

State Board of Embalmers and Funeral Directors

March 20-21, 2012
Division of Professional Registration
3605 Missouri Blvd
Jefferson City, MO 65109

OPEN AGENDA

March 20, 2012 – 2:00 p.m.

1. Call to Order
2. Roll Call
3. (Tab 1) Approval of the Agenda

CLOSED

March 21, 2012 – 8:30 a.m.

5. (Tab 2) Approval of Open Minutes
 - December 7, 2011 board meeting
 - December 27, 2011 board conference call
 - January 25, 2012 board meeting
 - February 8, 2012 examination committee meeting
 - March 5, 2012 examination committee meeting
4. Election of Officers
5. (Tab 3) Executive Director Report
 - *Update on “The Conference” conference*
 - *Expense account payment deadlines*
 - *License statistics (new, closed/ceased, disciplined)*
6. Legal Counsel Report
7. 436 Task Force Update
8. Introduction for Craig Ward, State Registrar, Bureau of Vital Statistics
 - Update regarding electronic death certificate system

CLOSED

9. Discussion regarding final expense insurance policies
 - Mark Stahlhuth – Department of Insurance, Financial Institutions & Professional Registration*
10. (Tab 7) Discussion on proposed rule “Abandoned Preneed Funds”
11. Ceased/closed seller licenses – notifications

12. (Tab 6) Inspection of funeral establishments updates/statistics

13. Discussion/Dialogue

LUNCH

14. (Tab 4) Probation Violation Hearing - 1:00p.m.

Case EMB 12-005-PV

George H. Treaster, White Funeral Home Hearing

Preneed Seller license 201000343/Preneed Provider license 2010003432

15. (Tab 5) Probation Violation Hearing - 2:00p.m.

Case EMB 12-004-PV

Shelby Funeral Homes, Inc.

Funeral Establishment license 001576

CLOSED

16. Adjournment

State Board of Embalmers and Funeral Directors

December 7, 2011
Hampton Inn & Suites
4600 Summit
Kansas City, MO 64112

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 9:08 a.m.

Roll Call

Board Members Present

D. Todd Mahn, Chair
James Reinhard, Vice Chair
John McCulloch, Secretary
Gary Fraker, Member
Martin Vernon, Member
Archie Camden, Public Member

Staff Present

Sandy Sebastian, Executive Director
Lori Hayes, Inspector
Tabatha Lenzini, Administrative Assistant
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Gary Fraker and seconded by James Reinhard to approve the Open Agenda. Motion carried Martin Vernon, John McCulloch, Archie Camden voting in favor with no votes in opposition.

Approval of Open Minutes

A motion was made by Martin Vernon and seconded by Gary Fraker to approve the following open minutes with the amendment to include clarification the of the legal citations:

- June 14-16, 2010 Board Meeting
- May 18, 2011 Board Meeting
- September 27-29, 2011 Board Meeting
- October 3, 2011 Examination Committee
- October 6, 2011 Mail Ballot
- November 4, 2011 Conference Call
- November 21, 2011 Examination Committee

Motion carried with James Reinhard, John McCulloch, and Archie Camden voting in favor. Archie Camden recused from voting on the June 14-16, 2010, May 18, 2011 and November 4, 2011 minutes.

Executive Director Report

Sandy Sebastian gave an overview on the following –

- Update on Preneed Renewals
- Update on Funeral Establishment Renewals
- New licensees issued since last report
- Ceased/closed licenses since last report
- Disciplinary actions since last report
- Gov Delivery email notification system purchased by the Department
- New licensure system being considered by Division

Licensure System

Following discussion a motion was made by James Reinhard and seconded by Gary Fraker to approve the estimated \$26,000 expenditure, which is over a 2 year period and already budgeted in projections as IT, for the board's proportionate share of the new licensure system being considered by the Division of Professional Registration and the boards/commissions within. Motion carried with Martin Vernon, John McCulloch, Archie Camden voting in favor with no votes in opposition.

Legal Counsel Report

Sharon Euler reported the following to the board –

- Donna Garret retired and Joann Howard has replaced her as Special Deputy Receiver
- Forever Network's civil suite is moving slowly, the criminal is proceeding also, they hope to have a trial date set after the first of the year
- Buescher matter has been set for status hearing

Electronic Death Certificate System - DHSS

John McCulloch gave an update on the meeting that he and Sandy Sebastian attended with Harold Kirby and Peter Lyskowski who are with the Department of Health and Senior Services (DHSS) regarding the electronic death certificate system. DHSS expressed interest in hearing feedback about concerns with the system, indicated that they had identified approximately 2,000 doctors that would be consistent users of the system and were working on training them as well as others. They shared that they were preparing an online training so that information could be far reaching. They also discussed the paper process that would still be in place and the modifications that would be implemented to ensure accuracy of records and how that might impact turn around time in obtaining certified death certificates.

Web Casting

At a previous meeting the board asked that staff research the possibilities of web casting the board's meetings. Sandy Sebastian gave an update indicating that we have the capability to do web casting in house at no fee which could include audio/video, audio only, could be broadcast live or delayed. It was also shared that there are subscription services we could be explored that would open up other options such as interactive communication between those participating via the web. Chairman D. Todd Mahn stated this was not something the board was going to pursue at this time.

Alkaline Hydrolysis Presentation

Dean Fisher, Director of the David Geffen School of Medicine at UCLA, Donated Body Program gave a presentation on Alkaline Hydrolysis.

Closed session

A motion was made by Archie Camden and seconded by Gary Fraker to go in to closed for #2. Motion carried with Martin Vernon, James Reinhard, and John McCulloch voting in favor with no votes in opposition. D. Todd Mahn not present for the vote and Jim Reinhard was serving as chair of the meeting during the motion and vote.

Draft Rule – “What Constitutes A Preneed Contract”

The board reviewed and discussed the draft rule “What constitutes a preneed contract”. Sharon Euler shared some examples of concerns the financial examiners are experiencing when conducting financial examinations. Following the board’s discussion there were comments and input from the members of the public in attendance.

A motion was made by Archie Camden and seconded by John McCulloch to end the discussion on the topic. Motion carried with Gary Fraker, Martin Vernon and James Reinhard voting in favor with no votes in opposition.

A motion was made by John McCulloch to not pursue the rule. Motion died for lack of a second.

A motion was made by Archie Camden to accept the draft. Motion died for lack of a second.

A motion was made by Martin Vernon and seconded by James Reinhard voted to send back to staff to do further work on what constitutes a preneed contract. Motion carried with John McCulloch, D Todd Mahn voting in favor. Gary Fraker and Archie Camden voted in opposition of the motion.

Public Comments Regarding Financial Examinations

Don Otto, MFDEA, commented for John Cozean, who was not present, on his financial examination regarding the concerns that the letter received identified contracts as non compliant that were correct under the old law.

Kevin Simpson, president of Phillips Funeral Home, spoke on the examination that was done regarding his seller in which he was told he was deficient on 44 contracts relating to insurance assignments. Sandy Sebastian spoke to Mr. Simpson in general terms about what he might want to do and explained that sellers are being sent copies of the final examinations and being provided an opportunity to respond, which may include that they disagree with the findings and suggested that if there was disagreement that any supporting documentation regarding how the conclusion was drawn be included with the response.

Brad Speaks stated he is on week 16 of his examinations.

Closed session

A motion was made by Gary Fraker and seconded by John McCulloch to move to closed session for #1, 2, 7, 8, 9. Motion carried with Jim Reinhard, Martin Vernon and Archie Camden voting in favor.

Adjournment

A motion was made by Jim Reinhard and seconded by John McCulloch to adjourn the meeting. Motion carried with Gary Fraker, Martin Vernon and Archie Camden voting in favor with no votes in opposition 5:00 p.m.

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

State Board of Embalmers and Funeral Directors

**December 27, 2011
Division of Professional Registration
3605 Missouri Blvd
Jefferson City, MO 65109**

Open minutes

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 9:15 a.m.

Roll call

Board Members Present

Todd Mahn, Chairman
James Reinhard, Vice Chairman
John McCulloch, Secretary
Gary Fraker, member
Martin Vernon, member
Archie Camden, public member

Staff Present

Sandy Sebastian, Executive Director
Lisa Wildhaber, Examiner Supervisor
Tabatha Lenzini, Administrative Assistant – Left meeting at 9:20 a.m.
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Gary Fraker and seconded by John McCulloch to approve the amended agenda. Motion carried with Gary Fraker, Martin Vernon, James Reinhard, John McCulloch, Archie Camden voting in favor with no votes in opposition.

Executive Director Report

Nothing to report

Legal Counsel Report

Nothing to report

Discussion/Open Dialogue

D. Todd Mahn reported he attended the Association District Christmas dinner meeting and the board was praised for allowing the public to give input before finalizing the draft rule.

There was discussion on insurance funded preneed/annuities. Archie Camden stated he would like to wait and see a proposed draft rule and have opportunity to review such at the January, 2012 meeting.

Motion to Close

A motion was made by Martin Vernon and seconded by Gary Fraker to move to closed session for #1, #2, and #9.

Adjournment

A motion was made by Archie Camden and seconded by Martin Vernon to adjourn the meeting at 10:00 a.m. Motion carried with Gary Fraker, James Reinhard, and John McCulloch voting in favor with no votes in opposition.

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

State Board of Embalmers and Funeral Directors

January 25, 2012
Division of Professional Registration
3605 Missouri Blvd
Jefferson City, MO 65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order by D. Todd Mahn, Chairman at 8:35 a.m.

Roll Call

Board Members Present

D. Todd Mahn, Chair
James Reinhard, Vice Chair
John McCulloch, Secretary
Gary Fraker, Member
Archie Camden, Public Member

Board Members Not Present

Martin Vernon, Member

Staff Present

Sandy Sebastian, Executive Director
Lori Hayes, Inspector
Tabatha Lenzini, Administrative Office Support
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by James Reinhard and seconded by Archie Camden to approve the agenda. Motion carried with Gary Fraker and John McCulloch voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

Executive Director Report

Sandy Sebastian gave an overview on the financial examination process.

Legal Counsel Report

Sharon Euler reported that the Buescher case pending in Cole County Circuit Court has a status conference set. Sharon reported that there was no new news relating to NPS.

Don Otto reported that the NPS receivership has determined that if a funeral home got money out of the orphan contract escrow account, they are sending out 1099's to the funeral home and reporting that as income to the funeral home and your getting a 1099 if you're not a corporation; a partnership or a sole proprietor.

Approval of Open Minutes

A motion was made by Gary Fraker and seconded by Archie Camden to approve the following Open Examination Committee Minutes:

- December 7, 2011 Examination Committee
- December 13, 2011 Examination Committee
- December 22, 2011 Examination Committee
- January 6, 2012 Examination Committee
- January 13, 2012 Examination Committee

Motion carried with James Reinhard and John McCulloch voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

Motion to Close

Motion made by Gary Fraker and seconded by John McCulloch to go into closed for #2. Motion carried with James Reinhard and Archie Camden voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

Proposed Rules

Insurance Funded Preneed Contracts

Amendment to Annual Reporting Requirements

The draft rules were reviewed and discussed among the board members and also with the public in attendance at the meeting.

Proposed Rule: Insurance Funded Preneed Contracts

1. An insurance funded preneed contract is a preneed contract to be funded by payments or proceeds from an insurance policy or from a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid. (*§436.405(3), RSMo.*)

2. Any preneed contract, as defined in Chapters 333 and 436, RSMo, that is funded by payments or proceeds from any life insurance policy or annuity must comply with the provisions of Chapters 333 and 436, RSMo, and accompanying regulations regardless of when or from whom the policy was purchased or whether the seller received any form of commission or compensation from any source when the preneed contract is formed. (*§436.405 and §436.450, RSMo.*)

3. An insurance funded preneed contract is sold when the seller agrees to act as a seller for an insurance funded preneed contract, as defined in the statutes. (*§436.405(3), RSMo.*)

4. Any person agreeing to act as a seller for an insurance funded preneed contract must be licensed as a seller. (*§333.320.1 and §436.415.2, RSMo.*)

5. A person or entity engages in the practice of being a seller and must hold a seller license if the person or entity is named as the owner (under prior law) or beneficiary of an insurance policy or annuity, if the ownership, assignment or being named as beneficiary of the insurance policy or annuity occurred after August 13, 1982, and there is an agreement between the seller and the consumer that the proceeds of any insurance policy or annuity are to be used to pay for final disposition. (*§333.320.1 and §436.415.2, RSMo.*)

6. For each preneed contract funded by any insurance policy or annuity, the seller shall maintain in the file, in addition to the other records required by law, a copy of the insurance policy or annuity contract and evidence of the assignment or being named beneficiary. (*§436.465, RSMo.*)

7. No preneed contract, as defined in the statutes, is formed if there is no agreement between the purchaser and the seller for any final disposition arrangements and no payment is made or promised to be made (other than pursuant to an at-need contract) for the goods and services to be provided at death. (*§436.405(7), RSMo.*)

8. No preneed contract is formed by the act of a licensed insurance producer selling any life insurance product at the location of the seller unless there is also a preneed contract or other arrangement in which the seller agrees to act as a seller under the provisions of chapters 333 and 436, RSMo, and accompanying regulations. (*§436.450.5, RSMo.*)

D. Todd Mahn turned the chair over to James Reinhard, vice chairman, so that he could speak to the rule as a funeral director. Following his comments he returned to chair the meeting.

A motion was made by John McCulloch and seconded by Gary Fraker made the motion to not pursue the rule. James Reinhard and Archie Camden voted in opposition of the motion. Motion carried with D. Todd Mahn voting in favor to break the tie. Martin Vernon not present for the meeting.

Proposed Rule: Amendment to the annual reporting rule

1. For the seller annual report, if the seller is unable to validate the status and face value of the insurance policy and unable to obtain the certification from the insurance company, the following information shall meet the requirements of Section 436.460.4 for the reporting requirements for insurance funded preneed contracts.
 - a. The name and address of the company issuing the policy or annuity funding the preneed;
 - b. The amount of the policy or balance on account at the time the preneed contract was sold; and
 - c. An attestation from the seller that since these accounts are funded by being insurance or annuity beneficiary or assignment, the seller has no ability to confirm the existence or amount of the policies or accounts.

A motion was made by John McCulloch and seconded by Gary Fraker to approve draft rule as proposed. Motion carried with James Reinhard and Archie Camden voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

Fee Rule Discussion Regarding Per Contract Annual Reporting

Chairman recommendation is staff to go back and look at the fee rule and see if it is possible to charge separate fees for different contracts reported on the annual reports. Archie Camden stated he would like to see what hardship it will cause on staff and auditing staff to have different reporting fees for contracts. D. Todd Mahn said we are not here to protect the staff or how much money we can make in this office that the board was here to protect the public and I want to remember that.

Upcoming March Board Meeting Date/Location

The Board discussed the possibility of having the meeting in St. Louis at the end of March. Sandy indicated that the office would explore the options and anticipated we would need to look at 2 hotel bids in the downtown area and one outside downtown. The Board asked that they look for a location south.

Web Casting

Ken McGhee brought up the topic of web casting and shared that he would really like to see the board utilize the Division's Main Conference Room video capability.

MFDEA Legislative Day

Don Otto legislative day at the capitol February 28th.

Shelby Funeral Homes Inc. - Case 12-004-PV – Probation Violation Hearing

A motion was made by Gary Fraker and seconded by John McCulloch to ratify the chair recommendation for the request for continuance received from Shelby Funeral Home. Motion carried with James Reinhard and Archie Camden voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

Motion to Close

A motion was made by John McCulloch and seconded by Gary Fraker pursuant to #1, #2, #8 and #9 to go in to closed session. Motion carried with James Reinhard and Archie Camden voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

George Treaster dba White Funeral Home - Case 12-005-PV – Probation Violation Hearing

George Treaster asked attorney Sharon Euler if he could have a Settlement negotiation in closed session. A motion was made by Gary Fraker and seconded by Archie Camden to continue the hearing. Motion carried with Gary Fraker, James Reinhard, John McCulloch, Archie Camden voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

A motion was made by Gary and seconded by John McCulloch to go in to closed for #1, #2 and #9. Motion carried with James Reinhard and Archie Camden voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

Financial Examination Committee Process

John McCulloch asked for further clarification of wants guidelines for what the exam committee can do and the process that is followed. Sandy shared that once the examination report is completed the staff sends a letter of the findings of the audit to the seller and requests a response within 30 days; the committee reviews the examination and the response and if everything is resolved the committee closes the examination and the seller is notified of such. If the committee has concerns or are there are matters that require the attention of the full board the committee refers it to the board and may include a recommendation

Following that discussion Archie Camden asked what the status of the examination committee was and if it could proceed to operate. Chairman D. Todd Mahn recommends the exam committee to resume functioning.

Motion to Close

A motion was made by Gary Fraker and seconded by John McCulloch the meeting to close for #2. Motion carried with James Reinhard and Archie Camden voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

Proposed Rule: Abandoned Preeed Funds

Motion made by Gary Fraker and seconded by Archie Camden to bring the proposed rule to the next board meeting for discussion. Motion carried with James Reinhard and John McCulloch voting in favor with no votes in opposition. Martin Vernon not present for the meeting.

Motion to Close

A motion was made by James Reinhard and seconded by Archie Camden to into closed session for #6. Motion carried with John McCulloch and Gary Fraker voting in favor with no votes in opposition.

Adjournment

Motion was made by Archie Camden and seconded by John McCulloch to adjourn at 3:35pm. Motion carried with no votes in opposition.

Executive Director: _____

Approved by the Board on: _____

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

Revised 09-11

**State Board of Embalmers and Funeral Directors
Examination Committee
Conference Call**

**February 8, 2012
8:00 a.m.**

**State Board of Embalmers and Funeral Directors
Missouri Conference Room
3605 Missouri Boulevard
Jefferson City, MO 65109**

Open Minutes

The meeting of the State Board of Embalmers and Funeral Directors Examination Committee was called to order by James Reinhard, Committee Chair, at 8:03 a.m.

Roll Call

Board Members Present

James Reinhard, Committee Chair
Archie Camden, Member

Staff Present

Sandy Sebastian, Executive Director
Lisa Wildhaber, Examiner Supervisor
Sharon Euler, Division Legal Counsel
Tabatha Lenzini, Administrative Assistant

Approval of Open Agenda

A motion was made by Archie Camden and seconded by James Reinhard to approve the open agenda. Motion carried.

Executive Director Report

Nothing to report

Legal Counsel Report

Nothing to report

Closed Meeting-Review of Financial Examinations

A motion was made by Archie Camden and seconded by James Reinhard to move into closed session under Section 610.021 Subsection (14) and 620.010.14 Subsection (7)RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant. Motion carried.

Adjournment

A motion was made by Archie Camden and seconded by James Reinhard to adjourn the examination committee meeting at 9:30 a.m.

Executive Director: _____

Approved by the Board on: _____

**State Board of Embalmers and Funeral Directors
Examination Committee
Conference Call**

**March 5 2012
10:00 a.m.**

**State Board of Embalmers and Funeral Directors
Missouri Conference Room
3605 Missouri Boulevard
Jefferson City, MO 65109**

Open Minutes

The meeting of the State Board of Embalmers and Funeral Directors Examination Committee was called to order by James Reinhard, Committee Chair at 10:03 a.m.

Roll Call

Board Members Present

James Reinhard, Committee Chair
Archie Camden, Member

Staff Present

Sandy Sebastian, Executive Director
Lisa Wildhaber, Examiner Supervisor
Sharon Euler, Division Legal Counsel

Approval of Open Agenda

A motion was made by Archie Camden and seconded by James Reinhard to approve the open agenda. Motion carried.

Executive Director Report

The office received suggested language from Darlene Russell that relates to \$36 per contract fee draft rule that the board discussed at the last meeting. The comments will be shared with the board.

Legal Counsel Report

Nothing to report

Closed Meeting-Review of Financial Examinations

A motion was made by Archie Camden and seconded by James Reinhard to move into closed session under Section 610.021 Subsection (14) and 620.010.14 Subsection (7)RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant.

Adjournment

A motion was made by Archie Camden and seconded by James Reinhard to adjourn the examination committee meeting at 11:03 a.m.

Executive Director: _____

Approved by the Board on: _____

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Revels, Ramona E	2011040266	12/13/2011
Zimmer, Tyson J	2011041487	12/28/2011
Whited, Katybeth Marie	2011041688	12/30/2011
Farmer, Samuel , Jr	2012001638	1/18/2012
Davolt, Stephen W	2012004109	2/3/2012
Branch, Zakee	2012004354	2/6/2012

Embalmer

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Licensee Name	License #	Orig Issue Date
Farmer, Samuel , Jr	2011038969	11/29/2011
Campbell, Jarod W	2011039310	12/1/2011
Zimmer, Tyson Joshua	2011039718	12/6/2011
Quinn, Shannon Mackenzie	2011040194	12/13/2011
Dush, Harrison Bradley	2011041056	12/21/2011
Livengood, Dustin Ryan	2011041237	12/22/2011
Davolt, Stephen W	2012004107	2/3/2012
Branch, Zakee A	2012004353	2/6/2012
Dishman, James K	2012005886	2/17/2012
Joplin, Michael S	2012006973	2/28/2012
Hathcock, Daniel R	2012007882	3/6/2012
Nolin, Amber Lee	2012007886	3/6/2012
Ford, Donny Lee	2012007888	3/6/2012

Funeral Director

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Licensee Name	License #	Orig Issue Date
MD Vernon Undertaking Co, LLC	2011038784	11/23/2011
MD Vernon Undertaking Co., LLC	2011038785	11/23/2011
MD Vernon Undertaking Co, LLC	2011038786	11/23/2011
Roll Enterprises LLC	2011039142	11/29/2011
Slater Funeral Home LLC	2011040297	12/13/2011
Slater Funeral Home LLC	2011040300	12/13/2011
Officer Mortuary LLC	2011040378	12/13/2011
Millard Family Chapels, Inc.	2012001080	1/10/2012
Driver Funeral Service LLC	2012002716	1/26/2012
Four State Cremation, Inc.	2012008343	3/8/2012

Funeral Establishment

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Licensee Name	License #	Orig Issue Date
Pargman, Avery N	2011038971	11/29/2011

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Dush, Harrison B	2012000071	1/3/2012
Barcus, Sheila A	2012002165	1/23/2012
Sanchez, Irving , III	2012002166	1/23/2012
Stingley, Tyler Morrison	2012005091	2/9/2012
Tobias, Corey L	2012005705	2/16/2012
Joplin, Michael Shannon	2012006974	2/28/2012
Click, John E	2012007442	3/2/2012

Preneed Agent Funeral Director 8

Licensee Name	License #	Orig Issue Date
Schonacher, Patricia L	2011040494	12/15/2011
Boyer, Carol S	2011040495	12/15/2011
Stroud, Brandon M	2012003781	2/2/2012
Kimsey, Deborah S	2012004239	2/6/2012
Meyer, Stefanie S	2012004240	2/6/2012
Clifton, Julie A	2012005260	2/14/2012
Edwards, Sara M	2012005477	2/15/2012
Means, Susan P	2012005478	2/15/2012
English, Stephen Clark	2012006781	2/24/2012
Ingram, Tyler W	2012007344	3/1/2012

Preneed Agent 10

Licensee Name	License #	Orig Issue Date
MD Vernon Undertaking Co, LLC	2011038782	11/23/2011
MD Vernon Undertaking Co., LLC	2011038783	11/23/2011
Roll Enterprises LLC	2011039144	11/29/2011
Slater Funeral Home LLC	2011040299	12/13/2011
Officer Mortuary LLC	2011040379	12/13/2011
Millard Family Chapels, Inc.	2012001079	1/10/2012
Driver Funeral Service LLC	2012002717	1/26/2012

Preneed Provider 7

Licensee Name	License #	Orig Issue Date
MD Vernon Undertaking Company, LLC	2011038781	11/23/2011
Roll Enterprises LLC	2011039143	11/29/2011
Slater Funeral Home LLC	2011040298	12/13/2011
Officer Mortuary LLC	2011040380	12/13/2011

Preneed Seller 4**Total count for the Embalmers & Funeral Directors board: 59**

Embalmer Practicum Issued
11-23-11 - 3-13-12

First name	Last Name	Licnese #	Issue Date
Christina	Morgan	2012000440	1/5/2012
BrieAnna	West	2012003615	1/20/2012
Jamie	Reed	2012003885	1/24/2012
Cheryl	Switzer	2012004028	2/3/2012
Brandon	Schlitzer	2012006534	2/17/2012
Jennifer	Bittel	2012006016	2/21/2012
Harrison	Cato	2012006019	2/21/2012

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Embalmer Apprentice Issued
11-23-11 - 3-13-12

First name	Last Name	Licnese #	Issue Date
Roschelle	McNeil	2011041061	12/21/2011
Jennifer	Sanchez	2011041706	12/30/2011
Amber	Nolin	2012004950	2/9/2012
Karla	Young	2012007949	3/6/2012

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**Funeral Director Apprentice Issued
11-23-11 - 3-13-12**

First Name	Last Name	Suffix	License #	Original Issue
Charles	Eden	Sr.	2011039630	12/5/2011
Vickie	Flenniken		2011040811	12/20/2011
Levi	Moore		2011040814	12/20/2011
DeLawrence	Shepherd	Sr.	2011041531	12/28/2011
Matthew	Morgan		2012000673	1/6/2012
Dona	Dickison		2012000999	1/10/2012
Franklin	Craig		2012001000	1/10/2012
Tyler	Gaither		2012001010	1/10/2012
Michael	Stone		2012001156	1/11/2012
Ashley	McSpadden		2012001259	1/12/2012
Jason	Clayton		2012001254	1/12/2012
Helena	Stafford		2012001252	1/12/2012
Larry	Lacey		2012001258	1/12/2012
Gwen	Effan		2012001789	1/19/2012
James	Lewis	V	2012003593	2/1/2012
Rosemary	Jeffries		2012003836	2/2/2012
Thomas	Watkins		2012003785	2/2/2012
Andrew	Shadel		2012004141	2/3/2012
Jerry	Hackworth		2012004789	2/9/2012
Ronald	Poe		2012005038	2/10/2012
Dorene	Jackson		2012007777	3/5/2012
Mary	Teague		2012007958	3/6/2012
Heather	Shadel		2012008016	3/7/2012
Brett	Reith		2012008038	3/7/2012
Patrick	Davis		2012008509	3/12/2012

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3/13/2012

Missouri Division of Professional Registration

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3 licenses revoked
2 licenses suspended/
probated
1 license probated
4 HB650 suspended

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Complaint: 2008-000084 Ted Foster & Sons Funeral Home, Inc. 001502 - Board Investigation - REVOKED

Ted Foster & Sons Funeræ S/C:

01/24/2012

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Revoked

Preneed Provider Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 10192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about April 12, 2008. The foreclosure sale and eviction from these properties represented the disposing of a majority of Foster & Sons business assets and the majority of Foster & Sons Funeral Home business assets. Pursuant to § 436.015.2, RSMo, Foster & Sons, Foster, and Foster & Sons Funeral Home, as preneed providers, were required to provide written notice to the Board at least 30 days prior to the disposing of the majority of their business assets. On or about May 13, 2008, Foster & Sons and Foster & Sons Funeral Home filed a notice with the Board that, as preneed providers, they intended to sell assets and was to cease doing business after the disposal of their business assets. Foster & Sons and Foster & Sons Funeral Home failed to supply written notice to the Board within at least 30 days of the disposing of the majority of their business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons' funeral home establishment license pursuant to § 333.121.2(15), RSMo. Based on the aforementioned conduct, Foster & Sons Funeral Home is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons Funeral Home's funeral home establishment license pursuant to § 333.121.2(19), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for both of the above-mentioned corporate entities, in violation of his duty to ensure compliance with the law as a FDIC constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC, assisted in enabling Foster & Sons and Foster & Sons Funeral Home to violate § 436.015.2, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo. Foster's conduct as outlined above, including, but not limited to, his failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Seller Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 0192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about

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Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

evicted from the Jefferson City, Missouri location on or about April 12, 2008. The foreclosure sales of and evictions from these properties represented the disposing of a majority of Foster & Sons' and/or Foster & Sons Funeral Home's business assets. Pursuant to § 436.021.3, RSMo, as a preneed seller, Foster & Sons was required to provide written notice to the Board at least 60 days prior to the disposing of the majority of its business assets. On or about June 11, 2008, Foster & Sons filed a notice with the Board that as a preneed seller, it intended to sell assets and to cease doing business after the disposal of its business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC enabled Foster & Sons to violate § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.330.2(6), RSMo Cum. Supp. 2009. Foster's conduct as outlined above, in the capacity as FDIC for the above mentioned corporate entities is in violation of his duty to ensure compliance with the law as a FDIC, and including, but not limited to, the failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Provider Failure to File Annual Report

Foster & Sons was registered as a preneed provider, Registration No. 2004021703, until a written ceasement of business notification was filed with the Board on May 13, 2008. Foster & Sons Funeral Home was registered as a preneed provider, Registration No. P00332, until a written ceasement of business notification was filed with the Board on May 13, 2008. As preneed providers, Foster & Sons and Foster & Sons Funeral Home were required to file annual reports pursuant to § 436.015.2(2), RSMo. Foster & Sons and Foster & Sons Funeral Home failed to file preneed provider annual reports for 2007. Based on the conduct described above, Foster & Sons Funeral Home is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons Funeral Home's establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct in violation of his duty as FDIC for the aforementioned corporate entities to ensure compliance with the law, and including but not limited to, failing to ensure the filing of the annual preneed provider reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct and because Foster, as FDIC for the aforementioned corporate entities, violated his duty as FDIC to ensure compliance with the law, enabled Foster & Sons Funeral Home and Foster & Sons to

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Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

violate § 436.015.2(2), RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo.

Preneed Seller Failure to File Annual Report
Foster & Sons was registered as a preneed seller, Registration No. S00461, until a ceasement notification was filed with the Board on June 11, 2008. As a preneed seller, Foster & Sons was required to file an annual report pursuant to § 436.021.2(2), RSMo. Foster & Sons failed to file a preneed seller annual report for 2007. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for the aforementioned corporate entities, violated his FDIC duty to ensure compliance with the law, and including, but not limited to, failing to ensure the filing of the annual preneed seller reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster, as FDIC with a duty to ensure compliance with the law, is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(15), RSMo.

Headstones

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased and to the public at large that he served. Foster & Sons Funeral Home, as a funeral home, held a professional trust and confidence to the next of kin of the deceased and to the public at large that it served. In or around 1993, Foster was involved in producing at least 22 headstones for a cemetery relocation project spurred by the expansion of the St. Louis City Airport from the Washington Park Cemetery. Twenty-two of the headstones were not ultimately used, despite having the names and dates of decedents on them because of disagreement by family members of the deceased on the accuracy of the information. These and other headstones remained in the possession of Foster. In December 2007, Foster was evicted from his business location on Olive Street in St. Louis, Missouri. Upon eviction, Foster & Sons Funeral Homes failed to remove the headstones and abandoned them in the building without any records or documentation. These headstones were later moved outside of the building by the new occupant of the building, and for several weeks were left lining an adjacent sidewalk to the consternation of relatives of the deceased and the public at large who frequented the area. By on or about January 24, 2008, Foster finally collected the headstones and placed them in a trailer. Foster & Sons Funeral Home's conduct, as outlined above, including, but not limited to, the abandonment of the headstones, constitutes a violation of the professional trust or confidence that Foster & Sons Funeral Home had to the next of kin of the deceased and the public at large as a licensed funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons Funeral Home's funeral establishment license pursuant to § 333.121.2(13), RSMo.

Failure to Notify

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased that he served. Foster & Sons, as a funeral home, held a professional trust and confidence to the next of kin of the

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

deceased that it served. In or around April 11, 2008, Foster, as the registered FDIC of Foster & Sons, oversaw the eviction of Foster & Sons from its Halls Ferry location. Despite having bodies belonging to families in his possession, Foster failed to contact the families in advance to provide notice of the eviction and subsequent removal of the family members' loved one's bodies. Foster's conduct, as outlined above, in the capacity of FDIC for Foster & Sons, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(5), RSMo. Foster's conduct, as outlined above, in the capacity of FDIC for both corporate entities, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster had to the next of kin of the deceased as a licensed funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(13), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(5), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster & Sons had to the next of kin of the deceased as a licensed funeral home, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(13), RSMo.

Disciplinary Actions

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Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Complaint: 2008-002512 Ted Foster & Sons Funeral Home Inc 001502, 002397 & 2004021704 - Board Investigation REVOKED

Ted Foster & Sons Funera S/C:

DBA:Ted Foster & Sons Funera 01/24/2012

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Revoked

Preneed Provider Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 10192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about April 12, 2008. The foreclosure sale and eviction from these properties represented the disposing of a majority of Foster & Sons business assets and the majority of Foster & Sons Funeral Home business assets. Pursuant to § 436.015.2, RSMo, Foster & Sons, Foster, and Foster & Sons Funeral Home, as preneed providers, were required to provide written notice to the Board at least 30 days prior to the disposing of the majority of their business assets. On or about May 13, 2008, Foster & Sons and Foster & Sons Funeral Home filed a notice with the Board that, as preneed providers, they intended to sell assets and was to cease doing business after the disposal of their business assets. Foster & Sons and Foster & Sons Funeral Home failed to supply written notice to the Board within at least 30 days of the disposing of the majority of their business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons' funeral home establishment license pursuant to § 333.121.2(15), RSMo. Based on the aforementioned conduct, Foster & Sons Funeral Home is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons Funeral Home's funeral home establishment license pursuant to § 333.121.2(19), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for both of the above-mentioned corporate entities, in violation of his duty to ensure compliance with the law as a FDIC constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC, assisted in enabling Foster & Sons and Foster & Sons Funeral Home to violate § 436.015.2, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo. Foster's conduct as outlined above, including, but not limited to, his failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Seller Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 0192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about

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Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

located from the Jefferson City, Missouri location on or about April 12, 2008. The foreclosure sales of and evictions from these properties represented the disposing of a majority of Foster & Sons' and/or Foster & Sons Funeral Home's business assets. Pursuant to § 436.021.3, RSMo, as a preneed seller, Foster & Sons was required to provide written notice to the Board at least 60 days prior to the disposing of the majority of its business assets. On or about June 11, 2008, Foster & Sons filed a notice with the Board that as a preneed seller, it intended to sell assets and to cease doing business after the disposal of its business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC enabled Foster & Sons to violate § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.330.2(6), RSMo Cum. Supp. 2009. Foster's conduct as outlined above, in the capacity as FDIC for the above mentioned corporate entities is in violation of his duty to ensure compliance with the law as a FDIC, and including, but not limited to, the failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Provider Failure to File Annual Report
Foster & Sons was registered as a preneed provider, Registration No. 2004021703, until a written cessation of business notification was filed with the Board on May 13, 2008. Foster & Sons Funeral Home was registered as a preneed provider, Registration No. P00332, until a written cessation of business notification was filed with the Board on May 13, 2008. As preneed providers, Foster & Sons and Foster & Sons Funeral Home were required to file annual reports pursuant to § 436.015.2(2), RSMo. Foster & Sons and Foster & Sons Funeral Home failed to file preneed provider annual reports for 2007. Based on the conduct described above, Foster & Sons Funeral Home is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons Funeral Home's establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct in violation of his duty as FDIC for the aforementioned corporate entities to ensure compliance with the law, and including but not limited to, failing to ensure the filing of the annual preneed provider reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct and because Foster, as FDIC for the aforementioned corporate entities, violated his duty as FDIC to ensure compliance with the law, enabled Foster & Sons Funeral Home and Foster & Sons to

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

violate § 436.015.2(2), RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo.

Preneed Seller Failure to File Annual Report
Foster & Sons was registered as a preneed seller, Registration No. S00461, until a ceasement notification was filed with the Board on June 11, 2008. As a preneed seller, Foster & Sons was required to file an annual report pursuant to § 436.021.2(2), RSMo. Foster & Sons failed to file a preneed seller annual report for 2007. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for the aforementioned corporate entities, violated his FDIC duty to ensure compliance with the law, and including, but not limited to, failing to ensure the filing of the annual preneed seller reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster, as FDIC with a duty to ensure compliance with the law, is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(15), RSMo.

Headstones

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased and to the public at large that he served. Foster & Sons Funeral Home, as a funeral home, held a professional trust and confidence to the next of kin of the deceased and to the public at large that it served. In or around 1993, Foster was involved in producing at least 22 headstones for a cemetery relocation project spurred by the expansion of the St. Louis City Airport from the Washington Park Cemetery. Twenty-two of the headstones were not ultimately used, despite having the names and dates of decedents on them because of disagreement by family members of the deceased on the accuracy of the information. These and other headstones remained in the possession of Foster. In December 2007, Foster was evicted from his business location on Olive Street in St. Louis, Missouri. Upon eviction, Foster & Sons Funeral Homes failed to remove the headstones and abandoned them in the building without any records or documentation. These headstones were later moved outside of the building by the new occupant of the building, and for several weeks were left lining an adjacent sidewalk to the consternation of relatives of the deceased and the public at large who frequented the area. By on or about January 24, 2008, Foster finally collected the headstones and placed them in a trailer. Foster & Sons Funeral Home's conduct, as outlined above, including, but not limited to, the abandonment of the headstones, constitutes a violation of the professional trust or confidence that Foster & Sons Funeral Home had to the next of kin of the deceased and the public at large as a licensed funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons Funeral Home's funeral establishment license pursuant to § 333.121.2(13), RSMo.

Failure to Notify

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased that he served. Foster & Sons, as a funeral home, held a professional trust and confidence to the next of kin of the

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Ordered From 11/23/2011 Through 03/13/2012

deceased that it served. In or around April 11, 2008, Foster, as the registered FDIC of Foster & Sons, oversaw the eviction of Foster & Sons from its Halls Ferry location. Despite having bodies belonging to families in his possession, Foster failed to contact the families in advance to provide notice of the eviction and subsequent removal of the family members' loved one's bodies. Foster's conduct, as outlined above, in the capacity of FDIC for Foster & Sons, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(5), RSMo. Foster's conduct, as outlined above, in the capacity of FDIC for both corporate entities, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster had to the next of kin of the deceased as a licensed funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(13), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(5), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster & Sons had to the next of kin of the deceased as a licensed funeral home, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(13), RSMo.

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Ordered From 11/23/2011 Through 03/13/2012

Complaint: 2008-002512 Ted Foster & Sons Funeral Home Inc 001502, 002397 & 2004021704 - Board Investigation REVOKED

Ted Foster & Sons Funera S/C:

01/24/2012

3605 Missouri Blvd.
Jefferson City, Missouri 65102
(573) 751-0293

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Revoked

Preneed Provider Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 10192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about April 12, 2008. The foreclosure sale and eviction from these properties represented the disposing of a majority of Foster & Sons business assets and the majority of Foster & Sons Funeral Home business assets. Pursuant to § 436.015.2, RSMo, Foster & Sons, Foster, and Foster & Sons Funeral Home, as preneed providers, were required to provide written notice to the Board at least 30 days prior to the disposing of the majority of their business assets. On or about May 13, 2008, Foster & Sons and Foster & Sons Funeral Home filed a notice with the Board that, as preneed providers, they intended to sell assets and was to cease doing business after the disposal of their business assets. Foster & Sons and Foster & Sons Funeral Home failed to supply written notice to the Board within at least 30 days of the disposing of the majority of their business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons' funeral home establishment license pursuant to § 333.121.2(15), RSMo. Based on the aforementioned conduct, Foster & Sons Funeral Home is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons Funeral Home's funeral home establishment license pursuant to § 333.121.2(19), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for both of the above-mentioned corporate entities, in violation of his duty to ensure compliance with the law as a FDIC constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC, assisted in enabling Foster & Sons and Foster & Sons Funeral Home to violate § 436.015.2, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo. Foster's conduct as outlined above, including, but not limited to, his failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Seller Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 0192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about

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evicted from the Kansas City, Missouri location on or about April 12, 2008. The foreclosure sales of and evictions from these properties represented the disposing of a majority of Foster & Sons' and/or Foster & Sons Funeral Home's business assets. Pursuant to § 436.021.3, RSMo, as a preneed seller, Foster & Sons was required to provide written notice to the Board at least 60 days prior to the disposing of the majority of its business assets. On or about June 11, 2008, Foster & Sons filed a notice with the Board that as a preneed seller, it intended to sell assets and to cease doing business after the disposal of its business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC enabled Foster & Sons to violate § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.330.2(6), RSMo Cum. Supp. 2009. Foster's conduct as outlined above, in the capacity as FDIC for the above mentioned corporate entities is in violation of his duty to ensure compliance with the law as a FDIC, and including, but not limited to, the failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Provider Failure to File Annual Report
Foster & Sons was registered as a preneed provider, Registration No. 2004021703, until a written ceasement of business notification was filed with the Board on May 13, 2008. Foster & Sons Funeral Home was registered as a preneed provider, Registration No. P00332, until a written ceasement of business notification was filed with the Board on May 13, 2008. As preneed providers, Foster & Sons and Foster & Sons Funeral Home were required to file annual reports pursuant to § 436.015.2(2), RSMo. Foster & Sons and Foster & Sons Funeral Home failed to file preneed provider annual reports for 2007. Based on the conduct described above, Foster & Sons Funeral Home is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons Funeral Home's establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct in violation of his duty as FDIC for the aforementioned corporate entities to ensure compliance with the law, and including but not limited to, failing to ensure the filing of the annual preneed provider reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct and because Foster, as FDIC for the aforementioned corporate entities, violated his duty as FDIC to ensure compliance with the law, enabled Foster & Sons Funeral Home and Foster & Sons to

3605 Missouri Blvd.
 Jefferson City, Missouri 65102
 (573) 751-0293

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violate § 436.015.2(2), RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo.

Preneed Seller Failure to File Annual Report
 Foster & Sons was registered as a preneed seller, Registration No. S00461, until a cessation notification was filed with the Board on June 11, 2008. As a preneed seller, Foster & Sons was required to file an annual report pursuant to § 436.021.2(2), RSMo. Foster & Sons failed to file a preneed seller annual report for 2007. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for the aforementioned corporate entities, violated his FDIC duty to ensure compliance with the law, and including, but not limited to, failing to ensure the filing of the annual preneed seller reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster, as FDIC with a duty to ensure compliance with the law, is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(15), RSMo.

Headstones

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased and to the public at large that he served. Foster & Sons Funeral Home, as a funeral home, held a professional trust and confidence to the next of kin of the deceased and to the public at large that it served. In or around 1993, Foster was involved in producing at least 22 headstones for a cemetery relocation project spurred by the expansion of the St. Louis City Airport from the Washington Park Cemetery. Twenty-two of the headstones were not ultimately used, despite having the names and dates of decedents on them because of disagreement by family members of the deceased on the accuracy of the information. These and other headstones remained in the possession of Foster. In December 2007, Foster was evicted from his business location on Olive Street in St. Louis, Missouri. Upon eviction, Foster & Sons Funeral Homes failed to remove the headstones and abandoned them in the building without any records or documentation. These headstones were later moved outside of the building by the new occupant of the building, and for several weeks were left lining an adjacent sidewalk to the consternation of relatives of the deceased and the public at large who frequented the area. By on or about January 24, 2008, Foster finally collected the headstones and placed them in a trailer. Foster & Sons Funeral Home's conduct, as outlined above, including, but not limited to, the abandonment of the headstones, constitutes a violation of the professional trust or confidence that Foster & Sons Funeral Home had to the next of kin of the deceased and the public at large as a licensed funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons Funeral Home's funeral establishment license pursuant to § 333.121.2(13), RSMo.

Failure to Notify

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased that he served. Foster & Sons, as a funeral home, held a professional trust and confidence to the next of kin of the

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deceased that it served. In or around April 11, 2008, Foster, as the registered FDIC of Foster & Sons, oversaw the eviction of Foster & Sons from its Halls Ferry location. Despite having bodies belonging to families in his possession, Foster failed to contact the families in advance to provide notice of the eviction and subsequent removal of the family members' loved one's bodies. Foster's conduct, as outlined above, in the capacity of FDIC for Foster & Sons, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(5), RSMo. Foster's conduct, as outlined above, in the capacity of FDIC for both corporate entities, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster had to the next of kin of the deceased as a licensed funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(13), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(5), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster & Sons had to the next of kin of the deceased as a licensed funeral home, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(13), RSMo.

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Ordered From 11/23/2011 Through 03/13/2012

Complaint: 2008-002512 Ted Foster & Sons Funeral Home Inc 001502, 002397 & 2004021704 - Board Investigation REVOKED

Ted Foster & Sons, Inc S/C:

DBA:Ted Foster & Sons White 01/24/2012

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Revoked

Preneed Provider Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 10192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about April 12, 2008. The foreclosure sale and eviction from these properties represented the disposing of a majority of Foster & Sons business assets and the majority of Foster & Sons Funeral Home business assets. Pursuant to § 436.015.2, RSMo, Foster & Sons, Foster, and Foster & Sons Funeral Home, as preneed providers, were required to provide written notice to the Board at least 30 days prior to the disposing of the majority of their business assets. On or about May 13, 2008, Foster & Sons and Foster & Sons Funeral Home filed a notice with the Board that, as preneed providers, they intended to sell assets and was to cease doing business after the disposal of their business assets. Foster & Sons and Foster & Sons Funeral Home failed to supply written notice to the Board within at least 30 days of the disposing of the majority of their business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons' funeral home establishment license pursuant to § 333.121.2(15), RSMo. Based on the aforementioned conduct, Foster & Sons Funeral Home is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons Funeral Home's funeral home establishment license pursuant to § 333.121.2(19), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for both of the above-mentioned corporate entities, in violation of his duty to ensure compliance with the law as a FDIC constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC, assisted in enabling Foster & Sons and Foster & Sons Funeral Home to violate § 436.015.2, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo. Foster's conduct as outlined above, including, but not limited to, his failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Seller Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 0192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about

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located from the Jefferson City, Missouri location on or about April 12, 2008. The foreclosure sales of and evictions from these properties represented the disposing of a majority of Foster & Sons' and/or Foster & Sons Funeral Home's business assets. Pursuant to § 436.021.3, RSMo, as a preneed seller, Foster & Sons was required to provide written notice to the Board at least 60 days prior to the disposing of the majority of its business assets. On or about June 11, 2008, Foster & Sons filed a notice with the Board that as a preneed seller, it intended to sell assets and to cease doing business after the disposal of its business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC enabled Foster & Sons to violate § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.330.2(6), RSMo Cum. Supp. 2009. Foster's conduct as outlined above, in the capacity as FDIC for the above mentioned corporate entities is in violation of his duty to ensure compliance with the law as a FDIC, and including, but not limited to, the failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Provider Failure to File Annual Report
Foster & Sons was registered as a preneed provider, Registration No. 2004021703, until a written cessation of business notification was filed with the Board on May 13, 2008. Foster & Sons Funeral Home was registered as a preneed provider, Registration No. P00332, until a written cessation of business notification was filed with the Board on May 13, 2008. As preneed providers, Foster & Sons and Foster & Sons Funeral Home were required to file annual reports pursuant to § 436.015.2(2), RSMo. Foster & Sons and Foster & Sons Funeral Home failed to file preneed provider annual reports for 2007. Based on the conduct described above, Foster & Sons Funeral Home is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons Funeral Home's establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct in violation of his duty as FDIC for the aforementioned corporate entities to ensure compliance with the law, and including but not limited to, failing to ensure the filing of the annual preneed provider reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct and because Foster, as FDIC for the aforementioned corporate entities, violated his duty as FDIC to ensure compliance with the law, enabled Foster & Sons Funeral Home and Foster & Sons to

Disciplinary Actions

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violate § 436.015.2(2), RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo.

Preneed Seller Failure to File Annual Report
Foster & Sons was registered as a preneed seller, Registration No. S00461, until a ceasement notification was filed with the Board on June 11, 2008. As a preneed seller, Foster & Sons was required to file an annual report pursuant to § 436.021.2(2), RSMo. Foster & Sons failed to file a preneed seller annual report for 2007. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for the aforementioned corporate entities, violated his FDIC duty to ensure compliance with the law, and including, but not limited to, failing to ensure the filing of the annual preneed seller reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster, as FDIC with a duty to ensure compliance with the law, is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(15), RSMo.

Headstones

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased and to the public at large that he served. Foster & Sons Funeral Home, as a funeral home, held a professional trust and confidence to the next of kin of the deceased and to the public at large that it served. In or around 1993, Foster was involved in producing at least 22 headstones for a cemetery relocation project spurred by the expansion of the St. Louis City Airport from the Washington Park Cemetery. Twenty-two of the headstones were not ultimately used, despite having the names and dates of decedents on them because of disagreement by family members of the deceased on the accuracy of the information. These and other headstones remained in the possession of Foster. In December 2007, Foster was evicted from his business location on Olive Street in St. Louis, Missouri. Upon eviction, Foster & Sons Funeral Homes failed to remove the headstones and abandoned them in the building without any records or documentation. These headstones were later moved outside of the building by the new occupant of the building, and for several weeks were left lining an adjacent sidewalk to the consternation of relatives of the deceased and the public at large who frequented the area. By on or about January 24, 2008, Foster finally collected the headstones and placed them in a trailer. Foster & Sons Funeral Home's conduct, as outlined above, including, but not limited to, the abandonment of the headstones, constitutes a violation of the professional trust or confidence that Foster & Sons Funeral Home had to the next of kin of the deceased and the public at large as a licensed funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons Funeral Home's funeral establishment license pursuant to § 333.121.2(13), RSMo.

Failure to Notify

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased that he served. Foster & Sons, as a funeral home, held a professional trust and confidence to the next of kin of the

Disciplinary Actions

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deceased that it served. In or around April 11, 2008, Foster, as the registered FDIC of Foster & Sons, oversaw the eviction of Foster & Sons from its Halls Ferry location. Despite having bodies belonging to families in his possession, Foster failed to contact the families in advance to provide notice of the eviction and subsequent removal of the family members' loved one's bodies. Foster's conduct, as outlined above, in the capacity of FDIC for Foster & Sons, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(5), RSMo. Foster's conduct, as outlined above, in the capacity of FDIC for both corporate entities, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster had to the next of kin of the deceased as a licensed funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(13), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(5), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster & Sons had to the next of kin of the deceased as a licensed funeral home, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(13), RSMo.

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Ordered From 11/23/2011 Through 03/13/2012

Complaint: 2008-006245 Foster, Theodore V. Sr. FDR 000890 EMB 005469 - Board Investigation 3 yr suspen 2 yr prob

Foster, Theodore V, Sr S/C:

01/24/2012

Disciplinary Actions

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Suspension

Preneed Provider Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 10192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about April 12, 2008. The foreclosure sale and eviction from these properties represented the disposing of a majority of Foster & Sons business assets and the majority of Foster & Sons Funeral Home business assets. Pursuant to § 436.015.2, RSMo, Foster & Sons, Foster, and Foster & Sons Funeral Home, as preneed providers, were required to provide written notice to the Board at least 30 days prior to the disposing of the majority of their business assets. On or about May 13, 2008, Foster & Sons and Foster & Sons Funeral Home filed a notice with the Board that, as preneed providers, they intended to sell assets and was to cease doing business after the disposal of their business assets. Foster & Sons and Foster & Sons Funeral Home failed to supply written notice to the Board within at least 30 days of the disposing of the majority of their business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons' funeral home establishment license pursuant to § 333.121.2(15), RSMo. Based on the aforementioned conduct, Foster & Sons Funeral Home is in violation of § 436.015.2, RSMo, and thus provides cause for the Board to discipline Foster & Sons Funeral Home's funeral home establishment license pursuant to § 333.121.2(19), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for both of the above-mentioned corporate entities, in violation of his duty to ensure compliance with the law as a FDIC constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC, assisted in enabling Foster & Sons and Foster & Sons Funeral Home to violate § 436.015.2, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo. Foster's conduct as outlined above, including, but not limited to, his failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Seller Failure to Report

In or around June 2007, properties belonging to Foster & Sons and/or Foster & Sons Funeral Home were sold at foreclosure sales. Those properties were: 0192 Halls Ferry Road, St. Louis, Missouri; 1207, 1221-1225 North Grand, St. Louis, Missouri; and 3737 Olive Street, St. Louis, Missouri. Foster & Sons Funeral Home was evicted from the Olive Street and Grand locations on or about December 12, 2007; and Foster & Sons was evicted from the Halls Ferry Road location on or about

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located from the Kansas City, Missouri location on or about April 12, 2008. The foreclosure sales of and evictions from these properties represented the disposing of a majority of Foster & Sons' and/or Foster & Sons Funeral Home's business assets. Pursuant to § 436.021.3, RSMo, as a preneed seller, Foster & Sons was required to provide written notice to the Board at least 60 days prior to the disposing of the majority of its business assets. On or about June 11, 2008, Foster & Sons filed a notice with the Board that as a preneed seller, it intended to sell assets and to cease doing business after the disposal of its business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC enabled Foster & Sons to violate § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.330.2(6), RSMo Cum. Supp. 2009. Foster's conduct as outlined above, in the capacity as FDIC for the above mentioned corporate entities is in violation of his duty to ensure compliance with the law as a FDIC, and including, but not limited to, the failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

Preneed Provider Failure to File Annual Report
Foster & Sons was registered as a preneed provider, Registration No. 2004021703, until a written ceasement of business notification was filed with the Board on May 13, 2008. Foster & Sons Funeral Home was registered as a preneed provider, Registration No. P00332, until a written ceasement of business notification was filed with the Board on May 13, 2008. As preneed providers, Foster & Sons and Foster & Sons Funeral Home were required to file annual reports pursuant to § 436.015.2(2), RSMo. Foster & Sons and Foster & Sons Funeral Home failed to file preneed provider annual reports for 2007. Based on the conduct described above, Foster & Sons Funeral Home is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons Funeral Home's establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.015.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct in violation of his duty as FDIC for the aforementioned corporate entities to ensure compliance with the law, and including but not limited to, failing to ensure the filing of the annual preneed provider reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the aforementioned conduct and because Foster, as FDIC for the aforementioned corporate entities, violated his duty as FDIC to ensure compliance with the law, enabled Foster & Sons Funeral Home and Foster & Sons to

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violate § 436.015.2(2), RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo.

Preneed Seller Failure to File Annual Report
Foster & Sons was registered as a preneed seller, Registration No. S00461, until a ceasement notification was filed with the Board on June 11, 2008. As a preneed seller, Foster & Sons was required to file an annual report pursuant to § 436.021.2(2), RSMo. Foster & Sons failed to file a preneed seller annual report for 2007. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for the aforementioned corporate entities, violated his FDIC duty to ensure compliance with the law, and including, but not limited to, failing to ensure the filing of the annual preneed seller reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster, as FDIC with a duty to ensure compliance with the law, is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(15), RSMo.

Headstones

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased and to the public at large that he served. Foster & Sons Funeral Home, as a funeral home, held a professional trust and confidence to the next of kin of the deceased and to the public at large that it served. In or around 1993, Foster was involved in producing at least 22 headstones for a cemetery relocation project spurred by the expansion of the St. Louis City Airport from the Washington Park Cemetery. Twenty-two of the headstones were not ultimately used, despite having the names and dates of decedents on them because of disagreement by family members of the deceased on the accuracy of the information. These and other headstones remained in the possession of Foster. In December 2007, Foster was evicted from his business location on Olive Street in St. Louis, Missouri. Upon eviction, Foster & Sons Funeral Homes failed to remove the headstones and abandoned them in the building without any records or documentation. These headstones were later moved outside of the building by the new occupant of the building, and for several weeks were left lining an adjacent sidewalk to the consternation of relatives of the deceased and the public at large who frequented the area. By on or about January 24, 2008, Foster finally collected the headstones and placed them in a trailer. Foster & Sons Funeral Home's conduct, as outlined above, including, but not limited to, the abandonment of the headstones, constitutes a violation of the professional trust or confidence that Foster & Sons Funeral Home had to the next of kin of the deceased and the public at large as a licensed funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons Funeral Home's funeral establishment license pursuant to § 333.121.2(13), RSMo.

Failure to Notify

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased that he served. Foster & Sons, as a funeral home, held a professional trust and confidence to the next of kin of the

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deceased that it served. In or around April 11, 2008, Foster, as the registered FDIC of Foster & Sons, oversaw the eviction of Foster & Sons from its Halls Ferry location. Despite having bodies belonging to families in his possession, Foster failed to contact the families in advance to provide notice of the eviction and subsequent removal of the family members' loved one's bodies. Foster's conduct, as outlined above, in the capacity of FDIC for Foster & Sons, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(5), RSMo. Foster's conduct, as outlined above, in the capacity of FDIC for both corporate entities, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster had to the next of kin of the deceased as a licensed funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(13), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(5), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster & Sons had to the next of kin of the deceased as a licensed funeral home, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(13), RSMo.

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Complaint: 2008-006245 Foster, Theodore V. Sr. FDR 000890 EMB 005469 - Board Investigation 3 yr suspen 2 yr prob

Foster, Theodore V, Sr S/C:

01/24/2012

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Suspension

Preneed Provider Failure to Report

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located from the Jefferson City, Missouri location on or about April 12, 2008. The foreclosure sales of and evictions from these properties represented the disposing of a majority of Foster & Sons' and/or Foster & Sons Funeral Home's business assets. Pursuant to § 436.021.3, RSMo, as a preneed seller, Foster & Sons was required to provide written notice to the Board at least 60 days prior to the disposing of the majority of its business assets. On or about June 11, 2008, Foster & Sons filed a notice with the Board that as a preneed seller, it intended to sell assets and to cease doing business after the disposal of its business assets. Based on the aforementioned conduct, Foster & Sons is in violation of § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Based on the aforementioned conduct, Foster, as FDIC, in violation of his duty to ensure compliance with the law as a FDIC enabled Foster & Sons to violate § 436.021.3, RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.330.2(6), RSMo Cum. Supp. 2009. Foster's conduct as outlined above, in the capacity as FDIC for the above mentioned corporate entities is in violation of his duty to ensure compliance with the law as a FDIC, and including, but not limited to, the failing to timely notify the Board of the impending disposal of a majority of business assets, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo.

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violate § 436.015.2(2), RSMo, and thus cause exists for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(6), RSMo.

Preneed Seller Failure to File Annual Report
Foster & Sons was registered as a preneed seller, Registration No. S00461, until a ceasement notification was filed with the Board on June 11, 2008. As a preneed seller, Foster & Sons was required to file an annual report pursuant to § 436.021.2(2), RSMo. Foster & Sons failed to file a preneed seller annual report for 2007. Foster, as FDIC for Foster & Sons and Foster & Sons Funeral Home, had a duty to ensure that both corporate entities complied with the laws regulating funeral homes. Foster's conduct, as FDIC for the aforementioned corporate entities, violated his FDIC duty to ensure compliance with the law, and including, but not limited to, failing to ensure the filing of the annual preneed seller reports, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of an embalmer or funeral director, and thus provides grounds for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(5), RSMo. Based on the conduct described above, Foster & Sons is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster & Sons' establishment license pursuant to § 333.121.2(15), RSMo. Based on the conduct described above, Foster, as FDIC with a duty to ensure compliance with the law, is in violation of § 436.021.2(2), thus providing cause for the Board to discipline Foster's embalmer's and funeral director's licenses pursuant to § 333.121.2(15), RSMo.

Headstones

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased and to the public at large that he served. Foster & Sons Funeral Home, as a funeral home, held a professional trust and confidence to the next of kin of the deceased and to the public at large that it served. In or around 1993, Foster was involved in producing at least 22 headstones for a cemetery relocation project spurred by the expansion of the St. Louis City Airport from the Washington Park Cemetery. Twenty-two of the headstones were not ultimately used, despite having the names and dates of decedents on them because of disagreement by family members of the deceased on the accuracy of the information. These and other headstones remained in the possession of Foster. In December 2007, Foster was evicted from his business location on Olive Street in St. Louis, Missouri. Upon eviction, Foster & Sons Funeral Homes failed to remove the headstones and abandoned them in the building without any records or documentation. These headstones were later moved outside of the building by the new occupant of the building, and for several weeks were left lining an adjacent sidewalk to the consternation of relatives of the deceased and the public at large who frequented the area. By on or about January 24, 2008, Foster finally collected the headstones and placed them in a trailer. Foster & Sons Funeral Home's conduct, as outlined above, including, but not limited to, the abandonment of the headstones, constitutes a violation of the professional trust or confidence that Foster & Sons Funeral Home had to the next of kin of the deceased and the public at large as a licensed funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons Funeral Home's funeral establishment license pursuant to § 333.121.2(13), RSMo.

Failure to Notify

Foster, as a funeral director, held a professional trust and confidence to the next of kin of the deceased that he served. Foster & Sons, as a funeral home, held a professional trust and confidence to the next of kin of the

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deceased that it served. In or around April 11, 2008, Foster, as the registered FDIC of Foster & Sons, oversaw the eviction of Foster & Sons from its Halls Ferry location. Despite having bodies belonging to families in his possession, Foster failed to contact the families in advance to provide notice of the eviction and subsequent removal of the family members' loved one's bodies. Foster's conduct, as outlined above, in the capacity of FDIC for Foster & Sons, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(5), RSMo. Foster's conduct, as outlined above, in the capacity of FDIC for both corporate entities, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster had to the next of kin of the deceased as a licensed funeral director, and thus provides grounds for the Board to discipline Foster's funeral director's license pursuant to § 333.121.2(13), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes incompetence, misconduct, or gross negligence in the performance of the functions and duties of a funeral establishment, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(5), RSMo. Foster & Sons' conduct, as outlined above, including, but not limited to, failure to provide notice to families on the eviction and subsequent removal of the aforementioned bodies, constitutes a violation of the professional trust or confidence that Foster & Sons had to the next of kin of the deceased as a licensed funeral home, and thus provides grounds for the Board to discipline Foster & Sons' funeral establishment's license pursuant to § 333.121.2(13), RSMo.

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Complaint: 2011-001165 Officer Mortuary, LLC 2011040378, 2011040380, 2011040379 Unlicensed- Board Investigation
Officer Mortuary LLC S/C:
12/13/2011

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Probation

Operating Without an Establishment License

The Board conducted an investigation to determine whether Officer Mortuary operated as a funeral establishment without a funeral establishment license. On August 11, 2011, the Board's investigator visited the location of Officer Mortuary and found the following violations: The funeral home was open for business; No funeral establishment license was posted; Mr. Officer was present and informed the Board that the funeral home was operating under a license issued to Officer Mortuary, Inc., a business that had been operated at that location by his sister, but provided the Board with no documentation so show a valid funeral establishment license; A body was present in the preparation room that was being prepared for final disposition; The register book in the preparation room showed the first entry to reflect a body was embalmed on December 15, 2010 and the 2011 register book contained 44 entries with the first dated January 1, 2011 and the last dated August 16, 2011. The log appeared to be missing 9 entries when compared against the written statements of goods and services provided to the Board's investigators; Records from the City of St. Louis indicated that the business had closed on June 15, 2011 and no new city business license had issued; Officer Mortuary produced no valid city business license; Officer Mortuary, in correspondence with the Board and others, used letterhead in at least August and September, 2011, with the name of "Officer Mortuary, L.L.C. Ellis Chapel" that listed the officers of the company and the "professional services manager" including Marion E. Officer, Jr. as president; The business card of the funeral director in charge listed the business as "Officer Mortuary L.L.C. Ellis Chapel"; Officer Mortuary provided funeral service brochures to families and those in attendance at funeral services listed "Services Entrusted to: Officer Mortuary, LLC Ellis Chapel" on at least 4 occasions; The written statements of goods and services provided to families for goods and services provided to families showed the name of the business to be "Officer Mortuary, L.L.C." and listed Marion E. Officer, Jr. as President. Officer Mortuary provided 46 funeral services to families, as evidenced by the written statements of goods and services for persons who died between December 13, 2010 and August 27, 2011. Between the dates of November 10, 2010 and September 8, 2011, Officer Mortuary submitted 46 death certificates to the Division of Vital Records using the name of Officer Funeral Home, Inc. On September 29, 2011, Officer Mortuary appeared, by its attorney and Marion E. Officer, Jr., before the Board to respond to inquiries of the Board regarding its unlicensed practice and the pending applications for licensure. The location at which Officer Mortuary seeks licensure, 1905 N. Union Blvd., St. Louis, Missouri 63113, had previously been a licensed funeral establishment operated by Officer Funeral Home, Inc. On November 29, 2010, the Board received notice from Officer Funeral Home, Inc. that it would be ceasing business and would no longer operate a funeral establishment at 1905 N. Union Blvd, St. Louis, Missouri. Officer Funeral Home, Inc. subsequently informed the Board that it ceased operation as a funeral establishment on November 18, 2010. Between November 19, 2010 and until approximately September 20, 2011, Officer Mortuary operated as a funeral establishment at 1905 North Union Boulevard, St. Louis, Missouri when it had no valid funeral establishment license. Officer Mortuary held out to the public that it was a duly licensed funeral establishment when it held no such license. Officer Mortuary provided services for at least 46 decedents during the time when it was not licensed

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documents during the time when it was not needed.

Officer Mortuary filed documents with the State of Missouri, Department of Health and Senior Services, Division of Vital Records holding out as Officer Funeral Home, Inc. when it had no such authority to do so and when, in fact, Officer Mortuary provided the final disposition services and not Officer Funeral Home, Inc. Acting as Provider Without a License

Officer Mortuary provided the Board with 2 preneed funeral contracts listing Officer Funeral as the Provider - one contract was issued on July 13, 2011 to T.D. with a face value of \$5,335 and one contract was issued on July 5, 2011 to M.C. with a face value of \$700.60. On the contract for T.D., sold to the consumer by an employee of Officer Mortuary, Marion E. Officer, Jr., signed on behalf of Officer Mortuary acknowledging it would serve as the provider for life insurance funded preneed contract. On the contract for M.C., Officer Mortuary is listed as the provider and the contract was sold to the consumer by an employee of Officer Mortuary. Officer Mortuary acted as a provider when it held no such license.

Disclosure of Discipline

On the Application, Officer Mortuary checked the "yes" box in response to the following questions: Has any owner of the establishment ever had any license or right to practice held by you, restricted or disciplined, such disciplinary action to include, but not be limited to, revocation, suspension, probation, censure or reprimand whether voluntarily agreed to or not, by any U.S. state, territory, federal agency, Canadian province or foreign country? If yes, attach a full explanation. Has any owner ever had any professional license, certification, registration or permit revoked, suspended, placed on probation, censured, reprimanded, fined or otherwise subject to any type of disciplinary action? If yes, attach a full explanation. In explanation for the "yes" answers on the Application, Mr. Officer provided the Board with a letter of explanation. Mr. Officer disclosed "In late 1989 the Officer Funeral Home of East St. Louis Illinois was reprimanded for the mishandling of a deceased human infant remains."

Discipline on License by State of Illinois

Records obtained from the Illinois Department of Financial and Professional Regulation show the following discipline on Mr. Officer's Illinois funeral director and embalmer license:

On March 3, 1992, The State of Illinois Department of Professional Regulation ("State of Illinois") entered into a consent order with Mr. Officer placing his funeral director and embalmer license on probation for a period of one year and imposing a \$5,000 fine in settlement of allegations that Mr. Officer received dead human remains in November, 1988, but the requested cremation was not performed and the embalmed dead human remains were found abandoned at the former site of a funeral home operated by Mr. Officer.

On August 24, 2004, the State of Illinois and Mr. Officer entered into a Consent Order reprimanding the embalmer and funeral director license held by Mr. Officer and imposing a \$100 fine in settlement of allegations that Mr. Officer's office manager falsified three funeral claim forms in the amount of \$2,000. On March 26, 2010, the State of Illinois and Mr. Officer entered into a consent order (the "2010 Consent Order") in settlement of allegations of misconduct including providing substandard funeral services and agreeing to refund monies to consumers, but not honoring his commitment to do so. The 2010 Consent Order included orders that Mr. Officer's funeral director and embalmer license be indefinitely suspended for a period of six months; a fine of \$5,000 be imposed; Mr. Officer must complete

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continuing education coursework of 6 credit hours on regulations dealing with funeral directing and embalming and 6 credit hours of expanding funeral ethics; correct a death certificate to show burial instead of cremation; that Mr. Officer issue refunds totaling \$5,500 to two families; and provide to the State of Illinois a written business plan containing protocols for submitting accurate insurance forms and authorizations, maintaining correct records and providing funeral services as requested. The 2010 Consent Order also stated that if a petition for restoration of licenses was granted, the license would be on probation. On March 28, 2011, the State of Illinois issued a "Suspension Order" due to unpaid tax liability or failure to file tax returns and suspended Mr. Officer's funeral director and embalmer license. Mr. Officer's funeral director and embalmer license remains suspended in Illinois.

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Complaint: 2011-001165 Officer Mortuary, LLC 2011040378, 2011040380, 2011040379 Unlicensed- Board Investigation
Officer Mortuary LLC S/C:
12/13/2011

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

Probation

Operating Without an Establishment License

The Board conducted an investigation to determine whether Officer Mortuary operated as a funeral establishment without a funeral establishment license. On August 11, 2011, the Board's investigator visited the location of Officer Mortuary and found the following violations: The funeral home was open for business; No funeral establishment license was posted; Mr. Officer was present and informed the Board that the funeral home was operating under a license issued to Officer Mortuary, Inc., a business that had been operated at that location by his sister, but provided the Board with no documentation so show a valid funeral establishment license; A body was present in the preparation room that was being prepared for final disposition; The register book in the preparation room showed the first entry to reflect a body was embalmed on December 15, 2010 and the 2011 register book contained 44 entries with the first dated January 1, 2011 and the last dated August 16, 2011. The log appeared to be missing 9 entries when compared against the written statements of goods and services provided to the Board's investigators; Records from the City of St. Louis indicated that the business had closed on June 15, 2011 and no new city business license had issued; Officer Mortuary produced no valid city business license; Officer Mortuary, in correspondence with the Board and others, used letterhead in at least August and September, 2011, with the name of "Officer Mortuary, L.L.C. Ellis Chapel" that listed the officers of the company and the "professional services manager" including Marion E. Officer, Jr. as president; The business card of the funeral director in charge listed the business as "Officer Mortuary L.L.C. Ellis Chapel"; Officer Mortuary provided funeral service brochures to families and those in attendance at funeral services listed "Services Entrusted to: Officer Mortuary, LLC Ellis Chapel" on at least 4 occasions; The written statements of goods and services provided to families for goods and services provided to families showed the name of the business to be "Officer Mortuary, L.L.C." and listed Marion E. Officer, Jr. as President. Officer Mortuary provided 46 funeral services to families, as evidenced by the written statements of goods and services for persons who died between December 13, 2010 and August 27, 2011. Between the dates of November 10, 2010 and September 8, 2011, Officer Mortuary submitted 46 death certificates to the Division of Vital Records using the name of Officer Funeral Home, Inc. On September 29, 2011, Officer Mortuary appeared, by its attorney and Marion E. Officer, Jr., before the Board to respond to inquiries of the Board regarding its unlicensed practice and the pending applications for licensure. The location at which Officer Mortuary seeks licensure, 1905 N. Union Blvd., St. Louis, Missouri 63113, had previously been a licensed funeral establishment operated by Officer Funeral Home, Inc. On November 29, 2010, the Board received notice from Officer Funeral Home, Inc. that it would be ceasing business and would no longer operate a funeral establishment at 1905 N. Union Blvd, St. Louis, Missouri. Officer Funeral Home, Inc. subsequently informed the Board that it ceased operation as a funeral establishment on November 18, 2010. Between November 19, 2010 and until approximately September 20, 2011, Officer Mortuary operated as a funeral establishment at 1905 North Union Boulevard, St. Louis, Missouri when it had no valid funeral establishment license. Officer Mortuary held out to the public that it was a duly licensed funeral establishment when it held no such license. Officer Mortuary provided services for at least 46 decedents during the time when it was not licensed

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

documents during the time when it was not licensed.

Officer Mortuary filed documents with the State of Missouri, Department of Health and Senior Services, Division of Vital Records holding out as Officer Funeral Home, Inc. when it had no such authority to do so and when, in fact, Officer Mortuary provided the final disposition services and not Officer Funeral Home, Inc. Acting as Provider Without a License

Officer Mortuary provided the Board with 2 preneed funeral contracts listing Officer Funeral as the Provider - one contract was issued on July 13, 2011 to T.D. with a face value of \$5,335 and one contract was issued on July 5, 2011 to M.C. with a face value of \$700.60. On the contract for T.D., sold to the consumer by an employee of Officer Mortuary, Marion E. Officer, Jr., signed on behalf of Officer Mortuary acknowledging it would serve as the provider for life insurance funded preneed contract. On the contract for M.C., Officer Mortuary is listed as the provider and the contract was sold to the consumer by an employee of Officer Mortuary. Officer Mortuary acted as a provider when it held no such license.

Disclosure of Discipline

On the Application, Officer Mortuary checked the "yes" box in response to the following questions: Has any owner of the establishment ever had any license or right to practice held by you, restricted or disciplined, such disciplinary action to include, but not be limited to, revocation, suspension, probation, censure or reprimand whether voluntarily agreed to or not, by any U.S. state, territory, federal agency, Canadian province or foreign country? If yes, attach a full explanation. Has any owner ever had any professional license, certification, registration or permit revoked, suspended, placed on probation, censured, reprimanded, fined or otherwise subject to any type of disciplinary action? If yes, attach a full explanation. In explanation for the "yes" answers on the Application, Mr. Officer provided the Board with a letter of explanation. Mr. Officer disclosed "In late 1989 the Officer Funeral Home of East St. Louis Illinois was reprimanded for the mishandling of a deceased human infant remains."

Discipline on License by State of Illinois

Records obtained from the Illinois Department of Financial and Professional Regulation show the following discipline on Mr. Officer's Illinois funeral director and embalmer license:

On March 3, 1992, The State of Illinois Department of Professional Regulation ("State of Illinois") entered into a consent order with Mr. Officer placing his funeral director and embalmer license on probation for a period of one year and imposing a \$5,000 fine in settlement of allegations that Mr. Officer received dead human remains in November, 1988, but the requested cremation was not performed and the embalmed dead human remains were found abandoned at the former site of a funeral home operated by Mr. Officer.

On August 24, 2004, the State of Illinois and Mr. Officer entered into a Consent Order reprimanding the embalmer and funeral director license held by Mr. Officer and imposing a \$100 fine in settlement of allegations that Mr. Officer's office manager falsified three funeral claim forms in the amount of \$2,000. On March 26, 2010, the State of Illinois and Mr. Officer entered into a consent order (the "2010 Consent Order") in settlement of allegations of misconduct including providing substandard funeral services and agreeing to refund monies to consumers, but not honoring his commitment to do so. The 2010 Consent Order included orders that Mr. Officer's funeral director and embalmer license be indefinitely suspended for a period of six months; a fine of \$5,000 be imposed; Mr. Officer must complete

Disciplinary Actions

Ordered From 11/23/2011 Through 03/13/2012

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3605 Missouri Blvd.
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Disciplinary Actions

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Disciplinary ActionsOrdered From 11/23/2011 Through 03/13/2012

Complaint: 2012-001308 **George, Barbara** **DOR HB600**George, Barbara Ann S/C:
03/03/2012

Suspended 324.010

This license has been suspended by operation of law pursuant to Section 324.010, RSMo, which requires suspension of the professional license of individuals who fail to file state tax returns or fail to pay state tax liabilities.

Complaint: 2012-001309 **George, Ronald** **DOR HB600**George, Ronald J, Sr. S/C:
03/03/2012

Suspended 324.010

This license has been suspended by operation of law pursuant to Section 324.010, RSMo, which requires suspension of the professional license of individuals who fail to file state tax returns or fail to pay state tax liabilities.

Complaint: 2012-001311 **Hansen, Julie** **DOR HB600**Hansen, Julie Beth S/C:
03/03/2012

Suspended 324.010

This license has been suspended by operation of law pursuant to Section 324.010, RSMo, which requires suspension of the professional license of individuals who fail to file state tax returns or fail to pay state tax liabilities.

Complaint: 2012-001316 **Graves, Steven** **DOR HB600**Graves, Steven D, III S/C:
03/03/2012

Suspended 324.010

This license has been suspended by operation of law pursuant to Section 324.010, RSMo, which requires suspension of the professional license of individuals who fail to file state tax returns or fail to pay state tax liabilities.

Between 11/23/2011 and 3/13/2012

Funeral Establishment Name
Lic Number
Address
License Status
Exp Date
Closed Date

Wise & Slater Funeral Home

001042

315 East Commercial Ave

Closed/Change of Owner

12/31/2013

12/13/2011

Schrader Funeral Home Inc

2011001355

Spickard, MO 64679
14968 Manchester Rd

Closed/Out of Business

12/31/2011

12/12/2011

Wallace Funeral Home, Inc.

2001032830

Ballwin, MO 63011
300 Main

Closed/Out of Business

12/31/2011

2/9/2012

Ange Corporation

001755

Cleveland, MO 64734
145 S Clompton St

Closed/Out of Business

12/31/2013

3/6/2012

Waynesville Memorial Chapel, Inc.

2003002243

Dadeville, MO 65635
715 E Jefferson

Closed/Change of Owner

12/31/2011

11/23/2011

Slater Funeral Home

000329

Richard, MO 65556
412 E 9th St

Closed/Change of Owner

12/31/2013

12/13/2011

Driver Funeral Service LLC

2010015135

Trenton, MO 64683
102 S Interstate Dr #23

Closed/Change of Location

12/31/2011

1/26/2012

Waynesville Memorial Chapel, Inc

2008036458

Miner, MO 63801
202 Historic 66 W

Closed/Change of Owner

12/31/2011

11/23/2011

BKG Company, L.L.C.

2006000310

Waynesville, MO 65583
211 S Oak

Closed/Change of Owner

12/31/2011

11/29/2011

Hilleman Funeral Home, Inc.

001626

California, MO 65018
9709 Lackland Road

Closed/Out of Business

12/31/2011

2/27/2012

Preneed Provider

BKG Company

2009037463

Overland, MO 631143413
211 S Oak

Closed/Change of Owner

10/31/2012

11/30/2011

California, MO 65018

Closed Funeral Establishments, Preneed Providers, and Preneed Sellers

Between 11/23/2011 and 3/13/2012

Preneed Provider	Name	Lic Number	Address	License Status	Exp Date	Closed Date
Hilleman Funeral Home, Inc		2009039024	9709 Lackland Rd	Closed/Out of Business	10/31/2011	2/27/2012
Driver Funeral Service LLC		2011008690	Saint Louis, MO 63114 102 S Interstate DR #23	Closed/Change of Location	10/31/2012	1/26/2012
Donald Stater		2009038800	Miner, MO 63801 412 E. 9th Street	Closed/Change of Owner	10/31/2012	12/13/2011
Waynesville Memorial Chapel, Inc		2009039715	Trenton, MO 64683 715 E Jefferson Ave	Closed/Change of Owner	10/31/2012	11/23/2011
Waynesville Memorial Chapel, Inc		2009039080	Richland, MO 65556 202 Historic 66 West	Closed/Change of Owner	10/31/2012	11/23/2011
Schrader Funeral Home Inc		2011001356	Waynesville, MO 65583 14968 Manchester Rd	Closed/Out of Business	10/31/2011	12/12/2011
Preneed Seller			Baliwin, MO 63011			
Donald Stater		2009038801	412 E. 9th Street	Active	10/31/2012	12/13/2011
Hilleman Funeral Home Inc		2009039025	Trenton, MO 64683 9709 Lackland Rd	Closed/Out of Business	10/31/2011	2/27/2012
David H. Sterne		2009039017	Saint Louis, MO 63114 106 N 3rd St	Closed/Out of Business	10/31/2011	11/3/2012
Waynesville Memorial Chapel, Inc		2009039081	Louisiana, MO 63353 202 Historic 66 West	Closed/Change of Owner	10/31/2012	11/23/2011
Hosea E. Gales		2009039015	Waynesville, MO 65583 5039 Delmar Blvd	Closed/Out of Business	10/31/2011	12/8/2011
			Saint Louis, MO 63108			

Proposed Rule:

Abandoned preneed funds, duty of seller

- 1. It shall be the duty of the seller to periodically, at least once a year, review its active preneed contracts and make a good faith effort to determine whether any preneed beneficiaries have died with no claim made for the preneed funds held either in joint account or trust.**
- 2. If a preneed beneficiary has died and no claim for the preneed funds has been made to the seller within one year from the date of the death of the beneficiary, the seller shall notify, in writing, the trustee or financial institution holding the funds of this potential abandonment and request the trustee to distribute the preneed funds being held to the estate of the beneficiary, to MoHealthNet as repayment for state funds received by the beneficiary per Chapter 208, RSMo, and/or to the State Treasurer as unclaimed property in accord with the provisions of Chapter 447, RSMo, or in accord with any other law, as applicable.**
- 3. The seller shall maintain records evidencing the periodic review and also maintain a copy of all notifications of potential abandonment made to all trustees or financial institutions.**

FY2012 Inspections

As of March 14, 2012 inspectors have written 57 violations at 41 establishments.

Top five violations found:

1. Backflow- 23
2. Register Log- 10
3. Licenses Not Displayed-5
4. Preneed Contracts -4
5. Issues with Purchase Agreements-4

FY2011 Inspections

Inspectors wrote 160 violations at 112 establishments

Top five violations found:

1. Backflow- 40
2. Preneed Contracts- 31
3. Register Log 19
4. Licenses Not Displayed-18
5. Issues with the Embalming Authorizations-9