

**Funeral &
Cemetery
Board Meeting**

**Tab 1
Call to Order**

November 1, 2016

9:00 AM

Capitol Event Center

Tumwater, WA



STATE OF WASHINGTON
DEPARTMENT OF LICENSING

FUNERAL & CEMETERY BOARD
MEETING AGENDA
SPECIAL BOARD MEETING

DATE: November 1, 2016

TIME: 9:00 a.m.

LOCATION: Capital Event Center
 Chehalis B
 6005 Tye Dr. SW
 Tumwater, WA 98512

AGENDA:

OPEN SESSION 9:00 AM

1. Call to Order

- 1.1. Introductions
- 1.2. Order of Agenda
- 1.3. Approval of Minutes: Aug 2, 2016
- 1.4. Review Communications

2. Public Comment Opportunity

3. New Business

- 3.1. 2017 Meeting Schedule
- 3.2. ICFSEB Conference – March 2017

4. Old Business

- 4.1. Review Master Action Items List

5. Complaint Cases for Review*

- 5.1. 2015-07-2601-00FDE (Cameron)
- 5.2. 2015-12-2601-00FDE (Cameron)
- 5.3. 2016-07-2600-00FDE (Cameron)
- 5.4. 2016-06-2601-00FDE (Little)

- 5.5. 2015-11-2600-00FDE (Smock)
- 5.6. 2016-06-2604-00FDE (Smock)
- 5.7. 2015-07-2603-00FDE (Messenger)
- 5.8. 2016-04-2604-00FDE (Messenger)
- 5.9. 2016-04-2603-00FDE (Messenger)
- 5.10. 2016-05-2401-00CEM (Messenger)
- 5.11. 2016-07-2415-00CEM (Messenger)
- 5.12. 2016-04-2600-00FDE (Letson)
- 5.13. 2016-06-2603-00FDE (Little)
- 5.14. 2016-01-2604-00FDE (Little)
- 5.15. 2016-02-2600-00FDE (Little)

6. Legal Issues for Deliberation*

- 6.1. Orders to Be Presented

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/Laws-Rules Review Committee

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
SPECIAL BOARD MEETING

DATE: August 2, 2016

TIME: 9:00 am

LOCATION: LOTT Clean Water Alliance
 500 Adams Street NE
 Olympia WA

BOARD MEMBERS PRESENT: Jim Letson, Cemetery Member & Chair
 Cameron Smock, Cemetery Member & Vice Chair
 Ronald Messenger, Cemetery Member
 Pete Cameron, Funeral/Embalmer Member
 Richard Little, Funeral/Embalmer Member
 Angela Ward, Public Member

STAFF PRESENT: Lorin Doyle, Administrator
 Rick Storvick, Assistant Administrator
 Jenni Lingle, Administrative Assistant
 Elizabeth Thompson-Lagerberg, AAG
 July Simpson, 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

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

1.3. Approval of minutes: May 3, 2016

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

1.4. Review Communications – Ms. Doyle informed the board of Todd Shifflet's resignation and the new board member vacancy.

2. Public Comment Opportunity

No comments.

3. New Business

Ms. Doyle started a discussion about the challenges for funeral directors to file death certificates within 3 days, as required by Department of Health laws.

Action Item: Staff will provide the board with statistics and information about death certificate filings.

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. 2016-01-2605-00FDE (Messenger)

The complaint alleged the funeral establishment failed to keep records and failed to respond to written inquiry for records. The case manager found no violation of law or rule and recommended closure. Mr. Smock made a MOTION to accept the recommendation. Mr. Cameron seconded the MOTION and it passed. Mr. Messenger abstained.

6. Legal Issues for Deliberation*

6.1. Orders To Be Presented –

6.1.1. 2014-03-2602-01FDE (Letson)

Agreed Order – Kitty Scott

The respondent was charged with unlicensed activity.

The agreed order imposed the following sanctions:

- The 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.
- The respondent is assessed a \$2,000 fine to be submitted to the Department within 30 days of the date the agreed order is served by the board.

Mr. Cameron made a MOTION to accept the agreed order. Mr. Messenger seconded the MOTION and it passed. Mr. Letson abstained.

6.1.2 2014-03-2602-03FDE (Letson)
Agreed Order – Joseph L. Parker, Funeral Director

The respondent engaged in unprofessional conduct by engaging in unlicensed practice, aiding and abetting unlicensed practice, and accepting commission from a cemetery for directing business to that cemetery.

The agreed order imposed the following sanctions:

- The respondent's funeral director license is hereby suspended for one year. 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 the agreed order is served by the board.

The respondent is assessed a \$2,000 fine to be submitted to the Department within 12 months of the date of the agreed order. Mr. Messenger made a MOTION to accept the agreed order. Mr. Cameron seconded the MOTION and it passed. Mr. Letson abstained.

6.1.3 2014-09-2603-00FDE (Wilson)
Default Order – Stephen J. Wilson, Funeral Home Director

The respondent violated provisions of Chapters 18.235 Revised Code of Washington (RCW).

The default order imposed the following sanctions:

- The respondent is assessed a fine of \$2,500.00 to be submitted to the Department within 30 days of the date the order
- The respondent's Funeral Director Intern license is revoked for a period of 5 years.

Mr. Messenger made a MOTION to accept the agreed order. Mr. Letson seconded the MOTION and it passed.

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

9.1. Cemetery Committee

The committee will meet after the board meeting. No new activity to report.

9.2. Guidelines for Funeral Establishments, Cemeteries & Licensees

Ms. Doyle reported with Todd Shifflett resigning, the need of a third member on the committee. Mr. Little volunteered to take the position on the committee.

10. Board Staff Report

10.1. Program Operations

Ms. Doyle explained the board's financial reports.

10.2. Department of Licensing

Ms. Doyle introduced Troy Lincoln as the new Compliance In-take Coordinator, and announced the hiring of the new Board Support Supervisor Yvonne Brumfield.

10.3. Other Items

No business.

11. Other Business

11.1. Action Items From This Meeting

Action items were reviewed and will be added to the master action items list.

11.2. Agenda Items For Next Meeting

No agenda items from this meeting were identified.

11.3. Any Other Business

No business.

12. Adjournment 9:49 AM

Submitted by:

Rick Storvick, Asst. Administrator

Date

Approved by:

Jim Letson, 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.

Washington State Funeral & Cemetery Board
November 1, 2016
Tumwater, WA

2017 Meeting Schedule

Background: At the last board meeting each year, the board and staff set the meeting calendar for the next year. To ensure we have appropriate time to process travel requests and take other action necessary for the International Conference of Funeral Service Examining Boards (ICFSEB) annual meeting, officer elections, etc., staff recommends the following schedule, with the standard calendar-related action items:

- February
- May
 - Officer elections
- August
- November
 - Identify delegates for the ICFSEB annual meeting

Recommendation: Board staff requests the board members bring their 2017 calendars to the board meeting.

Submitted by Board Staff
October 20, 2016

Regulatory Boards Section 2017 Calendar

January 2017						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2017						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2017						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April 2017						
S	M	T	W	T	F	S
						1
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May 2017						
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7	8	9	10	11	12	13
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28	29	30	31			

June 2017						
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25	26	27	28	29	30	

July 2017						
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23	24	25	26	27	28	29
30	31					

August 2017						
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27	28	29	30	31		

September 2017						
S	M	T	W	T	F	S
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October 2017						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2017						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
19	20	21	22	23	24	25
26	27	28	29	30		

December 2017						
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24	25	26	27	28	29	30
31						

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- Landscape Architect Board Mtg (TBD)
- Funeral & Cemetery Board Mtg
- Engineers Cmte/Bd meeting (Seattle University)
- NCEES MBE Mtg
- Architect Board Mtg
- ICFSEB annual meeting (Hilton Head, South Carolina)
- NCARB Regional Summit
- LSAW Annual Conference
- Geologist Board Mtg
- ASBOG COE
- Engineers Cmte/Bd meeting (TBD)
- Landscape Architect Board Mtg (Spokane with WASLA)
- Collection Agency Board Mtg
- Architect Board Mtg
- Funeral & Cemetery Board Mtg
- NCEES Regional Meeting
- Geologist Board Mtg -
- Engineers Cmte/Bd meeting (SeaTac)
- NCARB annual meeting
- Landscape Architect Board Mtg (TBD)
- Funeral & Cemetery Board Mtg
- ASBOG Annual Meeting
- Engineers Cmte/Bd meeting (Vancouver)
- NCEES National Meeting
- Architect Board Mtg
- Geologist Board Mtg -
- Collection Agency Board Mtg
- CLARB Annual meeting
- NACARA annual meeting
- Engineers Cmte/Bd meeting (Spokane)
- Landscape Architect Board Mtg (Pullman)
- Funeral & Cemetery Board Mtg
- NCARB MBC/MBE meeting
- ASBOG COE & Annual meeting
- Architect Board Mtg
- Engineers Cmte/Bd meeting (TBD)
- Geologist Board Mtg

Geologist

Architect

Funeral & Cem

Landscape

Collection Agencies

Engineers

Conference dates on calendar include travel days.

AAG Conflict

State Holidays:	Jan 2 & 16	Feb 20	May 29	July 4
	Sept 4	Nov 10, 23-24	Dec 25	

Washington State Funeral & Cemetery Board
November 1, 2016
Tumwater, WA

International Conference of Funeral Service Examining Boards (ICFSEB) Annual Meeting Attendance

Background: The International Conference of Funeral Service Examining Boards (ICFSEB) will hold their annual meeting in Hilton Head, SC March 1 - 2, 2017. Staff will request travel approval for two board members to attend and represent Washington State.

Recommendation: Designate two board members to attend the ICFSEB annual meeting.

Submitted by Board Staff
October 4, 2016

113th Annual Meeting Agenda

Tentative

Omni Hilton Head Oceanfront Resort—Hilton Head, SC

Tuesday, February 28, 2017

2:00 pm—6:00 pm Board Member Training

10:15 am—10:30 am Break

Wednesday, March 1, 2017

7:30 am—10:00 am Convention Registration

10:30 am—12:00 pm District Meetings

7:00 am—8:00 am First Timer's Breakfast

12:00 pm—12:30 pm Board of Directors Meeting and Photos

8:00 am—11:30 am Funeral Service
Administrators Forum (AEFSB)

12:30 pm—2:00 pm Awards Luncheon & Reports

8:00 am—11:30 am Board Member Training

District Reports
Association of Executives Report
President's Distinguished Service Award
Recognition of Board members
Recognition of President
Installation of Board of Directors
Installation of Officers for 2017–2018
Presentation of Gavel

10:30 am—11:30 am Examination Services Forum
Sarah Gill, Examination Services
The Conference

11:45 am—2:00 pm Business Meeting & Luncheon
of the 113th Annual Convention
Sandy Mahon, ICFSEB President

2:00 pm—2:15 pm Break

Model Practice Act Vote
Sandy Mahon, ICFSEB President

2:15 pm—2:45 pm Ignite—
Conference Style

2:00 pm—2:15 pm Break

2:45 pm—3:30 pm Presentation TBD

2:15 pm—3:15 pm Presentation TBD

3:30 pm—5:00 pm Conference Fishbowl

3:15 pm—4:15 pm Recent Cases
Dale Atkinson, Atkinson & Atkinson

Dinner on your own

4:15 pm—4:30 pm Break

4:30 pm—5:00 pm Executive Session

5:30 pm—7:00 pm Welcome Reception

Thursday, March 2, 2017

7:00 am—8:00 am Past Presidents Breakfast

8:00 am—9:00 am ecoLation Presentation
Patrick McCann, ecoLegacy

9:00 am—10:15 am Group Exercise

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

Board or Staff Assignments

Date Assigned

<i>Agenda Item</i>	<i>Action Item</i>	<i>Assigned to</i>	<i>Status</i>
8/2/2016 ..	Research and provide stastical report regarding 3 day filing of death certificates.	Staff	<i>Due Date</i> <i>Completed</i> <input 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 checked="" 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 MANAGER WORKSHEET

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
 - Do not use specific names of respondents or complainants on this form.
 - Do not add recommended sanctions on the worksheet. That discussion will happen separately.
- **If you need additional information or have questions about this summary, please contact staff.**

CASE NUMBER: 2015-07-2601-00FDE

COMPLAINT ALLEGATIONS: Unprofessional conduct by misleading a family into signing forms for services they did not want. Complainant claims her family was only interested in obtaining cemetery and funeral pricing information, and that the Respondent funeral home staff “tricked” them into signing two forms allowing the Respondent to take custody of the remains and proceed with services and burial. Complainant and her family were also concerned as to how the charges would be paid and by whom.

FINDINGS OF FACT: Complainant and her family met with Respondent staff and not only received the pricing information they wanted, they made complete funeral and cemetery arrangements for minimal services and a basic burial. In doing so, the family signed a General Price List Acknowledgement Form, a completed Itemized Statement of Goods and Services including the casket they selected, an acknowledgement of a Death Certificate Worksheet, two pages of an at-need Cemetery Contract, and a proof acknowledgement for a cemetery marker design. The Complainant in this case is not one of the people who signed any of the above forms. Respondent also offered to assist the family in obtaining the funds from the deceased’s accounts and attorney, and when it was discovered that there were no funds available, offered to let them call another provider and postponed the burial until the situation could be resolved. The family declined to use another provider, and walked away from the process, leaving the Respondent unpaid and the remains in Respondent’s storage.

CONCLUSIONS: There is no violation of rule or law for unprofessional conduct. Complainant’s family signed all necessary forms to arrange for services and burial as requested and required by law, and Respondent provided all necessary forms, merchandise, and services as the family signed for. Respondent is using the court system to come to a resolution and payment for this case.

RECOMMENDATIONS:

(Please select one)

Closed with no further action: XX

Remediation\Counseling: _____

Formal Action: _____

CASE MANAGER WORKSHEET

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CASE NUMBER: 2015-12-2601-00FDE

COMPLAINT ALLEGATIONS: Unprofessional conduct and deceptive business practices by Respondent funeral home. Complainant states that funeral home staff added additional fees onto multiple pre-arranged cremation services after these deaths occurred in an effort to take advantage of them. Complainant was also upset that in one instance, personal effects were released by hospital staff to the Respondent funeral home at the time of removal from the hospital.

FINDINGS OF FACT: Within a short period of time the Complainant's family suffered the deaths of 3 family members who had pre-arranged cremation services that had paid for prior to the deaths occurring. None of them included potential additional charges that may be incurred at the time of death for "Removal from private home or residence" or "Any removal made other than between 8am – 5pm Monday through Friday" as clearly stated on Respondent's General Price List. One of those removals required additional fees for additional staff because it occurred at a residence, which the Complainant disputed but paid. In a separate instance regarding another death, the removal was initially thought to have generated additional overtime fees because it occurred after normal business hours. In this case there was a mistake by Respondent funeral director in believing the time of removal was actually the time of death. The true removal time was in fact several hours later and had taken place during normal business hours. The timing issue was clarified, the additional fees were dropped, the Respondent apologized for the confusion, and no additional charges were paid by the Complainant. With regards to the personal effects, every item was documented and returned to the Complainant without incident.

CONCLUSIONS: Although in the first instance the funeral home was allowed to charge for additional staff or equipment needed at the time of death, this should have been better communicated to the family at the very beginning of the pre-arrangement process, as well as after the death occurred to reduce any chance of confusion. Clearer explanations and better communication by the Respondent staff members would have prevented this complaint from being filed. In this case there is no violation of Rule or Law.

RECOMMENDATIONS:

(Please select one)

Closed with no further action: X

Remediation\Counseling: _____

Formal Action: _____

CASE MANAGER WORKSHEET

Supporting RCW & WAC's Violations:

- 1)
- 2)
- 3)

_____Pete Cameron_____
Signature of Case Manager

_____08/05/2016_____
Date

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)

Revised April 15, 2016

CASE MANAGER WORKSHEET

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
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CASE NUMBER: 2016-07-2600-00FDE

COMPLAINT ALLEGATIONS: Complainant alleges that the funeral home unnecessarily delayed the burial of their family member due to contract signer disputes, communication problems within the family, trying to deal with a life insurance company and policy assignment issues, and eventually probate.

FINDINGS OF FACT: The ex-spouse of the deceased signed the At-Need Statement of Goods and Services for the funeral home and cemetery charges because he was named beneficiary on a life insurance policy that the family wanted to use for payment of the charges. The insurance company could not assign the funds to the funeral home based on the signature of the ex-spouse, and the family either could not or would not pay the agreed charges. The cemetery would not open the grave space until their charges were paid in full. Over the next several months the funeral home made numerous attempts to contact different family members, attempting to secure funds and permission to proceed, but the family ended up going through the court system and filing for probate to settle the estate in order to use the insurance money. Following a court order, the insurance policy was finally able to be assigned, the funds were dispersed, the funeral home and cemetery were both paid and they immediately completed the burial.

CONCLUSIONS: The funeral home had a signed contract to provide a full funeral service with viewing and a casket, which they immediately carried out. After the agreed method of payment from the family did not happen, the funeral home made several attempts over seven months to contact various family members, to suggest alternative forms of payment, and provide alternative suggestions for accomplishing the burial. The funeral home securely held the deceased without any additional charges for well past the 90 days required by RCW 68.50.160 (3)(f), and they eventually even discounted their fees in order to assist the family.

RECOMMENDATIONS:

(Please select one)

Closed with no further action: XX

Remediation\Counseling: _____

Formal Action: _____

CASE MANAGER WORKSHEET**Supporting RCW & WAC's Violations:**

- 1)
- 2)
- 3)

 Pete Cameron
Signature of Case Manager

 09/21/2016
Date

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)

Revised April 15, 2016

CASE MANAGER WORKSHEET

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CASE NUMBER: 2016-06-2601-00FDE

COMPLAINT ALLEGATIONS: Two daughters of a deceased who died four years previously complained that the funeral home was not forthcoming in their requests for documents. They were wanting to know who was the power of attorney for their mother and if the funeral home had a copy of the will.

FINDINGS OF FACT: The funeral director explained to the two daughters that the funeral home was being remodeled and it would take 2-3 weeks to get any information requested since the older files were in a separate location during construction.

CONCLUSIONS: The funeral director went to the location to see what documents were in the file. Since the husband who was the legal next of kin authorized the cremation arrangements, the funeral director concluded that there was no need to require anymore documentations that were requested by the daughters

RECOMMENDATIONS:

(Please select one)

Closed with no further action: X

Remediation\Counseling: _____

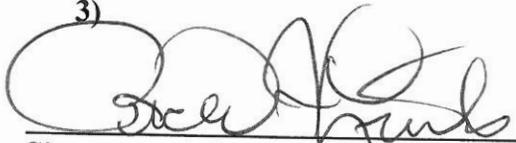
Formal Action: _____

Supporting RCW & WAC's Violations:

1) RCW 68.50.160 Rights of Disposition

2)

3)



 Signature of Case Manager

Date

SEP 2, 2016

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)

CASE MANAGER WORKSHEET

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
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 - Do not add recommended sanctions on the worksheet. That discussion will happen separately.
- **If you need additional information or have questions about this summary, please contact staff.**

CASE NUMBER: 2015-11-2600-00FDE

COMPLAINT ALLEGATIONS:

Complaint alleges that the funeral home (a) demanded that a physician sign a death certificate within hours, (b) lied about emergency room physicians not signing death certificates, (c) made threats of physical violence, (d) used foul and threatening language, and (e) threatened to provide the family with the physician's number and address.

FINDINGS OF FACT:

The funeral home did acknowledge that they informed the physician's office that they would inform the family of the physician's refusal to sign the death certificate, and that the family may contact the physician as a result; but there is no evidence to substantiate the specific allegations included in the complaint.

CONCLUSIONS:

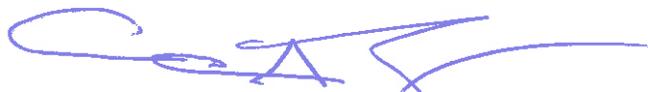
There is no finding of any violations of existing law.

RECOMMENDATIONS:

I recommend that the case be closed with no further action.

Supporting RCW & WAC's Violations:

- 1)
- 2)
- 3)



Signature of Case Manager

July 29, 2016

Date

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)

Revised April 15, 2016

CASE MANAGER WORKSHEET

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
 - Do not use specific names of respondents or complainants on this form.
 - Do not add recommended sanctions on the worksheet. That discussion will happen separately.
- **If you need additional information or have questions about this summary, please contact staff.**

CASE NUMBER: 2016-06-2604-00FDE

COMPLAINT ALLEGATIONS:

Complaint alleges that the funeral home double charged the family for several pre-arranged items on the at-need contract.

FINDINGS OF FACT:

When the family made at-need arrangements, they purchased some additional goods and services from the funeral home. As a result, the funeral home policy is to disregard the guaranteed items on the pre-arrangements. However, the family was not double charged for any items.

CONCLUSIONS:

While I question the business practices involved in this complaint, I do not see where any laws or regulations were violated.

RECOMMENDATIONS:

(Please select one)

Closed with no further action: X

Remediation\Counseling: _____

Formal Action: _____

Supporting RCW & WAC's Violations:

- 1)
- 2)
- 3)



Signature of Case Manager

2 September 2016

Date

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)

Revised April 15, 2016

Case number: 2015-07-2603-00FDE

Give a brief summary of the complaint and the alleged violation(s): Failure to provide DOL Inspector(s) access for the annual inspection on numerous occasions. Failure to provide documentation requested by DOL Inspectors/Investigators.

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

No Violation

List Violations

- 1.
- 2.
- Etc.

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

No Violation

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

1. Although I find several violations in this case, both businesses connected to this complaint have closed and are out of business. The "principal" in these businesses is also an unlicensed individual leaving no jurisdiction for the Board to act on.

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

9/16/2016

 Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Case number: 2016-04-2604-00FDE

Give a brief summary of the complaint and the alleged violation(s): This complaint deals with 2 different deceased individuals **1.** Failure to follow proper NOK's directions for disposition of deceased #1 & **2.** Failure to release cremated remains of deceased #2.

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

No Violation

List Violations

- 1.
- 2.
- Etc.

What evidence supports the alleged violation?

No Violation –

Pertaining to complaint #1 – There is no evidence of any documents, prearrangements, person or persons meeting the requirements of RCW 68.50.160 (1), (2) or (3) (a – g) so the respondent relied on (5) of this RCW for disposition authority. I find no violation of law or rule in this decision.

To complaint #2 – Complainant is not the legal NOK of the deceased whose cremated remains are being requested to be returned. The legal NOK was contacted, per the respondent, and the NOK requested the cremated remains be held at the funeral home and they would arrange for picking up the urn in the future. Although it has been over a year since this directive, the respondent prefers to keep possession of the cremated remains until other proper instructions are received from the legal NOK as defined in RCW 68.50.160. I find no violation of law or rule in this decision of the respondent.

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

8/12/2016

Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Case number: 2016-04-2603-00FDE

Give a brief summary of the complaint and the alleged violation(s) : Lost preneed file creating confusion and tension within the family.

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

X No Violation – The insurance coverage was secured with an insurance company/agent outside of the funeral establishment’s control, hire and supervision. The policy was simply “assigned” to said company with an irrevocable attachment. There is no proof or indication the now deceased, ever established a prearrangement document detailing his specific wishes &/or the expenses the insurance policy was to cover i.e. a Statement of Funeral Goods & Services or other itemized prearrangement.

List Violations

- 1.
- 2.
- Etc.

What evidence supports the alleged violation

X No Violation – with the lack of detailed funeral prearrangements, the respondent rightfully followed the directions of the legal next of kin. The complainant is not the legal next of kin.

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

9/16/2016

Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Case number: 2016-05-2401-00CEM

Give a brief summary of the complaint and the alleged violation(s): Failure to provide requested information

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

No Violation

List Violations

1.

2.

Etc.

What evidence supports the alleged violation?

No Violation - I feel the respondent acted according to its written Rules and Regulations pertaining to privacy and the protection of family's sensitive information as is also protected under Federal Law. Avenues do exist for the complainant to obtain requested information (court order) as was explained to her by the respondent, as well as public information from the death certificate and possible funeral home records, as was suggested by the investigator, may better answer the complainant's questions.

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

8/12/2016

Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Case number: 2016-07-2415-00CEM

Give a brief summary of the complaint and the alleged violation(s): Complainant states the respondent was “overly aggressive” in a conversation with her other family members and unnecessarily drew his concealed weapon while acting in an aggressive manner.

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

No Violation

List Violations

- 1.
- 2.
- Etc.

What evidence supports the alleged violation?

No Violation – I do not find any violations within the Boards jurisdiction. This was investigated by the Sheriff’s office and Prosecutor in the County of occurrence and no charges were filed as it was determined the respondent acted within his legal rights of defending himself against real perceived threats from these individuals.

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

8/11/2016
Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

Please review the case file and complete this worksheet. If you have questions about this summary, please contact the program manager.

***You will use these sections to make your recommendation to the board, or, if necessary direct an investigation or charges. Please do not use specific names of respondents or complainants on this form.**

Case number: 2016-04-2600FDE

***Give a brief summary of the complaint and the alleged violation(s):** (Example of alleged violation: *unlicensed practice, unprofessional conduct for . . .*) This complaint involves a charge of unprofessional conduct. It was alleged that a licensee took advantage of a situation wherein the employer of a deceased individual volunteered to “assist” with funeral expenses. When notified of charges that far exceeded what the complainant expected, a complaint was made.

What evidence supports the alleged violation? (Example: *webpage language, print advertising, contract etc.*) None. Investigation of this complaint uncovered apparent miscommunication between all of the parties involved.

Is there a violation of law or rule? If yes, state the RCW or WAC.

No

Do you need additional information to make a recommendation? No

From the respondent From the complainant From staff or the investigator

What is the information you need? Please be specific.

***What is your recommendation?**

X I recommend the board close this case because:

This matter was resolved between the parties directly involved, showed no clear evidence of a violation, and a partial refund of the money involved was given to the complainant.

I recommend administrative charges because:

with a sanction of _____

(Example: a fine (include amount), reprimand, corrective remedy, etc. See [RCW 18.235.110](#) for other examples)

James D. Letson

October 5, 2016

Case Manager Name

Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

CASE MANAGER WORKSHEET

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
 - Do not use specific names of respondents or complainants on this form.
 - Do not add recommended sanctions on the worksheet. That discussion will happen separately.
- **If you need additional information or have questions about this summary, please contact staff.**

CASE NUMBER: 2016-06-2603-00FDE

COMPLAINT ALLEGATIONS:

Receiving funeral home/cemetery owner stated that the wrong urn was brought over by the funeral home where a family had made cremation arrangements. This was noticed when the family wanted to put letters in the urn vault with the urn which caused the family to wait until the correct urn was brought over.

FINDINGS OF FACT:

Upon realizing the wrong urn was brought to the cemetery, the funeral home came right away to bring the correct urn. Although it was a 25 minute delay, the family was able to place their letters in the vault after the correct urn was in place

CONCLUSIONS:

The family was not upset about the delay and sent thank you cards with complete satisfaction both funeral homes. The family found out that a complaint was made to the State and sent our board a letter as well stating that they asked the receiving funeral home to rescind their complaint

RECOMMENDATIONS:

(Please select one)

Closed with no further action: X

Remediation\Counseling: _____

Formal Action: _____

Supporting RCW & WAC's Violations:

- 1)
- 2)
- 3)



Signature of Case Manager

10-13-16
Date

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)

Revised April 15, 2016

CASE MANAGER WORKSHEET

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
 - Do not use specific names of respondents or complainants on this form.
 - Do not add recommended sanctions on the worksheet. That discussion will happen separately.
- **If you need additional information or have questions about this summary, please contact staff.**

CASE NUMBER: 2016-01-2604-00FDE

COMPLAINT ALLEGATIONS:

Funeral Home Manager complained that after a family changed to another funeral provider that said funeral provider did not reimburse for the removal fees of \$110 and that the funeral provider' staff and equipment were unprofessional in appearance

FINDINGS OF FACT:

The family of the deceased changed their mind to go with what they considered a lesser expensive firm and gave the verbal authorization to release to that firm.

CONCLUSIONS:

The family made the choice to switch to the other facility so it would be the responsibility of the first funeral home to ask the family for monies owed to them instead of the other facility. As for as the vehicle and personnel appearance, there would be no violation of law, just perception.

RECOMMENDATIONS:

(Please select one)

Closed with no further action: X

Remediation\Counseling: _____

Formal Action: _____

Supporting RCW & WAC's Violations:

1)

2)

3)



Signature of Case Manager

9-26-16

Date

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)

Revised April 15, 2016

CASE MANAGER WORKSHEET

- Please review the case file to complete this worksheet.
 - Use this worksheet to make a recommendation to the board.
 - Do not use specific names of respondents or complainants on this form.
 - Do not add recommended sanctions on the worksheet. That discussion will happen separately.
- **If you need additional information or have questions about this summary, please contact staff.**

CASE NUMBER: 2016-02-2600-00FDE

COMPLAINT ALLEGATIONS: Daughter called the funeral home that cremated her mother and placed her in a National Cemetery and explained that her mother who was not a veteran was divorced from her veteran husband and was not eligible to be placed in said cemetery and wanted her removed from the cemetery

FINDINGS OF FACT: The funeral director was following the prearrangements made by the deceased which at that time was married to the Veteran. The gentleman making the arrangements apologized for misleading the funeral director after the daughter's complaint stating that he divorced the daughter's mother due to financial reasons but still lived together as if they were married.

CONCLUSIONS: Funeral Director made an affidavit of correction listing the deceased as divorced and adding the daughter as the informant. The State has no jurisdiction over the National Cemetery and the family is working with them to disinter their mother

RECOMMENDATIONS:

(Please select one)

Closed with no further action: X

Remediation\Counseling: _____

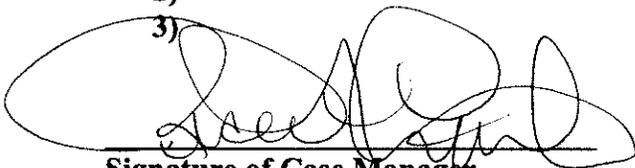
Formal Action: _____

Supporting RCW & WAC's Violations:

1) RCW 68.50.160 Rights of Disposition

2)

3)



Signature of Case Manager

Date

16-2-16

RETURN TO INVESTIGATION MANAGER (jshort@dol.wa.gov)

Revised April 15, 2016

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.

Board Meeting

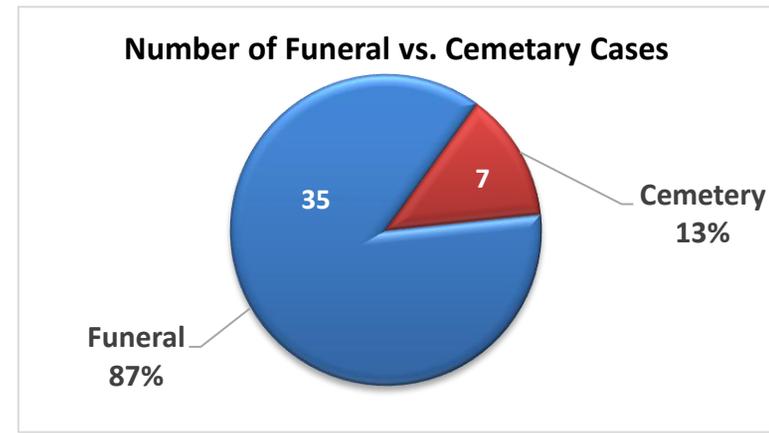
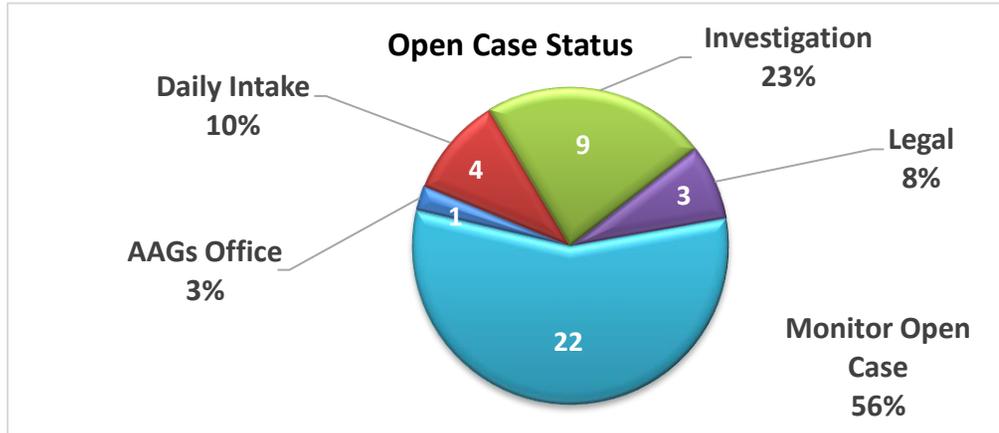
Tab 7

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

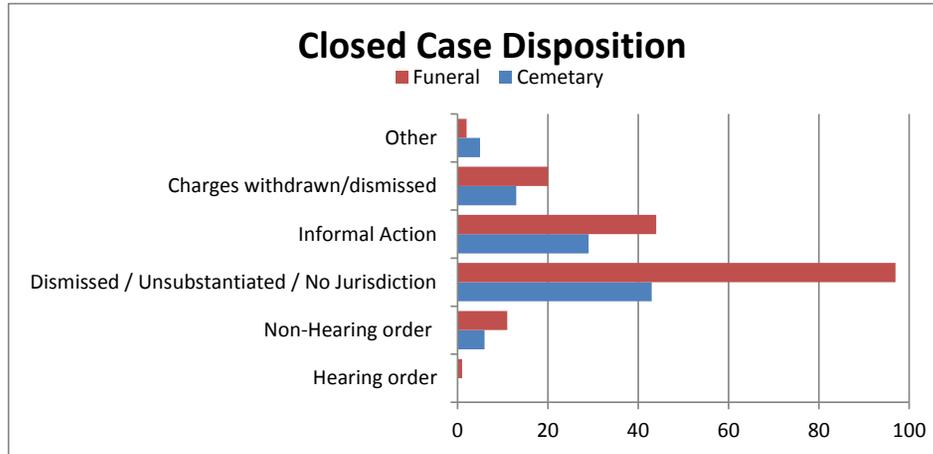


Assigned to:	Funeral	Cemetery	AAGs Office	Daily Intake	Investigations	Legal	Monitor Open Case
Richard Little	4	0	0	0	0	0	4
Jim Letson	10	2	0	0	0	0	11
Pete Cameron	1	0	0	0	0	0	1
Ron Messenger	6	3	1	0	1	3	4
Cameron Smock	1	0	0	0	0	0	1
Dante Gutierrez–Zamora	0	0	0	0	0	0	0
Unassigned	13	2	0	4	8	0	1
Totals	35	7	1	4	9	3	22
Recent Yearly Totals	2016	2015	2014				
FDE Start	71	71	37				
FDE Opened	58	71	77				
FDE Closed	41	71	43				
FDE Total	88	71	71				
CEM Start	11	30	10				
CEM Opened	25	21	44				
CEM Closed	21	40	24				
CEM Total	15	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 Manager Review)
- If evidence supports allegation - CM determine sanctions (Case Manager Review)
- Staff drafts charging documents (Legal)
- Board Attorney reviews charges, moves forward with prosecution (AAG review)

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	4	0	\$500	\$ 12,500	2	0
Trust Fund Violation	3	2	15	0	\$3,000	\$ 30,000	11	2
PA Contract Issue	17	0	3	0	\$1,500	\$10,000	2	0
Right To Control	12	1	11	0	\$2,500	\$16,000	6	0
Unlicensed Practice	6	0	6	0	\$2,500	\$20,000	3	0
Solicitation of Human Remains	1	0	0	0	\$ -	\$ -	0	0
Failure to Supervise Intern (Funeral Directors & Embalmers Only)	1	1	3	0	\$1,500	3000	3	0
General Price List	1	0	0	0	\$ -	\$ -	0	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
Other	46	21	12	0	\$900	\$1,000	0	0

* closed because no evidence of violation was found

Run date

9/23/2016

Changes From Previous Reports

Cases sent to collections

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.

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