

**Funeral &  
Cemetery  
Board Meeting**

**Tab 1  
Call to Order**

August 2, 2016

9:00 AM

LOTT Clean Water Alliance  
Olympia, WA



STATE OF WASHINGTON  
**DEPARTMENT OF LICENSING**

**FUNERAL & CEMETERY BOARD**  
**MEETING AGENDA**  
*SPECIAL BOARD MEETING*

**DATE:** August 2, 2016  
**TIME:** 9:00 am  
**LOCATION:** LOTT Clean Water Alliance  
500 Adams Street NE  
Olympia, WA

**AGENDA:**

**OPEN SESSION ..... 9:00 AM**

- 1. Call to Order**
  - 1.1. Introductions
  - 1.2. Order of Agenda
  - 1.3. Approval of Minutes: May 3, 2016
  - 1.4. Review Communications
- 2. Public Comment Opportunity**
- 3. New Business**
  - 3.1. Timely Filing of Death Certificates
- 4. Old Business**
  - 4.1. Review Master Action Items List
- 5. Complaint Cases for Review\***
  - 5.1. Case Manager Recommendations
    - 5.1.1. 2016-01-2605-00FDE (Messenger)

**6. Legal Issues for Deliberation\***

- 6.1. Orders to Be Presented
  - 6.1.1. 2014-03-2602-01FDE (Letson)
  - 6.1.2. 2014-03-2602-03FDE (Letson)
  - 6.1.3. 2014-09-2603-00FDE (Wilson)
- 6.2. Federal Trade Commission: Heritage Cremation Provider/Legacy Funeral Services

**7. Disciplinary & Investigation Items**

- 7.1. Closed Session Deliberation Report (only necessary if closed session is held)
- 7.2. Disciplinary Cases Report

**8. Assistant Attorney General's Report****9. Committee/Task Force Reports**

- 9.1. Cemetery Committee
- 9.2. Guidelines for Funeral Establishments, Cemeteries & Licensees

**10. Board Staff Report**

- 10.1. Program Operations
- 10.2. Department of Licensing
- 10.3. Other Items

**11. Other Business**

- 11.1. Action Items From This Meeting
- 11.2. Agenda Items For Next Meeting
- 11.3. Any Other Business

**12. Adjournment**

\*The Board may enter into closed session to discuss disciplinary proceedings.



STATE OF WASHINGTON  
**DEPARTMENT OF LICENSING**

**FUNERAL & CEMETERY BOARD**  
**MEETING MINUTES**  
***REGULAR BOARD MEETING***

**DATE:** May 3, 2016

**TIME:** 9:00 am

**LOCATION:** ESD 113/Capital Event Center  
 6005 Tyee Dr SW  
 Tumwater, WA 98512

**BOARD MEMBERS PRESENT:** Ronald Messenger, Cemetery Member & Chair  
 Jim Letson, Cemetery Member & Vice Chair  
 Jeffrey Wilson, Funeral/Embalmer Member  
 Pete Cameron, Funeral/Embalmer Member  
 Cameron Smock, Cemetery Member  
 Todd Shifflett, Funeral/Embalmer Member

**STAFF PRESENT:** Lorin Doyle, Administrator  
 Rick Storvick, Assistant Administrator  
 Lily Reinecke, Administrative Assistant  
 Elizabeth Thompson-Lagerberg, AAG  
 Jeremy Gelms, AAG

**OTHERS PRESENT:** Members of the public and other staff

**1. Call to Order 9:00AM**

1.1. Introductions  
 Board members, staff, and guests introduced themselves.

1.2. Order of Agenda

The order of the agenda was amended as follows:

- Case #2016-03-2400-00CEM (Smock) was added as item 5.1.3
- Case #2014-06-2600-00FDE (Letson) was added as item 5.1.4
- Case #2015-09-2603-00FDE (Cameron) was added as item 5.1.5
- Case #2015-12-2602-00FDE (Cameron) was added as item 5.1.6
- Case #2015-12-2603-00FDE (Wilson) was added as item 5.1.7

Mr. Smock made a MOTION to accept the agenda as amended. Mr. Shifflett seconded the MOTION and it passed.

1.3. Approval of minutes: February 2, 2016

Mr. Letson made a MOTION to approve the minutes as presented. Mr. Smock seconded the MOTION and it passed.

1.4. Review Communications – Mr. Storvick reported The International Conference of Funeral Service Examining Boards is soliciting volunteers to serve on their Model Practice Act Review Committee. An application form is included in the packet.

**2. Public Comment Opportunity**

Mr. Samuel Roder, Mr. Clive Stewart, and Ms. Amanda Roberts, students from The Evergreen State College, presented information about a project exploring alternative burial options and a proposed outreach program to educate people about sustainable alternatives to burial. They will be collecting data from death care industry members and will present their findings in a final research paper.

**3. New Business**

3.1 Election of Officers

Mr. Wilson nominated the following board members to serve, as follows:

- Jim Letson, Chair
- Cameron Smock, Vice Chair

Mr. Wilson made a MOTION to approve the election of officers as nominated. Mr. Cameron seconded the MOTION and it passed.

3.2 Guidelines for Funeral Establishments, Cemeteries and Licensees

Mr. Storvick proposed the board consider an online guidance document, since board members and staff receive numerous questions from the public and cannot provide legal advice. He referenced other regulatory programs' online guidelines, which include frequently asked questions, links to pertinent laws, etc. He asked the board to form a committee to develop these guidelines.

The following board members volunteered to serve on the Guidelines for Funeral Establishments, Cemeteries and Licensees Committee:

- Pete Cameron
- Todd Shifflett
- Cameron Smock

**Action Item: Staff will schedule a meeting of the Guidelines for Funeral Establishments, Cemeteries, and Licensees Committee.**

**4. Old Business**

Review Master Action Items List

The master action items list was reviewed and updated.

## 5. Complaint Cases for Review\*

### 5.1. Case Manager Recommendations

#### 5.1.1. 2015-09-2602-00FDE (Shifflett)

The complaint alleged the funeral establishment failed to offer scattering of cremated remains at sea as requested by an individual who had secured a pre-arrangement trust for themselves based on that understanding. The case manager found there was no violation of law or rule and recommended closure. Mr. Smock made a MOTION to accept the recommendation. Mr. Letson seconded the MOTION and it passed.

#### 5.1.2. 2015-01-2604-00FDE (Shifflett)

The complaint alleged unprofessional conduct for failure to file a death certificate within 3 business days of passing. The case manager found there was no substantial violation of law or rule. Mr. Letson made a MOTION to accept the case manager's recommendation to close the case. Mr. Smock seconded the MOTION and it passed.

#### 5.1.3. 2016-03-2400-00CEM (Smock)

The complaint alleged the cemetery failed to honor a verbal commitment from a staff person that the rights of interment could be re-sold or transferred to a different individual. The case manager found no violation of law or rule and recommended the case be closed with no further action. Mr. Shifflett made a MOTION to accept the case manager's recommendation to close the case with no further action. Mr. Letson seconded the MOTION and it passed.

#### 5.1.4. 2014-06-2600-00FDE (Letson)

The complaint alleged misrepresentations regarding the service and merchandise items provided in fulfilling a pre-need sale. The case manager said remedial counseling is being scheduled with the licensee and recommended the case be closed with no further action. Mr. Wilson made a MOTION to close the case with no further action. Mr. Shifflett seconded the MOTION and it passed.

#### 5.1.5. 2015-09-2603-00FDE (Cameron)

The complaint alleged that, on a pre-arranged funeral contract, the funeral home charged a family for a memorial service which included use of staff at an off-site location and then sent an unlicensed person to the service who acted as and performed duties of a licensed funeral director. The case manager recommended the case be closed with no further action. Mr. Letson made a MOTION to close the case with no further action. Mr. Cameron seconded the MOTION and it passed.

#### 5.1.6. 2015-12-2602-00FDE (Cameron)

The incident, which was self-reported, involved one instance of cremating the wrong body before obtaining a signed cremation authorization form and burial permit as required; and one instance of inadvertently co-mingling the cremated remains of two separate people. The case manager reported the funeral establishment immediately terminated the employee responsible for

the first incident. The staff separated the remains as best they could and immediately notified both families in the second incident. The case manager recommended the case be closed with no further action. Mr. Wilson made a MOTION to close the case with no further action. Mr. Shifflett seconded the MOTION and it passed.

5.1.7. 2015-12-2603-00FDE (Wilson)

The complaint alleged a funeral home harbored a veteran's headstone from being set at the cemetery and, in another incident, did not provide enough cosmetics for a proper visitation. The case manager found no violation of law or rule and recommended the case be closed with no further action. Mr. Shifflett made a MOTION to close the case with no further action. Mr. Cameron seconded the MOTION and it passed.

**6. Legal Issues for Deliberation\***

6.1. Orders To Be Presented - None

**7. Disciplinary & Investigation Items**

7.1. Closed Session Deliberation Report (only necessary if closed session is held)  
No business.

7.2. Disciplinary Cases Report  
Packet item; no action.

**8. Assistant Attorney General's Report - None**

**9. Committee/Task Force Reports - None**

**10. Board Staff Report**

10.1. Program Operations

Mr. Storvick reported Autumn Dryden has accepted a promotional opportunity, and recruitment to fill her position has begun. He introduced Jenni Lingle, who was recently hired as an Administrative Assistant and mentioned Julie Hamilton has been hired as the new Management Analyst 3 to handle charging documents and other duties. He also reported the Regulatory Board Section moved downstairs last month, a survey asking for feedback about the multi-board event held last month was sent to all board members, and Southwick dba Forest Memorial Cemetery appealed the board order issued late last year to the Superior Court, with a July 15 hearing date scheduled.

**Action Item: Staff will notify board members of the Superior Court hearing schedule.**

10.2. Legislative Update  
No business.

10.3. Other Items  
No business.

**11. Other Business**

11.1. Action Items From This Meeting

- Schedule Guidelines for Funeral Establishments, Cemeteries, and Licensees Committee meeting
- Send link to Superior Court hearing schedule to board members

11.2. Agenda Items For Next Meeting

- Timely Filing Of Death Certificates
- Guidelines for Funeral Establishments, Cemeteries, and Licensees Committee Report

11.3. Any Other Business

No business.

**12. Adjournment 9:54AM**

Submitted by:

\_\_\_\_\_  
Rick Storvick, Assistant Administrator

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Ron Messenger, Board Chair

\_\_\_\_\_  
Date

# **Board Meeting**

## **Tab 2**

### **Public Comment**

The board has the option to allow comment from the public on agenda items or other topics, unless the comment is related to an open investigation.

The board may limit the comment period, and will provide instructions if it chooses to do so.

# **Board Meeting**

## **Tab 3**

### **New Business**

Topics for action or discussion by the board that were identified at or since the last board meeting.

Funeral & Cemetery Board  
August 2, 2016  
Olympia, WA

## **Death Certificates – Timely Filing**

**Background:** The Department of Health’s laws (see below) require a funeral director or person having the right to control the disposition of the human remains to obtain a death certificate, sign or electronically approve it, and file the certificate with the local registrar within three business days.

In the past, the board has taken action on the failure to timely file a death certificate when there were many incidents of late filings, when the filing was significantly late, or when disposition occurred before filing.

**Board action requested:** The board a policy discussion about this violation is addressed.

RCW 70.58.160 Certificate of death or fetal death required.

A certificate of every death or fetal death shall be filed with the local registrar of the district in which the death or fetal death occurred within three business days after the occurrence is known, or if the place of death or fetal death is not known, then with the local registrar of the district in which the human remains are found within one business day thereafter. In every instance a certificate shall be filed prior to the interment or other disposition of the human remains. However, a certificate of fetal death shall not be required if the period of gestation is less than twenty weeks.

RCW 70.58.240 Duties of funeral directors.

Each funeral director or person having the right to control the disposition of the human remains under RCW 68.50.160 shall obtain a certificate of death, sign or electronically approve and file the certificate with the local registrar, and secure a burial-transit permit, prior to any permanent disposition of the human remains. He or she shall obtain the personal and statistical particulars required, from the person best qualified to supply them. He or she shall present the certificate to the attending physician or in case the death occurred without any medical attendance, to the proper official for certification for the medical certificate of the cause of death and other particulars necessary to complete the record. He or she shall supply the information required relative to the date and place of disposition and he or she shall sign or electronically approve and present the completed certificate to the local registrar, for the issuance of a burial-transit permit. He or she shall deliver the burial permit to the sexton, or person in charge of the place of burial, before interring the human remains; or shall attach the transit permit to the box containing the corpse, when shipped by any transportation company, and the permit shall accompany the corpse to its destination.

Submitted by board staff  
July 14, 2016

# **Board Meeting**

## **Tab 4**

### **Old Business**

Topics from past meetings, presented for update, action or further discussion by the board.

## *Washington State Funeral and Cemetery Board*

### *Staff Assignments*

#### *Date Assigned*

<i>Agenda Item</i>	<i>Action Item</i>	<i>Assigned to</i>	<i>Status</i>
5/3/2016	Notify board members of the Superior Court hearing schedule.	Staff	<i>Due Date</i>
..			<i>Completed</i> <input checked="" type="checkbox"/>
			<i>Out dated</i> <input type="checkbox"/>
5/3/2016	Schedule a meeting of the Funeral Establishment Guidelines Committee.	Staff	<i>Due Date</i>
..			<i>Completed</i> <input type="checkbox"/>
			<i>Out dated</i> <input type="checkbox"/>

# **Board Meeting**

## **Tab 5**

# **Complaint Cases for Review**

Complaint closure recommendations  
presented by the assigned case manager.

Board action is required on each case.

Case number: 2016-01-2605-00FDE

**Give a brief summary of the complaint and the alleged violation(s):** Failure to keep records and failure to respond to written inquiry for records.

**What violations did you find? State the RCW or WAC if applicable:**

X No Violation

List Violations

- 1.
- 2.
- Etc.

**What evidence supports the alleged violation?** (*Example: webpage language, print advertising, contract etc.*)

X No Violations found – required records were kept and dispersed to complainant as requested, perhaps not in the time frame the complainant expected but certainly within a reasonable time frame. Respondent and State investigator reached out to complainant to see if they needed further information or assistance and complainant has not responded to either so the assumption is the complainant is satisfied with outcome.

For each violation, briefly identify the supporting evidence (*you can reference the case file index*)

- 1.
- 2.
- Etc.

**Do you need additional information to make a recommendation?**

From the respondent       From the complainant       From staff or the investigator

**What is the information you need? Please be specific.**

Ron Messenger  
Case Manager Name

6/30/2016  
Date

RETURN TO: [DFCCOMPLIANCE@DOL.WA.GOV](mailto:DFCCOMPLIANCE@DOL.WA.GOV)

# **Board Meeting**

## **Tab 6**

### **Legal Issues for Deliberation**

Negotiated settlement orders or default orders presented by the board's prosecution team.

Board action is required on each order.

**STATE OF WASHINGTON  
DEPARTMENT OF LICENSING  
BUSINESS AND PROFESSIONS DIVISION  
WASHINGTON STATE FUNERAL AND CEMETERY BOARD**

In the Matter of the Unlicensed Practice  
as a Funeral Director of:

**Kitty Scott**

Respondent.

No. 2014-03-2602-01FDE

**AGREED FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER**

The Funeral and Cemetery Program (Program) of the Business and Professions Division of the Department of Licensing (Department), by and through Jeremy M. Gelms, Assistant Attorney General, and Kitty Scott (Respondent), agree to entry of this AGREED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Agreed Order):

**1. PROCEDURAL AGREEMENTS**

1.1 Respondent was served with the Statement of Charges on Unlicensed Activity and Notice of Intent to Issue Cease and Desist Order (Notice) in this proceeding. The Notice alleges Respondent practiced or offered to practice professional services for others in the state of Washington as a Funeral Director without a license.

1.2 Respondent timely filed an Answer to the Notice.

1.3 The Program, by and through its attorney, and the Respondent have engaged in settlement discussions, during which this Agreed Order was agreed upon.

1.4 Respondent understands the Program is prepared to proceed to a hearing based on the Notice.

1.5 Respondent understands she has the right to defend against the allegations in the Notice by presenting evidence at a hearing.

1.6 Respondent understands that should the Program prove at a hearing the allegations in the Notice, the Washington State Funeral and Cemetery Board (Board) has the power and authority to impose sanctions under RCW 18.235.110 and Chapter 18.39 RCW.

1.7 Respondent and the Program agree to speed the final resolution of this matter by means of this Agreed Order.

1.8 Respondent waives the opportunity for a formal hearing on the Notice contingent upon signature and acceptance of this Agreed Order by the Board.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Board.

1.10 Respondent waives any objection to the participation of any of the members of the Board (other than Jim Letson, the reviewing board member and case manager in this proceeding) in a formal hearing in this matter if the Board rejects this Agreed Order.

## **2. AGREED FINDINGS OF FACT**

2.1 Kitty D. Scott (Respondent) was registered with the Board as a Funeral Director Intern under certificate number 2120, issued March 12, 1996 and expired September 28, 2012.

2.2 On March 19, 2013, the Board signed an order preventing Kitty D. Scott from ever pursuing a funeral director's license and stated her intern license would not be subject to renewal.

2.3 On October 4, 2013 Thelma D. Brown Died.

2.3.1 On October 7, 2013 a Funeral Purchase Agreement for Mrs. Brown's funeral arrangements was signed by Kitty Scott and listed Mrs. Scott as the "Name of Seller".

2.3.2 On August 14, 2014 in a response to a request for information by a board investigator regarding the funeral arrangements for Mrs. Brown, Keith Armstrong, (Respondent's counsel) answered the question, "Who made arrangements with customer?" with "Mrs. Kitty Scott".

2.3.3 Mrs. Scott is not licensed as a Funeral Director and barred from obtaining licensure by the Board. Meeting with families to make funeral arrangements requires a valid Funeral Director or Funeral Director Intern license. This conduct constitutes a violation of RCW 18.235.130(15), and 18.39.020.

### **3. AGREED CONCLUSIONS OF LAW**

3.1 The Board has jurisdiction over the subject matter of this proceeding.

3.2 The conduct described in 2.1 through 2.3.3 constitutes the practice or offer to practice as a funeral director for others in this state under chapters 18.39 RCW and 308-48 WAC. Such conduct violates RCW 18.235.130(15), and 18.39.020.

3.3 The conduct described in 2.3 through 2.3.3 may only be performed by a person licensed under chapter 18.39 RCW.

3.4 Pursuant to RCW 18.39.560, the uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice for funeral directors. RCW 18.235.010(7) defines unlicensed practice, and RCW 18.235.150 authorizes the issuance of the Notice, orders to cease and desist, and imposition of civil fines.

### **3. AGREED ORDER**

Based on the preceding Procedural Agreements, Agreed Findings of Fact and Conclusions of Law, Respondent and the Program agree to entry of the following order:

4.1 Respondent shall permanently cease and desist from practicing or offering to practice professional services for others in the state of Washington as a Funeral Director.

4.2 Respondent is assessed a fine of \$2,000. The fine is to be submitted to the Department within 30 days of the date this Agreed Order is served by the Board. The fine shall be submitted to:

Department of Licensing  
Lily Reinecke, Board Clerk  
PO Box 3907  
Seattle, WA 98124-3907

4.3 Respondent shall be responsible for all costs of complying with this Agreed Order.

4.4 This Agreed Order takes effect immediately upon being served by the Board. RCW 18.235.080. Service of this order is complete upon mailing. RCW 34.05.010(19).

4.5 Respondent and the Program have read this Agreed Order in its entirety and fully understand and agree to all of it.

4.6 This Agreed Order may be submitted to the Board for approval and entry without further notice.

4.7 If the Board accepts this Agreed Order, the Program will mail a signed copy to Respondent and the Program’s attorney.

\_\_\_\_\_  
Kitty Scott  
Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeremy M. Gelms, WSBA# 45646  
Assistant Attorney General

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lorin Doyle, Administrator  
Washington State Funeral and Cemetery Board

\_\_\_\_\_  
Date

#### 4. ORDER

The Washington State Funeral and Cemetery Board accepts and enters this Agreed Findings of Fact, Conclusions of Law and Order. Nothing in this Agreed Order may be construed as a limitation on the enforcement authority of the Department or Board with respect to Respondent's duties and obligations under the laws governing Funeral Directors.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

STATE OF WASHINGTON  
WASHINGTON STATE FUNERAL AND CEMETERY BOARD

\_\_\_\_\_  
Presiding Officer

Presented by:

\_\_\_\_\_  
Jeremy M. Gelms, WSBA# 45646  
Assistant Attorney General

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**STATE OF WASHINGTON  
DEPARTMENT OF LICENSING  
BUSINESS AND PROFESSIONS DIVISION  
WASHINGTON STATE FUNERAL AND CEMETERY BOARD**

In the Matter of the Licenses to Practice  
the Funeral Professions of:

**Joseph L. Parker**, Funeral Director  
Number 1998,  
Respondent.

No. 2014-03-2602-03FDE

**AGREED FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER**

The Funeral & Cemetery Program (Program) of the Business and Professions Division of the Department of Licensing (Department), by and through Jeremy M. Gelms, Assistant Attorney General, and Joseph L. Parker, (Respondent) agree to entry of this AGREED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER (Agreed Order):

**1 PROCEDURAL AGREEMENTS**

1.1. Respondent was served with the Statement of Charges in this proceeding, along with an Answer to Statement of Charges (Answer). The Statement of Charges alleges the Respondent engaged in unprofessional conduct by engaging in unlicensed practice, aiding and abetting unlicensed practice, and accepting a commission from a cemetery for directing business to that cemetery.

1.2. Respondent timely filed an Answer.

1.3. The Program, its attorney, and Respondent have engaged in settlement discussions, during which this Agreed Order was agreed upon.

1.4. Respondent understands the Program is prepared to proceed to a hearing based on the Statement of Charges.

1.5 Respondent understands they have the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.

1.6 Respondent understands, should the Program prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions under RCW 18.235.110.

1.7 Respondent and the Program agree to speed the final resolution of this matter by means of this Agreed Order.

1.8 Respondent waives the opportunity for a formal hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Board.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Board.

1.10 Respondent waives any objection to the participation of any of the members of the Board (other than Jim Letson, who is the reviewing board member and case manager in this proceeding) in a formal hearing in this matter if the Board rejects this Agreed Order.

## **2 AGREED FINDINGS OF FACT**

2.1 House of Scott, (Respondent) is registered with the Board as a Funeral Establishment under certificate number 287, issued July 08, 1988.

2.2 Joseph L. Parker is registered with the Board as a Funeral Director under certificate number 1998, issued November 15, 1999 and was the designated funeral director during the events detailed below.

2.3 Kitty D. Scott was registered with the Board as a Funeral Director Intern under certificate number 2120, issued March 12, 1996 and expired September 28, 2012.

2.4 On March 19, 2013, the Board signed an order preventing Kitty D. Scott from ever pursuing a funeral director's license and stated her intern license would not be subject to renewal.

2.5 On October 4, 2013 Thelma D. Brown Died.

- 2.2.1 On October 7, 2013 a Funeral Purchase Agreement for Mrs. Brown’s funeral arrangements was signed by Kitty Scott and listed Mrs. Scott as the “Name of Seller”.
- 2.2.2 On August 14, 2014 in a response to a request for information by a board investigator regarding the funeral arrangements for Mrs. Brown, Keith Armstrong, (Respondent’s counsel) answered the question, “Who made arrangements with customer?” with “Mrs. Kitty Scott”.
- 2.2.3 Mrs. Scott is not licensed as a Funeral Director and barred from obtaining licensure by the Board. Meeting with families to make funeral arrangements requires a valid Funeral Director or Funeral Director Intern license. This conduct constitutes a violation of RCW 18.235.130(4),(8),(9) and (15), and 18.39.410 (8).

2.3 On July 9, 2014 in a phone interview with a board investigator, Rick Snider of Mountain View Memorial Park (Mt. View) stated Mt. View gives House of Scott a “referral” fee which Mt. View applied toward the balance on owed accounts. This conduct constitutes a violation of RCW 18.235.130(4), and (8), and 18.39.410(3) and (8).

### **3 AGREED CONCLUSIONS OF LAW**

3.1 The Board has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The facts described in 2.1 through 2.3 constitute unprofessional conduct under RCW 18.235.130(4),(8),(9) and (15), and 18.39.410(3) and (8).

3.3 Such unprofessional conduct is grounds for sanctions pursuant to RCW 18.235.110.

### **4 AGREED ORDER**

Based on the preceding Procedural Agreements, Agreed Findings of Fact and Conclusions of Law, Respondent and the Program agree to entry of the following order:

- 4.1 The Funeral Director license of Respondent is hereby suspended for one year.

4.1.1 The suspension will be STAYED contingent on compliance with the following: Respondent does not violate any further laws or rules governing funeral practice for a period of one year following the date this Agreed Order is served by the Board.

4.2 The Funeral & Cemetery Administrator, Business and Professions Division, Department of Licensing, in reliance upon the Department's own records, may apply to the Board for an order which will lift the stay and impose the suspension immediately without further notice to Respondent or opportunity for hearing; provided, however, the Department will notify the Respondent in writing when it applies for the Order of Suspension, the effective date of the actual suspension and what action, if any, the Respondent must take to obtain reinstatement of the license.

4.3 Respondent is assessed a fine of \$2,000 to be submitted to the Department within 12 months of the date of this Agreed Order.

4.4 All fines shall be submitted to:  
Department of Licensing  
Lily Reinecke, Board Clerk  
PO Box 3907  
Seattle, WA 98124-3907

4.5 Respondent shall be responsible for all costs of complying with this Agreed Order.

4.6 This Agreed Order takes effect immediately upon being served by the Board.  
RCW 18.235.080.

4.7 Respondent and the Program have read this Agreed Order in its entirety and fully understand and agree to all of it.

4.8 This Agreed Order may be submitted to the Board for approval and entry without further notice.

4.9 If the Board accepts this Agreed Order, the Program will mail a signed copy to Respondent and the Program's attorney.

\_\_\_\_\_  
Joseph L. Parker

Date \_\_\_\_\_

Bob Ferguson  
Attorney General

\_\_\_\_\_  
Jeremy M. Gelms, WSBA# 45646  
Assistant Attorney General

Date \_\_\_\_\_

\_\_\_\_\_  
Lorin Doyle, Program Administrator

Date \_\_\_\_\_

## V. ORDER

The Washington State Funeral and Cemetery Board accepts and enters this Agreed Findings of Fact, Conclusions of Law and Agreed Order. Nothing in this Agreed Order may be construed as a limitation on the enforcement authority of the Department or Washington State Funeral and Cemetery Board with respect to Respondent's duties and obligations under the laws governing funeral practice.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

STATE OF WASHINGTON  
WASHINGTON STATE FUNERAL AND CEMETERY BOARD

\_\_\_\_\_  
Presiding Officer

Presented by:

\_\_\_\_\_  
Jeremy M. Gelms, WSBA# 45646  
Assistant Attorney General

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**CERTIFICATE OF MAILING**

I, \_\_\_\_\_ certify that I mailed a copy of this document, postage prepaid, to **STEPHEN J. WILSON** at the address of record, 186 W. Main St., Chehalis, WA, 98532. I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

Dated: \_\_\_\_\_ at \_\_\_\_\_, Washington.

By: \_\_\_\_\_

**STATE OF WASHINGTON  
DEPARTMENT OF LICENSING  
BUSINESS AND PROFESSIONS DIVISION  
WASHINGTON STATE FUNERAL AND CEMETERY BOARD**

In the Matter of the License to Practice the Funeral Profession of:

**STEPHEN J. WILSON**, Funeral Director  
Intern Number 3201,

Respondent.

No. 2014-09-2603-00FDE

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
DEFAULT ORDER**

### I. INTRODUCTION

THIS MATTER arises out of an Amended Statement of Charges issued by the Program Administrator for the Washington State Funeral and Cemetery Board (Board) on March 29, 2016. The Amended Statement of Charges alleges that Stephen J. Wilson, Respondent, violated provisions of Chapters 18.235 Revised Code of Washington (RCW). The Respondent did not submit an answer to the Amended Statement of Charges and did not request a hearing before the Board on the Amended Statement of Charges.

THIS MATTER, having come before the Board, the Respondent having failed to submit an answer or request a hearing on the Amended Statement of Charges, the Board having reviewed the record herein and the Declaration of Julie J. Hamilton, and being advised in the premises, makes the following:

## II. FINDINGS OF FACT

2.1. Stephen J. Wilson (Respondent) is registered with the Board as a Funeral Director Intern under certificate number 3201, issued June 29, 2011.

2.2. On June 26, 2014 Joanne Holland (Decedent) died.

2.3. On July 10, 2014 Decedent's remains were cremated at Black Hills Crematory.

2.4. On July 11, 2014 Respondent delivered the cremated remains to Decedent's daughter, Carinna Vogl. During this visit Mr. Wilson collected \$900 cash for the Decedent's cremation. Mr. Wilson provided Mrs. Vogl with a handwritten receipt for the full amount. However, on July 14, 2014, Respondent wrote a receipt from Woodlawn Funeral Home in the amount of \$650 for cash received from Mrs. Vogl on July 11, 2014. This included \$600 of Mrs. Vogl's funds and \$50 of Respondent's funds. Thus, according to Woodlawn records, Mrs. Vogl had only paid \$650. On July 16, 2014, Respondent wrote two more receipts – one for \$100 and another \$50.

2.5. The Department questioned Respondent regarding the receipt discrepancies. On October 2, 2014 the board received a statement from Respondent. In this statement, Respondent claimed he lost \$300 of the \$900 paid by Mrs. Vogl and was paying it back with his own money. Respondent admitted that he did not inform his employer, Woodlawn Funeral Home, that the money was lost and unilaterally decided to pay the shortfall over time.

2.6. On June 3, 2015, the Board sent a Statement of Charges, Answer to Statement of Charges, Agreed Findings of Fact, Conclusions of Law and Order; and Notice of Legal Rights.

2.7. On or about June 26, 2015, the Board received an Answer to Statement of Charges from the Respondent.

2.8. On September 4, 2015, a letter was sent to the Respondent with a pre-hearing conference date and time of September 10, 2015 at 10:00am via conference call. The Respondent did not appear at the pre-hearing conference and did not request to have the pre-hearing conference rescheduled.

2.9. On March 29, 2016, an Amended Statement of Charges was issued and sent to the Respondent with an Answer to Statement of Charges, Agreed Findings of Fact, Conclusions of Law and Order; and Notice of Legal Rights. No response or Answer was received from the Respondent.

2.10. On May 17, 2016, a letter was sent to the Respondent with a copy of the Amended Statement of Charges enclosed. The letter outlined the default process and afforded the Respondent an additional opportunity to respond by May 31, 2016. To date, no response has been received from the Respondent.

### **III. CONCLUSIONS OF LAW**

From the foregoing Findings of Fact, the Board makes the following Conclusions of Law.

3.1 The Board has jurisdiction over the Respondent and the subject matter of the case.

3.2 The facts described in 2.1 through 2.11 constitute unprofessional conduct under RCW 18.235.130 (1) and (4).

3.3 Such unprofessional conduct is grounds for sanctions pursuant to RCW 18.235.110 and RCW 18.39.560.

3.4 The failure of the Respondent to answer the Amended Statement of Charges or request a hearing constitutes a default, resulting in the loss of Respondent's right to a hearing. The Board is legally entitled to proceed to resolve this matter without further notice to, or hearing for the benefit of, the Respondent, except that a copy of this order shall be served upon the Respondent. RCW 34.05.440.

### **IV. ORDER**

Based upon the above Findings of Fact and Conclusions of Law, the Board hereby makes the following Order:

4.1 Respondent is assessed a fine of \$2500.00 to be submitted to the Department within 30 days of the date of this Order. The fine shall be submitted to:

Department of Licensing  
Lily Reinecke, Board Clerk  
PO Box 3907

Seattle, WA 98124-3907

4.2 The Funeral Director Intern license of STEPHEN J. WILSON is hereby REVOKED for a period of 5 years.

4.3 Respondents shall be responsible for its own costs of complying with this Default Order.

4.4 This Default Order takes effect immediately upon being signed by the Board. RCW 18.235.080.

4.5 The Program will mail a signed copy of this Order to the Respondent.

DATED this \_\_\_\_ day of \_\_\_\_\_ 2016.

WASHINGTON STATE FUNERAL AND CEMETERY  
BOARD

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Jim Letson  
Chair

Presented by:

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Jeremy Gelms, WSBA #45646  
Assistant Attorney General

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# **Board Meeting**

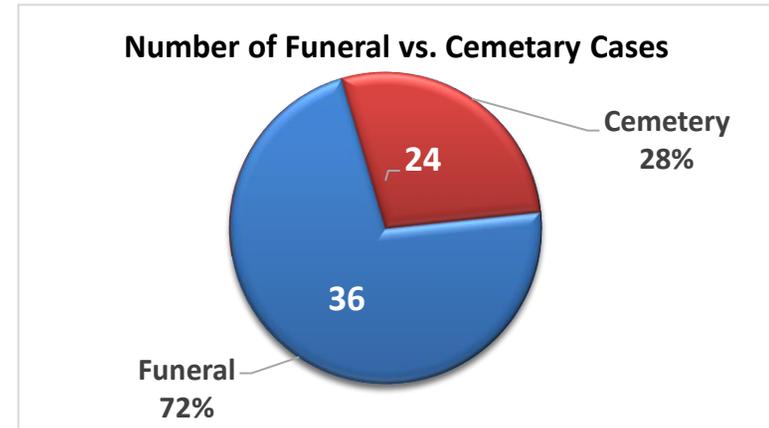
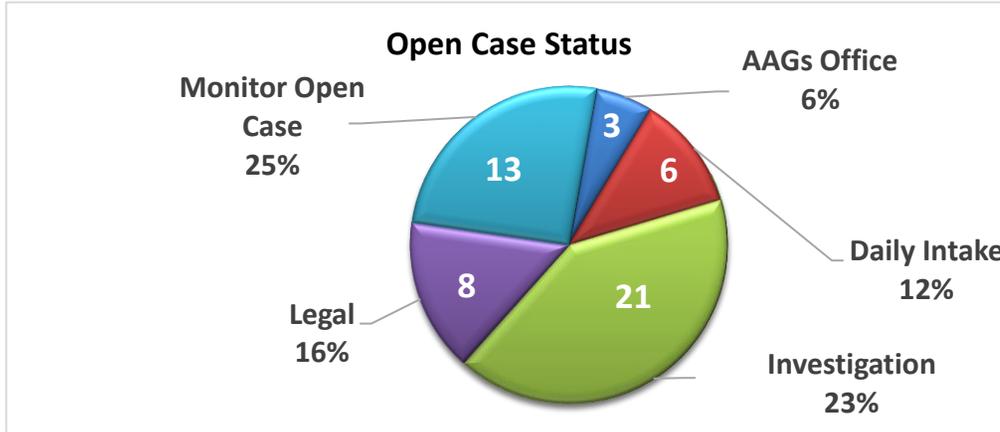
## **Tab 7**

# **Disciplinary & Investigation Reports**

Standard disciplinary reports and a list of any administratively-closed complaints.

Provided for information only – typically no board action is needed.

## Funeral & Cemetery Board Complaint Report - Page 1 Open Cases



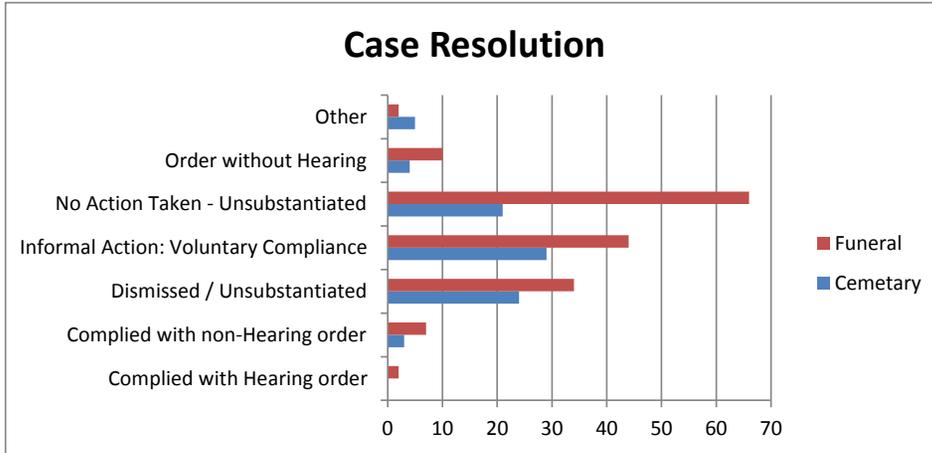
Assigned to:	Funeral	Cemetery	AAGs Office	Daily Intake	Investigations	Legal	Monitor Open Case
Jeffrey Wilson	5	0	1	0	0	2	2
Jim Letson	7	0	1	0	0	0	6
Pete Cameron	2	0	0	0	0	0	2
Ron Messenger	4	3	1	0	1	3	2
Todd Shifflett	2	0	0	0	0	1	1
Unassigned	42	21	0	6	20	2	0
<b>Totals</b>	<b>62</b>	<b>24</b>	<b>3</b>	<b>6</b>	<b>21</b>	<b>8</b>	<b>13</b>

Recent Yearly Totals	2016	2015	2014
FDE Start	70	71	37
FDE Opened	49	71	77
FDE Closed	18	72	43
FDE Total	101	70	71
CEM Start	11	30	10
CEM Opened	24	21	44
CEM Closed	7	40	24
CEM Total	28	11	30

### Typical Complaint Process (Open Case Status)

- Staff receive complaint (Daily intake)
- Staff evaluate complaint (Daily intake)
- Staff use BAP if appropriate (BAP)
- Staff assign to Case Manager (CM) (Case Manager Review)
- CM review & determine whether to investigate (Case Manager Review)
- Staff investigate complaint (Investigations)
- If no evidence supports allegation, CM recommend closure (Case)

**Funeral & Cemetery Board Complaint Report - Page 2 Closed Cases**



**Maximum fine allow per violation:**

Unprofessional conduct - \$5,000 / per occurrence  
 Unlicensed practice - \$1,000 / per day

**Range of other sanctions available (not inclusive)**

- Severe Revoke license
- Suspension (not stayed)
- Suspension (stayed)
- Reprimand
- Training
- Mild Law summary



**Common Resolution Methods (2013-16)**

**Common Sanctions Used**

Allegation	Closed W/No Action*	# Default Orders	# Negotiated Settlements	# Hearings	Lowest Fine	Highest Fine	Suspensions (Incl. Stayed)	License Revoked
Care of Human Remains	9	0	9	0	\$500	\$12,500	8	0
Trust Fund Violation	3	2	18	1	\$3,000	\$30,000	14	2
PA Contract Issue	17	1	9	1	\$1,500	\$35,000	9	2
Right To Control	14	1	14	0	\$2,500	\$16,000	8	0
Unlicensed Practice	9	1	4	0	\$2,500	\$21,000	2	0
Solicitation of Human Remains	1	0	0	0	\$0	\$0	0	0
Failure to Supervise Intern (Funeral Directors & Embalmers Only)	3	2	5	0	\$1,500	\$8,000	3	0
General Price List	0	0	1	0	\$3,000	\$3,000	1	0
Issues w/or Failure to File Death Certificates, Burial Transits	5	0	8	0	\$2,000	\$4,000	2	0
Grounds Maintenance (CEM. only)	6	0	0	0	\$0	\$0	0	0
Other	54	3	21	2	\$900	\$35,000	0	4

\* closed because no evidence of violation was found

Run date

7/15/2016

Cases monitored for compliance 22  
 Cases sent to collections 3

# **Board Meeting**

## **Tab 8**

### **Assistant Attorney General's Report**

Presentation of general legal issues  
of interest to the board.

Provided for information only –  
typically no board action is needed

# **Board Meeting**

## **Tab 9**

# **Committee/Task Force Reports**

Reports and updates from the board's  
standing committees or task forces.

Board action may be needed.

# **Board Meeting**

## **Tab 10**

# **Board Administrator's Report**

Operational reports and information  
about legislative matters of interest to the board.

Provided for information only –  
typically no board action is needed.

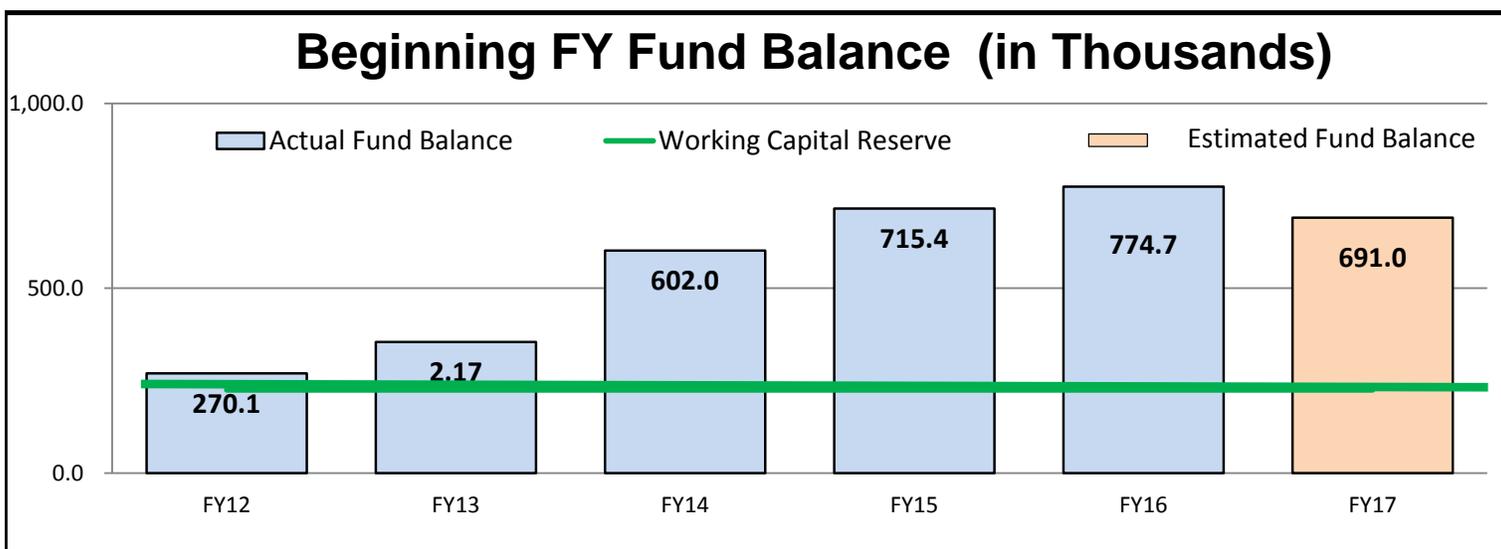
# Funeral & Cemetary Board Financial Reports 10.1

2015-2017 Biennium  
June 2016

## 2015-2017 Revenue Summary

PERIOD ENDING 6/30/2016

Current Revenue Data based on Actuals		Projected Revenue Data based on Six-Year Plan	
<b>Beginning FY 16 Fund Balance</b>	<b>\$ 774,657</b>	<b>Jun 16 Fund Balance</b>	<b>\$ 806,909</b>
<b>Add: Current Biennium Revenue to Date</b>	<b>\$ 752,931</b>	<b>Add: Projected Revenue Remainder FY17</b>	<b>\$ 807,365</b>
<b>Less: Actual Expenditures to Date</b>	<b>\$ (720,679)</b>	<b>Less: Projected Expenditures Remainder FY17</b>	<b>\$ (923,241)</b>
<b>Current Fund Balance</b>	<b>\$ 806,909</b>	<b>Estimated Fund Balance End FY17</b>	<b>\$ 691,033</b>



Working Capital Reserve: \$225,000

## 2015-2017 Expenditure Summary

Period ending 06/30/2016

Expenditure	Biennium-to-Date Actual				
	Allotment	Expenditure	Variance	FY1 Allotment	\$739,759
FTE	5.73	5.21	0.52	FY2 Allotment	\$772,241
Funeral and Cemetery Account	\$786,489	\$720,679	\$65,810	Total BIEN Allotment	\$1,512,000
Staff		\$503,992			
Operations	No	\$12,900			
Meeting Facilities	Specific	\$728			
ICFSEB	Allotment	\$2,251			
Attorney General	Information	\$113,566			
Travel	Available	\$38,162			
Other		\$87,243			
Total		\$720,679			

# **Board Meeting**

## **Tab 11**

### **Other Business**

Review of action items from this meeting, agenda items for the next meeting, and discussion of topics added under the Order of the Agenda.

**Board Meeting**

**Tab 12**

**Adjournment**