

State Board of Embalmers and Funeral Directors

March 19-20, 2013
Missouri Council of School Administrators
3550 Amazonas Drive
Jefferson City, MO 65109

AMENDED OPEN AGENDA

March 19, 2013

1:00p.m.

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

CLOSED

March 20, 2013

8:30a.m.

5. (Tab 2) Approval of Open Minutes
 - December 11-12, 2012 board meeting minutes
 - January 11, 2013 board conference call minutes
6. (Tab 3) Executive Director Report
 - *Legislation*
 - *Budget report*
 - *License statistics (new, closed/ceased, disciplined)*
 - *Fee adjustment scenarios*
7. Legal Counsel Report
8. (Tab 4) Discussion of Propose Rules
 - "Formation of an insurance funded preneed contract"*
 - "When no insurance funded preneed contract formed"*
 - "Per Contract Fee Exemption"*
9. Discussion of 20 CSR 2120-2.071 Funeral Establishment Containing a Crematory Area
10. Recognition of past board members Todd Mahn and Martin Vernon
11. Discussion/Dialogue

12.(Tab 5) Officer Mortuary, LLC - Probation Violation Hearing (10:00a.m.)
Case EMB-13-002-PV

13.(Tab 6) Ryan Lair - Probation Violation Hearing (11:15a.m.)
Case EMB-13-003-PV

~~14. (Tab 7) Theodore Foster - Probation Violation Hearing (1:00p.m.)
Case EMB-13-004-PV~~ Hearing Continued

15. (Tab 8) Kathleen Allen - Probation Violation Hearing (2:00p.m.)
Case EMB-13-005-PV

16. Adjournment

State Board of Embalmers and Funeral Directors

December 11-12, 2012
Hampton Inn & Suites – Country Club Plaza
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 on December 11, 2012 at 2:10 p.m.

Roll Call

Board Members Present

James Reinhard, Vice Chairman
John McCulloch, Secretary
Archie Camden
Gary Fraker

Board Members Not Present

Eric Pitman

Approval of Agenda

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

Move to Closed

A motion was made by Gary Fraker and seconded by John McCulloch to move to closed for #1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with James Reinhard and Archie Camden voting in favor with no votes in opposition. Eric Pitman was not present for the meeting.

Approval of Open Minutes

A motion was made by Gary Fraker and seconded by Archie Camden to accept the open September 25, 2012 board meeting minutes with the correction to the motion relating to the "Discussion of Propose Rule "Insurance Funded Preneed Contracts" by correcting it to read *Motion was made by James Reinhard and seconded by Archie Camden to table the vote on the rule to allow for written comments to be received in the board office. Motion tied with Eric Pitman voting in favor and John McCulloch, Gary Fraker and D. Todd Mahn voting in opposition.* Motion carried with James Reinhard and John McCulloch voting in favor with no votes in opposition. Eric Pitman not present for the meeting.

Executive Director Report

Sandy gave an update on the following –

- Embalmer/Funeral Director renewals reporting that 2092 renewals were mailed in August and as of November 30, 2012 there were 1955 (93.45%) renewed which is 30 days past the expiration date.
- Discussed fees relating to the \$36 per contract fee and shared with the board that rough estimates for 2012 seller renewals indicates there were 14, 811 contracts reported sold, which in line with recent years since the law changed in 2009 (in 2009 there were 12504, 2010 there were 15391 and in 2011 there were 14708). Given that contract numbers reported appear to be consistent Sandy asked if the board wanted to look at options that involve reducing the per

contract fee, which would likely involve increasing fees in other areas. The board asked that scenarios be run.

- Sandy updated the board on staffing in the office reporting that Bob Beck would be finishing up his assignments by the end of December and that Betty Lilley was hired full time to replace him.
- Sandy shared with the board that license statistics (new, closed/ceased, disciplined) were included in their materials.
- Sandy told the board that the new law book going out on CD versus hard copy saved a significant amount of money because the CDs were only .97 to complete/mail.

Legal Counsel Report

Sharon informed the board that the litigation regarding National Prearranged Services is continuing as the trial appears to be moving forward.

Presentation by Scott Lindley

Scott Lindley met with the board at his request to discuss a proposal that he had discussed with an interim legislative committee on preneed. Representative Guernsey, Mr. Lindley's representative, was to be present with him to give the presentation to the board but due to illness was not present. Mr. Lindley gave a brief overview of what his representative was going to be talking about relating to tax credits, continued thoughts relating to National Prearranged Services.

Board member notification of new, closed/ceased, disciplined licenses

John McCulloch and Todd Mahn asked that in addition to the notifications relating to each category that they receive at each board meeting that they be notified each time an application or cease is received for an establishment, provider and seller before the office processes anything. Following discussion it was suggested that the information be posted to the secure portal and the board be sent an email that information has been added for their reference.

Licensure categories

Todd Mahn indicated he wanted to revisit the matter of dual licensure and following discussion among the board the public was asked for input. The members of the public present had different opinions, similar to the board. No motion was made.

Discussion of renewal deadlines/preneed seller renewal

John McCulloch discussed the renewal deadlines and any possible grace periods. Sandy and Sharon both clarified that the statute does not provide for a grace period but that all licenses must be renewed by the deadline and that was applicable to all license types. This subject resulted in a combined conversation with the next item on the agenda below.

Discussion of preneed seller renewal/seller annual report forms

Todd Mahn and John McCulloch discussed the current preneed seller form and stated it was unclear to anyone that if the license was not renewed by October 31st that they could not work even if their form was submitted to the board prior to that time. D. Todd Mahn agreed and proposed the date on the renewal form have a suggested date of October 31. Sandy shared that an earlier suggested submission date of October 1st could be put on the form and that the language could be modified to be more clearer. The public expressed concerns about the background questions requesting information that the board could do nothing with and asked if the board could review those questions. The board asked that Sandy review them. Todd Mahn asked John McCulloch to work with the office on potential language.

Discussion of \$36 per contract fee relating to insurance funded preneed contracts

John McCulloch asked that this item be revisited from a previous meeting. Following discussion a motion was made by Gary Fraker and seconded by John McCulloch to have staff draft a rule that addresses beneficiary changes on insurance policies and any policies sold at the funeral home or by its

agents with a preneed contract is subject to the \$36 reporting fee. Motion carried with James Reinhard and Archie Camden voting in favor with no votes in opposition. Eric Pitman was not present for the meeting.

The Conference

Sandy asked the board if they would like to determine which member would be able to attend the upcoming annual meeting of The Conference, being held in Henderson, Nevada in February, 2013. Todd Mahn stated he would like to go. Gary Fraker recommended James Reinhard attend. A motion was made by Gary Fraker and seconded by Archie Camden for James Reinhard to attend the meeting. Motion carried with James Reinhard and John McCulloch voting in favor with no votes in opposition. Eric Pitman not present for the meeting.

Motion to Close

A motion was made by Gary Fraker and seconded by James Reinhard to move to closed for #1, 2, 7, and 9 of the attached motions to close. Motion carried with Archie Camden and John McCulloch voting in favor with no votes in opposition. Eric Pitman was not present for the meeting.

Future Meeting Dates/Locations

Future meeting dates and locations were discussed and the board asked that staff look at meeting locations in downtown St. Louis for March 19, 20, 21, 2013.

Adjournment

Meeting adjourned at 12:12pm on December 12, 2012.

Executive Director: _____

Approved by board on: _____

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

January 11, 2013
State Board of Embalmers and Funeral Directors
3605 Missouri Boulevard
Jefferson City, MO 65109

OPEN MINUTES

The meeting of the State Board of Embalmers and Funeral Directors was called to order via conference call by James Reinhard, Chairman, at 9:05a.m.

Roll Call

Board Members Present

James Reinhard, Chairman
John McCulloch, Secretary
Gary Fraker
Archie Camden
Eric Pitman
Collin Follis

Staff Present

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

Approval of Agenda

A motion was made by Archie Camden and seconded by Gary Fraker to approve the open agenda. Motion carried with John McCulloch, Eric Pitman and Collin Follis voting in favor with no votes in opposition.

Executive Director Report

Sandy confirmed availability with the members of the board for March 19, 20, 21 for board meeting which were the same dates discussed at the December, 2012 meeting. She stated if everyone was still available for all or a portion of those dates, she would check with Eric who was not at the KC board meeting. All present stated the dates were still options for them.

Legal Counsel Report

No report.

Motion to Close

A motion was made by Archie Camden and seconded by Gary Fraker to move to close for numbers 1, 2, 7, 9 of the attached motions to close. Motion carried with John McCulloch, Eric Pitman and Collin Follis voting in favor with no votes in opposition.

Adjournment

A motion was made by Archie Camden and seconded by Gary Fraker to adjourn 9:45 a.m. Motion carried with John McCulloch, Eric Pitman, and Collin Follis 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

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Schmaltz, Stephen Craig	2012041736	12/17/2012
Walker, Michelle Dawnette	2012042298	12/21/2012
McClendon, Jason Allen	2013001548	1/17/2013
Atchley, Grant Allen	2013001998	1/22/2013
Robinson, John Edward	2013003468	1/31/2013
Bichsel, BreAnna Paige	2013004973	2/15/2013
Johnson, Raileigh Clint	2013005048	2/15/2013
Gordon, Catherine Yvonne	2013007071	3/8/2013

Embalmer Apprentice

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Licensee Name	License #	Orig Issue Date
Harris, Keesha M	2012042088	12/19/2012
Hicks, Gwendelrae	2012042908	12/31/2012
Quinn, Shannon Mackenzie	2012042910	12/31/2012
Willcuts, Kristina Danniell	2013002012	1/22/2013
Little, Jillian Nicole	2013002950	1/29/2013
Campbell, Joseph Scott	2013002966	1/29/2013
Nolin, Amber Lee	2013005300	2/19/2013

Embalmer

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Licensee Name	License #	Orig Issue Date
Anderson, Walter Conrad	2013000331	1/16/2013
Gronenthal, Macey Lynn	2013003626	2/1/2013
Hibdon, Roger Delane	2013005363	2/14/2013
White, Alexis Nichole	2013005514	2/15/2013

Embalmer Practicum

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Licensee Name	License #	Orig Issue Date
Herling, Leah Lynn	2012040670	12/4/2012
Morris, Edwin Stefan	2012040783	12/5/2012
Meyer, William Joseph	2012041199	12/11/2012
Coen, Joshua Steven	2012041304	12/12/2012
Zempel, Elizabeth Ann	2012042268	12/21/2012
Lee, Pandora Lydia	2012042340	12/26/2012
Tuggle-Waller, Buffie Marie	2012042772	2/8/2013
Washington, Clara Mae	2013000844	1/9/2013
Heath, Justin Ian	2013001411	1/16/2013
Robertson, Darryn Michael	2013001416	1/16/2013
Brooks, Darryl Keith	2013001421	1/16/2013
Fowler, April	2013001529	1/17/2013
Bittiker, Caren Jaye	2013001867	1/22/2013
Bagley, Colleena Marnae	2013001916	1/22/2013

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Johnson, Melissa Mae	2013003328	1/31/2013
Sullivan, Richard Dale	2013003770	2/5/2013
Thompson, Mary Elizabeth	2013005053	2/15/2013
Cousin, Marlon Wayne	2013005339	2/19/2013
Bauer, Nichole Elizabeth	2013005545	2/20/2013
Rhodes, Sandra Lee	2013006361	2/28/2013
Farrow, Tommy James	2013006467	3/1/2013
Berry, Gary Eugene	2013006655	3/5/2013
Carter, Curtis Scott	2013006938	3/7/2013

Funeral Director Apprentice 23

Licensee Name	License #	Orig Issue Date
Lomonte, Johnnie Michael, Jr	2013003103	1/30/2013

Funeral Director Limited 1

Licensee Name	License #	Orig Issue Date
Manzanares, Sara Marie	2012037722	2/25/2013
Holden, Matthew Douglas	2012041109	12/10/2012
Yager, Gary Lynn	2012041170	12/7/2012
Harris, Keesha Marie	2012042087	12/19/2012
Seago, Matthew James	2013000887	1/9/2013
Harris, Garnet Michelle	2013001213	1/11/2013
Hess, Chandra Eileen	2013001931	1/22/2013
Musser, Danny Kay	2013002009	1/22/2013
Little, Jillian Nicole	2013002951	1/29/2013
Fancher, Renae Elizabeth	2013004086	2/7/2013
Rader, Roberta Lee	2013004767	2/14/2013
Spruill, Katie Diane	2013005495	2/20/2013
Schlitzer, Brandon Joseph	2013005911	2/25/2013
Ford, Jeannette Siress	2013005914	2/25/2013
Hlavacek, Bailie Deanna	2013005915	2/25/2013
Manzanares, Sara Marie	2013006015	2/26/2013
Stone, Michael Gene	2013007036	3/8/2013

Funeral Director 17

Licensee Name	License #	Orig Issue Date
Wayne County Funeral Service LLC	2013000338	1/4/2013
Wayne County Funeral Service, LLC	2013000341	1/4/2013
D.W. Newcomer's Sons, Inc	2013000343	1/4/2013
Souder Family Funeral Home LLC	2013001343	1/15/2013
Cremations of the Ozarks, LLC	2013003423	1/31/2013
Ellis-Foster Mortuary L.L.C.	2013003692	2/4/2013

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Royer's New Salem, Inc.	2013003995	2/6/2013
Kinney Mortuary Service & Crematory, Inc.	2013006008	2/26/2013

Funeral Establishment 8

Licensee Name	License #	Orig Issue Date
Barbour, Kimberly K	2012041030	12/7/2012
Heaman, Daniel Gerard	2012042007	12/19/2012
Millard, Reid A	2012042008	12/19/2012
Holden, Matthew Douglas	2012042901	12/31/2012
Kennedy, Patrick E	2012042902	12/31/2012
Wilson, James Michael	2013000460	1/7/2013
Bevis, Tabitha Deann	2013001211	1/11/2013
Souder, Scott	2013001346	1/15/2013
Cordes, John Eric	2013002252	1/24/2013
Woods, Tyler Matthew	2013004093	2/7/2013
Harris, Garnet M	2013006910	3/7/2013

Preneed Agent Funeral Director 11

Licensee Name	License #	Orig Issue Date
Calhoun, MaryAnn	2012042153	12/20/2012
Williams, Ray	2012042155	12/20/2012
Murphy, William Charles	2012042903	12/31/2012
Hess, Chandra Eileen	2013001932	1/22/2013
Stone, Michael Gene	2013003041	1/29/2013
Casey, Daniel Patrick	2013003464	1/31/2013
Wildman, David Harold	2013003744	2/4/2013
Waddell, Chelsey Renee	2013004765	2/14/2013
Crook, Nuel Boyd	2013004766	2/14/2013
Self, Delores Susan	2013006539	3/4/2013

Preneed Agent 10

Licensee Name	License #	Orig Issue Date
Wayne County Funeral Service LLC	2013000339	1/4/2013
Souder Family Funeral Home LLC	2013001344	1/15/2013
Ellis-Foster Mortuary L.L.C.	2013003693	2/4/2013
Royer's New Salem, Inc.	2013004002	2/6/2013
Woods Memorial Group LLC	2013004678	2/14/2013
Kinney Mortuary Service & Crematory Inc	2013006007	2/26/2013
Cremations of the Ozarks LLC	2013006907	3/7/2013

Preneed Provider 7

Licensee Name	License #	Orig Issue Date
Bearden Group, Inc.	2012042044	12/19/2012

3/13/2013

Original Licenses Issued
Between 12/04/2012 and 03/13/2013

Board Name

Embalmers & Funeral Directors

Licensee Name	License #	Orig Issue Date
Wayne County Funeral Service LLC	2013000340	1/4/2013
Souder Family Funeral Home LLC	2013001345	1/15/2013
Ellis-Foster Mortuary L.L.C.	2013003694	2/4/2013

Preneed Seller 4

Total count for the Embalmers & Funeral Directors board: 100

Funeral Establishment	Name	Lic Number	Address	License Status	Exp Date	Closed Date
New Salem Funeral Home, Inc.		002114	1823 Blue Mills Road	Closed/Change of Owner	12/31/2013	2/5/2013
Northeast Missouri Funeral Service Inc		2007034523	Independence, MO 64058 106 Railroad	Closed/Change of Owner	12/31/2013	1/4/2013
Kinney Mortuary Service & Crematory, Inc		2005019268	Higbee, MO 65257 1114 Wilkes Blvd	Closed/Change of Location	12/31/2013	2/26/2013
Northeast Missouri Funeral Service Inc		2007034524	Columbia, MO 65201 320 South Williams	Closed/Change of Owner	12/31/2013	1/4/2013
Bennie Taylor Inc		2007034522	Moberly, MO 65270 101 W Broadway	Closed/Change of Owner	12/31/2013	1/4/2013
Preneed Provider						
Northeast Missouri Funeral Service, Inc		2009039040	Madison, MO 65263 320 S Williams	Closed/Change of Owner	10/31/2013	1/4/2013
Kinney Mortuary Service & Crematory, Inc		2009039043	Moberly, MO 65270 1114 Wilkes Blvd	Closed/Change of Location	10/31/2013	2/26/2013
New Salem Funeral Home, Inc		2010001994	Columbia, MO 65201 1823 N Blue Mills Rd	Closed/Change of Owner	10/31/2013	2/5/2013
Northeast Missouri Funeral Service Inc		2010010058	Independence, MO 64058 101 W Broadway	Closed/Change of Owner	10/31/2012	1/4/2013
Preneed Seller						
Northeast Missouri Funeral Service, Inc		2009039042	Madison, MO 65263 320 S Williams	Closed/Change of Owner	10/31/2013	1/4/2013
Moberly, MO 65270			Moberly, MO 65270			

Board Name**Embalmers & Funeral Directors****Embalmer**

005584	Fenton, Charles T	Probation
2008022228	Miller, Sara B	Probation
Total Revoked: 0		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 0
Total Probation: 2		Total Other: 0
Total Suspension/Probation: 0		

Funeral Director

006735	Bradford, Robert B	Probation
001368	Fenton, Charles T	Probation
005471	Galbraith, Neil D	Revoked
2008019638	Miller, Sara B	Probation
2013000887	Seago, Matthew James	Issued Probated License
Total Revoked: 1		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 0
Total Probation: 3		Total Other: 1
Total Suspension/Probation: 0		

Funeral Establishment

001775	Fenton Funeral Chapel	Probation
001774	Fenton Funeral Chapel	Probation
Total Revoked: 0		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 0
Total Probation: 2		Total Other: 0
Total Suspension/Probation: 0		

Preneed Agent Funeral Director

2010002545	Galbraith, Neil David	Revoked
2013001346	Souder, Scott	Issued Probated License
Total Revoked: 1		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 0
Total Probation: 0		Total Other: 1
Total Suspension/Probation: 0		

Preneed Provider

2013001344	Souder Family Funeral Home LLC	Issued Probated License
Total Revoked: 0		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 0
Total Probation: 0		Total Other: 1
Total Suspension/Probation: 0		

Preneed Seller

2010027221	Oliver Funeral Home, LLC	Probation
2013001345	Souder Family Funeral Home LLC	Issued Probated License
Total Revoked: 0		Total Revoked 324.010: 0
Total Suspension: 0		Total Suspended 324.010: 0
Total Probation: 1		Total Other: 1
Total Suspension/Probation: 0		

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

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

Complaint: 2007-005055 Fenton Funeral Chapel 001775 & 001774 001368 FD 005584 EMB -Board Inspection Violation 2 YEARS PROB.

Fenton Funeral Chapel S/C: Probation

02/12/2013

S/C: Probation

02/12/2013

Fenton, Charles T S/C: Probation

02/12/2013

S/C: Probation

02/12/2013

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

Complaint: 2011-007125 Oliver Funeral Home LLC PNS 2010027221 PROBATIONOliver Funeral Home, LLC S/C:

02/01/2013

Probation

Oliver Funeral Home is a Missouri limited liability company that has registered its address with the Board as 102 E. Sneed, Centralia, Missouri 65240. Oliver Funeral Home holds preneed seller license number 2010027221. On August 4, 2010, the Board issued its "Order of the State Board of Embalmers and Funeral Directors Issuing a Probationary Preneed Seller License to Oliver Funeral Home" (the "Probated Seller Order"). A true and accurate copy of the Probated Seller Order is attached as Exhibit A to this Settlement Agreement and incorporated herein by reference as if fully set forth. In the Probated Seller Order, the Board found cause to deny the application of Oliver Funeral Home for a preneed seller's license due to Oliver Funeral Home practicing as a preneed seller between November 1, 2009 and July 19, 2010 when it held no such license. In lieu of denial, the Board issued Oliver Funeral Home a preneed seller license on probation for five years beginning on August 4, 2010 and ending on August 3, 2015 and subject to certain terms and conditions as set forth in the Probated Seller Order. In Section III, paragraph D, on page 5 of the Probated Seller Order, a condition of probation requires that Oliver Funeral Home (referred to as OFH) must submit periodic written reports and compliance and states: OFH shall submit written reports to the Board by no later than January 1 and July 1, during each year of the Disciplinary period, stating truthfully whether there has been compliance with all terms and conditions of this Order. A copy of the required report may be obtained from the Board. Section III, paragraph M, on page 5 of the Probated Seller Order states: Any failure by OFH to comply with any condition of discipline set forth herein constitutes a violation of this Order. Oliver Funeral Homes' first written report of compliance was due with the Board on or before January 1, 2011 and the second report was due on July 1, 2011. The Board received no written report of compliance from Oliver Funeral Home on or before January 1, 2011 nor did the Board receive a written report of compliance on or before July 1, 2011. On August 31, 2011, the Board filed a Probation Violation Complaint alleging that Oliver Funeral Home failed to comply with the terms and conditions of its probation by failing to file its required written reports of compliance. As of the date of filing the Probation Violation Complaint, Oliver Funeral Home filed no written report of compliance with the Board as required as a condition of probation for its preneed seller license. On September 22, 2011, Oliver Funeral Home requested a continuance of the hearing on the Probation Violation Complaint. On September 27, 2011, the Board issued its Order continuing the hearing on the Probation Violation Complaint. On September 28, 2011, Oliver Funeral Home filed its delinquent written reports of compliance with the Board.

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

Complaint: 2012-007196 Souder, Scott PNFDA 2013001346, Board 3 Years PROBATION

Souder, Scott

S/C:

01/15/2013

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

Issued Probated License

Issued preneed funeral director agent license subject to 3 years probation

Basis for Probation

Disclosures by Applicant

On the Application, Souder answered "no" to question 6 that stated: Have you ever been convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not sentence was imposed (include SIS) or are such actions currently pending (excluding traffic violations)? On the Application, Souder answered "yes" to question 7 that stated: Have you ever been convicted, adjudged guilty by a court, pled guilty or nolo contendere to any traffic offense resulting from or related to the use of drugs, alcohol, whether or not sentence was imposed (includes SIS), or are such actions currently pending? Along with the Application, Souder provided the requested information about his offenses.

Offenses

In January, 1996, Souder was arrested and was subsequently charged and pled guilty to the class B misdemeanor of "DWI (Alcohol Intoxication). On April 17, 1996, Souder plead guilty and was placed on probation for 2 years and given a suspended imposition of sentence. Souder completed his sentence in April, 1998. State v. Scott David Souder, Circuit Court of Clay County, Missouri, Case number 7TR196000337. In January, 2003, Souder was arrested for driving while intoxicated and was subsequently charged with the ordinance violation of Excessive BAC and was sentenced to 30 days incarceration with suspended execution of sentence and placed on probation for 2 years. Souder completed his sentence in March, 2005. City of Gladstone v. Scott D. Souder, Case number 230754. In 2005, Souder was arrested and, subsequently charged with an A misdemeanor driving while intoxicated, as a prior offender. On August 9, 2005, Souder was found and adjudged guilty and sentenced to 180 days incarceration, with a suspended execution of sentence and placed on supervised probation for 2 years. Souder completed his probation in August, 2007. State v. Scott David Souder, Case number 040941240.

Licensure Renewal Statements

Souder submitted to the Board an "Application for Registration as an Intern Funeral Director" to the Board that he signed on March 18, 1997; an "Application for Registration as an Intern Funeral Director" that he signed on June 2, 1999; an "Application for Examination" that he signed on September 21, 1997; an "Application for Registration as an Apprentice Funeral Director" that he signed on December 2, 1997; and, an "Application for Practical Examination" that he signed in May 1998 (collectively, the "Funeral Director Applications"). On each of the Funeral Director Applications, Souder responded "no" to the following questions: a. Have you ever been convicted, adjudged guilty by a court, pleaded guilty or pleaded nolo contendere to any crime (excluding traffic violation)? c. Have you ever been in the past five (5) years convicted, adjudged guilty by a court, pled guilty or nolo contendere to any traffic offense resulting from or related to the use of drugs or alcohol?

At the time Souder submitted the Funeral Director Applications, he had plead guilty to a crime that was also a traffic offense related to the use of drugs or alcohol and was on probation for that criminal conduct up until a few weeks before Souder submitted his Application for Practical Examination, but Souder did not admit these facts and thus, he did not truthfully answer the questions on the Funeral Director Applications. Until submission of

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

On the Funeral Director Applications. On the submission of the Application, Souder had never disclosed to the Board his offenses as listed above. On each license renewal form for his funeral director license, Souder was asked to disclose any offenses and he disclosed none. On his funeral director renewal form he signed on March 6, 2004 (the "2004 Renewal"), Souder checked "no" to the following questions: Have you been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or if (sic) the United States since you last renewed this license. Please answer "yes" even if you received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"). Since you last renewed this license, have you been convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any traffic offense (including municipal violations) resulting from or related to the use of drugs or alcohol? Souder was adjudged guilty for the traffic offense of driving with excessive blood alcohol in January, 2003. At the time Souder submitted his 2004 Renewal, Souder had submitted his previous license renewal on April 1, 2002. Souder did not truthfully complete his 2004 Renewal. On this funeral director license renewal Souder signed on March 23, 2006 (the "2006 Renewal"), Souder checked "no" in response to the following questions: Have you ever been arrested for, or subject to prosecution for, or entered a plea of guilty to, or been found guilty of, an offense against the laws of any state or the United States, whether or not sentence was imposed? Please answer "yes" even if you received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"). Have you been arrested for, or the subject of proceedings regarding, or entered a plea of guilty to, or been found guilty of, conduct that involved the use of alcohol or drugs, whether the proceedings were criminal, civil, or military, and whether or not any sentence was imposed? Please answer "yes" even if you received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"). In 2005, Souder was arrested, charged and adjudged guilty for driving while intoxicated, as a prior offender. At the time he submitted the 2006 Renewal, Souder had submitted his previous license renewal on March 6, 2004; he did not truthfully complete the 2006 Renewal. A licensee of the Board has the professional duty to truthfully complete all license application and renewal forms submitted to the Board. Driving while intoxicated is an offense reasonably related to the qualifications, functions and duties of a licensee of the Board.

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

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

Complaint: 2012-007197 Souder Family Funeral Home LLC/ Souder Family Funeral Home PNP- Board 3 Year PROBATION

Souder Family Funeral Ho S/C:

DBA:Souder Family Funeral Ho 01/15/2013

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

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

Issued Probated License

Issued preneed provider license subject to 3 years probation

Basis for Probation

Disclosures by Applicant

On the Application, Souder answered "no" to question 6 that stated: Have you ever been convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not sentence was imposed (include SIS) or are such actions currently pending (excluding traffic violations)? On the Application, Souder answered "yes" to question 7 that stated: Have you ever been convicted, adjudged guilty by a court, pled guilty or nolo contendere to any traffic offense resulting from or related to the use of drugs, alcohol, whether or not sentence was imposed (includes SIS), or are such actions currently pending? Along with the Application, Souder provided the requested information about his offenses.

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Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

On the Funeral Director applications. Upon submission of the Application, Souder had never disclosed to the Board his offenses as listed above. On each license renewal form for his funeral director license, Souder was asked to disclose any offenses and he disclosed none. On his funeral director renewal form he signed on March 6, 2004 (the "2004 Renewal"), Souder checked "no" to the following questions: Have you been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or if (sic) the United States since you last renewed this license. Please answer "yes" even if you received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"). Since you last renewed this license, have you been convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any traffic offense (including municipal violations) resulting from or related to the use of drugs or alcohol? Souder was adjudged guilty for the traffic offense of driving with excessive blood alcohol in January, 2003. At the time Souder submitted his 2004 Renewal, Souder had submitted his previous license renewal on April 1, 2002. Souder did not truthfully complete his 2004 Renewal. On this funeral director license renewal Souder signed on March 23, 2006 (the "2006 Renewal"), Souder checked "no" in response to the following questions: Have you ever been arrested for, or subject to prosecution for, or entered a plea of guilty to, or been found guilty of, an offense against the laws of any state or the United States, whether or not sentence was imposed? Please answer "yes" even if you received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"). Have you been arrested for, or the subject of proceedings regarding, or entered a plea of guilty to, or been found guilty of, conduct that involved the use of alcohol or drugs, whether the proceedings were criminal, civil, or military, and whether or not any sentence was imposed? Please answer "yes" even if you received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"). In 2005, Souder was arrested, charged and adjudged guilty for driving while intoxicated, as a prior offender. At the time he submitted the 2006 Renewal, the 2004 Renewal was Souder's last previous renewal; he did not truthfully complete the 2006 Renewal. A licensee of the Board has the professional duty to truthfully complete all license application and renewal forms submitted to the Board. Driving while intoxicated is an offense reasonably related to the qualifications, functions and duties of a licensee of the Board.

Disciplinary Actions

Ordered From 12/04/2012 Through 03/13/2013

**Board of Embalmers
Financial Statement - FY 2013
as of January 31, 2013**

	Year-To-Date	Projected	Remaining
FY 2013 Beginning Fund Balance	2,335,819.93		
Revenue	677,287.15	661,855.00	(15,432.15)
Expense and Equipment	38,352.92	204,033.00	165,680.08
Total Transfers	375,271.77	950,563.96	575,292.19
Ending Fund Balance	2,599,482.39		

Line	Description	FY 2013 Actual												FY 2013 Projections				Remaining Projected YTD Total	
		July	August	September	October	November	December	January	February	March	April	May	June	Lapsed July	YTD Total	Projected			
1	Embalmers - 0633																		
2	FY 2013 Monthly Fund Balance Sheet																		
3																			
4	Beginning Fund Balance	2,335,819.93	2,286,754.09	2,241,452.18	2,207,822.95	2,537,993.22	2,703,834.62	2,660,064.76	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39
5	Revenue	9,458.00	6,245.00	22,964.00	391,424.00	224,160.15	14,456.00	8,880.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	Start-up Loan Transfer - Lenders Revenue	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	Total Revenue	9,458.00	6,245.00	22,964.00	391,424.00	224,160.15	14,456.00	8,880.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	Total Funds Available	2,345,277.93	2,292,999.09	2,264,416.18	2,599,246.95	2,762,153.37	2,718,290.62	2,668,944.76	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39
9																			
10	Appropriation Costs:																		
11	Expense and Equipment	2,753.24	5,267.03	5,185.76	5,159.54	5,351.51	4,187.88	10,447.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	Personal Service and Per Diem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13	Total Appropriation Costs	2,753.24	5,267.03	5,185.76	5,159.54	5,351.51	4,187.88	10,447.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14																			
15																			
16	Transfer Costs (other than monthly PR Transfer):																		
17	Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	Unemployment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
19	Board Staff Fringe Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20	Biennium Sweep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21	Rent	0.00	0.00	1,134.58	597.09	0.00	1,701.87	29.35	3,462.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22	DIFP Department Cost Allocation	0.00	705.77	0.00	0.00	567.28	0.00	542.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
23	Licensee Refunds	0.00	0.00	0.00	0.00	0.00	0.00	720.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24	Start-up Loan - Borrower's Expense/ Lic System	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
25																			
26																			
27																			
28																			
29																			
30																			
31																			
32	PR Transfer:																		
33	Division-Wide Costs	0.00	1,706.29	1,748.57	2,158.61	2,057.35	2,071.74	1,458.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
34	Purchasing Staff	0.00	37.46	40.15	39.64	67.59	16.11	7.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
35	PR/IT Staff	0.00	1,013.53	1,546.52	1,259.97	435.35	1,219.83	690.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
36	Legal Team	0.00	4,697.56	3,844.83	5,355.52	4,168.83	4,361.76	5,355.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
37	CRR Staff	0.00	250.16	269.00	204.36	248.02	221.04	213.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
38	Board Specific:																		
39	Expense/Equipment	0.00	10.28	73.62	85.19	273.54	1,355.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40	Personal Services	0.00	26,096.38	24,717.97	24,030.61	25,577.19	24,739.99	25,509.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
41	Fringe Benefits	0.00	11,319.16	10,562.85	10,407.54	10,813.95	10,685.01	10,985.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
42	Technical Support Staff	0.00	318.77	373.60	311.38	769.82	633.59	496.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
43	Central Mail Processing	0.00	143.76	135.59	125.69	129.09	135.67	131.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
44	CIU Investigations	0.00	5,435.46	6,939.19	9,695.59	6,950.42	6,896.37	6,106.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
45	Total PR Transfer	0.00	51,028.81	50,253.89	53,574.10	51,482.15	52,336.11	50,956.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
46	Total OA Cost Allocation Transfer	1,923.00	0.00	0.00	1,923.00	0.00	0.00	1,923.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
47																			
48	GR Transfer:																		
49	Attorney General	0.00	0.00	0.00	0.00	917.81	0.00	4,533.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
50	Administrative Hearing Comm.	0.00	0.00	19.00	0.00	0.00	0.00	9.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
51	Total GR Transfer	0.00	0.00	19.00	0.00	917.81	0.00	4,543.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
52																			
53																			
54	FY 2012 Transfers Carried Over:																		
55	FY 2012 June PR Transfer	53,847.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
56	FY 2012 July Lapse PR Transfer	0.00	(35.20)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
57	FY 2012 PR Transfer Adjustment	0.00	(6,467.72)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
58	FY 2012 Final Rent Transfer Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
59	FY 2012 Final DIFP Transfer Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
60	FY 2012 AG - June	0.00	1,048.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
61	FY 2012 AHC - June	0.00	(5,454.70)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
62	Total FY 2012 Transfers Carried Over	53,847.60	(5,454.70)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
63	Total Transfers	55,770.60	46,273.88	51,407.47	56,094.19	52,967.24	54,037.98	58,714.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
64	Total Appropriation Costs and Transfers	58,523.84	51,546.91	56,593.23	61,253.73	58,316.75	58,225.86	69,162.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
65	Ending Fund Balance	2,286,754.09	2,241,452.18	2,207,822.95	2,537,993.22	2,703,834.62	2,660,064.76	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39	2,599,482.39
66	Total PR Transfer	53,847.60	45,231.66	51,389.47	54,171.19	52,049.43	54,037.98	52,248.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
67	Total GR Transfer	0.00	1,																

Formation of an insurance funded preneed contract

Statutory Authority: Sections 436.405.1(3), (4), (7), (8), 436.425, 436.450, 436.465, 436.520, RSMo.

1. A preneed contract is required when a funeral home agrees to accept proceeds from a life insurance policy and use those proceeds to pay for funeral goods and services when those goods and services are not immediately required.
2. Whenever an insurance funded preneed contract is formed, that agreement must be documented by a written agreement between a purchaser and a seller in compliance with the provision of Chapters 333 and 436.
3. An insurance funded preneed contract may be guaranteed or non-guaranteed and shall clearly state on the contract whether the prices quoted are guaranteed.
4. Any life insurance policy or annuity may be used as a funding source for a preneed contract regardless of when or from whom it was purchased including insurance policies marketed as a “final expense policy” or “burial policy.”
5. A preneed contract funded by insurance may provide, as a term of the contract, that the contract is deemed cancelled if the insurance policy is cancelled or if the beneficiary or assignment is changed to another seller as such act shall be considered as a cancellation of the preneed contract by the purchaser.

When no insurance funded preneed contract formed

Statutory Authority: Sections 436.405(4), (8) and 436.520, RSMo.

1. If a licensee is named as an owner, beneficiary or assignee of a life insurance policy and the insured is not a spouse or a relative by blood or adoption, within the second level of consanguinity (parents, children, grandchildren, brothers, sisters, nieces, nephews, grandparents, aunts, uncles, and first cousins) and the policy is not a "key man" policy, it shall be presumed that the laws relating to preneed contracts must be followed UNLESS the licensee has on file a written document that is signed and dated by the insured or the purchaser that states that, at a minimum, 1. the insured has been advised of the need to enter into a preneed contract with the licensee; 2. that only by entering into such contract can the licensee be contractually obligated to use the proceeds of the life insurance to pay for the final expenses of the insured, and 3. If the insured or the purchaser opt not to enter into a preneed contract, then the insured or the purchaser understand that the licensee they have named as owner, beneficiary or assignee will receive the insurance proceeds and be under no contractual obligation to provide any funeral goods or services at the death of the insured. This presumption may be overcome upon a showing, to the satisfaction of the board, that the licensee is named as an owner, beneficiary or assignee of a life insurance policy for reasons other than to provide funds for the licensee to provide the professional services for the final disposition of the insured's body.

2. If a consumer refuses to sign the insurance waiver and refuses to sign a preneed contract, the licensee shall document that the insurance waiver and/or preneed contract has been given to the consumer for consideration by having the consumer acknowledge by written document that is signed and dated by the consumer that the consumer received both the insurance waiver and preneed contract. If the consumer refuses to sign the acknowledgement, then the licensee shall mail, either by first class mail or by electronic message, a copy of the insurance waiver and preneed contract to the consumer and maintain in licensee's file a copy of the letter or e-mail with the enclosed insurance waiver and preneed contract and shall sign and date a statement stating that the waiver and preneed contract were provided to the consumer and the date it was sent. Unless the letter or electronic message is returned to the licensee, the consumer shall be deemed to have received notice of his or her option to enter into a preneed contract.

3. The seller shall maintain all documents and copies of documents regarding this rule as part of its books and records.

Per Contract Fee Exemption

Statutory Authority: Sections 436.460.5 and 436.520, RSMo.

1. No per contract fee shall be due for any preneed contract that meets each of the following:
 - a. The total amount of the preneed contract, including any subsequent amendments is under \$500; and
 - b. The beneficiary of the preneed contract attests in writing that he or she is the beneficiary of no other preneed contracts.
2. Documentation of each of the factors required for fee exemption shall be maintained as part of the books and records of the seller.
3. If a consumer purchases a preneed contract that initially meets the requirements for this rule, but at a later date adds funds to the contract or enters into an amended or new preneed contract so that the new amount of funding for the preneed contract exceeds the amount to qualify for exemption under this rule, then the per contract fee in effect at the time of the amended or new contract is made shall be due and owing for the reporting year in which the dollar amount exemption is exceeded.

Note to Board: The costs for the Board to administer preneed contracts is the same per contract, regardless of value of the preneed contract.