

WV Board of Funeral Service Examiners
Board Meeting
179 Summers Street, Suite 319
Charleston, WV 25301

August 22, 2022
11:00 a.m.

Members, Staff & Attorney Present: Eugene Fahey, President, Robert Fields, Vice President, Rich Bishoff, Bryan Nichols, Fred Kitchen, John Valentine and Ronald Waybright

Linda Lyter, Executive Director, Grady Bowyer, Mark Danehart, Adriana Marshall, Attorney and via Zoom Melissa Cyfers

Guests Present: Capitol Police-as requested (2 Officers) David Bolyard, Rochelle McIntire, Attorney and via Zoom Brad McElhinny, Reporter-WV Metro News

Call meeting to order at 11:02 by president of the board - Quorum established.

A motion is made by Bryan Nichols to approve the meeting minutes for June 17, 2022. Seconded by John Valentine. Motion approved.

Introductions of Guests: David Bolyard, Attorney, Rochelle McIntire and Capitol Police Officer, T. L. Maline

Overview of Complaint # 2022-09 Discussion with guests, David & Rochelle re: Invoices for funeral services haven't been paid to date as well as ashes have not been picked up, etc.

Complaints review: Motion is made by Bob Fields to go into executive session. Seconded by Fred Kitchen. Motion approved. Guests requested to leave the room and placed in waiting room via Zoom

Discussion of complaints # 2022-01, 2022-03, 2022-07, 2022-08, 2023-00, 2023-01 and 2023-02 with recommendations.

A motion is made by Bob Fields to come out of executive session. Seconded by Rich Bishoff. Motion approved. Guests were permitted back into meeting.

A motion is made by Bryan Nichols to close complaint # 2022-01 due to licensee not seeking to renew license this year and matter is resolved. Renewal returned with no forwarding address. Seconded by Fred Kitchen. Motion approved.

Ron Waybright makes a motion to dismiss and close complaint # 2022-09 due to no probable cause or violation of law. Seconded by Rich Bishoff. Motion approved.

Rich Bishoff makes a motion to table Complaints 2022-03 remains. John Anderson was requested to be present at this meeting and did not appear. Seconded by Ron Waybright. Motion approved.

Complaint #'s 2022-07 and 2022-08 are in negotiations regarding consent decrees and remain open.

Complaint # 2022-11 was inadvertently left off of the agenda. Although, complainant requested to speak at board meeting after agenda was prepared and did not appear.

Complaints # 2023-00, 2023-01 and 2023-02 remain open.

Lyter presented finance report to the board for June and July. Motion made by Ron Waybright to approve the finance report. Seconded by Bob Fields. Motion approved.

Lyter & Bowyer presented P-card report for June and July. Motion made by Ron Waybright to approve the P-card report, Seconded by Bob Fields. Motion approved.

Lyter executive director report: Legislative update on status of rules. Rules were submitted prior to July deadline with only one comment. Will now be presented at an upcoming Rule-making committee meeting possibly in September or October. Update on apprentice not submitting reports on a timely basis. Inspector to visit funeral home to discuss this matter. Also, presented knowledge of funeral home practicing without a license due to newspaper obituaries. Therefore, the Board initiated a new complaint# 2023-04 regarding unlicensed practice and no licensee-in-charge. A motion is made by Ron Waybright to initiate the board complaint for unlicensed practice and no licensee-in-charge since May 2022. Seconded by Fred Kitchen. Motion approved.

Bowyer office manager report: Renewal report provided and notices mailed to those who haven't renewed yet. Update on CE Broker and CEU random audits. Discussion on database whether to update so licensee could print pocket card, etc. Board would like to remain as is with staff printing and mailing cards to licensees. Discussion on archives & deceased files - to remain in office. Review of funeral director only application with board recommendations

Interpretive Rule for Code of Conduct, Inspections & reports re: ADA restroom requirements, etc. discussed by president.

Items of interest/Board member concerns: no topics presented and/or discussion.

Licenses signed by board members.

Next regular scheduled meeting to be held on October 13, 2022 at 11:00 a.m.

A motion made by Bryan Nichols to adjourn meeting. Seconded by Ron Waybright. Motion approved.