

# **Washington State Funeral and Cemetery Board Meeting**

## **Tab 1**

### **Call to Order**

May 5, 2015  
ESD 113/Capital Event Center  
Tumwater, WA



STATE OF WASHINGTON  
**DEPARTMENT OF LICENSING**

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

**DATE:** May 5, 2015

**TIME:** 9:00 am

**LOCATION:** ESD 113/Capital Event Center  
 6005 Tyee 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: February 3, 2015
- 1.4. Review Communications
  - 1.4.1. ICFSEB Press Release

**2. Public Comment Opportunity**

**3. New Business**

- 3.1. Officer elections
- 3.2. ICFSEB Annual Meeting report
- 3.3. Request to withdraw trust fund income

**4. Old Business**

- 4.1. Review master action items list

**5. Complaint Cases for Review\***

- 5.1. Case Manager Recommendations
  - 5.1.1. 2014-05-2603-00FDE (Wilson)
  - 5.1.2. 2014-09-2605-00FDE (Wilson)

- 5.1.3. 2014-10-2501-00CEM (Messenger)
  - 5.1.4. 2014-12-2602-00FDE (Letson)
  - 5.1.5. 2015-01-2600-00FDE (Shifflett)
  - 5.1.6. 2015-02-2602-00FDE (Shifflett)
- 6. Legal Issues for Deliberation\***
- 6.1. Orders to be presented
    - 6.1.1. 2012-10-2601-03FDE (Clark)
    - 6.1.2. 2014-01-2400-00CEM (Messenger)
    - 6.1.3. 2014-04-2602-00FDE (Wilson)
- 7. Disciplinary & Investigation Items**
- 7.1. Closed session deliberation report (only necessary if closed session is held)
  - 7.2. Disciplinary cases report
  - 7.3. Administrative closure report
- 8. Assistant Attorney General's Report**
- 9. Committee/Task Force Reports**
- 10. Board Staff Report**
- 10.1. Program Operations
    - 10.1.1. Legislative Update
    - 10.1.2. Financial Report
  - 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:** February 3, 2015  
**TIME:** 9:00 am  
**LOCATION:** ESD 113/Capital Event Center  
 6005 Tye 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  
 Todd Shifflett, Funeral/Embalmer Member  
 Charles Chaplin, Public Member

**STAFF PRESENT:** Lorin Doyle, Administrator  
 Rick Storvick, Assistant Administrator  
 Autumn Dryden, Administrative Assistant  
 Jill Short, Investigations & Compliance Manager  
 Elizabeth Thompson-Lagerberg, AAG  
 R. July Simpson, AAG

**OTHERS PRESENT:** Members of the public

**ABSENT:** Lydia Webb, Cemetery Member

**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 #2014-09-2601-00FDE (Messenger) was added as item 5.1.17

Mr. Letson made a MOTION to accept the agenda as amended. Mr. Cameron seconded the MOTION and it passed.

1.3. Approval of minutes: November 4, 2014

Mr. Wilson made a MOTION to approve the minutes as presented. Mr. Cameron seconded the MOTION and it passed.

1.4. Review Communications

1.4.1. Proposed removal of dedication

The board reviewed a request from Northwest Preferred Funeral Services, Inc., the cemetery authority for the Restlawn Memorial Gardens in Edmonds, WA. The information provided was for information only and no action was taken.

**2. Public Comment Opportunity**

No business.

**3. New Business**

No business.

**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. 2014-01-2601-00FDE (Letson)

The complaint alleged a licensee communicated to a consumer there would be a charge for a brief identification viewing prior to cremation. Additionally, the complaint alleged there was a lengthy delay in performing the cremation and the whereabouts of the deceased were unknown during the delay. An investigation found no evidence of violation of law or rule and the case manager recommended the case be closed with no further action. Mr. Wilson made a MOTION to accept the recommendation. Mr. Shifflett seconded the MOTION and it passed.

5.1.2. 2014-07-2600-00FDE (Messenger)

The complaint alleged unauthorized removal of human remains and failure to communicate with the decedent's family. The case manager found the complaint to be a matter of miscommunication and there was no violation of law or rule. Mr. Wilson made a MOTION to accept the case manager's recommendation to close the case with no further action. Mr. Chaplin seconded the MOTION and it passed.

5.1.3. 2014-09-2400-00CEM (Webb)

The complaint alleged after the complainant purchased cemetery lots and they were not where they originally thought they were located. The case manager found no violation of law or rule. Mr. Letson made a motion to

accept the case manager's recommendation to close the case with no further action. Mr. Shifflett seconded the MOTION and it passed.

- 5.1.4. 2014-09-2602-00FDE (Messenger)  
The complaint alleged the respondent became overly aggressive and delayed the release of remains to the authorized funeral home, causing a delay in the scheduling of funeral services. No evidence was found to support either allegation, and the case manager 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.
- 5.1.5. 2014-09-2606-00FDE (Cameron)  
The complaint alleged a funeral home mailed portions of cremated remains to another person other than whom they were verbally instructed to send the remains to. An investigation found no written instructions signed by the complainant stating where portions of the cremated remains were to be sent. The funeral home followed verbal instructions, well documented, by the complainant. The case manager found no violation of law or rule and recommended the case be closed with no further action. Mr. Letson made a MOTION to accept the case manager's recommendation. Mr. Wilson seconded the MOTION and it passed.
- 5.1.6. 2014-09-2607-00FDE (Messenger)  
The complaint alleged predatory preneed sales by a licensee. The case manager recommended the case be closed with no further action because there was no evidence of a violation. Mr. Wilson made a MOTION to accept the case manager's recommendation. Mr. Cameron seconded the MOTION and it passed.
- 5.1.7. 2014-04-2400-00CEM (Messenger)\*  
The complaint alleged there was a lack of care to a cemetery. The cemetery was found to no longer be in operation and the case manager recommended the case be closed with no further action.
- 5.1.8. 2014-05-2400-00CEM (Messenger)  
The complaint alleged a licensee failed to submit timely annual reports on prearrangement and endowment care funds as required by rule, failed to communicate with the Department of Licensing on a request for an extension or the circumstances preventing the timely filing of the reports, and failure to pay fines assessed due to the violations. An investigation found the licensee to be a very small cemetery that had undergone changes in personnel leading to misunderstandings of reporting requirements. After receiving clarification from the Department of Licensing, the respondent complied and the case manager recommended the case be closed. Mr. Shifflett made a MOTION to accept the case manager's recommendation. Mr. Wilson seconded the MOTION and it passed.

- 5.1.9. 2014-07-2401-00CEM (Messenger)\*  
The complaint alleged the respondent failed to deliver a marker as ordered and paid for and replace an unacceptable vault lid used at the time of burial. The case manager recommended the case be closed with no further action because the cemetery is no longer in operation.
- 5.1.10. 2014-07-2402-00CEM (Messenger)\*  
The complaint alleged the respondent failed to deliver a marker as ordered and paid for. The case manager recommended the case be closed with no further action because the cemetery is no longer in operation.
- 5.1.11. 2014-08-2403-00CEM (Messenger)\*  
The complaint alleged the respondent failed to respond to or abide by previous action brought by the authority of the Funeral & Cemetery Board when they failed to respond to a Notice of Default. The case manager recommended the case be closed with no further action because the cemetery is no longer in operation.
- \*Agenda items 5.1.7, 5.1.9, 5.1.10, and 5.1.11 were all heard together and voted on together. Mr. Cameron made a MOTION to accept the case manager's recommendation to close all four cases. Mr. Shifflett seconded the MOTION and it passed.
- 5.1.12. 2014-11-2400-00CEM (Messenger)  
The complainant was dissatisfied with the length of time it took to order and place a marker as well as complete repairs to a broken vase. An investigator contacted the complainant and found the issues had been resolved and the complainant asked to withdraw the complaint. The case manager recommended the case be closed with no further action. Mr. Wilson made a MOTION to accept the recommendation. Mr. Cameron seconded the MOTION and it passed.
- 5.1.13. 2014-05-2401-00CEM (staff)  
The complaint alleged the respondent provided information to a consumer about 3<sup>rd</sup> party marker base installation that was thought to be inconsistent with the respondent's own rules and regulations. An investigation found the board lacked jurisdiction over the matter. Staff recommended the case be closed. Mr. Wilson made a MOTION to accept the staff's recommendation. Mr. Shifflett seconded the MOTION and it passed.
- 5.1.14. 2014-09-2402-00CEM (Webb)  
The complaint alleged failure to issue a refund on a prearrangement partial payment. The amount of the payment did not exceed the amount legally able to be retained by a cemetery so there was no violation of law or rule. Mr. Letson made a MOTION the case be closed with no further action. Mr. Cameron seconded the MOTION and it passed.

- 5.1.15. 2014-09-2600-00FDE (Messenger)  
The complaint alleged the theft of company documents and extortion by an employee of the complainant. The case manager found no violation of law or rule in the case of the theft and the extortion allegation was found to be outside the board's jurisdiction. Mr. Shifflett made a MOTION to accept the case manager's recommendation the case be closed with no further action. Mr. Chaplin seconded the MOTION and it passed.
- 5.1.16. 2014-12-2600-00FDE (Cameron)  
The complaint alleged misrepresentation against a prearrangement advisor. An investigation found a lack of understanding by the complainant led to the impression the respondent worked for the State of Washington instead of a funeral home. The complainant alleged the respondent was attempting to take advantage of an individual with a developmental disability. The case manager found no evidence of a violation of law or rule and recommended the case be closed with no further action. Mr. Letson made a MOTION to accept the case manager's recommendation. Mr. Chaplin seconded the MOTION and it passed.
- 5.1.17. 2014-09-2601-00FDE (Messenger)  
The complainant alleged they were preyed upon while in a vulnerable state after being quoted high prices. The case manager found no violation of law or rule and pricing policies are not under the jurisdiction of the board. Mr. Cameron made a MOTION to accept the case manager's recommendation. Mr. Shifflett seconded the MOTION and it passed.

## 6. Legal Issues for Deliberation\*

### 6.1. Orders to be presented

#### 6.1.1. 2012-10-2601-00FDE (Clark)

Agreed Order – Dayspring & Fitch Funeral Home; Morya A. Fitch, Funeral Director

The respondent, a licensee, was found to have sold funeral prearrangements without a prearrangement funeral services contract license, signed blank death certificates for employee use, permitted an employee to assist with embalming without a valid embalmer intern license, and allowed employees to make funeral arrangements without valid funeral director licenses.

The board accepted an agreed order in the matter of unprofessional conduct, suspending the funeral director license of Mr. Fitch for one year (suspension stayed provided the respondent doesn't violate any further laws or rules governing funeral practice for a period of three years), assessing the respondent a fine of \$5,000 and issuing a reprimand.

- 6.1.2. 2012-10-2601-03FDE (Clark)  
Agreed Order – Zane K. Fitch Sr., Funeral Director

The board entered into closed session to deliberate.

The board returned to open session and gave a closed session report. The board found the proposed sanctions to be unacceptable. Mr. Messenger asked board staff to contact the respondent to resume settlement negotiations.

- 6.1.3. 2012-01-2600-03FDE (Clark)  
Agreed Order – Walter Williams, Funeral Director

The respondent, a licensee, was found to have been the sponsor of Ms. Cindy Figueroa, when Ms. Figueroa was found to have operated without a valid license and billed the Washington State Department of Labor & Industries Crime Victim's Compensation Fund for funeral arrangements offered free of charge.

The board accepted an agreed order in the matter of unprofessional conduct, suspending the funeral director license of Mr. Williams for one year (suspension stayed provided the respondent completes a written summary of the laws and rules pertaining to unprofessional conduct and the funeral profession within 90 days and doesn't violate any further laws or rules governing funeral practice for a period of one year) and assessing the respondent a fine of \$3,000.

- 6.1.4. 2013-02-2600-01FDE (Messenger)  
Agreed Order – Sunrise Cremation Society, Funeral Establishment and Walter Williams, Funeral Director

The respondent, a licensee, was found to have been the sponsor of Mr. Julius Collins, when Mr. Collins was found to have violated the Federal Trade Commission's price list requirements, made unprofessional comments to a client, and delayed the delivery of cremated remains to a decedent's family.

The board accepted an agreed order in the matter of unprofessional conduct. The order suspends the funeral establishment license of Sunrise Cremation Society for five years (suspension stayed provided the respondent doesn't violate any further laws or rules governing funeral practice for a period of five years) and assesses Sunrise Cremation Society a fine of \$8,000. The order suspends the funeral director license of Mr. Williams for five years (suspension stayed provided the respondent doesn't violate any further laws or rules governing funeral practice for a period of five years) and assesses Mr. Williams a fine of \$2,000.

6.1.5. 2013-02-2600-02FDE (Messenger)  
Agreed Order – Julius Collins, Funeral Director Intern

The respondent, a licensee, was found to have violated the Federal Trade Commission's price list requirements, made unprofessional comments to a client, and delayed the delivery of cremated remains to a decedent's family.

The board accepted an agreed order in the matter of unprofessional conduct. The order suspends the funeral director intern license of Mr. Collins for five years (suspension stayed provided the respondent doesn't violate any further laws or rules governing funeral practice for a period of five years) and assesses a fine of \$2,000.

**7. Disciplinary & Investigation Items**

7.1. Closed session deliberation report (only necessary if closed session is held)  
The reports were given directly after each closed session.

7.2. Disciplinary cases report  
Packet item; no action

7.3. Administrative closure report  
Packet item; no action

**8. Assistant Attorney General's Report**

No business.

**9. Committee/Task Force Reports**

No business.

**10. Board Staff Report**

10.1. Program Operations  
10.1.1. Legislative Update  
Packet item; no action

10.1.2. Financial Report  
Packet item; no action

10.1.3. Year in review 2014  
Packet item; no action

10.2. Department of Licensing  
No business.

10.3. Other Items  
No business.

**11. Other Business**

11.1. Action items from this meeting

Action items from this meeting were reviewed and added to the master action items list.

11.2. Agenda items for next meeting

No agenda items were identified for the next board meeting.

11.3. Any other business

No business.

**12. Adjournment 10:25AM**

Submitted by:

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

\_\_\_\_\_  
Date

Approved by:

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

\_\_\_\_\_  
Date

DRAFT

# **Board Meeting**

## **Tab 2**

# **Public Comment Opportunity**

**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 they choose to do so.**

# **Board Meeting**

## **Tab 3**

### **New Business**

**Topics for action or discussion by the board  
as identified at or since the last board meeting.**

Funeral & Cemetery Board  
May 5, 2015  
Olympia, WA

#### Officer Elections

Per RCW 18.39.173(4) “The board shall meet once annually to conduct its business and to elect a chair, vice chair, and other officers as the board determines...”

Action requested: the board elect officers for 2015-2016

Washington State Funeral and Cemetery Board  
May 5, 2015  
Tumwater, WA

Request to withdraw overfunding in error from Endowment Care

**Background:** Sarah O'Donnell, bookkeeper for Desert Lawn Memorial Park in Kennewick has taken over the books for Kennewick Cemetery Association dba Riverview Heights Cemetery. For the last five years some of the earnings from the endowment care trust for Riverview have been left in the account by mistake.

Ms. O'Donnell is requesting to take \$14,472.92 (total for the last 5 years) of old income that was reflected in the state reports on Line L. Ms. O'Donnell attached a copy of the yearly General Journal Entries associated with these earnings.

They now have all of their investments under one management firm and Ms. O'Donnell will be checking closely to make sure all is even and taken in a timely fashion.

Board staff reviewed the attached General Journal Transactions and other documents presented, which supports the amount claimed to be overfunded.

**Recommendation:** Permit Riverview Heights Cemetery authority to withdraw \$14,472.92 from the endowment care trust fund.

Submitted by Board Staff  
March 25, 2015

# Kennewick Cemetery Association

1200 S. Olympia Kennewick, WA 99336  
(509) 586-2689

RECEIVED

JAN 30 2015

DEPT OF REVENUE  
BUSINESS & FINANCIAL SVCS

RECEIVED

FEB 27 2015

DEPARTMENT OF REVENUE  
REGULATORY BOARDS SECTION

January 19, 2015

Dear Washington Cemetery Board,

I am writing about, Kennewick Cemetery Association dba Riverview Heights Cemetery. My name is Sarah O'Donnell and I have worked for Mueller's Desert Lawn Memorial Park, in Kennewick since 1979 as their bookkeeper. A few years back I ended up helping with then taking over the books for Riverview Heights also.

For most of my tenure I have done the bookkeeping and accountants have done the major end of the year accounting and all the general journal entries. A couple of years ago I started inputting the GJE and understanding a little better what they all mean and why they are made.

My question is concerning the endowment care trust for Riverview. For the last 5 years some of the earnings have been left in the account by mistake. I am accustomed to Desert Lawn's accountant calling and having me correct any discrepancies, so having told all the investment companies that endow care interest is all to be sent to the cemetery and all pre-need interest should stay in the fund, I thought we were receiving all earnings on endow care at the office. Attached is a copy of the yearly General Journal Entries associated with these earnings. We now have all of our investments under one management firm and I will be checking closely to make sure all is even and taken in a timely fashion. My request is to take the \$14,472.92 (total for the last 5 years) of old income that was reflected in our State reports on line L. If you need further information or have questions please let me know. I work out of the Desert Lawn office most of the time, so you can contact me at 509-783-3181 or email at DLMP@muellersfunralhomes.com.

I will be in contact with, but out of the office from Feb. 1, 2015 until March 21, 2015 during which time Amy Coffman, one of our owners will be in charge of Riverview books.

Thank you in advance for you time and effort expended with this review.

Respectfully,



## Riverview Heights Cemetery

1/7/15 9:51 AM

Register: 1130 · Due from Endowment Care Trust

From 01/01/07 through 01/07/15

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Ref.</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Decrease</u>	<u>C</u>	<u>Increase</u>	<u>Balance</u>
12/31/07	ye14		1014 · Endowment Ed ...	2007 Endowme...			7,082.40	17,939.89
12/31/08	mm12		1014 · Endowment Ed ...	2008 Endowme...			6,833.93	24,773.82
03/26/09	121378059	Edward Jones /Endo...	1010 · US BANK CHE...	Endowment car...	14,406.66			10,367.16
07/20/09	920639	Southwest Securities/...	1010 · US BANK CHE...	Old Endowmen...	10,367.16			0.00
12/31/09	mm14		1020 · Endowment Co...	2009 Endowme...			1,041.62	1,041.62
12/31/10	mm11		3010 · Kenn. Cem. Ass...	2010 Endowme...			2,486.64	3,528.26
12/31/11	ye3		1140 · Endowment Car...	2011 Endowme...			5,136.70	8,664.96
12/31/12	ye13		1020 · Endowment Co...	2012 Endowme...			3,497.21	12,162.17
12/31/13	Ye 12		3010 · Kenn. Cem. Ass...	2013 Endowme...			2,310.75	14,472.92

10:59 AM  
 01/07/15  
 Accrual Basis

**Riverview Heights Cemetery  
 General Journal Transaction  
 December 31, 2009**

Num	Name	Memo	Account	Class	Debit	Credit
mm14		2009 Endow...	1020 · Endowment ...			9,466.23
		2009 Endow...	1014 · Endowment ...			12,564.86
		2009 Endow...	2025 · Endowment ...		50.00	
		2009 Endow...	1059 · Unrealized S...		21,410.31	
		2009 Endow...	3010 · Kenn. Cem. ...		10,626.18	
		2009 Endow...	1130 · Due from En...		1,041.62	
		2009 Endow...	2300 · Endowment ...			1,041.62
		2009 Endow...	2300 · Endowment ...		24,773.82	
		2009 Endow...	3112 · Endowment ...		3,750.00	
		2009 Endow...	3110 · Endowment ...		64,314.46	
		2009 Endow...	4053 · Dividends			4,889.09
		2009 Endow...	4052 · Interest			26.18
		2009 Endow...	4055 · New Unreali...			21,410.31
	Kennewick Cemeter...	2009 Endow...	2020 · Accounts Pa...		450.00	
		2009 Endow...	1140 · Endowment ...			1,075.00
		2009 Endow...	3100 · Retained Ear...			75,893.10
		2009 Endow...	5090 · misc expense			50.00
					<u>126,416.39</u>	<u>126,416.39</u>
<b>TOTAL</b>					<b><u>126,416.39</u></b>	<b><u>126,416.39</u></b>

10:59 AM  
01/07/15  
Accrual Basis

### Riverview Heights Cemetery General Journal Transaction December 31, 2010

Num	Name	Memo	Account	Class	Debit	Credit
mm11		2010 Endow...	3010 · Kenn. Cem. ...			47,427.03
		2010 Endow...	1140 · Endowment ...		3,350.00	
		2010 Endow...	1020 · Endowment ...			24,999.88
		2010 Endow...	1014 · Endowment ...		2,861.60	
		2010 Endow...	1050 · Endowment ...		84,606.95	
		2010 Endow...	1059 · Unrealized S...		1,439.78	
		2010 Endow...	1130 · Due from En...		2,486.64	
		2010 Endow...	2300 · Endowment ...			<u>2,486.64</u>
		2010 Endow...	3110 · Endowment ...			30,935.31
		2010 Endow...	3112 · Endowment ...			6,380.00
	Kennewick Cemeter...	2010 Endow...	2020 · Accounts Pa...			3,350.00
		2010 Endow...	4053 · Dividends			7,283.26
		2010 Endow...	4052 · Interest			17.97
		2010 Endow...	4055 · New Unreali...			1,439.78
		2010 Endow...	3100 · Retained Ear...		29,574.90	
		2010 Endow...	2025 · Endowment ...		1,500.00	
		2010 Endow...	5090 · misc expense			1,500.00
					<u>125,819.87</u>	<u>125,819.87</u>
<b>TOTAL</b>					<b><u>125,819.87</u></b>	<b><u>125,819.87</u></b>

10:59 AM  
01/07/15  
Accrual Basis

**Riverview Heights Cemetery  
General Journal Transaction  
December 31, 2011**

Num	Name	Memo	Account	Class	Debit	Credit
ye3		2011 Endow...	1140 · Endowment ...			3,150.00
		2011 Endow...	1020 · Endowment ...		0.28	
		2011 Endow...	1014 · Endowment ...		5,470.70	
		2011 Endow...	1059 · Unrealized S...		11,329.03	
		2011 Endow...	1130 · Due from En...		5,136.70	
		2011 Endow...	2300 · Endowment ...			<del>5,136.70</del>
		2011 Endow...	3110 · Endowment ...			17,344.78
	Kennewick Cemeter...	2011 Endow...	3112 · Endowment ...		3,630.00	
		2011 Endow...	2020 · Accounts Pa...		3,150.00	
		2011 Endow...	4053 · Dividends			9,938.10
		2011 Endow...	4054 · Capital Gain ...			63.18
		2011 Endow...	4055 · New Unreali...			11,329.03
		2011 Endow...	Misc.			340.00
		2011 Endow...	3100 · Retained Ear...		1,439.78	
		2011 Endow...	2025 · Endowment ...		11,925.00	
		2011 Endow...	4051 · Interest from...		4,365.57	
		2011 Endow...	Markers		854.73	
					<u>47,301.79</u>	<u>47,301.79</u>
<b>TOTAL</b>					<b><u>47,301.79</u></b>	<b><u>47,301.79</u></b>

11:00 AM  
01/07/15  
Accrual Basis

**Riverview Heights Cemetery  
General Journal Transaction  
December 31, 2013**

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Class</u>	<u>Debit</u>	<u>Credit</u>
Ye 12		2013 Endow...	3010 · Kenn. Cem. ...		640.00	
		2013 Endow...	1020 · Endowment ...			17,082.11
		2013 Endow...	1014 · Endowment ...			74,025.18
		2013 Endow...	1052 · Endowment ...			55,170.00
		2013 Endow...	1050 · Endowment ...		149,609.75	
		2013 Endow...	1059 · Unrealized S...		25,662.67	
		2013 Endow...	1130 · Due from En...		2,310.75	
		2013 Endow...	2300 · Endowment ...			<del>2,310.75</del>
		2013 Endow...	3110 · Endowment ...			22,262.30
		2013 Endow...	3112 · Endowment ...		2,270.00	
		2013 Endow...	5135 · Licenses		100.00	
		2013 Endow...	4051 · Interest from...		4,684.36	
		2013 Endow...	4053 · Dividends			6,972.75
		2013 Endow...	4054 · Capital Gain ...			704.32
		2013 Endow...	4055 · New Unreali...			26,102.42
		2013 Endow...	2025 · Endowment ...		10,665.00	
		2013 Endow...	3100 · Retained Ear...		8,687.30	
					<u>204,629.83</u>	<u>204,629.83</u>
<b>TOTAL</b>					<b><u>204,629.83</u></b>	<b><u>204,629.83</u></b>

# **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>
2/3/2015 6 .1.2	Agreed order - Board staff will work with the AAG and respondent to renegotiate a settlement for an order not accepted by the board.		<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 SUMMARY 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: 2014-05-2603-00FDE

**Give a brief summary of the complaint and the alleged violation(s):** *(Example of alleged violation: unlicensed practice, unprofessional conduct for . . .) Complaint involves the cremation of a jade ring.*

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

No Violations The ring was inventoried

List Violations

- 1.
  - 2.
- Etc.

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

No Violation Following an extensive investigation, the legal next of kin has been satisfied by the funeral homes' efforts. There is no established values for the ring in question. The funeral establishment has changed their forms so that this will be prevented in the future.

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

- 1.
  - 2.
- Etc.

**Action Required**

Recommend charges

Remediation/Counseling

Recommend for closure

Jeffrey A. Wilson  
Case Manager Name

4/16/2015  
Date

RETURN TO: DFCCOMPLIANCE@DOL.WA.GOV

- Please review the case file to complete this worksheet.
  - Use this worksheet to make a recommendation to the board or to direct an investigation.
  - 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 have questions about this summary, please contact staff.

**Case number:** 2014-09-2605-00FDE

**Give a brief summary of the complaint and the alleged violation(s):** *(Example of alleged violation: unlicensed practice, unprofessional conduct for . . .) Complainant had requested the return of metal crematory identification tag from a crematory/holding facility following transfer of the remains to the family preferred funeral home. The contracted holding facility requested the tag be returned to keep their own records correct.*

**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.

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.**

Jeffrey A. Wilson

Case Manager Name

4/14/2015

Date

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



## CASE MANAGER SUMMARY WORKSHEET

Case number: 2014-10-2501-00CEM

**Give a brief summary of the complaint and the alleged violation(s):** Over charged for minimum cremation as compared to advertised pricing & GPL provided

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

X No Violation – I feel the consumer did not determine or request the exact costs for services requested prior to having them performed and authorized payment directly to the provider from deceased's bank account. Complaint was filed 1 year after services rendered without valid violations or violations under this board's jurisdiction.

List Violations

- 1.
- 2.
- Etc.

**What evidence supports the alleged violation?**

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

**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

4/14/2015  
Date

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



## CASE MANAGER SUMMARY WORKSHEET

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: 2014-12-2602-00FDE

**\*Give a brief summary of the complaint and the alleged violation(s):** (Example of alleged violation: *unlicensed practice, unprofessional conduct for . . .*) An allegation of unprofessional conduct on the part of a licensee for offering a member discount to members of a fraternal organization in connection with the purchase of prearranged funeral services.

**What evidence supports the alleged violation?** (Example: *webpage language, print advertising, contract etc.*) Advertising copy showing logo of both licensee and fraternal organization endorsement, and an explanation of the member discount.

**Is there a violation of law or rule? If yes, state the RCW or WAC.** No violation of solicitation rules could be found.

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

xx  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: No clear violation of law or rule has been demonstrated.

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  
Case Manager Name

2/4/2015  
Date

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



## CASE MANAGER SUMMARY WORKSHEET

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: 2015-01-2600-00FDE

**\*Give a brief summary of the complaint and the alleged violation(s):** (Example of alleged violation: unlicensed practice, unprofessional conduct for . . .)

Complaint revolves around a 4 week time delay in getting a death certificate signed so a permit could be obtained in order to proceed with a cremation.

Alleged violation(s): RCW 18.39.410 (5) (8), RCW 18.235.130 (4) (8), RCW 70.58.230

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

I do see any items that support any violations rules or law.

**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?**

I recommend the board close this case because:

As a result of the investigation, I do not see anything indicating that the funeral home directly caused a delay in the filing of the death certificate or in the delay of the cremation. The delay in the signing of the death certificate was a direct result of physicians refusing to sign the death certificate for various reasons.

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)

Todd Shifflett  
Case Manager Name

February 17, 2015  
Date

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



## CASE MANAGER SUMMARY WORKSHEET

- Please review the case file to complete this worksheet.
  - Use this worksheet to make a recommendation to the board or to direct an investigation.
  - 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 have questions about this summary, please contact staff.

Case number: 2015-02-2602-00FDE

**Give a brief summary of the complaint and the alleged violation(s):** *(Example of alleged violation: unlicensed practice, unprofessional conduct for . . .) Unprofessional conduct between the firm and the consumer in regards to execution of preneed contracts. The son of the consumer felt as though his parents were deceived and lead to purchase a much more expensive policy then they needed. As a result of this, the son cancelled the check so the policies would not be issued.*

**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.

2.

Etc.

**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.**

Todd Shifflett

Case Manager Name

3/9/2015

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.**

RECEIVED

APR 03 2015

ATTORNEY GENERALS OFFICE  
LICENSING & ADMINISTRATIVE LAW DIVISION

**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 Profession of:

No. 2012-10-2601-03FDE

**Zane K. Fitch Sr., Funeral Director**  
License Number 1618,

Respondent.

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

The Funeral Program (Program) of the Business and Professions Division of the Department of Licensing (Department), by and through R. July Simpson, Assistant Attorney General, and Zane K. Fitch Sr. (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 failed to cooperate with the Board during an investigation, aided and abetted unlicensed activity, engaged in unlicensed activity, and conducted himself unprofessionally.

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 Gary Clark, 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 Dayspring & Fitch Funeral Home is registered with the Board as a Funeral Establishment under certificate number 502, issued May 07, 2002.

2.2 Zane K. Fitch (Respondent) is registered with the Board as a Funeral Director under certificate number 1618, issued August 27, 1985, and is the owner of Dayspring & Fitch Funeral Home.

2.3 Respondent's license was suspended for unprofessional conduct between April 11, 2012 and September 9, 2013.

2.4 Between May 2012 and October 2012 19 death certificates with several distinctly different handwritten signatures for Morya Fitch-Breland were submitted to the Department of Health. On October 30, 2013 in an interview with a Board investigator, Respondent stated he and other staff had signed Morya Fitch-Breland's (the designated funeral director for Dayspring & Fitch Funeral Home) signature on death certificates. This conduct constitutes a violation of RCW 70.58.170, 18.39.410 (8) and 18.235.130 (4), (7), (9) and (15).

2.5 During a routine inspection on October 25, 2012 Board inspectors requested to see active arrangement files. Respondent refused to allow them to see them. This conduct constitutes a violation of RCW 18.235.130 (6) and (8).

On December 23, 2013 in an interview with a Board investigator, Morya Fitch-Breland stated Respondent made funeral arrangements with a suspended funeral director license. This conduct constitutes a violation of RCW 18.235.130 (4), (7), (8) and (9).

### **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 2.4 through 2.6 constitute unprofessional conduct under RCW 18.235.130 (4), (6), (7), (8), (9) and (15), 70.58.170, 18.39.410 (8)

### **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 Respondent's Funeral Director license is hereby suspended for a period of three years. Two of the three years' suspension will be STAYED contingent on compliance with the following:

4.1.1 Respondent is subject to monthly random audits for the first six months and two additional audits over the course of the balance of the stay and the Respondent fully cooperates with those audits.

4.1.2 Respondent does not violate any further laws or rules governing funeral practice for a period of five years following the date this Agreed Order is served by the Board.

4.2 The Funeral & Cemetery Board 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 \$5,000 to be submitted to the Department within *6 months* 30 days of the date this Agreed Order is served by the Board. *upon Appeal by the Board*

4.4 All fines shall be submitted to:  
Department of Licensing  
Lily Reineke, 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.

  
\_\_\_\_\_  
Zane K. Fitch Sr.

Date 04-01-2015

Bob Ferguson  
Attorney General  
  
\_\_\_\_\_  
July Simpson, WSBA# 45869  
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 \_\_\_\_\_ 2015.

STATE OF WASHINGTON  
WASHINGTON STATE FUNERAL AND CEMETERY BOARD

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

Presented by:

\_\_\_\_\_  
R. July Simpson, WSBA# 45869  
Assistant Attorney General

We are committed to providing equal access to our services.  
If you need accommodation, please call (360) 664-6597 or TTY (360) 664-0116.

**RECEIVED**  
APR 03 2015  
DEPARTMENT OF LICENSING  
REGULATORY BOARDS SECTION

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

In the Matter of the License to Operate a  
Cemetery Certificate of Authority of:

No. 2014-01-2400-00CEM

**West Hills Memorial Association,**  
License Number 553,

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

Respondent.

The Funeral and Cemetery Program (Program) of the Business and Professions Division of the Department of Licensing (Department), by and through R. July Simpson, Assistant Attorney General, and West Hills Memorial Association (Respondent), by and through Tammy Williams, Esq., 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
- 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 it has 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 Ronald Messenger, 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 West Hills Memorial Assoc. (Respondent) is registered with the Board as a Cemetery Certificate of Authority under certificate number 553, issued March 4, 2004.

2.2 On February 22, 2013 Shane Hill (Decedent) died and was buried at Respondent's cemetery.

2.3 On May 24, 2013 Dan and Debbie Hill, parents of Decedent, entered into a contract with Respondent for a 16" x 24" bronze marker for Decedent's grave. The Hill family made a down payment of \$2,500 for the marker. Mr. Hill ultimately purchased a marker elsewhere.

2.4 On or about August 6, 2013 after being notified the Respondent could not provide the selected marker in the configuration desired by the family, Mr. Hill requested a refund minus the placement fee.

2.5 On or about August 30, 2013 Respondent called Mr. Hill asking him to submit his request in writing. Mr. Hill submitted his written request the same day.

2.6 On September 26, 2013, Respondent emailed Pam Griese at the Department of Licensing, asking about “the regulation for at need requests prior to merchandise being provided.” Ms. Griese replied, “Title 68 does not address this specifically.”

2.7 On October 15, 2013 Respondent sent a letter to Dan and Debbie Hill stating they would refund 50% of the down payment minus installation fees and taxes, which totaled \$723.54 for a refund of \$888.23 and the remaining \$888.23 would be given as a credit towards future services. The Respondent claimed this was in accordance with Washington State RCW 68.46.060. RCW 68.46.060 pertains only to pre-arrangement purchases and does not apply to the at-need purchase of the Hill family.

2.8 On or about October 16, 2013 Mr. Hill went to Respondent’s location, stated their terms were unacceptable and asked for a full refund minus the installation fees.

2.9 On October 25, 2013 Respondent sent another letter to Dan and Debbie Hill stating they wouldn’t refund 50% of the total minus installation fees and taxes. Again they cited RCW 68.46.060.

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

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

3.2 Respondent and Respondent’s Principal contest that the facts described in 2.6 through 2.8 constitute unprofessional conduct under RCW 18.235.130(4) and (11) but admit there are facts sufficient such that violations could be found at a hearing and therefore, agree to the sanctions below to mitigate risks at a hearing before the Board..

3.3 Respondent and Respondent’s Principal agree that such unprofessional conduct would be 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 Cemetery Certificate of Authority of West Hills Memorial Association is hereby REPRIMANDED.

4.2. The Respondent is assessed a fine of \$1,000 to be submitted to the Department within 30 days of the date this Agreed Order is served by the Board.

4.3. All fines shall be submitted to:

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

4.4. Respondent is responsible for its costs of complying with this Agreed Order.

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

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

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

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

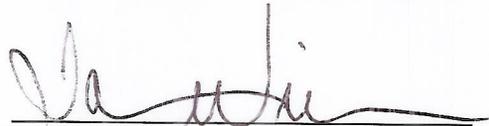
\_\_\_\_\_  
West Hills Memorial Association

Date \_\_\_\_\_

Bob Ferguson  
Attorney General

\_\_\_\_\_  
R. July Simpson, WSBA# 45869  
Assistant Attorney General

Date \_\_\_\_\_



\_\_\_\_\_  
Tammy Williams, Counsel for Respondent

Date 3/19/15

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

Date \_\_\_\_\_

4.1. The Cemetery Certificate of Authority of West Hills Memorial Association is hereby REPRIMANDED.

4.2. The Respondent is assessed a fine of \$1,000 to be submitted to the Department within 30 days of the date this Agreed Order is served by the Board.

4.3. All fines shall be submitted to:

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

4.4. Respondent is responsible for its costs of complying with this Agreed Order.

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

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

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

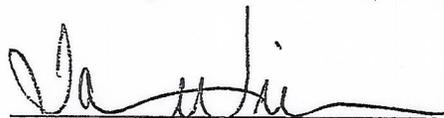
4.8. If the Board accepts this Agreed Order, the Program will mail a signed copy to Respondent and the Program's attorney.



West Hills Memorial Association

Date 3/30/15

Bob Ferguson  
Attorney General



Tammy Williams, Counsel for Respondent

Date 3/19/15

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

\_\_\_\_\_  
R. July Simpson, WSBA# 45869  
Assistant Attorney General

Date \_\_\_\_\_

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 cemeteries and funeral practice.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

STATE OF WASHINGTON  
FUNERAL AND CEMETERY BOARD

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

Presented by:

\_\_\_\_\_  
R. July Simpson, WSBA# 45869  
Assistant Attorney General

We are committed to providing equal access to our services.  
If you need accommodation, please call (360) 664-6597 or TTY (360) 664-0116.

**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 Profession of:

No. 2014-04-2602-00FDE

**Dayspring & Fitch Funeral Home**  
License Number 502,

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

**Morya A. Fitch-Breland, Funeral  
Director**  
License Number 2276,

Respondent.

The Funeral Program (Program) of the Business and Professions Division of the Department of Licensing (Department), by and through R. July Simpson, Assistant Attorney General, and Dayspring & Fitch Funeral Home (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 and Respondent's Principal failed to submit a death certificate in a timely manner, and conducted themselves unprofessionally.

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 Jeffrey Wilson, 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 Dayspring & Fitch Funeral Home (Respondent) is registered with the Board as a Funeral Establishment under certificate number 502, issued May 07, 2002.

2.2 Morya A. Fitch-Breland (Respondent's Principal) is registered with the Board as a Funeral Director under certificate number 2276, issued June 20, 1998, and is the designated funeral director for Respondent.

2.3 On March 30<sup>th</sup>, 2014 Nash Cuevas (Decedent) died.

2.4 On March 31<sup>st</sup>, 2014 Michael King (the person having the right to control disposition) met with Zane U. Fitch and arranged for Respondent to handle Decedent's disposition.

2.5 On May 1<sup>st</sup>, 2014 Respondent filed a death certificate with the King County Medical Examiner. This conduct constitutes a violation of RCW 70.58.160, 18.39.410 (8) and 18.235.130 (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 2.3 through 2.5 constitute unprofessional conduct under RCW 70.58.160, 18.39.410 (8) and 18.235.130 (8).

### 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 Respondent is required to communicate with the health district registrar to better understand the three business day filing rule prior to the King County Medical Examiner's authorization and must submit a written report of how they plan to comply in the future within 90 days of the date this Agreed Order is served by the Board.

4.2 Respondent is assessed a fine of \$500 to be submitted to the Department within 30 days of the date this Agreed Order is served by the Board .

4.3 All fines shall be submitted to:

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

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

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

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

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

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

Maura A. Fitch Brelan  
Dayspring & Fitch Funeral Home  
Date 02/11/2015

Bob Ferguson  
Attorney General

R. July Simpson, WSBA# 45869  
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 \_\_\_\_\_ 2015.

STATE OF WASHINGTON  
WASHINGTON STATE FUNERAL AND CEMETERY BOARD

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

Presented by:

\_\_\_\_\_  
R. July Simpson, WSBA# 45869  
Assistant Attorney General

We are committed to providing equal access to our services.  
If you need accommodation, please call (360) 664-6597 or TTY (360) 664-0116.

# **Board Meeting**

## **Tab 7**

### **Disciplinary**

**&**

### **Investigation Items**

**Standard disciplinary reports and a report of any  
administratively closed complaints.**

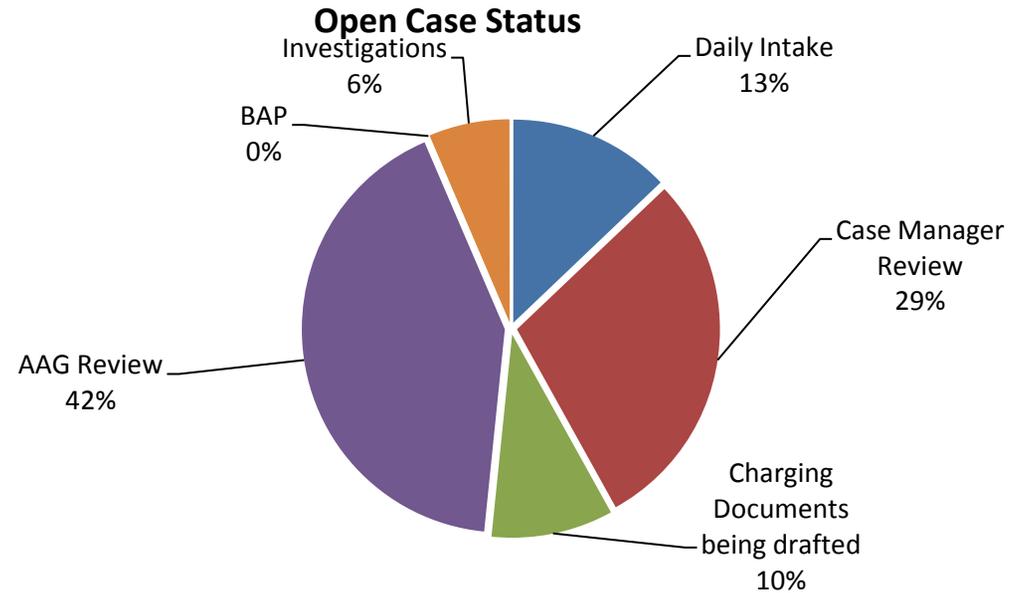
**Provided for information only –  
typically no board action is needed.**

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

Tumwater, WA

May 5, 2015

Assigned to:	Funeral	Cemetery
Gary L Clark	1	0
Jeffrey Wilson	13	0
Jim Letson	5	2
Lydia Webb	0	0
Ron Messenger	5	3
Pete Cameron	1	0
Todd Shifflett	4	0
Unassigned	5	1
<b>Total</b>	<b>34</b>	<b>6</b>

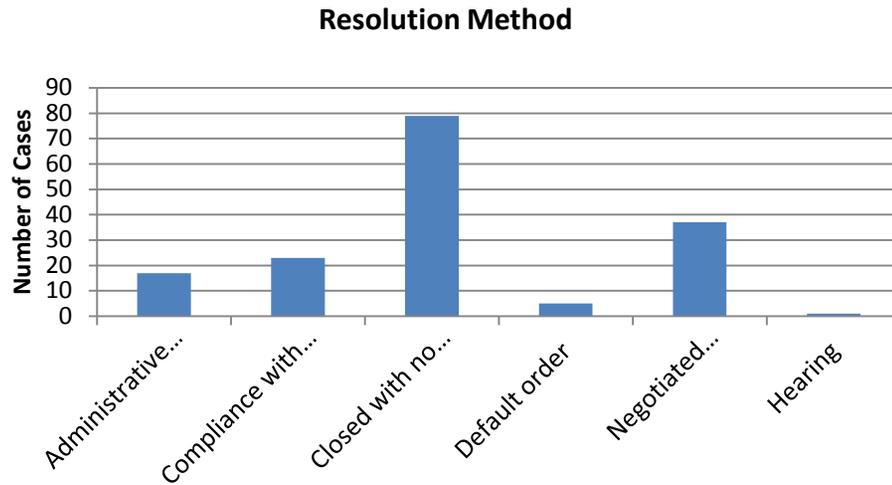


Recent Case History	2015	2014	2013
Funeral Opened	13	95	61
Closed	12	47	49
Cemetery Opened	2	44	15
Closed	17	24	18

### Typical Complaint Process (Open Case Status)

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



Mild

Revoke license

Suspension (not stayed)

Suspension (stayed)

Reprimand

Training

Law summary

### Common Resolution Methods (2012-15)

### Common Sanctions Used

Allegation	Closed with no action *	# default orders	# negotiated settlements	# hearings	Lowest fine	Highest fine	Suspensions (incl. stayed)	License Revoked
Care of human remains	6	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	1	0	\$ 1,500	\$ 1,500	0	0
Right to control	12	1	11	0	\$ 2,500	\$ 16,000	6	0
Unlicensed practice	4	0	2	0	\$ 2,500	\$ 20,000	0	0
Solicitation of human remains	0	0	0	0	\$ -	\$ -	0	0
Failure to supervise intern (Funeral Directors & Embalmers only)	0	1	2	0	\$ 1,500	\$ 1,500	0	0
General Price list	0	0	0	0	\$ -	\$ -	0	0
Issues w/or failure to file death certificates, burial transits	2	0	8	0	\$ 2,000	\$ 4,000	2	0
Grounds maintenance (cem. only)	6	0	0	0	\$ -	\$ -	0	0
Other	27	2	2	0	\$ 900	\$ 1,000	0	0

\* closed because no evidence of violation was found

Cases monitored for compliance 21

Cases sent to collections 1

# **Board Meeting**

## **Tab 8**

# **Assistant Attorney General 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 Staff Report**

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

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

Washington State Funeral and Cemetery Board  
May 5, 2015  
Tumwater, WA

**Legislation affecting the program:**

**Bill:** HB 1349 - Concerning requesting public records for the purpose of obtaining exempted information relating to employment and licensing.

**Summary:** This bill prohibits a party obtaining the identity of employees or volunteers from an agency from using that information for the purpose of obtaining employment and licensing information.

**Status:** This bill passed in the House and was read into the Senate March 11<sup>th</sup>.

**Recommendation:** FYI only.

**Bill:** HB 1371 - Regarding administrative procedures that promote accountability, transparency, and economic relief.

**Summary:** This bill suspends agency rule making.

**Status:** This bill failed to make the cut off for leaving the house of origin.

**Recommendation:** FYI only.

**Bill:** HB 1083 - Concerning the acceptance of gifts by state officers and employees.

**Summary:** Prohibits state officers and employees from accepting food, beverages, gifts, and entertainment.

**Status:** This bill failed to make the cut off for leaving the house of origin.

**Recommendation:** FYI only.

**Bill:** HB 1553 - Encouraging certificates of restoration of opportunity.

**Summary:** Creates a certificate of restoration of opportunity that would prohibit state agencies from denying a license based on criminal history if the certificate was issued for those convictions.

**Status:** This bill passed the House and had a public hearing in the Senate on March 19<sup>th</sup>..

**Recommendation:** FYI only.

Submitted by board staff  
March 24, 2015

# Funeral & Cemetery Program Financial Report

2013-2015 Biennium  
May 2015

# 2013-2015 Revenue Summary Funeral & Cemetery Program

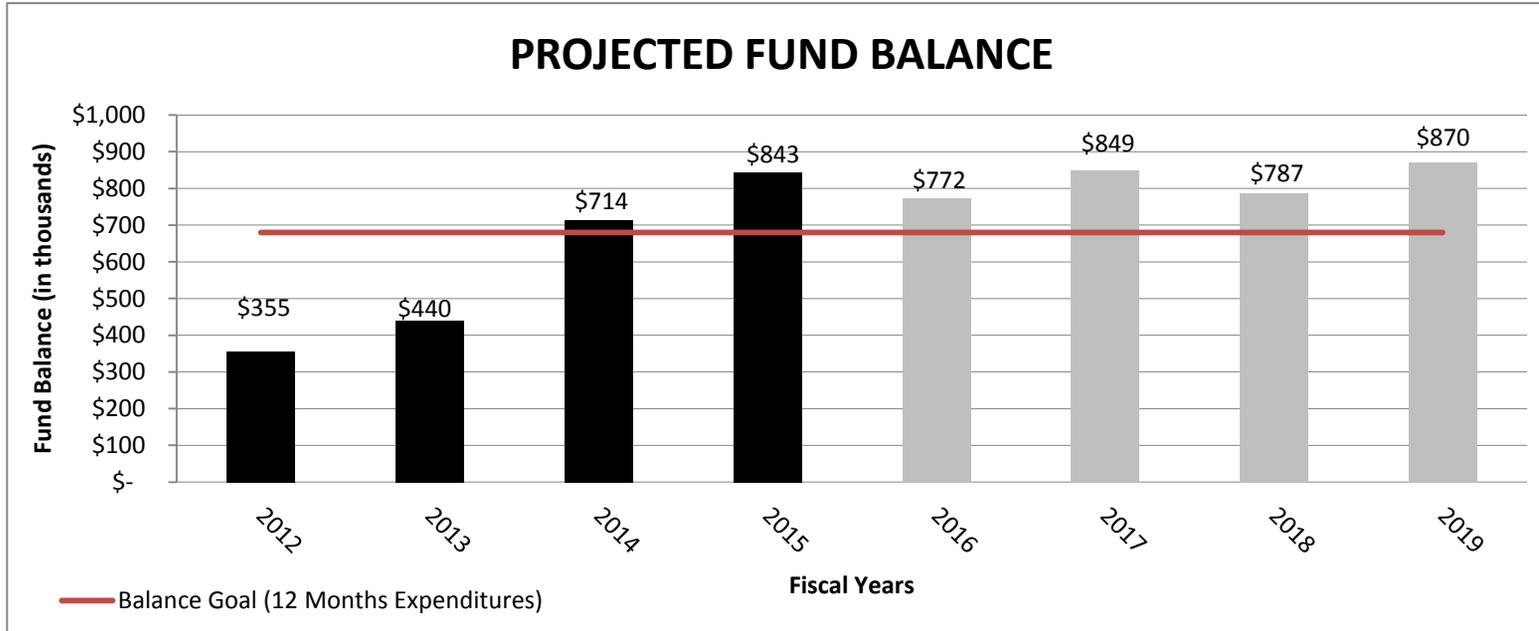
PERIOD ENDING 02/28/2015

**Current Revenue Data based on Actuals**

<b>Beginning Fund Balance</b>	<b>\$ 602,012</b>
Fund Balance Adjustment to Actual	\$ -
<b>Add: Current Biennium Revenue to Date</b>	<b>\$ 1,377,385</b>
<b>Less: Actual Expenditures to Date</b>	<b>\$ 1,099,739</b>
 <b>Current Fund Balance</b>	 <b><u>\$ 879,658</u></b>

**Projected Revenue Data based on Six-Year Plan**

<b>Current Fund Balance</b>	<b>\$ 879,658</b>
<b>Add: Projected Revenue</b>	<b>\$ 126,789</b>
<b>Less: Projected Expenditures</b>	<b>\$ 227,047</b>
 <b>Projected Fund Balance</b>	 <b><u>\$ 779,401</u></b>



\*Fiscal Years = July 1 through June 30

# 2013-2015 Expenditure Summary

## Funeral & Cemetery Program

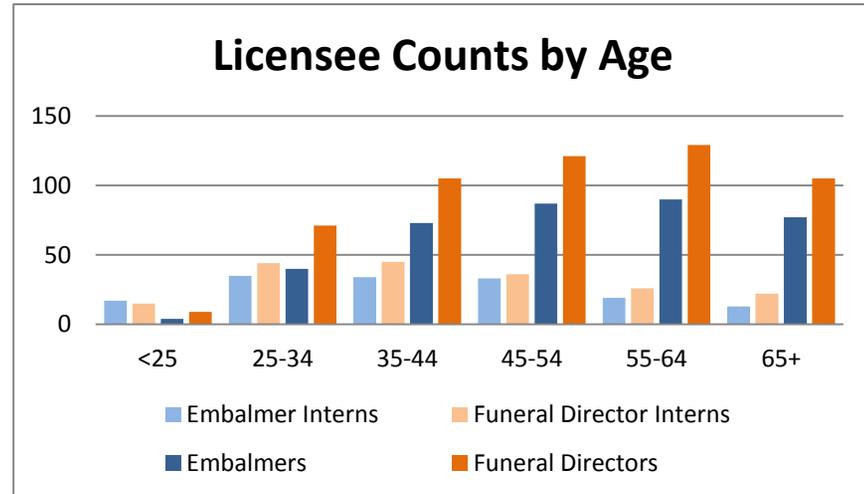
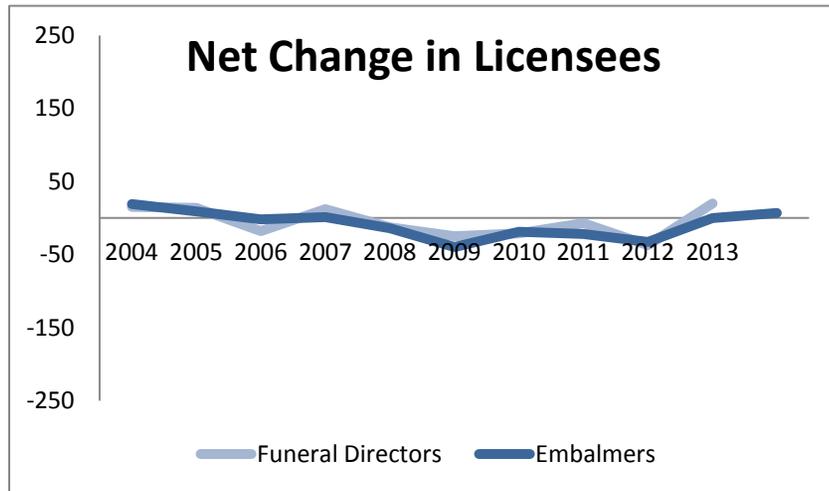
PERIOD ENDING 02/28/2015

Program Detail	Biennium to Date - Actual			Biennial Projection		
	Allotment	Expenditure	Variance	Allotment	Expenditure	Variance
<b>FTE's</b>	<b>5.6</b>	<b>5.5</b>	<b>0.1</b>	<b>5.6</b>	<b>5.5</b>	<b>0.1</b>
Salary	\$ 559,312	\$ 528,427	\$ 30,885	\$ 672,596	\$ 632,767	\$ 39,829
Benefits	\$ 183,742	\$ 169,503	\$ 14,239	\$ 220,306	\$ 202,593	\$ 17,713
Contracts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Goods & Services	\$ 105,609	\$ 148,603	\$ (42,994)	\$ 124,753	\$ 169,105	\$ (44,352)
Travel	\$ 50,836	\$ 46,517	\$ 4,319	\$ 61,000	\$ 54,377	\$ 6,623
Equipment	\$ 2,000	\$ 3,242	\$ (1,242)	\$ 4,000	\$ 4,742	\$ (742)
Inter-agency	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Direct Program</b>	<b>\$ 901,499</b>	<b>\$ 896,292</b>	<b>\$ 5,207</b>	<b>\$ 1,082,655</b>	<b>\$ 1,063,584</b>	<b>\$ 19,071</b>
<b>Division Support</b>	<b>\$ 71,614</b>	<b>\$ 42,036</b>	<b>\$ 29,578</b>	<b>\$ 88,811</b>	<b>\$ 59,668</b>	<b>\$ 29,143</b>
<b>Management &amp; Support Services</b>	<b>\$ 69,273</b>	<b>\$ 67,354</b>	<b>\$ 1,919</b>	<b>\$ 81,999</b>	<b>\$ 81,999</b>	<b>\$ -</b>
<b>Information Services</b>	<b>\$ 98,342</b>	<b>\$ 94,057</b>	<b>\$ 4,285</b>	<b>\$ 121,535</b>	<b>\$ 121,535</b>	<b>\$ -</b>
<b>TOTAL</b>	<b>\$ 1,140,728</b>	<b>\$ 1,099,739</b>	<b>\$ 40,989</b>	<b>\$ 1,375,000</b>	<b>\$ 1,326,786</b>	<b>\$ 48,214</b>

## Funeral Director - Licensee Demographics and Trends

Active Licensee Counts	Male	Female
Funeral Directors	420	142
Funeral Director Interns	101	89
Embalmer	317	68
Embalmer Intern	91	59
Total	929	358
<b>All Active Licensees</b>	<b>1287</b>	

Licensee Ages Count						
Age	<25	25-34	35-44	45-54	55-64	65+
Embalmers	4	40	73	87	90	77
Embalmer Interns	17	35	34	33	19	13
Funeral Directors	9	71	105	121	129	105
Funeral Director Interns	15	44	45	36	26	22
<b>Total</b>	<b>45</b>	<b>190</b>	<b>257</b>	<b>277</b>	<b>264</b>	<b>217</b>



Run date: 4/14/2015

# **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**