

**BEFORE THE
MISSOURI STATE BOARD OF
EMBALMERS AND FUNERAL DIRECTORS**

In the Matter of the Application of:

LELAND CRAIG JONES, SR.

**ORDER ISSUING A PROBATED
EMBALMER APPRENTICE REGISTRATION LICENSE**

COMES NOW, the Missouri State Board of Embalmers and Funeral Directors (the "Board") and pursuant to Section 324.038, RSMo¹, issues this order granting a **PROBATED EMBALMER APPRENTICE REGISTRATION LICENSE** to Leland Craig Jones, Sr. ("Jones" or "Licensee"), 2739 Garfield, Kansas City, Missouri 64109.

As set forth in Section 324.038, RSMo, Licensee may submit a written request for hearing to the Administrative Hearing Commission seeking review of the Board's decision set forth in this Order. Such written request must be filed with the Administrative Hearing Commission within 30 days of the date the Board mails this Order to Licensee. The written request should be addressed to the Administrative Hearing Commission, Room 640, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102-1557. Any such request should set forth that the applicant is qualified for nonprobated licensure pursuant to the laws and administrative regulations relating to Licensee's profession. If such review is requested, a hearing shall be held pursuant to Chapter 621, RSMo. A

¹ All statutory references are to the Revised Statutes of Missouri (2000), as supplemented, unless otherwise indicated.

Commissioner of the Administrative Hearing Commission will preside over the hearing. The hearing will be on the record and recorded by a court reporter. At the hearing, Licensee shall have the right to present testimony, call witnesses on its behalf, introduce evidence, cross-examine any witnesses called by the Board, and object to any evidence introduced by the Board and make legal argument to the Commission. Following the hearing, the Administrative Hearing Commission will issue an order including findings of fact, conclusions of law and a decision based on the evidence admitted at the hearing. A copy of the Administrative Hearing Commission's order will be delivered to the parties. Chapter 536, RSMo, sets forth the procedures for review of the order of the Administrative Hearing Commission.

If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Board's decision shall be considered waived. Section 324.038.2, RSMo. Should Licensee make written request for review of this Order, the terms and conditions of this Order shall remain in full force and effect unless and until such time as the Administrative Hearing Commission or reviewing court orders otherwise.

Relevant Statutes

1. Section 324.038, RSMo, authorizes the Board to issue a license subject to probation in lieu of denial and states:

1. Whenever a board within or assigned to the division of professional registration, including the division itself when so

empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

2. The board shall notify the applicant in writing of the terms of the probation imposed, the basis therefor, and the date such action shall become effective. The notice shall also advise the applicant of the right to a hearing before the administrative hearing commission, if the applicant files a complaint with the administrative hearing commission within thirty days of the date of delivery or mailing by certified mail of written notice of the probation. If the board issues a probated license, the applicant may file, within thirty days of the date of delivery or mailing by certified mail of written notice of the probation, a written complaint with the administrative hearing commission seeking review of the board's determination. Such complaint shall set forth that the applicant or licensee is qualified for nonprobated licensure pursuant to the laws and administrative regulations relating to his or her profession. Upon receipt of such complaint the administrative hearing commission shall cause a copy of such complaint to be served upon the board by certified mail or by delivery of such copy to the office of the board, together with a notice of the place of and the date upon which the hearing on such complaint will be held. Hearings shall be held pursuant to chapter 621. The burden shall be on the board to demonstrate the existence of the basis for imposing probation on the licensee. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

3. If the probation imposed includes restrictions or limitations on the scope of practice, the license issued shall plainly state such restriction or limitation. When such restriction or limitation is removed, a new license shall be issued.

2. Section 333.021.1, RSMo, requires a license to engage in the practice of embalming and states:

No person shall engage in the practice of embalming in this state unless he has a license as required by this chapter.

3. Section 333.041.3, RSMo, sets forth the requirements for licensure as an embalmer and requires every applicant for a full embalmer's license to serve an apprenticeship of not less than twelve consecutive months and states:

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma or equivalent thereof;

(2) Is either a citizen or bona fide resident of the state of Missouri or entitled to a license pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of Missouri who is employed by a funeral establishment located within the state of Missouri, to practice embalming upon the grant of a license to do so;

(3) Is a person of good moral character;

(4) Has graduated from an institute of mortuary science education accredited by the American Board of Funeral Service Education, or any successor organization recognized by the United States Department of Education, for funeral service education. If an applicant does not appear for the final examination before the board within five years from the date of his or her graduation from an accredited institution of mortuary science education, his or her registration as a student embalmer shall be automatically canceled;

(5) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

(6) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. Board regulation 20 CSR 2120-2.010(12)-(15), (19) and (25) sets forth the process for serving an embalmer apprenticeship and states:

(12) After the applicant has made a passing grade on the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the embalming examination, s/he then may apply for registration as an apprentice embalmer. In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory, or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination. This application shall contain the name(s) of the Missouri licensed embalmer(s) under whom s/he will serve. Each supervisor must be licensed and registered with and approved by the board. Any change in supervisor shall also be registered and approved within ten (10) business days after the change has been made. Applications shall be submitted on the forms provided by the board and shall be accompanied by the applicable fee. Application forms are available from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.

(13) Each apprentice embalmer shall provide to the board, on the application provided by the board, the name(s), location(s), and license number(s) of the licensed funeral establishment(s) where s/he

is serving as an apprentice. If the apprentice embalmer begins work at any other licensed funeral establishment during the period of apprenticeship, the apprentice embalmer shall notify the board, on the form provided by the board, within ten (10) business days after the change has been made.

(14) The period of apprenticeship under this rule shall be at least twelve (12) consecutive months. The apprentice embalmer shall devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer. During the period of the apprenticeship, the certificate of registration issued to the apprentice shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the apprentice is working.

(15) Prior to completion of the period of apprenticeship, the apprentice embalmer shall achieve a grade of seventy-five percent (75%) or greater on the Missouri Law exam. This exam may be taken any time after graduating from an accredited institution of mortuary science, but shall be successfully completed prior to appearing before the board for oral examination. The Missouri Law exam covers knowledge of Chapter 333, RSMo, and the rules governing the practice of embalming, funeral directing, and funeral home licensing, along with government benefits, statutes and rules governing the care, custody, shelter, disposition, and transportation of dead human bodies. The Missouri Law section also contains questions regarding Chapter 436, RSMo, relating to pre-need statutes and Chapters 193 and 194, RSMo, relating to the Missouri Department of Health and Senior Services statutes, as well as questions regarding Federal Trade Commission rules and regulations and Occupational Safety and Health Administration (OSHA) requirements as they apply to Missouri licensees. Notification of intent to take this section of the examination shall be received by the board at least fifteen (15) working days prior to the date the candidate plans to sit for the examination.

(16) An affidavit provided by the board, signed by both the apprentice and the supervisor(s) verifying that the applicant has successfully completed the embalming of twenty-five (25) dead human bodies, shall be submitted to the board at the time of completion of the apprenticeship period and prior to the oral examination.

* * *

(19) After satisfactory completion of these requirements, an embalmer's license shall be issued to an apprentice embalmer upon payment of the applicable fee and subject to the provisions of section 333.121, RSMo.

* * *

(24) Should an individual desire to obtain a Missouri embalmer's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make application, obtain a passing grade on the embalmer examination, and shall be required to complete a six (6) consecutive month period of apprenticeship during which time s/he shall be required to embalm at least twelve (12) dead human bodies under the supervision of a Missouri licensed embalmer. The applicant shall be required to pay the current applicable apprenticeship and application fees to obtain a new embalmer's license under this section. No previous apprenticeship, application, or examination will be considered for a new application under this section. However, the successful examination results of the National Board Funeral Service Arts section and the National Board Funeral Science section will be accepted.

5. Section 333.330, RSMo, authorizes the Board to deny an application for an embalmer apprentice registration license and states, in relevant portion:

1. The board may refuse to issue any certificate of registration or authority, permit, or license required under this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving a controlled substance, or for any offense an essential element of which is fraud, dishonesty, or an act of violence;

Criminal Statutes Violated by Jones

6. In 1992 when Jones pled guilty to stealing, Section 570.030, RSMo (1979, Supp. 1991) stated:

570.030. Stealing—penalties

1. A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he surreptitiously removed or attempted to remove his baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is one hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any narcotic drugs as defined by section 195.010, RSMo;

otherwise, stealing is a class A misdemeanor.

7. In 1999 when Jones was convicted of driving while suspended, second offense, Kansas Statute 8-262 (1998) stated:

(a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked shall be guilty of a: (A) Class B nonperson misdemeanor on the first conviction; (B) class A nonperson misdemeanor on the second conviction; and (C) severity level 9, nonperson felony on a third or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under [K.S.A. 8-257](#), and

amendments thereto, to the return of such person's driver's license or was, at the time of arrest, eligible under [K.S.A. 8-256](#), and amendments thereto, to apply for a new license to operate a motor vehicle.

(3) Except as otherwise provided by subsection (a)(4), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second or subsequent conviction shall not be eligible for parole until completion of five days' imprisonment.

(4) If a person (A) is convicted of a violation of this section, committed while the person's privilege to drive was suspended or revoked for a violation of [K.S.A. 8-1567](#), and amendments thereto, or any ordinance of any city or a law of another state, which ordinance or law prohibits the acts prohibited by that statute, and (B) is or has been also convicted of a violation of [K.S.A. 8-1567](#), and amendments thereto, or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by that statute, committed while the person's privilege to drive was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) The division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(c) In addition to extension of the period of suspension or revocation under subsection (b), if the conviction is for a violation committed after June 30, 1994, and before July 1, 1996, and committed while the person's driving privileges are suspended pursuant to [K.S.A. 8-1014](#) and amendments thereto, the division, upon completion of the extended period of suspension, shall restrict the person's driving privileges for an additional 120 days to driving only a motor vehicle equipped with an ignition interlock device, as defined by [K.S.A. 8-1013](#) and amendments thereto, approved by the division and obtained, installed and maintained at the person's expense.

On or before February 1, 1996, the division shall report to the legislature regarding the use of the provisions of this subsection and making recommendations concerning continuation or modification of such provisions.

(d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, 'conviction' includes a conviction of a violation of any ordinance of any city or a law of another state which is in substantial conformity with this section.

8. In 1999 when Jones was convicted of passing a bad check, a class D felony, Section 570.129, RSMO (1979, Supp. 1997), stated, in relevant portion:

1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, he makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) He makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class D felony.

* * *

9. In 2002 when Jones was convicted of felony possession of cocaine, Kansas Statutes Annotated 65-4160(A) (2000) stated, in relevant portion:

(a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of [K.S.A. 65-4107](#) and amendments thereto. Except as provided in subsections (b) and (c), any person who violates this subsection shall be guilty of a drug severity level 4 felony.

10. For the cases in Missouri in which Jones was convicted of driving while suspended/revoked, Section 302.321, RSMo, states:

302.321. 1. A person commits the crime of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended, or revoked under the laws of this state or any other state and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended, or revoked.

2. Any person convicted of driving while revoked is guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a

fourth or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving-while- revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class D felony. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until such person has served a minimum of forty- eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving while revoked is a class D felony on the second or subsequent conviction pursuant to section 577.010 or a fourth or subsequent conviction for any other offense.

Parties and Background

11. The Board is an agency of the State of Missouri created and established pursuant to Section 333.151, RSMo, and vested with the authority to execute and enforcing the provisions of Chapter 333 and portions of Chapter 436, RSMo.

12. Leland Craig Jones, Sr. is an individual residing at 2739 Garfield, Kansas City, Missouri 64109.

13. Jones submitted his “Application for Embalmer’s License” to the Board that he signed before a notary public on April 5, 2011 (the “Application”).

14. Jones graduated from the Dallas Institute of Mortuary Science in February, 1973.

15. Jones is over the age of 18 years.

16. Jones has met the statutory requirements for licensure.

17. On June 1, 2011, Jones appeared before the Board to discuss his license application.

18. The Board conducted a background investigation that revealed Jones' criminal conviction history.

Jones' Licensing History

19. Jones was first licensed by the Board in 1974 as both an embalmer and a funeral director.

20. From June, 1974 until May, 1986, Jones held funeral director license number 003653 and embalmer license number 005712.

21. From September, 1986 until May, 1988, Jones held funeral director license number 005572 and from September, 1986 until May, 1988, Jones held embalmer license number 007014.

22. From January, 1989 to May, 1997, Jones held funeral director license number 005995 and from January, 1989 until May, 1999, Jones held embalmer license number 007144.

23. In 2004, Jones applied for both a funeral director and an embalmer's license.

24. After an appearance before the Board, the Board issued Jones' an embalmer apprentice permit number 962664 on June 15, 2004 that was valid until June 15, 2005. Jones failed to complete the licensure process and he received neither an embalmer nor a funeral director license.

25. In 1992, Jones was found guilty of the class C felony of stealing per Section 570.030, RSMo (1979, Supp. 1991). The Court suspended execution of sentence and placed Jones on probation. His probation was revoked and Jones served 2 years incarceration and was released in March, 1994. *State of Missouri v. Jones*, Jackson County, Case number CR912611.

26. At the time of this felony stealing conviction, Jones' held both funeral director and embalmer licenses.

27. By letter dated June 21, 1993, Jones disclosed to the Board the details of his felony stealing and subsequent probation, probation violation, incarceration and parole.

28. Jones has held no license issued by the Board since 1999, other than the embalmer apprentice permit issued in 2004.

29. The Board imposed no discipline on any license held by Jones during the time he was previously licensed as either a funeral director or embalmer.

Basis for Probation

Drug and Alcohol Usage

30. In his application, Jones admitted that he has been addicted to and has used in excess, alcohol and drugs.

31. In his appearances before the Board, Jones admitted that he is addicted to and, in the past, used in excess, alcohol and drugs.

Criminal Conduct

32. Jones admitted to criminal conduct in his past during his appearances before the Board.

33. Jones admitted to the Board that his criminal convictions included possession of crack cocaine, passing bad checks and driving while suspended.

34. Jones admitted to the Board all criminal conduct set forth in this Order.

Convictions

35. Jones' criminal history includes the following:

- a. In May, 1999, Jones pled guilty to driving while suspended, 2nd offense per K.S.A. 8-262 (1998), a class A misdemeanor and was sentenced to 120 days in jail and probation for one year. After numerous warrants issued due to Jones' failure to appear, in October, 2001, Jones admitted to violation of probation and the Court remanded him to the custody of the sheriff until Jones' release

on December 23, 2002. *State of Kansas v. Jones*, Johnson County, Case number 99CR00225.

- b. In July, 1999, Jones pled guilty to the class D felony of passing a bad check in the amount of \$150 or more and served on probation until his probation was revoked in August, 2001 and Jones was sentenced to 45 days incarceration. *State of Missouri v. Jones*, Clay County, Case number 7CR199001406
- c. In March, 2002, Jones pled guilty of a first felony charge of possession of cocaine per K.S.A. 65-4160(A) and was sentenced to 9 months incarceration and 12 months probation. In April, 2003, the Court revoked Jones' probation and sentenced him to serve 30 days shock time. In November, 2004, the probation was terminated by the Court. *State of Kansas v. Jones*, Johnson County, Case number 01CR01138
- d. In February, 2003, Jones sought trial de novo on the municipal charge of driving while revoked or suspended. In June, 2003, Jones pled guilty and the Court ordered a suspended execution of sentence and placed Jones on 2 years probation under the supervision of Northland Dependency. *Kansas City v. Jones*, Case number 16MA03000352.
- e. In December, 2006, a Uniform Traffic Ticket was filed charging Jones with driving while his license/privilege was revoked (revoked

for abuse and lose law), a class A misdemeanor, Section 302.321, RSMo. On October 19, 2009, the Court sentenced Jones to 1 year in the Jackson County Detention Center, but suspended execution of the sentence and placed Jones on 2 years supervised probation with conditions of performing 40 hours of community service and not driving until properly licensed and insured. *State of Missouri v. Jones*, Jackson County, case number 0616-CR07130.

- f. In May, 2006, an information was filed with the court charging Jones with operating a motor vehicle on a highway while driving license/privilege was revoked (revoked for abuse and lose law), a class A misdemeanor, Section 302.321, RSMo. On October 19, 2009, the Court sentenced Jones to 1 year in the Jackson County Detention Center, but suspended execution of the sentence and placed Jones on 2 years supervised probation with conditions of performing 40 hours of community service and not driving until properly licensed and insured. *State of Missouri v. Jones*, Jackson County, case number 0616-CR02821.
- g. In March, 2007, a Uniform Traffic Ticket was filed charging Jones with operating a motor vehicle on a highway while driving license/privilege revoked (revoked for abuse and lose law), a class A misdemeanor, Section 302.321, RSMo. On October 19, 2009, the Court sentenced Jones to 1 year in the Jackson County Detention

Center, but suspended execution of the sentence and placed Jones on 2 years supervised probation with conditions of performing 40 hours of community service and not driving until properly licensed and insured. *State of Missouri v. Jones*, Jackson County, case number 0716-CR01738.

- h. In April, 2009, a Uniform Traffic Ticket was filed charging Jones with operating a motor vehicle on highway while driving license/privilege was revoked (revoked for abuse and lose law), a class A misdemeanor per Section 302.321, RSMo. On October 19, 2009, the Court sentenced Jones to 1 year in the Jackson County Detention Center, but suspended execution of the sentence and placed Jones on 2 years supervised probation with conditions of performing 40 hours of community service and not driving until properly licensed and insured. *State of Missouri v. Jones*, Jackson County, case number 0916-CR01876.

Application Disclosures

36. On his Application, Jones answered “yes” to the question that states:

Have you ever been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States whether or not sentence was imposed (includes suspended imposition of sentence (SIS)).

37. On his Application, Jones answered “no” to the question that states:

Have you ever been arrested, charged with or found guilty, or entered a plea of guilty or nolo contendere of a violation of any

federal, state or municipal, drug or alcohol laws or rules whether or not sentence was imposed (includes suspended imposition of sentence (SIS)).

38. On his application form, Jones answered “yes” to the question: “Have you ever been addicted to or used in excess, alcohol or any prescription drugs or illegal chemical substances?”

39. As part of his application process, Jones submitted the following written statement to the Board:

I, Leland C. Jones, Sr., have had problems with drugs and alcohol in the past. I am currently in a 12-step Program (NA) and have been clean and sober for twenty months now. I welcome the Board to answer further questions and will submit to drug testing at any time and place.

40. During his appearances before the Board, Jones discussed his criminal history and during the June, 2011 appearance, he advised the Board that he was on criminal probation until October, 2011 due to convictions for driving while suspended.

41. During his June, 2011 appearance before the Board, Jones discussed with the Board his history with substance abuse and reported to the Board his efforts and success at maintaining sobriety.

42. Jones admitted to all criminal conduct stated in this Order.

43. By letter provided with his Application, Jones’ probation officer reports to the Board that Jones has complied with the terms and conditions of his criminal probation and that the probation is due to expire on October 19, 2011.

Cause To Deny Licensure

44. The Board has cause to deny Leland's application for an embalmer's apprentice registration license pursuant to Section 333.330.2(1) and (2), RSMo.

45. The Board finds that issuance of a probated embalmer's apprentice registration license, subject to certain terms and conditions, in lieu of denial, will ensure protection of the public.

Issuance of Probated License Subject to Terms and Conditions

The Board, in lieu of denial, hereby issues an embalmer apprentice registration license to Leland Craig Jones, on **PROBATION** for a period of **THREE YEARS**, or until the completion of his apprenticeship, whichever comes first (the "Disciplinary Period"), subject to the terms and conditions contained in this Order and set forth below.

Terms and Conditions of Probation

46. Licensee shall comply with the following terms and conditions of probation during the Disciplinary Period:

General Requirements

- a. Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Board with his current and active e-mail address;

- b. Licensee shall comply with all applicable provisions of Chapters 194, 333 and 436, RSMo, all Board regulations and all federal, state and local laws and regulations related to business operations in the funeral and death care industry;
- c. Licensee shall engage in no conduct that would give the Board cause to seek authority to discipline from the Administrative Hearing Commission as set forth in Section 333.330, RSMo;
- d. Licensee shall meet in person with the Board or any Board representative at any such time and place as required by the Board or its representative upon reasonable notice. Any such meetings shall be at the Board's discretion;
- e. Licensee shall submit written compliance reports to the Board no later than January 1 and July 1 of each year, but no compliance report shall be filed more than 14 days before it is due. Each of these compliance reports shall state truthfully whether there has been full compliance with the terms and conditions of this Order for the previous six month period and shall fully explain any non-compliance. These compliance reports shall contain all other information required by this Order. Compliance reports may be submitted on a form provided by the Board, but failure to receive such a form from the Board shall not excuse the timely filing of any compliance report;

- f. Upon the request by the Board or its representative, Licensee shall immediately submit any and all records requested to show compliance with these terms and conditions;
- g. Licensee shall renew timely all licenses and/or registrations, shall pay timely all fees required for licensure/registration and shall meet all other requirements necessary to maintain all licenses and registrations issued by the Board current and active;
- h. Licensee shall accept and cooperate with unannounced visits from the Board, or its representatives, to monitor compliance with the terms and conditions of probation;
- i. Licensee shall not serve as the supervisor of any funeral director apprentice or embalmer practicum student or embalmer apprentice without the express written consent of the Board. If Licensee seeks to supervise an apprentice, Licensee shall submit a written request to the Board that includes the name and address of the potential apprentice and a description of Licensee's ability to properly supervise an apprentice. No such apprenticeship shall commence until the Board has given its consent for Licensee to supervise the apprentice;
- j. Licensee shall not operate a motor vehicle in the conduct of any business of embalming unless Licensee holds proper licensure issued by the State to operate a motor vehicle;

Chemical Dependency Requirements

- k. Licensee shall, within six (6) weeks from the effective date of this agreement, undergo an evaluation for chemical dependency performed by a Board approved licensed chemical dependency professional. Licensee shall submit for approval by the Board, the name, address, evidence that the chemical dependency professional is licensed and/or certified in the treatment of chemical dependency and the license type and license number of the proposed chemical dependency professional to the Board prior to the evaluation and the Board shall notify Licensee of its approval or disapproval of the proposed professional. Licensee shall provide the chemical dependency professional a copy of this Order prior to the evaluation. If Licensee has had a chemical dependency evaluation by a licensed chemical dependency professional within 6 weeks prior to this Order, Licensee may submit that chemical dependency report to the Board and the Board may, at its discretion, allow the prior report to fulfill this condition of probation;
- l. Licensee shall cause the results of the chemical dependency evaluation to be mailed directly to the Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, Jefferson City, Missouri 65109 within ten days after the evaluation has been completed. Each written evaluation report shall include the

Licensee's present state of impairment, a description of the tests performed and the results, discussion of relevant clinical interview findings/interpretations, specification of DSM IV diagnosis/es, appropriate treatment recommendations/plan, the beginning date of treatment, and an assessment for future prospects for recovery. If there is no diagnosis requiring treatment, this should be reported in the evaluation. Licensee shall follow any treatment recommendations made by that chemical dependency professional;

m. **IF TREATMENT IS RECOMMENDED**, Licensee shall comply with the following:

- i. Licensee shall follow all recommendations for treatment made by the chemical dependency professional.
- ii. If the treating chemical dependency professional becomes unable or decides not to continue serving in his/her capacity as a treating professional or otherwise ceases to serve as a treating professional during the disciplinary period, then, the Licensee shall:

1. Within three (3) business days of being notified of the treating chemical dependency professional's inability or decision not to continue to serving as a treating professional, or otherwise learning of the need to secure a treating professional, advise the Board in

writing that he/she is needing to secure a different treating chemical dependency professional and the reasons for such change; and

2. Within twenty (20) business days of being notified of the treating chemical dependency professional's inability or decision not to continue serving as the treating professional, or otherwise learning of the need to secure a treating, secure a treating chemical dependency professional subject to the same Board approval process as this Order required for the initial chemical dependency professional;
- iii. Licensee shall cause an update of treatment evaluation from the chemical dependency professional to be submitted no later than January 1 and July 1 of each year of probation. This update shall be submitted directly to the Board and shall include an evaluation of Licensee's current progress and status related to the treatment recommendations/plan and Licensee's current prognosis and treatment recommendation/plan;
- iv. If a 12 step program, or other support group attendance is recommended, Licensee shall submit to the Board evidence, to the Board's satisfaction, to verify such recommended

attendance, as part of his January 1 and July 1 compliance reports;

- v. If treatment of Licensee is successfully completed at any time during the period covered by this agreement, Licensee shall cause the chemical dependency professional to submit a report of final evaluation/summary which includes a statement that the Licensee has successfully completed treatment and indicate whether Licensee should continue in a 12 step program. If continuance in a 12 step program is recommended, Licensee shall continue submit evidence of attendance with his January 1 and July 1 compliance reports;
- n. Licensee shall submit to periodic drug and alcohol screens, at Licensee's cost. The timing and/or scheduling for testing is within the Board's sole discretion. Such screenings may be conducted on any biological sample including blood, hair, urine or breath. If any drug and alcohol screen is performed on any biological sample of Licensee by any other entity, Licensee shall cause a copy of the report from that screening to be provided to the Board within 10 days of Licensee's receipt or knowledge of the results of said screening;
- o. Licensee shall execute a limited medical release effective for the entire disciplinary period authorizing any chemical dependency

professional or medical professional to release records and/or communicate with the Board, or its representative, regarding Licensee's treatment and/or counseling. Licensee shall not take any action to cancel this release. Licensee shall take all steps necessary to continue the release in effect and shall provide a new release when requested;

- p. Licensee shall abstain completely from the use or consumption of alcohol in any form, including over-the-counter medications and mouthwashes. The presence of any alcohol or alcohol metabolite whatsoever or controlled substance for which Licensee does hold a valid prescription in any biological sample shall constitute a violation of discipline;
- q. Licensee shall provide the Board office, within ten (10) days of the effective date of this Agreement, a copy of all controlled substance prescriptions, dispensed or to be dispensed, in Licensee's possession on the effective date of the discipline. The following information shall be provided: the prescription number, drug name, strength, dosage instructions, prescriber's name and address, the name and address of the pharmacy where the prescription was dispensed, date dispensed, number of refills available, and any other requested information concerning the prescription;

- r. Licensee shall abstain completely from the personal use or possession of any controlled substance or other drug for which a prescription is required unless use of the drug has been prescribed by a person licensed to prescribe such drug and with whom Licensee has a bona-fide relationship as a patient. Upon request, Licensee shall execute a medical release authorizing the Board to access all records pertaining to Licensee's condition, treatment, and prescription maintained by the health care professional that prescribed the controlled substance or other drug for which a prescription is required to release records and/or communicate with the Board, or its representative, regarding Licensee's treatment. The presence of any controlled substance whatsoever in any biological sample for which Licensee does not hold a valid prescription shall constitute a violation of Licensee's discipline. Licensee shall provide the Board with a copy of each prescription received, controlled or non-controlled, within five (5) days Licensee's receipt of the prescription; and
- s. Licensee shall provide a copy of this Order to any employer engaged in the funeral industry within 5 business days of the commencement of his employment or within 5 days of Licensee's receipt of this Order.

47. Upon the expiration of the Disciplinary Period and successful completion of the probation, Licensee's embalmer apprentice registration license shall be fully restored if all other requirements of the law have been satisfied; provided however, that in the event the Board determines that Licensee has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Licensee's embalmer apprentice registration license.

48. The Board shall enter no order imposing further discipline on Licensee's embalmer apprentice registration license without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

49. If the Board determines that Licensee has violated a term or condition of this Order, and that violation would also be actionable in a proceeding before the Administrative Hearing Commission or in a circuit court, the Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this Order in its determination of appropriate legal actions concerning such violation(s).

50. If any alleged violation of this Order occurs during the Disciplinary Period, the Board may choose to conduct a hearing on the alleged violation either during the Disciplinary Period, or as soon thereafter as a hearing can be held, to determine whether a violation of the terms and conditions of probation occurred

and, if so, may impose further discipline on Licensee's embalmer apprentice registration license. The Board has continuing jurisdiction to hold a hearing determine if a violation of the terms and conditions of probation occurred.

51. This Order of the Board shall be maintained as an open and public record of the Board as provided in Chapters 333, 610 and 324, RSMo.

IT IS SO ORDERED.

Dated: July 15, 2011

Sandy Sebastian
Sandy Sebastian
Executive Director
State Board of Embalmers and Funeral Directors