved as read.

The P-Card expenses were reviewed and Robert Fields requested clarification of the \$100 payments to the Treasury. Ms. Anderson responded that those payments were for registration fees for the Board Members to attend the Auditor's Conference which was held December 10, 2018. There being no further questions regarding the PCard expenses Fred Kitchen moved, seconded by Robert Fields, that PCard report was approved unanimously.

The Financial Reports from August 31 to November 31, 2018 were approved. On motion of Brian Nichols, seconded by Robert Fields, the reports were unanimously approved.

Fred Kitchen moved the Board go into Executive Session to discuss the Complaint Committee's recommendations on Complaint 2018-04, regarding Elk . Rich Bishoff seconded the motion which was approved unanimously.

The Board, on motion of Rich Bishoff, seconded by Fred Kitchen, the Board voted unanimously to return to public session.

The Complaint Committee findings and recommendations were:

Mr. Surrrett was given written notice of the complaint filed against him alleging that his funeral home was deplorable and that because of the conditions at the funeral home the family of the decease opted to have the funeral service of the deceased at a local church rather than use Elk's facilities.

Mr. Surratt has never responded.

Mike Howard made an inspection on October 4, 2018 and wrote a warning notice for the following violations:

The front door rug is bad, needs replaced

There are dead flowers in front of the door and down the hall way.

Fire extinguisher is out of date (2016)

Gutters are down

Doors only one way out side and the door is locked

Ceiling in the men's room is still open to the second floor

No embalming reports

Embalming room wall is torn up

No formaldehyde test

No Hep B

No available GPL, had to print off one from 1998

In general, the facility is a mess with papers and other debris piled everywhere.

In addition to the enumerated deficiencies, Elk Funeral Home has no State or City License to do business. The corporate charter was revoked in 2016.

The committee recommended that Mr. Surratt be given 30 days to rectify the above deficiencies and to obtain a valid license from the State of West Virginia and the City of Charleston. In the event that he fails to do so, the Board will take legal action to close the funeral home until such time as the funeral home comes into compliance.

The Board discussed the time to be allotted to remedy the situation. Rich Bishoff suggested that nothing on the list was impossible to accomplish in that amount of time but suggested 30 days.

On motion of Robert Fields, seconded by Fred Kitchen, the Board voted unanimously to give Elk Funeral Home 30 days to complete the actions necessary to remedy the deficiencies and to obtain valid business licenses from the City of Charleston and the State Tax Department. At the end of the thirty-day period another inspection would be made and should the necessary remedial action not have been taken, that the Board proceed to take disciplinary actions, which would include the closure of the funeral home.

Mark Weiler is to draft a letter for the President's signature to be sent to Mr. Surratt and provide the same to the Board office as soon as possible.

Mr. Fahey announced that the Board has several applications for the inspector's position and appointed Ron Waybright and Brian Nichols to interview the prospective candidates and make a recommendation as to who should be hired. The Executive Director is to provide Mr. Waybright and Mr. Nichols with copies of the resumes and the information relating to the job duties, schedule of inspections, etc.

The President announced that the next meeting date will be March 12, 2019, at 1:00 pm. Complaint Committee will meet at 10 am that same day.

There being no further business to be conducted, the Board adjourned.

Executive Director

Board President