

**State Board of Embalmers and Funeral Directors**

**August 11, 2014**

**8:00 a.m.**

**State Board of Embalmers and Funeral Directors**

**3605 Missouri Boulevard**

**Jefferson City, MO 65109**

**OPEN AGENDA**

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Executive Director Report
5. Legal Counsel Report
6. Disciplinary Hearings

(Tab 1) 10:30 a.m.

Mount Washington Forever, LLC and Forever Network, Inc.  
Bryan Larson, Funeral Director

(Tab 2) 1:00 p.m.

Elite Funeral Home, LLC

(Tab 3) 1:45 p.m.

George Treaster dba White Funeral Home

(Tab 4) 2:30 p.m.

Leland Jones, Sr., Embalmer Apprentice

7. CLOSED
8. Adjourn

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

STATE BOARD OF EMBALMERS )  
AND FUNERAL DIRECTORS, )  
 )  
Petitioner, )  
 )  
vs )  
 )  
MOUNT WASHINGTON FOREVER, LLC )  
 )  
Serve registered agent: )  
 )  
Thomas M. Franklin )  
9140 Ward Pkwy Ste 200 )  
Kansas City, Missouri 64114 )  
 )  
AND )  
 )  
FOREVER NETWORK, INC., )  
 )  
Serve registered agent: )  
 )  
Missouri Secretary of State )  
600 West Main )  
Jefferson City, Missouri 65102 )  
 )  
Respondents. )

CASE NO. 10-0450 EM

**AMENDED NOTICE OF DISCIPLINARY HEARING**

PLEASE TAKE NOTICE that the Missouri State Board of Embalmers and Funeral Directors is in receipt of the May 12, 2014 decision of the Administrative Hearing Commission, State of Missouri, in the case of *State Board of Embalmers And Funeral Directors vs Mount Washington Forever, LLC, and Forever Network, Inc., Case Number 10-0450 EM*, wherein the Administrative Hearing Commission found that cause to take disciplinary action against your license as held in the Administrative Hearing Commission decision.

Now therefore, the State Board of Embalmers and Funeral Directors shall, pursuant to Section 621.110, RSMo 2009 hold a hearing for the purpose of determining the appropriate disciplinary action. The hearing will be held on **Monday, August 11, 2014 at 10:30a.m.**, or as soon thereafter as the matter may be heard, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65109. Please be advised that your failure to appear at the hearing at the above-noted time and place will

result in the hearing being held in your absence.

All parties have the right to be represented by legal counsel and to a full, fair and open hearing as provided for in Chapter 536, RSMo 2009 and 324.042, RSMo 2009.

MISSOURI STATE BOARD OF EMBALMERS  
AND FUNERAL DIRECTORS

By: Sandy Sebastian  
Sandy Sebastian, Executive Director

SEAL

Dated: July 24, 2014

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

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ADMINISTRATIVE HEARING  
COMMISSION

STATE BOARD OF EMBALMERS )  
AND FUNERAL DIRECTORS, )  
) )  
Petitioner, )  
) )  
v. )  
) )  
FOREVER NETWORK, INC., )  
10305 Big Bend )  
St. Louis, Missouri 63122 )  
) )  
and )  
) )  
MOUNT WASHINGTON FOREVER, LLC )  
614A Brookside )  
Independence, Missouri 64053 )  
) )  
Respondents. )

Case No. 10-0450 EM

Serve: Registered Agent for both Respondents:

Shar Reinhold  
10305 Big Bend Blvd  
St. Louis, Missouri 63122

**COMPLAINT SEEKING AUTHORITY TO REFUSE TO RENEW, OR IN THE  
ALTERNATIVE TO DISCIPLINE FUNERAL ESTABLISHMENT LICENSES**

COMES NOW Petitioner, State Board of Embalmers and Funeral Directors, by  
and through its counsel, the Missouri Attorney General, and pursuant to Section  
333.061.5<sup>1</sup>, RSMo, seeks authority to refuse to renew, or in the alternative and pursuant

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

to Section 333.330.2, RSMo, to discipline the funeral establishment licenses held by Respondents, and for its cause of action states:

### Summary

Respondents own and operate six funeral establishments in Missouri. Respondent Forever Network, Inc. operates three funeral establishments in the St. Louis area. Respondent Mount Washington Forever, LLC operates three funeral establishments in Independence, Missouri. All of these funeral establishments are operated and are under the control of Forever Network, Inc. The ultimate owners of Forever Network, Inc. are members of the Cassity family. A separate entity owns 50% of Mount Washington Forever, but Forever Network, Inc. operates the funeral establishments. Brent Cassity serves as official corporate representative for both Respondents and they share a common registered agent.

Each of these funeral establishments failed to renew timely their funeral establishment operations and continued to operate even though they had no license. In addition, the funeral establishments refused Board investigators access to inspect their books and records, failed to provide the Board with complete documents as requested, served a preneed providers after their license applications had been denied, displayed expired licenses to the public, filed death certificates as if they were licensed establishments and the funeral establishments themselves fail to meet the requisite physical requirements for licensure.

The Board seeks authority from the Administrative Hearing Commission to refuse to renew these establishment licenses, or, in the alternative, authority to discipline the funeral establishment licenses held by Respondents.

### **Relevant Statutes and Regulations**

1. Section 333.061, RSMo, requires any funeral home in Missouri to have a funeral establishment license issued by the Board and that the establishment be under the general management and supervision of a licensed funeral director. This statute also authorizes the Board to seek authority from the Administrative Hearing Commission to refuse to renew any funeral establishment license. This statute states:

333.061. 1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the direct supervision of a duly licensed embalmer;

(3) That any place in the funeral establishment where embalming is conducted contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have available in the preparation or embalming room a register book or log which shall be available at all times in full view for the board's inspector and the name of each body embalmed, place, if other than at the establishment, the date and time that the embalming took place, the name and signature of the embalmer and the embalmer's license number shall be noted in the book; and

(5) The establishment complies with all applicable state, county or municipal zoning ordinances and regulations.

3. The board shall grant or deny each application for a license pursuant to this section within thirty days after it is filed. The applicant may request in writing up to two thirty-day extensions of the application, provided the request for an extension is received by the board prior to the expiration of the thirty-day application or extension period.

4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall be renewed at the end of the licensing period on the establishment's renewal date.

5. The board may refuse to renew or may suspend or revoke any license issued pursuant to this section if it finds, after hearing, that the funeral establishment does not meet any of the requirements set forth in this section as conditions for the issuance of a license, or for the violation by the owner of the funeral establishment of any of the provisions of section 333.121. No new license shall be issued to the owner of a funeral establishment or to any corporation controlled by such owner for three years after the revocation of the license of the owner or of a corporation controlled by the owner. Before any action is taken pursuant to this subsection the procedure for notice and hearing as prescribed by section 333.121 shall be followed.

2. Each funeral establishment must display its current licenses as provided in

Section 333.091, RSMo, that states:

333.091. Each establishment, funeral director or embalmer receiving a license under this chapter shall have recorded in the office of the local registrar of vital statistics of the registration district in which the licensee practices. All licenses or registrations, or duplicates thereof, issued pursuant to this chapter shall be displayed at each place of business.

3. The Board, or its agents, may enter an establishment at any time to inspect the premises as provided in Section 333.101, RSMo, as follows:

333.101. The board or any member thereof or any agent duly authorized by it may enter the office, premises, establishment or place of business of any licensee or registrant, or any office, premises, establishment or place where the practice of funeral directing, embalming, preneed selling or providing is carried on, or where such practice is advertised as being carried on for the

purpose of inspecting said office, premises or establishment and for the purpose of inspecting the license and registration of any licensee or registrant and the manner and scope of training given by the licensee or registrant to the apprentice operating therein.

4. No person may lawfully fulfill preneed contracts unless that person holds a license as a preneed seller as required by Section 333.315, RSMo, that states, in relevant part:

333.315. 1. No person shall be designated as a provider or agree to perform the obligations of a provider under a preneed contract unless, at the time of such agreement or designation, such person is licensed as a preneed provider by the board. Nothing in this section shall exempt any person from meeting the licensure requirements for a funeral establishment as provided in this chapter.

5. Section 333.330, RSMo, sets forth the Board's authority to discipline a license and states:

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

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

\* \* \*

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

\* \* \*

(10) Misappropriation or theft of preneed funds;

(11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter regulating preneed who is not licensed or registered and currently eligible to practice thereunder;

\* \* \*

(13) Failure to display a valid certificate or license if so required by this chapter regulating preneed or any rule established thereunder;

(14) Violation of any professional trust or confidence;

\* \* \*

(16) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

\* \* \*

(19) Violation of any of the provisions of chapter 193, 194, 407, or 436, RSMo;

\* \* \*

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation

on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any certificate of registration or authority, permit, or license issued under this chapter.

4. In addition to all other powers and authority granted by the board, the board may seek an injunction, restraining order or other order from the circuit court of Cole County to enjoin any seller from engaging in preneed sales upon a showing by the board that the seller has failed to make deposits into the preneed trust, has obtained funds out of the trust to which the seller is not entitled or has exercised influence or control over the trustee or has engaged in any other act that has resulted in a shortage in any preneed trust or joint account which exceeds twenty percent of the total amount required to be held or deposited into the trust or joint account under the provisions of sections 436.400 to 436.520, RSMo. In addition to the power to enjoin for this conduct, the circuit court of Cole County shall also be entitled to suspend or revoke the preneed seller's license and any other license issued pursuant to this chapter, held by the seller.

5. An individual whose certificate of registration or authority, permit, or license has been revoked shall wait three years from the date of revocation to apply for any certificate of registration or authority, permit, or license under this chapter, either as an individual or as a manager, director, shareholder, or partner of any business entity. Any certificate of registration or authority, permit, or license shall be issued at the discretion of the board after compliance with all the requirements of this chapter relative to the licensing or registration of the applicant for the first time.

6. Use of the procedures set out in this section shall not preclude the application of the provisions of subsection 2 of section 333.335.

6. Section 436.415, RSMo, requires the provider to provide the goods and services in the preneed contract and only the preneed seller may collect money from the preneed purchaser. Section 436.415, RSMo, states:

1. Except as otherwise provided in sections 436.400 to 436.520, the provider designated in a preneed contract shall be obligated to provide final disposition, funeral or burial services and facilities, and funeral merchandise as described in the preneed contract.

2. The seller designated in a preneed contract shall be obligated to collect and properly deposit and disburse all payments made by, or on behalf of, a purchaser of a preneed contract and ensure that is statutorily and contractual duties are met, in compliance with sections 436.400 to 436.520.

7. The Board has enacted rules to define certain terms used in the statutes and regulations as set forth in 20 CSR 2120-1.040 that states, in relevant part:

20 CSR 2120-1.040 Definitions

\* \* \*

(3) Board—Missouri State Board of Embalmers and Funeral Directors created by the provisions of Chapter 333, RSMo.

(4) Corporation—a business entity incorporated under the laws of Missouri or any other state with authority to do business in the state of Missouri.

(5) Cremation log—a written record or log kept in the cremation area available at all times in full view for a board inspector, which shall include the following:

(A) The name of the deceased to be cremated;

(B) The name of the Missouri licensed establishment where the body is cremated;

(C) The date and time the body arrived at the crematory;

(D) The date and time the cremation took place;

(E) The name and signature of the Missouri licensed funeral director or Missouri licensed embalmer supervising the cremation;

(F) The supervising Missouri licensed funeral director's license number or the supervising Missouri licensed embalmer's license number; and

(G) The name of the Missouri licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.

\* \* \*

- (9) Executive director—executive secretary of the board.
- (10) Function—the purpose for which a physical location may be used.
- (11) Funeral ceremony—a religious service or other rite or memorial ceremony for a decedent.
- (12) Funeral director—an individual holding a funeral director license issued by the State Board of Embalmers and Funeral Directors.

\* \* \*

(14) Funeral director-in-charge—an individual licensed as a funeral director by the State Board of Embalmers and Funeral Directors responsible for the general management and supervision of a Missouri licensed funeral establishment in the state of Missouri. Each have a Missouri licensed funeral director designated as the funeral director-in-charge.

(15) Funeral establishment—a building, place, or premises licensed by the Missouri State Board of Embalmers and Funeral Directors devoted to or used in the care and preparation for burial, cremation, or transportation of the human dead and includes every building, place, or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose.

(16) Funeral service—any service performed in connection with the care of a dead human body from the time of death until final disposition including, but not limited to:

(A) Removal;

(B) Entering into contractual agreements for the provision of funeral services;

(C) Arranging, planning, conducting, and/or supervising visitations and funeral ceremonies;

(D) Interment;

(E) Cremation;

(F) Disinterment;

(G) Burial; and

(H) Entombment.

(17) Interment—burial in the ground or entombment of dead human remains.

\* \* \*

(19) Preparation room—refers to the room in Missouri licensed funeral establishment where dead human bodies are embalmed, bathed, and/or prepared for final disposition.

\* \* \*

(21) Register log—a written record or log kept in the preparation/ embalming room of a Missouri licensed funeral establishment available at all times in full view for a board inspector, which shall include the following:

(A) The name of the deceased;

(B) The date and time the dead human body arrived at the funeral establishment;

(C) The date and time the embalming took place, if applicable;

(D) The name and signature of the Missouri licensed embalmer, if applicable;

(E) The name and signature of the Missouri registered apprentice embalmer, if any;

(F) The Missouri licensed embalmer's license number, if applicable;

(G) The Missouri apprentice embalmer registration number, if any; and

(H) The name of the licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.

(22) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in

full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

8. The Board has enacted rules related to funeral establishments as set forth in 20

CSR 2120-2.070 that states, in relevant part:

#### 20 CSR 2120-2.070 Funeral Establishments

(1) Application for a Missouri licensed funeral establishment license shall be made on the forms provided by the board and shall be accompanied by the appropriate fee. Applications are available from the board's office or the board's website at <http://pr.mo.gov/embalmers.asp>. Each application shall indicate which license classification is being sought.

(2) There shall be the following license classifications:

(A) Function A establishments shall have authority to embalm dead human bodies and to transport dead human bodies to and from the funeral establishment. An establishment licensed only as a Function A establishment is prohibited from the care and preparation of dead human bodies other than by embalming, and shall also be prohibited from making funeral arrangements or embalming arrangements with any unlicensed person, cremating, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies, or selling of funeral merchandise.

(B) Function B establishments shall have authority to cremate dead human bodies and to transport dead human bodies to and from the funeral establishment. This establishment shall have a functioning cremation chamber except as otherwise provided by Chapter 333, RSMo, and the rules of the board. An establishment licensed only as a Function B establishment is prohibited from the care and preparation of dead human bodies other than by cremating, and shall also be prohibited from embalming, making funeral arrangements or cremation arrangements with any unlicensed person, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise. In no event shall any licensee or licensed establishment cremate human remains in the same retort used for cremating non-human remains.

(C) Function C establishments shall have authority for the care and preparation of dead human bodies, other than by embalming or cremating, authority to transport dead human bodies to and from the funeral establishment, make funeral arrangements, and furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise.

(D) Function D establishments shall have authority to conduct visitations and funeral ceremonies only. A Function D license is dependent upon and shall be operated under the supervision and ownership of a Function C establishment.

(3) If a Missouri licensed funeral establishment wishes to change or add to its classification, it shall file a new application for a Missouri licensed funeral establishment indicating its new classification. If a Missouri licensed funeral establishment desires to eliminate one (1) of its functions, other than a Function C, it shall notify the board in writing of its intention to surrender the function, but is not required to file a new application for a new Missouri licensed funeral establishment.

(4) A Missouri licensed funeral establishment shall not be used for any other business purpose other than as a Missouri licensed funeral establishment. It shall be permissible for a Missouri licensed funeral establishment to be in the same building as another business so long as the Missouri licensed funeral establishment has a separate entrance and a separate street address.

(5) A Missouri licensed funeral establishment shall be used only for the function for which it is licensed.

(6) Each application for a funeral establishment shall be made in the name of the person or business entity authorized to conduct business in Missouri. No license shall be issued to an establishment that has no legal recognition. A Missouri licensed funeral establishment shall maintain a current and active authorization to conduct business in Missouri with the Missouri Secretary of State.

(7) A funeral establishment application shall indicate the name and license number of the Missouri licensed funeral director-in-charge, as defined by 20 CSR 2120-1.040. When the Missouri licensed funeral director-in-charge changes for a period of more than thirty (30) days, the new Missouri licensed funeral director-in-charge and the former Missouri licensed funeral director-in-charge, jointly or individually, shall notify the board of the change within thirty (30) days of the date when the change first occurs. Failure to notify the

board shall be considered a violation of this rule on the part of each Missouri funeral director licensee and on the part of the Missouri licensed funeral establishment. A change in the Missouri licensed funeral director- in-charge does not require a new Missouri licensed funeral establishment license.

\* \* \*

(9) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name of a person or entity authorized to conduct business in Missouri and may include one (1) "doing business as" name. The license issued by the board shall be displayed in a conspicuous location accessible to the general public at that location. Whenever the ownership, location, or name of the Missouri licensed establishment is changed, a new license shall be obtained. If the Missouri licensed funeral establishment maintains a chapel, preparation room, or other facility in a building or portion physically separated from and located at a place designated by an address differing from the office, chapel, or other facilities of the applicant, the chapel, preparation room, or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule shall be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

(A) If a change of ownership is caused by the elimination of one (1) or more owners, for whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form shall be filed as an amended application within thirty (30) days after the change of ownership. This form shall be filled out completely with correct, current information.

(B) A corporation is considered by law to be a separate person. If a corporation owns a Missouri licensed funeral establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change. However, as a separate person, if a corporation begins ownership of a Missouri licensed funeral establishment or ceases ownership of a Missouri licensed funeral establishment, a new establishment license shall be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(10) The professional business and practice of funeral directing shall be conducted only from a fixed place or establishment that has been licensed by the board except as permitted by section 333.071, RSMo. The Missouri licensed funeral establishment physical facility shall be under the general management and supervision of the Missouri licensed funeral director-in-charge. Every Missouri licensed funeral establishment shall provide and allow access to any member or duly authorized agent of the board for the purpose of inspection as provided by sections 333.061 and 333.101, RSMo. If any representative of the Missouri licensed funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the Missouri licensed funeral establishment and by the Missouri licensed funeral director-in-charge of the Missouri licensed funeral establishment. Additionally, if the Missouri licensed funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person shall be in violation of this rule.

(11) No one licensed by this board may be employed in any capacity by an unlicensed funeral establishment. Violation of this section will be deemed misconduct in the practice of embalming or funeral directing.

(12) Only one (1) license will be issued by this board for any physical facility that is considered to be a Missouri licensed funeral establishment as defined by statute and rule. If a Missouri funeral establishment licensed by this board is destroyed by fire or some other disaster or act of God, the board, in its discretion, for a period of not more than six (6) months, may allow the Missouri licensed funeral establishment to continue its operation from another Missouri licensed funeral establishment or from a facility that has not been licensed as a funeral establishment if the facility meets the minimum requirements for the functions outlined in section (2) of this rule.

(13) A Missouri licensed funeral establishment may use only its registered name in any advertisement or holding out to the public.

(A) All signs, stationery and any advertising in newspapers, publications or otherwise, shall include the name(s) of the Missouri licensed funeral establishment registered with the board. Advertisements that do not comply with this section shall be deemed misleading for the purposes of section 333.121, RSMo.

(B) It shall not be deemed to be misleading if a listing appears in a telephone directory or national directory if the name of the Missouri licensed funeral establishment changes after the listing has been placed, but before a new directory is published.

(14) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be kept free and clean of litter, dirt, debris, and clutter or other objects or conditions which present a potential or actual hazard to the health, safety, or welfare of the public.

(15) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be maintained in a manner that does not present a potential or actual hazard to the health, safety, or welfare of the public.

(16) Each Missouri licensed funeral establishment used solely or partially for embalming shall contain a preparation room that shall be devoted to activities incident or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in 20 CSR 2120-2.090.

(17) No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the Missouri licensed funeral establishment in that the human body is being embalmed, members of the family of the deceased, and persons authorized by the members of the family of the deceased, or any person otherwise authorized by law.

(18) Each Missouri licensed funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in 20 CSR 2120-2.071.

(19) Each Function C establishment shall contain a separate area for the care and custody of dead human remains and a separate area for confidential conferences to arrange funeral services. The Function C establishment shall have on-site equipment necessary for arranging funeral services including tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records.

(20) Each Function C or Function D establishment shall contain a restroom, available drinking water, and an area where funeral ceremonies or visitations may be conducted. The establishment shall be equipped with seating for visitations or funeral ceremonies, casket bier, register book stand, officiate stand, flower display stands, and music-producing equipment.

\* \* \*

(23) Each Function C funeral establishment shall maintain on the Missouri premises the following documents:

- (A) General price list;
- (B) Preneed contracts which have been cancelled or fulfilled;
- (C) Purchase agreements; and
- (D) Authorizations to embalm or cremate.

(24) Each Function A funeral establishment licensed for embalming shall maintain on the premises in the preparation room a register log.

(25) Each Function B funeral establishment licensed for cremation shall maintain on the premises a completely functioning cremation chamber, as defined by 20 CSR 2120-2.071(1)(D), and maintain on the premises in the cremation area a cremation log. A Function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred twenty (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances, and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval. Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations; Missouri Department of Natural Resources, statutes, rules and regulations; and all other applicable federal, city, county, and municipal statutes, rules and regulations.

(A) If a Function B establishment has only one (1) cremation chamber, and that chamber is not functioning, notification from the establishment shall be made to the board within ten (10) business days after the cremation chamber stops functioning.

(B) A Function B establishment that has a nonfunctioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the third party making the arrangements on the cremation authorization form.

1. Cremation areas shall contain only the articles, instruments, and items that are necessary for the preparation and cremation of dead human bodies. For purposes of this section, the cremation area shall include the entire room where the retort is located and any rooms used for viewing or visitation of a dead human body awaiting cremation or

that is being cremated or being removed from the cremation chamber. This paragraph (25)(B)1. shall not apply to establishments containing retorts or cremation areas for the cremation of non-human remains prior to April 1, 2008, provided that such establishment shall be prohibited from cremating human remains at the same time or in the same retort as non-human remains.

(26) All documents required by this rule to be maintained, shall be maintained on the premises of the Missouri licensed funeral establishment for two (2) years from the date the record was created. All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.

(27) Each funeral establishment shall maintain a register log, as defined by 20 CSR 2120-1.040(21). The log shall be kept in the preparation or embalming room of the Missouri licensed funeral establishment at all times and in full view for a board inspector. If the funeral establishment does not contain a preparation or embalming room, the log shall be kept on the premises of the licensed funeral establishment and shall be easily accessible and in full view for a board inspector. A register log shall contain the information required by 20 CSR 2120-1.040(21).

\* \* \*

(29) A licensee shall be prohibited from knowingly using, placing, or including any false, misleading, deceptive or materially incorrect information, or assisting or enabling any person to provide such information, on a death certificate filed in the state of Missouri.

\* \* \*

9. The Board also enacted rules related to funeral establishments containing a crematory area in 20 CSR 2120-2.071 that states, in relevant part:

20 CSR 2120-2.071 Funeral Establishments Containing a Crematory Area

(1) Definitions.

(A) Cremated remains—the bone fragments which remain after the cremation process is completed.

(B) Cremation—the technical heating process which reduces remains to bone fragments through heat and evaporation; a final disposition of dead human remains.

(C) Cremation box—a container into which cremated remains are placed for transportation or short-term storage.

(D) Cremation chamber—the total functioning mechanical unit for the actual cremation process.

(E) Cremation container—the case in which the human remains are delivered to the crematory area for cremation.

(F) Crematory area—the building or portion of a building which houses the cremation chamber and the holding facility.

(G) Holding facility—the area within the crematory area in which dead bodies are placed while awaiting cremation.

(H) Short-term storage—storage for a period of thirty (30) days or fewer.

(I) Urn—the receptacle into which the cremated remains are placed for other than transportation or short-term storage.

(2) No body shall be cremated in this state except in a funeral establishment licensed by the board as a Function B establishment.

(3) Each Missouri licensed funeral establishment that contains a crematory area shall maintain permanent records which shall include:

(A) A written authorization for cremation executed prior to cremation by the person entitled to custody or control of the body which shows the time and date when authorization for cremation was given; and

(B) Information regarding the cremation which shall include:

1. The full name of the deceased;

2. The last place of residence of the deceased;
3. The place of death of the deceased;
4. The place of birth of the deceased;
5. The date and place of the funeral;
6. The name of the Missouri licensed funeral director, other than a limited license funeral director, with whom the arrangements were made;
7. The name of the person(s) who made the arrangements with the Missouri licensed funeral director and the relationship to the deceased;
8. The date and time when cremation was begun;
9. The name and address of the person to whom the cremated remains were released or the location where the cremated remains were placed; and
10. If the cremated remains were delivered or placed other than by an employee of the Missouri licensed funeral establishment, the name of the person who made the delivery or placement or the name of the business by which the cremated remains were shipped along with the receipt number.

(4) Cremation log—a written record or log kept in the cremation area available at all times in full view, which will include the following:

- (A) The name of the deceased to be cremated;
- (B) The name of the Missouri licensed establishment where the body is cremated;
- (C) The date and time the body arrived at the crematory;
- (D) The date and time the cremation took place;
- (E) The name and signature of the Missouri licensed funeral director or Missouri licensed embalmer supervising the cremation;

(F) The supervising Missouri licensed funeral director's license number or the supervising Missouri licensed embalmer's license number; and

(G) The name of the Missouri licensed funeral establishment or other that was in charge of making the arrangements if from a different location.

(5) All records required to be maintained by this rule shall be maintained on the premises of the Missouri licensed funeral establishment for two (2) years from the date the record was created. All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board, or its assignee, and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.

\* \* \*

(8) The cremation chamber shall be completely functioning at all times and shall be constructed specially to withstand high temperatures and protect the surrounding structure. A Function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred twenty (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval. Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations, Missouri Department of Natural Resources, statutes, rules and regulations, and all other applicable federal, city, county, and municipal statutes, rules and regulations.

(A) If a Function B has only one (1) cremation chamber and that chamber is not functioning, written notification shall be made to the board within ten (10) business days after the cremation chamber stops functioning.

(B) A Function B establishment that has a nonfunctioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the person making the arrangements on the cremation authorization form.

(9) The crematory area shall include a work center area equipped with forced air ventilation adequate to protect the health and safety of the operator and any other person(s) present.

\* \* \*

(25) Each Missouri licensed funeral establishment which comes into possession of cremated remains, whether or not it is the Missouri licensed funeral establishment at which the cremation occurred, shall retain the cremated remains until they are delivered, placed, or shipped pursuant to the instructions of the person(s) entitled to custody or control of the body. However, nothing in this rule shall prohibit a Missouri licensed funeral establishment from disposing of cremated remains in another fashion if the Missouri licensed funeral establishment has obtained written permission for other disposition contingent upon the Missouri licensed funeral establishment attempting to dispose of the cremated remains according to instructions but being unable to do so through no fault of the Missouri licensed funeral establishment and provided that other disposition shall not occur prior to thirty (30) days after cremation.

(26) Nothing in this rule shall be construed to prohibit a Missouri licensed funeral establishment which contains a crematory area from establishing more restrictive standards for its own operation.

10. Chapter 436 contains a specific confidentiality provision related to preneed contracts as follows:

436.525. The board shall maintain as a closed and confidential record, not subject to discovery unless the person provides written consent for disclosure, all personal information about any individual preneed purchaser or beneficiary, including but not limited to name, address, Social Security number, financial institution account numbers, and any health information disclosed in the preneed contract or any document prepared in conjunction with the preneed contract; provided, however, that the board may disclose such confidential information without the consent of the person involved in the course of voluntary interstate exchange of information; or in the course of any litigation concerning that person or the provider, seller, or sales agent involved with the preneed contract; or pursuant to a lawful request or to other administrative or law enforcement agencies acting within the scope of their statutory authority. In any such litigation, the board and its attorneys shall take

reasonable precautions to ensure the protection of such information from disclosure to the public.

### **THE PARTIES**

11. Petitioner, the State Board of Embalmers and Funeral Directors (the "Board"), is an agency of the State of Missouri, established and existing pursuant to Section 333.151, RSMo, 2000, for the purpose of administering and enforcing Chapter 333 and portions of Chapter 436, RSMo and the regulations adopted under these statutes.

12. Forever Network, Inc. is a Missouri corporation, in good standing, with its offices at 740 N. Mason Road, Creve Coeur, St. Louis County, Missouri 63141.

13. Forever Network, Inc. also operates in Missouri under the registered fictitious names of Forever Oak Hill Funeral Home, Cremation Society of St. Louis, Forever Bellerive Funeral Chapel.

14. Mount Washington Forever, LLC, is a Missouri limited liability company, in good standing, with its offices located at 614 Brookside, Independence, Jackson County, Missouri.

15. Mount Washington Forever, LLC also operates in Missouri under the registered fictitious names of Barreto Family Funeral Home, Mount Washington Forever Funeral Home, and Forever Cremation Society of Kansas City.

16. Respondents properly registered these fictitious names as "d/b/a's" with the Board.

17. Forever Network, Inc. and Mount Washington Forever, LLC share common ownership although, Mount Washington Forever, LLC is partially owned by an entity that does not share common ownership with Forever Network, Inc.

18. Forever Network, Inc. operates and controls all six funeral establishments at issue in this matter.

19. Brent Cassity signed each application to renew funeral establishment license for all funeral establishment licenses held by Respondents.

### **LICENSES HELD BY RESPONDENTS**

20. Respondent Forever Network, Inc. holds the following lapsed funeral establishment licenses:

- a. d/b/a Forever Bellerive Funeral Chapel ("Forever Bellerive")  
740 N. Mason Rd  
St. Louis, Missouri 63141

Funeral Establishment License 2004032510

- b. d/b/a Cremation Society of St. Louis ("Cremation Society STL")  
10301 Big Bend Blvd  
St. Louis, Missouri 63122

Funeral Establishment License 2004032513

- c. Forever Oak Hill Funeral Home ("Forever Oak Hill")  
10301 Big Bend Blvd  
St. Louis, Missouri 63122

Funeral Establishment License 2004010733

21. Respondent Mount Washington Forever, LLC, holds the following lapsed funeral establishment licenses:

- a. d/b/a Mount Washington Forever Funeral Home ("Mount Washington")  
614 Brookside  
Independence, Missouri 64053

Funeral Establishment License 1999138021

- b. d/b/a Barreto Family Funeral Home (“Barreto Family Funeral”)  
614A Brookside  
Independence, Missouri 64053  
  
Funeral Establishment License 2005035105
- c. d/b/a Forever Cremation Society of Kansas City (“Cremation Society KC”)  
615 Brookside  
Independence, Missouri 64053  
  
Funeral Establishment License 2002006254

22. Up until December 31, 2009, all six funeral establishment licenses were current and active. These licenses all lapsed on December 31, 2009 because Respondents failed to submit timely renewal forms with applicable renewal fees.

23. Up until December 31, 2009, all six establishments possessed authority to serve as a preneed provider. That authority ceased on December 31, 2009 when the Board denied each establishment’s preneed provider application.

24. None of these six establishments has ever held a license or registration to serve as a preneed seller.

25. On January 8, 2010, the Board received Respondents’ applications to renew their funeral establishment licenses. Attached and marked as Exhibit A are true and accurate copies of these renewal applications.

**CONDUCT PROVIDING CAUSE FOR DISCIPLINE**

26. After January 1, 2010, Respondents operated funeral establishments at all locations even though the licenses were not renewed.

27. After January 1, 2010, Respondents held out to the public that they were a licensed funeral establishment when they were not.

28. Respondents engaged in conduct giving reason to refuse to renew and cause for discipline.

**Denial of Access to Books and Records**

29. On February 3, 2010, investigators for the Board conducted an inspection of each of the six funeral establishments owned by Respondents.

30. As part of the February 3, 2010 inspection, the Board requested access to the books and records of each funeral establishment.

31. At each funeral establishment, the Board was told no books or records were available for inspection, but that Shar Reinhold would provide copies of any records requested.

32. At each funeral establishment, the funeral director in charge had no access to produce books and records for the Board's inspection.

33. Shar Reinhold works in the St. Louis offices of Respondents at the address licensed for Cremation Society STL.

34. Shar Reinhold serves as registered agent for both Respondents.

35. The Board received some records from Shar Reinhold on February 13, 2010.

36. The records provided by Respondents included no records for Respondent Mount Washington Forever, LLC from its locations of Mt. Washington, Barreto Family Funeral or Cremation Society KC.

37. Respondents gave the Board no direct access to inspect the books and records of Respondents.

38. The Board had no means to ensure the records provided were complete and accurate.

39. The lack of access to Respondents' books and records prevented the Board from determining whether Respondents complied with Missouri statutes and regulations regulating funeral establishments including both preneed and at-need contracts.

#### **Unlicensed Preneed Provider Violations**

40. Respondents served as a preneed provider after their applications for licensure had been denied.

41. In serving as a provider on a preneed contract, the provider has a legal duty to provide the goods and services that had been prepaid and guaranteed at no additional cost.

42. Respondent's at-need contracts do not show that the consumer received the goods and services at the prepaid guaranteed price.

#### **Unlicensed Preneed Seller Violations**

43. Respondents provided records showing they had received consumer payments on preneed contracts.

44. Respondents hold no license as a preneed seller.

45. Respondents provided the Board with no information showing the disposition of these funds and whether they were forwarded to a licensed preneed seller or deposited in a preneed trust so the Board was unable to determine compliance with the relevant provisions of Chapters 333 and 436, RSMO.

#### **Forever Bellerive Conduct**

46. Forever Bellerive holds a license to operate its funeral establishment at 740 N. Mason Road, Saint Louis, Missouri 63141.

47. Forever Bellerive holds a "Function B" and a "Function C" license.

48. Forever Bellerive registered Pamela Gehrs as funeral director in charge ("FDIC").

Unlicensed Activity

49. Forever Bellerive operated as a funeral establishment during the time it held no valid license.

50. On February 3, 2010, Forever Bellerive was open for business.

51. Per the records provided, Forever Bellerive entered into at need contracts and provided funeral goods and services for the following individuals during the time its license was expired:

<b>Name of deceased</b>	<b>Date of Contract</b>	<b>Total Charges on contract</b>	<b>Prepayment</b>	<b>Payment made by consumer</b>
William R.	1-13-10	\$ 8,343.13	0	\$ 8,343.13
Bertha B.	1-7-10	\$ 8,049.07	\$ 3,409	\$ 1,110
Harold S.	1-13-10	\$ 8,543.50	\$ 3,753.46	\$ 1,605.31
John C.	1-10-10	\$ 8,820.07	0	\$ 8,820.07
Herman S.	2-1-10	\$ 6,450.38	\$ 1,701.79	\$ 768.77

52. Families seeking to make arrangements with the Cremation Society STL meet with staff at the Forever Bellerive location rather than at the location that holds the funeral establishment license for the Cremation Society SRL.

Display of Expired Licenses

53. On February 3, 2010, Forever Bellerive displayed a funeral establishment license that was expired.

54. On February 3, 2010, Forever Bellerive displayed a preneed provider registration that was expired and void.

Condition of Crematory Area

55. On February 3, 2010, the retort in the crematory area was in an obvious state of disrepair.

56. The retort had missing bricks and there were tools and welding equipment spread on the floor.

57. The retort had been non-functioning for more than 120 days.

58. No report was filed with the Board reporting that the retort had ceased to operate.

*Bertha B.*

59. On January 7, 2010, Forever Bellerive entered into an at-need contract to provide funeral services for decedent Bertha B.

60. On the at-need contract for Bertha B., Forever Bellerive indicates a prepayment of \$3,409 for "Bellerive PN."

61. Forever Bellerive charged an additional \$1,110 for the goods and services provided for Bertha B.'s final disposition.

62. No indication is made on the at-need contract what goods and/or services were included in the previous preneed contracts.

63. The at-need contract for Bertha B. failed to show that no additional charges were made for goods and services that had been price guaranteed and prepaid.

64. Forever Bellerive did not provide a copy of the Bellerive preneed for Bertha B.

*Harold S.*

65. On January 13, 2010, Forever Bellerive entered into an at-need contract to provide goods and services for the final disposition of Harold S.

66. The at-need contract shows a prepayment of \$3,753.46 for a "Bellerive PN."

67. Forever Bellerive charged an additional \$1,605.81 for Harold S.' final disposition.

68. Forever Bellerive provided no copy of Harold S.'s preneed contract.

69. Forever Bellerive made no indication on the at-need contract as to what goods and services Harold S. prepaid in the preneed contract.

70. The at-need contract for Harold S. failed to show that no additional charges were made for goods and services that had been price guaranteed and prepaid.

*Herman S.*

71. Forever Bellerive entered into an at-need contract on February 1, 2010 to provide goods and services for the final disposition of Herman S.

72. On the at-need contract, Forever Bellerive shows a prepayment for a preneed, policy number 75002981 in the amount of \$1,701.79.

73. Forever Bellerive charged an additional \$768.77 for the final disposition of Herman S.

74. Forever Bellerive did not provide the Board with a copy of the preneed contract to show what goods and services for which Herman S. had prepaid.

75. The at-need contract for Herman S. failed to show that no additional charges were made for goods and services that had been price guaranteed and prepaid.

#### **Cremation Society of St. Louis Conduct**

76. The Cremation Society STL operated as a funeral establishment at a time when it had no license.

77. Cremation Society STL holds a license to operate its funeral establishment at 10305 Big Bend, Saint Louis, Missouri 63122.

78. Cremation Society STL holds a "Function C" license.

79. Cremation Society STL registered Mathew A. Lang with the Board as its FDIC.

#### **Unlicensed Activity**

80. On February 3, 2010, Cremation Society STL was open for business.

81. Cremation Society STL operated as a funeral establishment during the time it held no valid license.

82. Families seeking to make arrangements with the Cremation Society STL meet with staff at the Forever Bellerive location even though the Cremation Society STL holds an establishment license for a different location.

83. The Cremation Society STL failed to disclose in their cremation authorization forms that the cremations would be provided by a third party.

84. Respondents provided copies of contracts showing that the Cremation Society STL performed at need services for the following individuals and the contracts show charges as follows:

Name of deceased	Date of Contract	Total Charges for Goods and Services	Prepayment	Payment Made At Need
Lloyd B.	1-4-2010	\$ 1,664	\$ 902.00	\$328
Marcel S.	1-9-2010	\$ 1,305.53	0	\$ 1,305.53
Johanna Z.	1-6-2010	\$ 1,299.26	\$ 816.83	\$ 16.00
James E.	1-6-2010	\$ 2,181.67	\$1,590.20	\$ 590
Joan B.	1-15-2010	\$ 1,121.83	0	\$ 1121.83
Mary S.	1-13-2010	\$ 1,340.51	\$ 676.66	0
Elsie J.	1-22-2010	\$ 1,420	\$ 1,002	0
Janette G.	1-20-2010	\$ 2,183.97	\$ 837.71	\$ 795.85
Lorene J.	1-22-1021	\$ 1,538.64	\$ 907.50	0

*Lloyd B.*

85. On January 4, 2010, Cremation Society STL entered into an at-need contract to provide final disposition of the body of Lloyd B.

86. The at-need contract shows a prepayment of \$902.50 for a preneed Policy “#100970.”

87. Cremation Society STL charged an additional \$328 for the final disposition.

88. The Cremation Authorization does not disclose the name of the entity actually performing the cremation.

89. No preneed contract for Lloyd B. was provided.

90. The at-need contract does not show what goods and services had been prepaid and price guaranteed.

91. The at-need contract fails to show that no additional charges were made for goods and services that had been prepaid and price guaranteed.

*Johanna Z.*

92. On January 6, 2010, Cremation Society STL entered into an at-need contract to provide final disposition of the body of Johanna Z.

93. The at-need contract shows a prepayment of \$816.83 for a preneed Policy “#75000083.”

94. Cremation Society STL charged an additional \$16 for the final disposition.

95. The Cremation Authorization does not disclose the name of the entity actually performing the cremation.

96. No preneed contract for Johanna Z. was provided to the Board.

97. The at-need contract does not show what goods and services had been prepaid and price guaranteed.

98. The at-need contract fails to show that no additional charges were made for goods and services that had been prepaid and price guaranteed.

*James E.*

99. On January 4, 2010, Cremation Society STL entered into an at-need contract to provide final disposition of the body of James E.

100. The at-need contract shows a prepayment of \$1590.20 for a preneed "CSSL PN."

101. Cremation Society STL charged an additional \$590 for the final disposition.

102. The Cremation Authorization does not disclose the name of the entity actually performing the cremation.

103. No preneed contract for James E. was provided to the Board.

104. The at-need contract does not show what goods and services had been prepaid and price guaranteed.

105. The at-need contract fails to show that no additional charges were made for goods and services that had been prepaid and price guaranteed.

*Mary S.*

106. On January 13, 2010, Cremation Society STL entered into an at-need contract to provide final disposition of the body of Mary S.

107. The at-need contract shows a prepayment of <\$676.60> for a preneed Policy "#7500011 024-90090-735."

108. Cremation Society STL showed a zero balance even though there was an overpayment for the final disposition.

109. The Cremation Authorization does not disclose the name of the entity actually performing the cremation.

110. No preneed contract for Mary S. was provided.

111. The at-need contract does not show what goods and services had been prepaid and price guaranteed.

112. The at-need contract fails to show that goods and services that had been prepaid and price guaranteed were provided.

*Elsie J.*

113. On January 22, 2010, Cremation Society STL entered into an at-need contract to provide final disposition of the body of Elsie J.

114. The at-need contract shows a prepayment of \$1,002 for a "CSSL PN #106855."

115. The at-need contract shows a zero balance due for the final disposition.

116. The Cremation Authorization does not disclose the name of the entity actually performing the cremation.

117. No preneed contract for Elsie J. was provided.

118. The at-need contract does not show what goods and services had been prepaid and price guaranteed.

119. The at-need contract fails to show that no additional charges were made for goods and services that had been prepaid and price guaranteed.

*Janette G.*

120. On January 20, 2010, Cremation Society STL entered into an at-need contract to provide final disposition of the body of Janette G.

121. The at-need contract shows a prepayment of \$837.17 for a "CSSL PN #75021444."

122. The at-need contract shows a balance due of \$195.85 for the final disposition.

123. The Cremation Authorization does not disclose the name of the entity actually performing the cremation.

124. No preneed contract for Janette G. was provided. The at-need contract does not show what goods and services had been prepaid and price guaranteed.

125. The at-need contract fails to show that no additional charges were made for goods and services that had been prepaid and price guaranteed.

#### Physical Plant Violations

126. The home that houses the funeral establishment is in poor repair, namely, the front porch is supported by metal jacks, the shingles on the roof are in poor repair, the exterior of the building is in need of paint and caulking and there are loose and crumbling stones on the front porch.

127. The interior of the home is cluttered and had wiring taped to the floor constituting a tripping potential.

128. Clerical staff, including Shar Reinhold, office in the building.

129. There was no place to hold a confidential meeting with persons wishing to make arrangements.

130. There was no area available for the care and preparation of dead human remains.

131. There was no equipment available to perform a funeral service such as a casket bier, etc.

#### General Violations

132. There was no General Price List on premises.

133. The records provided by Respondents showed that consumers consented to cremation by the Cremation Society STL, but the actual services were contracted for on contracts with Forever Network, Inc., d/b/a Forever Oak Hill Funeral Home.

#### Display of Licenses

134. On February 3, 2010, Cremation Society STL displayed a funeral establishment license that was expired.

135. On February 3, 2010, Cremation Society STL displayed a preneed provider registration that was expired and void.

#### Forever Oak Hill Conduct

136. Forever Oak Hill operated as a funeral establishment at a time when it held no license.

#### *Licenses*

137. Forever Oak Hill Funeral Home holds a license to operate a funeral establishment at 10301 Big Bend, St. Louis, Missouri 63122.

138. Forever Oak Hill holds a "Function C" license.

139. Forever Oak Hill registered Christopher Buckley as funeral director in charge of Forever Oak Hill.

140. On February 3, 2010, Licensee was open for business.

Unlicensed Activity

141. Forever Oak Hill provided final disposition for dead human bodies between January 1, 2010 and February 3, 2010.

142. Per the records provided by Respondents, Forever Oak Hill entered into 9 at-need contracts and provided funeral goods and services for the following individuals during the time its license was expired:

<b>Name of deceased</b>	<b>Date of Contract</b>	<b>Total Charges on contract</b>	<b>Prepayment</b>	<b>Payment made by consumer</b>
Nancy D.	1-24-10	\$ 7,476.28	FSP - \$ 744 NPS - \$1486	\$ 835.78
Maxine V.	1-4-10	\$ 643	\$ 450	\$ 43
Leslie C.	1-22-10	\$ 1,241	\$ 0	\$ 1,240.06
William C.	1-12-10	\$ 3,248		\$ 2,998
Frederick C.	1-5-10	\$ 1,013		\$ 1,013
Marian P.	1-2-10	\$ 2,636		\$ 2,636
Henry E.	1-26-10	\$ 2,566.06		\$ 2,566.06
Ann S.	1-28-10	\$ 2,971.93		\$ 2,971.93
Harvey L.	1-11-10	\$ 3,943.21		\$ 3,943.21

143. Forever Oak Hill entered into at-need contracts with Leslie C., William C., Frederick C., Marian P., Henry E., Ann S., and Harvey L. when the purchaser of the funeral services authorized the Cremation Society of St. Louis, not Forever Oak Hill, to perform the cremations set forth in the statement of goods and services.

*Nancy D.*

144. On January 24, 2010, Forever Oak Hill entered into an at-need contract to provide final disposition of the body of Nancy D.

145. The at-need contract shows prepayments of "FSP" in the amount of \$744 and "NPS" policy number 92106618 in the amount of \$1,486.

146. Forever Oak Hill charged an additional \$835.78 for the goods and services provided for Nancy D.'s final disposition.

147. Forever Oak Hill made no indication on the at-need contract as to what goods and services had been prepaid and price guaranteed for Nancy D.

*Maxine V.*

148. On January 4, 2010, Forever Oak Hill entered into an at-need contract for the final disposition of the body of Maxine V.

149. The at-need contract shows a prepayment of \$450 from "NPS" policy number "60002150."

150. The at-need contract shows a balance due of \$43.

151. Forever Oak Hill makes no indication on that at-need contract as to what goods and services had been prepaid and price guaranteed for Maxine V.'s final disposition.

Display of Licenses

152. On February 3, 2010, Forever Oak Hill displayed a funeral establishment license that was expired.

153. On February 3, 2010, Forever Oak Hill displayed a preneed provider registration that was expired and void.

Mount Washington Conduct

154. Mount Washington holds a license to operate a funeral establishment at 614 Brookside, Independence, Missouri 64053.

155. Mount Washington holds a "Function C" license.

156. Mount Washington registered Jean Stewart as funeral director in charge of Forever Mount Washington.

157. On February 3, 2010, Mount Washington was open for business.

#### Unlicensed Activity

158. Mount Washington operated as a funeral establishment during the time it held no valid license.

159. Mount Washington shares a chapel/visitation room, an arrangement room, and a merchandise selection room with Barreto Family Funeral Home.

160. Mount Washington conducted 7 funerals between January 1, 2010 and February 3, 2010.

161. Mount Washington provided no records in response to the Board's request for copies.

#### Display of Expired Licenses

162. On February 3, 2010, Mount Washington displayed a funeral establishment license that was expired.

163. On February 3, 2010, Mount Washington displayed a preneed provider registration that was expired and void.

#### Barreto Family Funeral Conduct

164. Barreto Family Funeral holds a license to operate a funeral establishment at 614A Brookside, Independence, Missouri 64053.

165. Barreto Family Funeral holds a "Function C" license.

166. Barreto Family Funeral registered Jean Stewart as its funeral director in charge.
167. On February 3, 2010, Barreto Family Funeral was open for business.

#### Unlicensed Activity

168. Barreto Family Funeral operated as a funeral establishment during the time it held no valid license.

169. Barreto Family Funeral shares a chapel/visitation room, an arrangement room, and a merchandise selection room with Mount Washington Forever Funeral Home.

170. Barreto Family Funeral provided goods and services for final disposition of dead human bodies between January 1, 2010 and February 3, 2010.

#### Display of Licenses

171. On February 3, 2010, Barreto Family Funeral displayed a funeral establishment license that was expired.

172. On February 3, 2010, Barreto Family Funeral displayed a preneed provider registration that was expired and void.

#### Cremation Society of Kansas City Conduct

173. Cremation Society KC holds a license to operate a funeral establishment at 615 Brookside, Independence, Missouri 64053.

174. Cremation Society KC holds a "Function C" license.

175. Cremation Society KC registered Jean Stewart as funeral director in charge.

#### Unlicensed Activity

176. Cremation Society KC operated as a funeral establishment during the time it held no valid license.

177. If a consumer wishes to make arrangements with Cremation Society KC, Cremation Society KC staff meet with the consumers at the establishment at 614 Brookside at not at the licensed office.

178. Cremation Society KC provided goods and services for the final disposition of dead human bodies between January 1, 2010 and February 3, 2010.

#### Physical Plant Violations

179. Cremation Society KC's offices are in a state of disrepair.

180. The building at the licensed location is not used for day to day operations of the funeral establishment.

181. The entry to the main door of the establishment building was impassible.

182. The inside and outside of the establishment building were dirty and in need of painting and cleaning.

183. No register log was kept at the establishment

184. No general price list was kept at the establishment.

185. All mail is delivered to 614 Brookside and not to 615 Brookside, the licensed location.

186. The establishment lacks equipment to conduct a funeral ceremony or visitation.

187. The establishment lacks a space to hold a visitation.

188. The establishment lacks space to hold a dead human body.

189. The establishment lacks a confidential room to meet with families to make arrangements.

190. The establishment has a roof that leaks.

191. The phone number for the Cremation Society KC actually rings at Mount Washington's offices and not at the licensed location.

192. The establishment building currently is used for storage and not as a funeral establishment.

193. Cremains for Cremation Society KC are delivered to the Mount Washington address from the crematory and not to the licensed address.

194. Respondents have no plans to repair the building at the licensed address for Cremation Society KC in the immediate future.

#### Display of Licenses

195. On February 3, 2010, Cremation Society KC displayed a funeral establishment license that was expired.

196. On February 3, 2010, Cremation Society KC displayed a preneed provider registration that was expired and void.

#### JURISDICTION AND VENUE

197. Jurisdiction and venue are proper pursuant to Section 333.061.5 and Section 333.330<sup>2</sup>.

**CAUSE TO REFUSE TO RENEW AND TO DISCIPLINE**

198. The Board has cause to refuse to renew and to discipline Respondent's funeral establishment licenses as follows:

- a. Forever Oak Hill's funeral establishment license pursuant to Section 333.330.2
- b. Forever Mount Washington's funeral establishment license (4), (5), (6), (7), (10), (11), (13), (14), (16), and (19), RSMo.
- c. Forever Barreto's funeral establishment license pursuant to Section 333.330.2 (4), (5), (6), (7), (10), (11), (13), (14), (16), and (19), RSMo.
- d. Forever Bellerive's funeral establishment license pursuant to Section 333.330.2 (4), (5), (6), (7), (10), (11), (13), (14), (16), and (19), RSMo.
- e. Forever Cremation Society KC's funeral establishment license pursuant to Section 333.330.2 (4), (5), (6), (7), (10), (11), (13), (14), (16), and (19), RSMo.

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<sup>2</sup> Section 333.061.5, RSMo, references Section 333.121, RSMo, however, that section was repealed by SB1, effective August 28, 2009 and replaced with Section 333.330, RSMo.

- f. Forever Cremation Society STL's funeral establishment license pursuant to Section 333.330.2 (4), (5), (6), (7), (10), (11), (13), (14), (16), and (19), RSMo.

WHEREFORE, the State Board asks the Commission conduct an evidentiary hearing and issue findings of fact and conclusions of law authorizing the State Board to refuse to renew, or in the alternative to discipline, all funeral establishment licenses held by Respondents and for such other relief as the Commission deems just and proper.

Respectfully submitted,

CHRIS KOSTER  
ATTORNEY GENERAL

  
\_\_\_\_\_  
Sharon K. Euler #42950  
Assistant Attorney General  
Fletcher Daniels State Office Bldg  
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**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

**STATE BOARD OF  
EMBALMERS AND  
FUNERAL DIRECTORS**  
3605 Missouri Blvd.  
P.O. Box 423  
Jefferson City, MO 65102  
(573)751-0813

Petitioner,

v.

**BRYAN S. LARSON**  
P.O. Box 322  
St. James, MO 65559

Respondent.

**FILED**

FEB 05 2014

ADMINISTRATIVE HEARING  
COMMISSION

Case No. 14-0181 EM

**COMPLAINT**

Petitioner, the State Board of Embalmers and Funeral Directors, by and through its counsel the Attorney General of the State of Missouri, and for its cause of action against Respondent, Bryan S. Larson, states as follows:

1. The State Board of Embalmers and Funeral Directors ("the Board") is an agency of the State of Missouri created and existing pursuant to § 333.111, RSMo,<sup>1</sup> for the purpose of licensing embalmers and funeral directors and executing and enforcing the provisions of Chapter 333, RSMo, certain provisions of Chapter 436, RSMo, and the regulations adopted thereunder.

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<sup>1</sup>All citations are to the 2000 Missouri Revised Statutes, unless otherwise noted.

2. Bryan S. Larson ("Larson") is licensed by the Board as a funeral director, license number 007240. Larson's license is, and was, current and active at all times relevant herein.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 333.330, RSMo (Supp. 2013).

4. On August 23, 2011, Larson was charged with operating a motor vehicle under the influence of alcohol, on or about August 4, 2011, on Missouri Highway J in Dent County, Missouri.

5. On October 13, 2011, Larson pled guilty in the Circuit Court of Dent County, Missouri, case number 11DE-CR00390, to the class B misdemeanor of driving while intoxicated in violation of § 577.010, RSMo.

6. Section 577.010, RSMo (Supp. 2013) states:

1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

2. Driving while intoxicated is for the first offense, a class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.

3. Notwithstanding the provisions of subsection 2 of this section, in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such

person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section for such first offense:

(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

7. The court suspended imposition of Larson's sentence in case number 11DE-CR00390 and placed him on supervised probation for seven hundred and twenty (720) days. The court also ordered Larson to pay court costs and restitution, complete forty hours (40) of community service, and complete a SATOP course.

8. Larson did not notify the Board of his guilty plea in case number 11DE-CR00390 until May 2012.

9. On or about May 24, 2012, Larson completed an application to renew his funeral director license (number 007240) for the period from June 1, 2012 through May 31, 2014.

10. On the May 24, 2012, renewal application, Larson notified the Board that he had pled guilty to a criminal offense since his last renewal and also that he had been treated through a drug and/or alcohol rehabilitation program.

11. Section 333.330, RSMo (Supp. 2013), which sets forth the grounds for discipline for funeral directors, states in pertinent part:

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

...

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

...

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

12. Section 333.041, RSMo (Supp. 2013), which deals with the

qualifications of funeral directors and embalmers, states in pertinent part:

1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

(2) A person of good moral character

13. State regulation 20 CSR 2120-2.060, which governs the practice of funeral directing, states in pertinent part:

(28) A Missouri licensed funeral director has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, whether or not sentence was imposed. This information shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

14. Larson is subject to discipline under Section 333.330.2(2) (Supp. 2013), RSMo because he pled guilty to an offense reasonably related to the qualifications, functions, or duties of a funeral director and/or an offense involving a controlled substance.

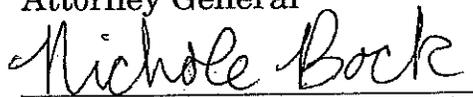
15. Larson is subject to discipline under Section 333.330.2(6) (Supp. 2013), RSMo, because he failed to report his guilty plea to the Board within thirty days as required by 20 CSR 2120-2.060(28).

WHEREFORE, based upon the foregoing, the Board respectfully requests this Commission to conduct a hearing pursuant to Chapter 621,

RSMo, and thereafter issue its findings of fact and conclusions of law that the Board may take disciplinary action against Bryan Larson's funeral director license, for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER  
Attorney General



NICHOLE BOCK  
Assistant Attorney General  
Missouri Bar No. 64222

Supreme Court Building  
207 West High St.  
P.O. Box 899  
Jefferson City, MO 65102  
Telephone: 573-751-4087  
Facsimile: 573-751-5660  
E-mail: nichole.bock@ago.mo.gov

**ATTORNEYS FOR PETITIONER**

Before the  
Administrative Hearing Commission  
State of Missouri



STATE BOARD OF EMBALMERS AND )  
FUNERAL DIRECTORS, )

Petitioner, )

vs. )

No. 14-0181 EM )

BRYAN S. LARSON, )

Respondent. )

**DEFAULT DECISION**

On February 5, 2014, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before February 18, 2014.<sup>1</sup>

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on March 28, 2014.

  
KAREN A. WINN  
Commissioner

<sup>1</sup>There is no date of delivery on the certified receipt, but it was filed with us on February 18, 2014.



**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

**STATE BOARD OF  
EMBALMERS AND  
FUNERAL DIRECTORS**  
3605 Missouri Blvd.  
P.O. Box 423  
Jefferson City, MO 65102  
(573)751-0813

Petitioner,

v.

**BRYAN S. LARSON**  
P.O. Box 322  
St. James, MO 65559

Respondent.

**FILED**

FEB 05 2014

ADMINISTRATIVE HEARING  
COMMISSION

Case No. 14-0181 EM

**COMPLAINT**

Petitioner, the State Board of Embalmers and Funeral Directors, by and through its counsel the Attorney General of the State of Missouri, and for its cause of action against Respondent, Bryan S. Larson, states as follows:

1. The State Board of Embalmers and Funeral Directors ("the Board") is an agency of the State of Missouri created and existing pursuant to § 333.111, RSMo,<sup>1</sup> for the purpose of licensing embalmers and funeral directors and executing and enforcing the provisions of Chapter 333, RSMo, certain provisions of Chapter 436, RSMo, and the regulations adopted thereunder.

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2. Bryan S. Larson ("Larson") is licensed by the Board as a funeral director, license number 007240. Larson's license is, and was, current and active at all times relevant herein.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 333.330, RSMo (Supp. 2013).

4. On August 23, 2011, Larson was charged with operating a motor vehicle under the influence of alcohol, on or about August 4, 2011, on Missouri Highway J in Dent County, Missouri.

5. On October 13, 2011, Larson pled guilty in the Circuit Court of Dent County, Missouri, case number 11DE-CR00390, to the class B misdemeanor of driving while intoxicated in violation of § 577.010, RSMo.

6. Section 577.010, RSMo (Supp. 2013) states:

1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

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3. Notwithstanding the provisions of subsection 2 of this section, in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such

person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section for such first offense:

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7. The court suspended imposition of Larson's sentence in case number 11DE-CR00390 and placed him on supervised probation for seven hundred and twenty (720) days. The court also ordered Larson to pay court costs and restitution, complete forty hours (40) of community service, and complete a SATOP course.

8. Larson did not notify the Board of his guilty plea in case number 11DE-CR00390 until May 2012.

9. On or about May 24, 2012, Larson completed an application to renew his funeral director license (number 007240) for the period from June 1, 2012 through May 31, 2014.

10. On the May 24, 2012, renewal application, Larson notified the Board that he had pled guilty to a criminal offense since his last renewal and also that he had been treated through a drug and/or alcohol rehabilitation program.

11. Section 333.330, RSMo (Supp. 2013), which sets forth the grounds for discipline for funeral directors, states in pertinent part:

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

...

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

...

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

12. Section 333.041, RSMo (Supp. 2013), which deals with the

qualifications of funeral directors and embalmers, states in pertinent part:

1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

...

(2) A person of good moral character

13. State regulation 20 CSR 2120-2.060, which governs the practice of funeral directing, states in pertinent part:

(28) A Missouri licensed funeral director has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, whether or not sentence was imposed. This information shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

14. Larson is subject to discipline under Section 333.330.2(2) (Supp. 2013), RSMo because he pled guilty to an offense reasonably related to the qualifications, functions, or duties of a funeral director and/or an offense involving a controlled substance.

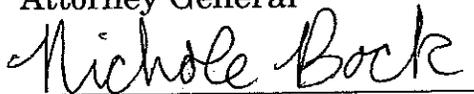
15. Larson is subject to discipline under Section 333.330.2(6) (Supp. 2013), RSMo, because he failed to report his guilty plea to the Board within thirty days as required by 20 CSR 2120-2.060(28).

WHEREFORE, based upon the foregoing, the Board respectfully requests this Commission to conduct a hearing pursuant to Chapter 621,

RSMo, and thereafter issue its findings of fact and conclusions of law that the Board may take disciplinary action against Bryan Larson's funeral director license, for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER  
Attorney General



NICHOLE BOCK  
Assistant Attorney General  
Missouri Bar No. 64222

Supreme Court Building  
207 West High St.  
P.O. Box 899  
Jefferson City, MO 65102  
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**ATTORNEYS FOR PETITIONER**

Before the  
Administrative Hearing Commission  
State of Missouri



STATE BOARD OF EMBALMERS AND  
FUNERAL DIRECTORS,

Petitioner,

vs.

BRYAN S. LARSON,

Respondent.

No. 14-0181 EM

**DEFAULT DECISION**

On February 5, 2014, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before February 18, 2014.<sup>1</sup>

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on March 28, 2014.

  
KAREN A. WINN  
Commissioner

<sup>1</sup>There is no date of delivery on the certified receipt, but it was filed with us on February 18, 2014.

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

STATE BOARD OF EMBALMERS  
AND FUNERAL DIRECTORS,

Petitioner,

VS

CASE NO. EMB 15-002-PV

ELITE FUNERAL HOME, LLC,

11525 Blue Ridge Blvd  
Kansas City, MO 64134

Respondent.

Serve Registered Agent:

Brenda Ferguson  
11525 Blue Ridge Blvd  
Kansas City, MO 64134

**NOTICE OF PROBATION VIOLATION HEARING**

PLEASE TAKE NOTICE that the State Board of Embalmers and Funeral Directors shall hold a hearing for the purpose of determining the truth of the allegations set forth in the Probation Violation Complaint and, if the allegations are true, whether or not disciplinary action should be taken. The hearing will be held on **Monday, August 11, 2014, at 1:00 p.m.** or as soon thereafter as the matter may be heard, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65109. Please be advised that your failure to appear at the hearing at the above-noted time and place will result in the hearing being held in your absence.

All parties have the right to be represented by legal counsel and to a full, fair and open hearing as provided for in Chapter 536, RSMo 2009 and 324.042, RSMo 2009.

STATE BOARD OF EMBALMERS  
AND FUNERAL DIRECTORS

By: Sandy Sebastian  
Sandy Sebastian  
Executive Director

SEAL

Dated: July 2, 2014

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

FILED

JUL 02 2014

Board of Embalmers  
& Funeral Directors

STATE BOARD OF EMBALMERS AND )  
FUNERAL DIRECTORS, )  
 )  
PETITIONER, )  
 )  
v. )  
 )  
ELITE FUNERAL HOME, LLC, )  
 )  
11525 BLUE RIDGE BLVD )  
Kansas City, MO 64134 )  
 )  
RESPONDENT. )

CASE NO. EMB15-002-PV

Serve registered agent: Brenda Ferguson  
11525 Blue Ridge Blvd  
Kansas City, Missouri 64134

**PROBATION VIOLATION COMPLAINT**

COMES NOW, the State Board of Embalmers and Funeral Directors (the "Board") and for its Probation Violation Complaint against Respondent Elite Funeral Home ("Elite Funeral" or "Licensee"), states:

The Parties and Licenses

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo<sup>1</sup>, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (2000), as amended, unless otherwise indicated.

2. Elite Funeral is a Missouri limited liability company in good standing and has registered its address with the Board as 11525 Blue Ridge Blvd, Kansas City, Missouri 64134.

3. Elite Funeral holds funeral establishment license number 2013030330 that is current and active, but subject to probation.

4. Elite Funeral holds provider license number 2013030331 that is current and active, but subject to probation.

5. Elite Funeral registered Malcolm D. Morris as its funeral director in charge.

6. Malcolm D. Morris holds funeral director license number 00637 that was current and active at all times relevant to this Probation Violation Complaint until it lapsed, due to non-renewal, on May 31, 2014.

*Order of Probation and Terms and Conditions of Probation*

7. The Board issued Elite Funeral its “Order Issuing Probated Licenses to Elite Funeral Home, LLC” on August 15, 2013 (the “License Probation Order”). The License Probation Order issued Elite Funeral an establishment license and a provider license, both on probation. Included with the License Probation Order was a letter explaining the conditions of probation and the licenses issued. A true and accurate copy of the License Probation Order with accompanying letter and attachments is attached to this complaint as Exhibit A and incorporated herein by reference as if fully set forth in this Complaint.

8. The License Probation Order placed Elite Funeral's funeral establishment and provider licenses on probation for a period of one year, subject to certain terms and conditions of probation set forth in paragraph 23 of the License Probation Order.

9. The License Probation Order, in paragraph 23, listed conditions of probation including:

b. Licensee shall comply with all applicable provisions of Chapters 194, 333, and 436, RSMo, all Board regulations and all federal, state and local laws and regulations related to business operations in the funeral and death care industry;

c. Licensee shall engage in no conduct that would give the Board cause to seek authority to discipline from the Administrative Hearing Commission as set forth in Section 333.330, RSMo;

\* \* \*

f. Licensee shall renew timely all licenses and/or registrations, shall pay timely all fees required for licensure/registration and shall meet all other requirements necessary to maintain all licenses and registrations issued by the Board current and active; and...

10. On December 31, 2013, the funeral establishment license issued to Elite Funeral expired because Elite Funeral failed to renew the license.

11. By letter dated January 10, 2014, the Board notified Malcolm D. Morris, as funeral director in charge of Elite Funeral, that Elite Funeral's funeral establishment had lapsed and enclosed the forms necessary to request reinstatement of the license.

12. On January 21, 2014, the Board received the Reinstatement submitted by Elite Funeral and signed by Brenda Ferguson, Comptroller, dated January 15, 2014.

13. Elite Funeral met all requirements for reinstatement on January 24, 2014.

14. The Board reinstated Elite Funeral's funeral establishment license on January 24, 2014.

15. The Board requested Elite Funeral to provide copies of documents showing whether Elite Funeral had engaged in the practice of a funeral establishment for the period when it was not so licensed.

16. By fax received January 27 by the Board, Elite Funeral provided records showing that it had practiced as a funeral establishment during the time it was not so licensed.

17. Elite Funeral was open for business during the time it was not licensed as a funeral establishment and between January 1, 2014 and January 24, 2014, the date of reinstatement, provided 4 funeral services.

18. As of May 31, 2014, Elite Funeral had no registered funeral director in charge.

19. By letter dated June 27, 2014, the Board notified Elite Funeral that the license of its funeral director in charge had lapsed and requested that Elite Funeral immediately notify the Board of who would be serving as funeral director in charge of the establishment.

20. Elite Funeral did not respond to the June 27, 2014 letter of the board.

Relevant Statutes

21. Section 324.042, RSMo, states:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has

violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

22. Section 333.061.1, RSMo, states:

1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

\* \* \*

4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall be renewed at the end of the licensing period on the establishment's renewal date.

23. Regulation 20 CSR 2120-1.040(14) offers the following definition:

(14) Funeral director-in-charge—an individual licensed as a funeral director by the State Board of Embalmers and Funeral Directors responsible for the general management and supervision of a Missouri licensed funeral establishment in the state of Missouri. Each Missouri licensed funeral establishment shall have a Missouri licensed funeral director designated as the funeral director-in-charge.

24. Regulation 20 CSR 2120-2.071 states, in relevant part:

(7) A funeral establishment application shall indicate the name and license number of the Missouri licensed funeral director-in-charge, as defined by 20 CSR 2120-1.040. When the Missouri licensed funeral director-in-charge changes for a period of more than thirty (30) days, the new Missouri licensed funeral director-in-charge and the former Missouri licensed funeral director-in-charge, jointly or individually,

shall notify the board of the change within thirty (30) days of the date when the change first occurs. Failure to notify the board shall be considered a violation of this rule on the part of each Missouri funeral director licensee and on the part of the Missouri licensed funeral establishment. A change in the Missouri licensed funeral director- in-charge does not require a new Missouri licensed funeral establishment license.

\* \* \*

(10) The professional business and practice of funeral directing shall be conducted only from a fixed place or establishment that has been licensed by the board except as permitted by section 333.071, RSMo. The Missouri licensed funeral establishment physical facility shall be under the general management and supervision of the Missouri licensed funeral director-in-charge. Every Missouri licensed funeral establishment shall provide and allow access to any member or duly authorized agent of the board for the purpose of inspection as provided by sections 333.061 and 333.101, RSMo. If any representative of the Missouri licensed funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the Missouri licensed funeral establishment and by the Missouri licensed funeral director-in-charge of the Missouri licensed funeral establishment. Additionally, if the Missouri licensed funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person shall be in violation of this rule.

(11) No one licensed by this board may be employed in any capacity by an unlicensed funeral establishment. Violation of this section will be deemed misconduct in the practice of embalming or funeral directing.

25. Section 333.330.2, RSMo sets forth the causes for which the Board may seek authority to discipline a license and states, in relevant portion:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter, or any

person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

\* \* \*

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

\* \* \*

(11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter regulating preneed who is not licensed or registered and currently eligible to practice thereunder;

\* \* \*

(14) Violation of any professional trust or confidence;

*Jurisdiction and Venue*

26. The Board possesses jurisdiction over this matter pursuant to Section 324.042, RSMo, and pursuant to paragraphs 24, 25 and 27 of the License Probation Order.

27. Venue is proper.

Probation Violations

28. Elite Funeral violated the conditions of its probation set forth in paragraph 23.b, c, and f. of the License Probation Order by continuing to operate as a funeral establishment when it held no current license.

29. Elite Funeral violated the conditions of its probation as set forth in paragraphs 23.b. and c. of the License Probation Order by operating without a funeral director in charge registered with the Board and failing to notify the board of a change in the funeral director in charge within 30 days of the date of the change.

30. The Board has cause to impose additional discipline upon Elite Funeral's funeral establishment and provider licenses because Elite Funeral failed to comply with the conditions of its probation.

WHEREFORE, Petitioner asks that the Board provide notice and opportunity to be heard to Respondent pursuant to the provisions of Chapters 333 and 536, RSMo, and thereafter issue its findings of fact, conclusions of law and order imposing further discipline on the establishment and provider licenses of Respondent and for such other relief as the Board deems just and proper.

Respectfully submitted,



Sharon K. Euler  
Missouri Bar No. 42950

Legal Counsel  
Division of Professional Registration

Fletcher Daniels State Office Building  
615 East 13<sup>th</sup> Street, Suite 510  
Kansas City, Missouri 64106

Telephone: 816-889-3687  
Telefax: 816-889-2345  
E-mail: [Sharon.euler@pr.mo.gov](mailto:Sharon.euler@pr.mo.gov)

ATTORNEY FOR THE BOARD



Wact Kew 2013-002691  
FG 2013030330  
PWP 2013030331

Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Jane A. Rackers, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
John M. Huff, Director

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
3605 Missouri Boulevard  
P.O. Box 423  
Jefferson City, MO 65102-0423  
Email: embalm@pr.mo.gov  
pr.mo.gov/embalmers

Sandy Sebastian  
Executive Director

573-751-0813  
573-751-1155 FAX  
800-735-2966 TTY  
800-735-2466 Voice Relay Missouri

August 19, 2013

CERTIFIED MAIL 7011 1570 0002 4463 2216

Malcolm Morris  
Elite Funeral Home LLC  
Elite Funeral Chapel  
11525 Blue Ridge Blvd  
Kansas City MO 64134

Dear Mr. Morris:

The members of the State Board of Embalmers and Funeral Directors reviewed your *Application for Funeral Establishment License* and *Application for Preneed Provider*.

The decision of the board was to grant licensure for each of your applications, once licensure requirements had been met, with an Order of probation on each license.

A copy of the Order issued by the board dated August 15, 2013 is also enclosed. You are encouraged to read through the Order to ensure you familiarize yourself with the terms and conditions and contact our office regarding any questions you might have regarding such.

Also enclosed are your funeral establishment and preneed provider licenses, as well as a wall hanging for your funeral establishment.

If you have any questions, please feel free to contact our office.

Sincerely,

*Sandy Sebastian*  
Sandy Sebastian  
Executive Director

Enclosures

*This letter was sent both regular and certified mail.*



9122 6946 2000 045T FT02

U.S. Postal Service™  
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark: AUG 21 2013  
STATE BOARD OF OFFICE  
AUG 20 2013

From: **Malcolm Mom's Elite Funeral Home**  
 Street, Apt. No. or PO Box No. **11525 Blue Ridge Blvd**  
 City, State, ZIP+4® **KC, MO 64134**

PS Form 3806, August 2006 See Reverse for Instructions

<p><b>SENDER: COMPLETE THIS SECTION</b></p> <ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:          Malcolm Mom's          Elite Funeral Chapel LLC          Elite Funeral Chapel          11525 Blue Ridge Blvd          Kansas City MO 64134</p> <p>2. Article Number          (Transfer from service label) 7011 1570 0002 4463 2216</p>	<p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <p>A. Signature          x <i>Marcella Caldwell</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Marcella Caldwell</i></p> <p>C. Date of Delivery  <i>8/22/13</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p> <p style="text-align: center;"><b>RECEIVED</b>          AUG 26 2013          STATE</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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**BEFORE THE  
MISSOURI STATE BOARD OF  
EMBALMERS AND FUNERAL DIRECTORS**

**ORDER ISSUING PROBATED LICENSES TO  
ELITE FUNERAL HOME, LLC  
(Establishment and Provider Licenses)**

The Missouri State Board of Embalmers and Funeral Directors (the "Board"), pursuant to Section 324.038, RSMo<sup>1</sup>, issues this order granting a **PROBATED ESTABLISHMENT LICENSE** and a **PROBATE PROVIDER LICENSE** to Elite Funeral Home, LLC ("Elite Funeral" or "Licensee"), 11525 Blue Ridge Boulevard, Kansas City, Missouri 64134.

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

---

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

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

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

#### Relevant Statutes

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

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

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

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

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

2. Section 333.061, RSMo, requires a license to operate as a funeral establishment in Missouri and states:

1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the direct supervision of a duly licensed embalmer;

(3) That any place in the funeral establishment where embalming is conducted contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have available in the preparation or embalming room a register book or log which shall be available at all times in full view for the board's inspector and the name of each body embalmed, place, if other than at the establishment, the date and time that the embalming took place, the name and signature of the embalmer and the embalmer's license number shall be noted in the book; and

(5) The establishment complies with all applicable state, county or municipal zoning ordinances and regulations.

3. The board shall grant or deny each application for a license pursuant to this section within thirty days after it is filed. The applicant may request in writing up to two thirty-day extensions of the application, provided the request for an extension is received by the board prior to the expiration of the thirty-day application or extension period.

4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall

be renewed at the end of the licensing period on the establishment's renewal date.

3. Section 333.315, RSMo, requires a license to operate as a provider of preneed funeral contracts and states, in relevant part:

1. No person shall be designated as a provider or agree to perform the obligations of a provider under a preneed contract unless, at the time of such agreement or designation, such person is licensed as a preneed provider by the board. Nothing in this section shall exempt any person from meeting the licensure requirements for a funeral establishment as provided in this chapter.

2. An applicant for a preneed provider license shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;

(2) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;

(3) Identify the name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;

(4) Identify the name and address of each seller authorized by the provider to sell preneed contracts in which the provider is designated or obligated as the provider;

(5) File with the state board a written consent authorizing the state board to inspect or order an investigation, examination, or audit of the provider's books and records which contain information concerning preneed contracts sold for or on behalf of a seller or in which the applicant is named as a provider; and

(6) If the applicant is a corporation, each officer, director, manager, or controlling shareholder shall be eligible for licensure if they were applying for licensure as an individual.

4. Section 333.330, RSMo, authorizes the Board to deny an application for a license and states, in relevant portion:

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

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

\* \* \*

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

\* \* \*

(14) Violation of any professional trust or confidence.

#### The Parties

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

6. Elite Funeral Home, LLC is a Missouri limited liability company that has registered its address with the Board as 1333 NE Barry Road, Kansas City, Missouri 64155.
7. Elite Funeral Home, LLC was created on September 30, 2010.
8. Elite Funeral Home, LLC registered with the Missouri Secretary of State and with the Board the fictitious name of "Elite Funeral Chapel."
9. Elite Funeral Chapel, LLC submitted its "Application for Funeral Establishment License" to the Board that Malcolm Morris signed before a notary public on March 1, 2013 (the "Establishment Application").
10. Malcolm Morris is the Director of Elite Funeral Chapel, LLC.
11. Elite Funeral Chapel, LLC has registered Malcolm Morris as its funeral director in charge.
12. The Establishment Application became final on March 2, 2013.
13. Elite Funeral Chapel, LLC submitted its "Provider Application" to the Board that Malcolm Morris signed before a notary public on March 1, 2013 (the "Provider Application").
14. The Provider Application became final on April 2, 2013.
15. The Board granted two extensions to consider the Establishment Application.
16. Prior to seeking licensure as Elite Funeral Home, LLC, a funeral establishment operated at the same location with a license held by Malcolm Morris, d/b/a Elite Funeral Chapel.

17. On October 31, 2012, the provider license held by Malcolm Morris d/b/a Elite Funeral Chapel lapsed.

18. When the prior licensee sought reinstatement, the Board discovered that Elite Funeral Chapel was being operated by Elite Funeral Chapel, LLC and not by Malcolm Morris d/b/a Elite Funeral Chapel.

19. Malcolm Morris d/b/a Elite Funeral Chapel provided the Board with its "Notification of Intent to Sell Assets or Cease Doing Business (Provider)" signed by Malcolm Morris on February 20, 2013.

20. Elite Funeral Chapel, LLC, agreed to assume responsibility as provider for all contracts of Malcolm Morris d/b/a Elite Funeral Chapel as evidenced by the affidavit filed with the Board that Malcolm Morris signed before a notary public on February 19, 2013.

#### **Basis for Probation**

21. The Board has cause to deny the Application pursuant to Section 333.330.2 (6) and (14), RSMo.

22. The Board finds that issuance of a probated establishment license, subject to certain terms and conditions, in lieu of denial, will ensure protection of the public.

#### **Issuance of Probated License Subject to Terms and Conditions**

The Board, in lieu of denial, hereby issues an establishment license and a provider license to Elite Funeral Chapel, LLC, each on PROBATION for a period of ONE YEAR beginning on the effective date of this Order (the "Disciplinary

Period") subject to the terms and conditions contained in this Order and set forth below.

Terms and Conditions of Probation

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

- a. Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Board with the current and active e-mail address of the funeral director in charge;
- b. Licensee shall comply with all applicable provisions of Chapters 194, 333 and 436, RSMo, all Board regulations and all federal, state and local laws and regulations related to business operations in the funeral and death care industry;
- c. Licensee shall engage in no conduct that would give the Board cause to seek authority to discipline from the Administrative Hearing Commission as set forth in Section 333.330, RSMo;
- d. Licensee shall meet with the Board or any Board representative at any such time and place as required by the Board or its representative upon reasonable notice. Any such meetings shall be at the Board's discretion;

- e. Upon the request by the Board or its representative, Licensee shall immediately submit any and all records requested to show compliance with these terms and conditions;
- f. Licensee shall renew timely all licenses and/or registrations, shall pay timely all fees required for licensure/registration and shall meet all other requirements necessary to maintain all licenses and registrations issued by the Board current and active; and
- g. Licensee shall accept and cooperate with unannounced visits from the Board, or its representatives, to monitor compliance with the terms and conditions of probation.

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

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

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

27. If any alleged violation of this Order occurs during the Disciplinary Period, the Board may choose to conduct a hearing on the alleged violation either during the Disciplinary Period, or as soon thereafter as a hearing can be held, to determine whether a violation of the terms and conditions of probation occurred and, if so, may impose further discipline on Licensee's license. The Board has continuing jurisdiction to hold a hearing determine if a violation of the terms and conditions of probation occurred.

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

**IT IS SO ORDERED.**

Dated: 8.15.2013

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

State of Missouri

Division of Professional Registration  
Preneed Provider

Probation

VALID THROUGH OCTOBER 31, 2014  
ORIGINAL CERTIFICATE/LICENSE NO. 2013030331  
ELITE FUNERAL HOME LLC  
ELITE FUNERAL HOME CHAPEL  
11525 BLUE RIDGE BLVD  
KANSAS CITY MO 64134  
USA

ELITE FUNERAL HOME LLC  
ELITE FUNERAL HOME CHAPEL  
11525 BLUE RIDGE BLVD  
KANSAS CITY MO 64134  
USA

State of Missouri

Department of Insurance, Financial Institutions and Professional Registration  
Division of Professional Registration  
Board of Embalmers and Funeral Directors  
Preneed Provider

Probation

VALID THROUGH OCTOBER 31, 2014  
ORIGINAL CERTIFICATE/LICENSE NO. 2013030331

ELITE FUNERAL HOME LLC  
ELITE FUNERAL HOME CHAPEL  
11525 BLUE RIDGE BLVD  
KANSAS CITY MO 64134  
USA

*Sandra Sebastian*

EXECUTIVE DIRECTOR

*Janis A. Raden*

DIVISION DIRECTOR

State of Missouri

Division of Professional Registration  
Funeral Establishment  
Care and Preparation Only  
Probation

VALID THROUGH DECEMBER 31, 2013  
ORIGINAL CERTIFICATE/LICENSE NO. 2013030330  
ELITE FUNERAL HOME LLC  
ELITE FUNERAL CHAPEL  
11525 BLUE RIDGE BLVD  
KANSAS CITY MO 64134  
USA

ELITE FUNERAL HOME LLC  
ELITE FUNERAL CHAPEL  
11525 BLUE RIDGE BLVD  
KANSAS CITY MO 64134  
USA

State of Missouri

Department of Insurance, Financial Institutions and Professional Registration  
Division of Professional Registration  
Board of Embalmers and Funeral Directors  
Funeral Establishment

Care and Preparation Only  
Probation

VALID THROUGH DECEMBER 31, 2013  
ORIGINAL CERTIFICATE/LICENSE NO. 2013030330

ELITE FUNERAL HOME LLC  
ELITE FUNERAL CHAPEL  
11525 BLUE RIDGE BLVD  
KANSAS CITY MO 64134  
USA

*Sandy Sebastian*

EXECUTIVE DIRECTOR

*James A. Rackman*

DIVISION DIRECTOR

# State of Missouri



Department of Insurance, Financial Institutions and Professional Registration  
Division of Professional Registration  
Board of Embalmers and Funeral Directors

This is to certify that the Missouri State Board of Embalmers and  
Funeral Directors has received satisfactory evidence that:

**Elite Funeral Home LLC**

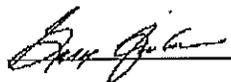
**Elite Funeral Chapel**

Located at 11525 Blue Ridge Blvd, Kansas City, Missouri, has met the  
requirements as set forth in Chapter 333, Revised Statutes of Missouri.

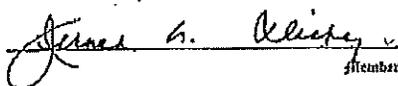
License Number 2013030330 is issued to said

**Funeral Establishment**

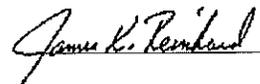
Given Under Our Hands and Seal of The State Board of Embalmers and  
Funeral Directors, this 15th day of August, in the year A.D. 2013

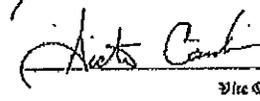
  
Member

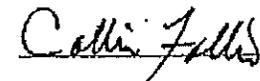
  
Member

  
Member



  
Chair

  
Vice Chair (Public Member)

  
Secretary

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

STATE BOARD OF EMBALMERS )  
AND FUNERAL DIRECTORS, )  
 )  
Petitioner, )  
 )  
VS )  
 )  
GEORGE TREASTER )  
DBA WHITE FUNERAL HOME )  
 )  
Respondent. )  
 )

CASE NO. EMB 15-003-PV

**NOTICE OF PROBATION VIOLATION HEARING**

PLEASE TAKE NOTICE that the State Board of Embalmers and Funeral Directors shall hold a hearing for the purpose of determining the truth of the allegations set forth in the Probation Violation Complaint and, if the allegations are true, whether or not disciplinary action should be taken. The hearing will be held on **Monday, August 11, 2014, at 1:45 p.m.** or as soon thereafter as the matter may be heard, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65109. Please be advised that your failure to appear at the hearing at the above-noted time and place will result in the hearing being held in your absence.

All parties have the right to be represented by legal counsel and to a full, fair and open hearing as provided for in Chapter 536, RSMo 2009 and 324.042, RSMo 2009.

STATE BOARD OF EMBALMERS  
AND FUNERAL DIRECTORS

By: Sandy Sebastian  
Sandy Sebastian  
Executive Director

SEAL

Dated: July 2, 2014

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

FILED

JUL 02 2014

Board of Embalmers  
& Funeral Directors

STATE BOARD OF EMBALMERS AND )  
FUNERAL DIRECTORS, )  
 )  
PETITIONER, )  
 )  
V. )  
 )  
GEORGE TREASTER )  
D/B/A WHITE FUNERAL HOME, )  
156 Main St. )  
Ironton, MO 63650 )  
 )  
RESPONDENT. )

CASE NO. EMB15003-AV

**PROBATION VIOLATION COMPLAINT**

COMES NOW, the State Board of Embalmers and Funeral Directors (the "Board") and for its Probation Violation Complaint against Respondent George Treaster d/b/a White Funeral Home ("White Funeral Home", "Treaster" or "Licensee"), states:

*The Parties and Licenses*

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo<sup>1</sup>, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. George Treaster ("Treaster") is an individual who resides at 105 Robin Drive, Ironton, Missouri 63650 and has registered his business address with the Board as 156 S. Main, Ironton, Missouri 63650.

<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (2000), as amended, unless otherwise indicated.

3. Treaster holds funeral director license number 004734, embalmer license number 006119 and preneed agent registration license number 2010004064, all of which were current and active during the time periods relevant to this Complaint, but subject to probation.

4. Treaster operates a Missouri licensed funeral establishment known as White Funeral Home and holds funeral establishment license number 002376 that was, at all times relevant to this Complaint, current and active, but subject to probation.

5. Treaster serves as funeral director in charge of White Funeral Home.

6. Treaster operates as a preneed seller and as a preneed provider and holds seller license number 2010003431 and provider license number 2010003432. Both the seller and provider licenses are current and active, but subject to probation.

#### Jurisdiction and Venue

7. The Board possesses jurisdiction over this matter pursuant to Section 324.042, RSMo, and pursuant to paragraphs 58, 59, and 61 of the Consent Order.

8. Venue is proper.

#### Relevant Statutes

9. Section 324.042, RSMo, states:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

10. Section 333.062.2, RSMo, requires each funeral establishment to be under the direction of a funeral director in charge and states, in relevant part:

1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

11. Regulation 20 CSR 2120-1.040(14) defines the role and responsibilities of the funeral director in charge and states:

(14) Funeral director-in-charge—an individual licensed as a funeral director by the State Board of Embalmers and Funeral Directors responsible for the general management and supervision of a Missouri licensed funeral establishment in the state of Missouri. Each Missouri licensed funeral establishment shall have a Missouri licensed funeral director designated as the funeral director-in-charge.

12. Section 333.330.2, RSMo, authorizes discipline against licensees issued pursuant to Chapter 333, and states, in relevant part:

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

\* \* \*

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

\* \* \*

(10) Misappropriation or theft of preneed funds;

\* \* \*

(14) Violation of any professional trust or confidence;

\* \* \*

(19) Violation of any of the provisions of chapter 193, 194, 407, or 436;

13. Section 436.430.2, RSMo, applicable to contracts sold after August 28,

2009 requires:

A seller must deposit all payments received on a preneed contract into the designated preneed trust within sixty days of receipt of the funds by the seller, the preneed sales agent or designee. A seller may not require the consumer to pay any fees or other charges except as authorized by the provisions of chapter 333, RSMo, and this chapter or other state or federal law.

14. Section 436.027, RSMo (2000)<sup>2</sup>, applicable to contracts sold before August 28, 2009, allowed the seller to keep the first 20% of consumer payments with the remaining funds required to be deposited into trust and stated:

The seller may retain as his own money, for the purpose of covering his selling expenses, servicing costs, and general overhead, the initial funds so collected or paid until he has received for his use and benefit an amount not to exceed twenty percent of the total amount agreed to be paid by the purchaser of such prepaid funeral benefits as such total amount is reflected in the contract.

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<sup>2</sup> Section 436.027, RSMo (2000) was repealed by S.B. 1, effective August 28, 2009, but continues to apply to contracts sold under prior to the enactment of S.B. 1 per Section 436.412, RSMo.

15. For contracts entered into after August 28, 2009, Section 436.430.3 and .4, RSMo, allow a seller to request the trustee to distribute up to 15% of consumer payments placed into trust and state:

3. A seller may request the trustee to distribute to the seller an amount up to the first five percent of the total amount of any preneed contract as an origination fee. The seller may make this request at any time after five percent of the total amount of the preneed contract has been deposited into the trust. The trustee shall make this distribution to the seller within fifteen days of the receipt of the request.

4. In addition to the origination fee, the trustee may distribute to the seller an amount up to ten percent of the face value of the contract on a preneed contract at any time after the consumer payment has been deposited into the trust. The seller may make written request for this distribution and the trustee shall make this distribution to the seller within fifteen days of the receipt of the request or as may be provided in any written agreement between the seller and the trustee.

16. Section 436.465, RSMo, states:

A seller shall maintain:

(1) Adequate records of all preneed contracts and related agreements with providers, trustees of a preneed trust, and financial institutions holding a joint account established under sections 436.400 to 436.520;

(2) Records of preneed contracts, including financial institution statements and death certificates, shall be maintained by the seller for the duration of the contract and for no less than five years after the performance or cancellation of the contract.

17. Sections 436.470.7 and .9, RSMo, state:

7. Upon request by the board, a licensee or registrant shall make the books and records of the licensee or registrant available to the board for inspection and copying at any reasonable time, including, any insurance, trust, joint account, or financial institution records

deemed necessary by the board to determine compliance with sections 436.400 to 436.520;

9. All sellers, providers, preneed agents, and trustees shall cooperate with the board or its designee, the division of finance, the department of insurance, financial institutions and professional registration, and the office of the attorney general in any inspection, investigation, examination, or audit brought under this section.

Background

18. By "Order of the Missouri State Board of Embalmers and Funeral Directors Issuing a Probated Preneed Seller License to George H. Treaster dba White Funeral Home" issued February 1, 2010, the Board issued Treaster a probated seller license subject to certain terms and conditions (the "Seller Probation Order").

19. By "Order of the Missouri State Board of Embalmers and Funeral Directors Issuing a Probated Preneed Provider License to George H. Treaster dba White Funeral Home" issued February 1, 2010, the Board issued Treaster a probated provider license, subject to certain terms and conditions (the "Provider Probation Order").

20. The conduct for which Treaster's seller and provider licenses were placed on probation included Treaster's failure to place into trust the funds he received from consumers who purchased preneed funeral plans from him as required by statute. These consumers were: R.P., H.H. and B.T.

21. Both the Seller Probation Order and the Provider Probation Order placed the respective licenses on probation as stated on page 6 of both Orders that state:

...that license is placed on PROBATION for a period of FIVE (5) YEARS (the "Disciplinary Period") commencing on the date of this Order. However, should Treaster provide to the Board documentation demonstrating to the Board's satisfaction that Treaster has deposited into trust the payments made on all of the

preneed contracts referenced herein as required by law, then this Disciplinary Period shall end at that time . . . .

22. In June 2011, the Board conducted a financial examination of the active preneed contracts of White Funeral Home with the Board's examiner making an on-site visit on June 30, 2011.

23. As part of the financial examination, the Board requested full and complete access to all books and records relating to all active preneed contracts sold by Treaster.

24. On June 30, 2011, Treaster signed the Board's Financial Examination Attestation in which he attested that he had provided to the Board "full and complete access to all records necessary for the board to conduct a financial examination of the books and records of this seller."

25. The Board's financial examination revealed contracts, in addition to those contracts found to be unfunded in the Seller Probation Order and in the Provider Probation Order, that were either underfunded or for which Treaster provided no documentation of funding so that funding could be confirmed. All contract funds are held at Forethought Federal Savings Bank. The following summarizes the shortages found by the Board:

Consumer Name	Contract Number	Date of Contract	Face Value of Contract	Recorded Consumer Payments	Deposited into Trust	Shortage*
H. B.	833284221	11/6/00	\$4,728.57	\$ 511.98	\$ 647.02	\$3,135.83
J. P.	833086632	8/21/96	3,520.00	1,869.53	1,869.53	2,273.88
R. R.	833086644	4/22/97	5,201.54	1,916.12	3,314.70	846.53
F. M.	833086625	5/03/98	5,638.33	5,638.33	2,089.09	4,510.66
S.S.	833086649	6/15/99	4,432.13	1,475.00	743.34	886.43
J.R.	833137356	11/10/99	3,737.48	1,000.00	969.40	2,020.61**
L.C.	833086596	none	6,858.24	2,052.91	1,371.65	3,433.68

S.C.	833086597	none	6,858.24	6,858.24	2,667.31	2,819.28
S.C.	833086598	none	5,782.66	4,000.00	3,580.38	Unknown
G.C.	833602070	1/23/08	6,785.00	4,093.00	47.12	2,688.88
E.D.	833603147	2/23/09	3,413.00	1,500.00	105.96	1,124.00**
D.S.	833603150	5/13/09	7,933.18	7,933.18	427.53	5,919.01
D.B.	833603354	7/14/09	2,663.00	1,000.00	206.85	400.00**
M.T.	834001580	3/18/11	1,319.00	1,319.00	1,072.26	48.89

\*Shortage calculated by 80% of face value minus what trust holds.

\*\*Shortage reported by Treaster

26. By letter dated August 17, 2011, the Board provided Treaster with a copy of the financial exam report and provided him the opportunity to respond.

27. Treaster responded to the Board with a letter dated September 14, 2011 in which he acknowledged shortages in 7 preneed accounts

28. Treaster failed to provide the Board with the documentation to confirm the truthfulness of his assertions in his response to the Board.

29. For three of the contracts, Treaster admitted the amount that should be trusted in excess of what the records given the Board's examiner found, as follows:

- a. For consumer J.R., Treaster admits that the trust is short \$2,020.61 when the records he supplied to the Board's examiner showed a shortage in the trust of \$747.50.
- b. For consumer E.D., Treaster admits that the trust is short \$1,124 when the records he supplied the Board's examiner show the shortage to be \$711.44.
- c. For consumer D.B., Treaster admits that the trust is short \$400 when the records he supplied to the Board's examiner showed a shortage of \$260.55. Treaster also asserted that, after reviewing the financial

examination report, he deposited the \$400 into trust, but provided no documentation to support that assertion.

30. On November 15, 2011, the Board filed its Probation Violation Complaint alleging that Treaster failed to comply with the terms and conditions of his probation.

31. To resolve the Probation Violation Complaint filed on November 15, 2011, the Board and Treaster entered into a "Consent Order and Settlement Agreement Between State Board of Embalmers and Funeral Directors and George Treaster d/b/a White Funeral Home" that was signed by the Board's Executive Director on November 15, 2012 and went into effect 15 days later (the "Consent Order"). A true and accurate copy of the Consent Order is attached to this Complaint as Exhibit A and incorporated by reference as if it were fully set forth in this Complaint.

32. By letter dated November 16, 2012, the Board mailed Treaster a copy of the Consent Order along with instructions on compliance.

33. Per the terms of the Consent Order, Treaster's funeral director license, embalmer license, preneed agent registration, funeral establishment license, seller license, and provider license were all placed on probation for a period of five years, subject to Treaster's compliance with the terms and conditions set forth in the Consent Order.

34. In the Consent Order, paragraph 56 sets forth the terms and conditions of probation and includes, in relevant part:

d. Licensee shall fully fund each underfunded preneed contract as shown above within 3 years of the effective date of this Settlement Agreement as follows:

i. By the end of the first year of probation, Licensee shall have deposited funds into trust of at least \$6,841.49 (1/3 of the total shortage);

- ii. By the end of the second year of probation, Licensee shall have deposited at least another \$6,841.49 into trust, or the balance of the shortage;
  - iii. By the end of the third year of probation, Licensee shall deposit into trust another \$6,841.49 or the amount required to fully fund the shortage.
  - iv. In lieu of depositing funds into the trust, if any preneed beneficiary dies within the first three years of probation and Licensee provides the Board with sufficient written documents to show that Licensee fully provided the preneed contract, then that contract shall be deemed to be paid in full.
  - v. In lieu of depositing additional funds into trust, when Licensee provides a preneed contract for which he is entitled to receive payment from the trust, Licensee may opt to leave all, or a portion of the funds he is entitled to receive, in the trust. Upon submission of written documentation showing that he has not claimed funds to which he is entitled, the Board shall count that as a credit towards funding the underfunded contracts.
  - vi. In addition, if Licensee provides the Board with written documentation showing that additional funding is in place or that there has been a change in circumstances, such as a cancellation or refund of a preneed contract, the Board shall also credit any such amount, at the Board's discretion and confirmed by the Board in writing, towards the underfunded amounts.
- e. In the event Licensee sells or received compensation for any portion of his real estate or other substantial portion of his business assets, Licensee shall use the proceeds from that sale to fully fund all then outstanding underfunded preneed contracts.

35. In the Consent Order, the parties agreed that the following shortages in

Licensee's preneed trust remained:

Name	Contract Number	Date of Contract	Face Value of Contract	Examiner Verified Payments	Payments to Trust	Shortage
J. P.	833086632	8/21/96	6,230.61	3,520.00	1,484.49	789.51
R. R.	833086644	4/22/97	5,201.54	1,916.12	2,628.34	1,532.89
F. M.	833086625	5/03/98	5,638.33	5,638.33	1,656.66	2,854.00
L.C.	833086596	none	6,858.24	6,858.24	1,628.34	3,858.25
S.C.	833086597	none	6,858.24	6,858.24	2,114.53	3,372.06
G.C.	833602070	1/23/08	6,785.00	4,093.00	43.00	2,693.00
Totals			37,571.96	28,883.93	9,555.36	15,099.71

36. In addition, the preneed contract for H.H. remained underfunded with a shortage of \$5,424.77.

37. The total shortage in the preneed trust as agreed to by the Board and Licensee in the Consent Order was \$20,524.48.

*Probation Violations*

38. On December 31, 2013, Treaster completed his written report of compliance as required by the terms and conditions of the Consent Order (the "December 2013 Compliance Report").

39. Included with the December 2013 Compliance Report, Treaster submitted a letter to the Board stating that he had sold his commercial property to Iron County, but would lease the funeral home property from the county for several years. In this December 2103 Letter, Treaster stated: "This will allow me to fund all of the trust shortages by early 2014. I will mail the State Board a trust summary as soon as I receive one, showing that all trusts are fully funded." In addition, Treaster submitted documentation, as required by the Consent Order, showing how he believed the trust fund shortages should be amended.

40. By letter dated February 14, 2014, the Board responded to Treaster's assertions regarding remaining trust shortages. The Board requested more information from Treaster to confirm whether he had met the funding requirements, per the terms of the Consent Order. The Board received no response.

41. By letter dated March 11, 2014 to Treaster, the Board again requested a written response to the Board's February 14, 2014 letter.

42. Treaster responded to the Board's request.

43. Treaster failed to submit adequate documentation to show that the trust shortages had been resolved.

44. On October 18, 2013, Treaster closed on a real estate transaction that sold the property upon which he operates his funeral establishment to Iron County, Missouri (the "County") with a purchase price paid to Treaster of \$200,000.

45. Since the sale of the real estate, Treaster has continued to operate the funeral establishment by execution of leases, each for a 6 month term, to allow him to rent the premises from the County so that he can continue to operate his funeral home. The current lease expires on November 18, 2014.

46. By letter dated June 26, 2014, Treaster stated that he had "mailed to last (3) checks to finish up my Trust shortages." This letter indicated documents attached, but no attachment confirmed the funding of the trust shortages.

47. As of the date of the filing of this Complaint, Treaster has not supplied the Board with a trust summary showing the trusts have been fully funded as he stated he would do in his December 2013 Letter.

48. As of the date of the filing of this Complaint, Treaster has failed to comply with the conditions of his probation by applying the proceeds from the sale of his real estate to fully fund the underfunded preneed contracts.

49. As of the date of the filing of this Complaint, Treaster has provided no documentation confirming that he has made deposits into the preneed trust to provide funding for the underfunded contracts as set forth in the Consent Order.

50. As of the date of the filing of this Complaint, Treaster has failed to show that he has complied with paragraph 56.d. of the Consent Order that required him to fully fund his preneed contracts.

51. Treaster timely filed his compliance reports with the Board due by January 1, 2013 and by July 1, 2014 in which he affirmed for the Board that he fully complied with the provisions of Chapter 333 and relevant provisions of Chapter 436, RSMo and the provisions of the Consent Order.

52. Treaster failed to be in compliance with the provisions of the Consent Order.

53. Treaster failed to comply with the Consent Order in in that Treaster failed to comply with the requirements of paragraph 56.d. in that he has failed to fund the underfunded contracts as agreed to and has made no additional deposits into the preneed trust and he has failed to comply with the requirements of paragraph 56.e. of the Consent Order in that he sold real estate, but failed to use the proceeds from that sale to fully fund the outstanding underfunded preneed contracts.

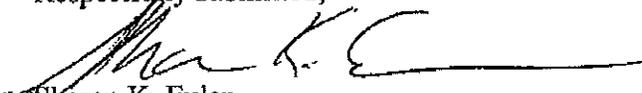
54. Treaster has asserted that he has complied with the requirements of paragraph 56.d. and paragraph 56.e. of the Consent Order, but has provided no documentation to support his assertions.

55. Treaster continues to hold preneed funds in excess of the 20% allowed by the Old Law to cover the seller's administrative expenses and thus, is in violation of the Consent Order.

56. Cause exists to impose further discipline on the funeral director, embalmer, preneed agent, funeral establishment, provider and seller licenses held by Treaster.

WHEREFORE, Petitioner asks that the Board provide notice and opportunity to be heard to Respondent pursuant to the provisions of Chapters 333 and 536, RSMo, and thereafter issue its findings of fact, conclusions of law and order imposing further discipline on the licenses of Respondent and for such other relief as the Board deems just and proper.

Respectfully submitted,

  
Sharon K. Euler  
Missouri Bar No. 42950

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Division of Professional Registration  
Fletcher Daniels State Office Building  
615 East 13<sup>th</sup> Street, Suite 510  
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Sandy Sebastian  
Executive Director

573-751-0813  
573-751-1155 FAX  
800-735-2966 TTY  
800-735-2466 Voice Relay Missouri

November 16, 2012

CERTIFIED MAIL 7009 2250 0001 4911 2128

George H Treaster  
White Funeral Home  
156 S Main St  
Ironton MO 63650-1306

Dear Mr. Treaster:

Enclosed please find a copy of the Settlement Agreement issued by the State Board of Embalmers and Funeral Directors regarding disciplinary action on your funeral director license number 004734, embalmer license number 006119, preneed agent registration number 2010004064, preneed seller license number 2010003431, preneed provider license number 2010003432, and funeral establishment license number 002376.

This Settlement Agreement places the licenses above under a period of probation for a period of five (5) years. You are encouraged to read through the document and make inquiry of our office regarding any questions you might have.

I have enclosed a sample compliance letter that you may use in accordance with the written report that is required in paragraph I.i. on page 14 of the agreement. This is sample only and you may provide any form of compliance notification in accordance with the disciplinary terms. You may also access this form on our website at <http://pr.mo.gov/embalmers.asp> and clicking on the Discipline Monitoring Forms link on the right side of the page. Please note that this form does not fulfill the reporting requirements outlined in paragraph I.ii. on page 15 of the agreement.

If you have questions, please feel free to contact our office at 573.751.0813.

Sincerely,

*Sandy Sebastian*  
Sandy Sebastian  
Executive Director

Enclosures  
This letter has been sent both certified and regular mail.



NOV 14 2012

RECEIVED

NOV 14 2012

STATE BOARD OFFICE

STATE BOARD OFFICE

**CONSENT ORDER AND SETTLEMENT AGREEMENT BETWEEN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS AND GEORGE TREASTER d/b/a WHITE FUNERAL HOME (Seller, Provider, Funeral Establishment, Funeral Director, Embalmer, Preneed Agent)**

000031 NOV -2 2012

The State Board of Embalmers and Funeral Directors (the "Board") and George Treaster d/b/a White Funeral Home ("Licensee" or "Treater"), enter into this "Settlement Agreement Between State Board of Embalmers and Funeral Directors and George Treaster d/b/a White Funeral Home" (the "Settlement Agreement") to resolve the question of whether Licensee violated the terms and conditions of probation on his preneed seller and provider licenses and, if so, to agree on the appropriate level of discipline to impose on the preneed seller and provider licenses as a result of this violation. In addition, this Settlement Agreement resolves the question of whether Licensee's funeral establishment, funeral director, embalmer and preneed agent licenses are subject to discipline and if so, to agree on the appropriate level of discipline to impose on these licenses as well as Licensee's preneed seller and provider licenses.

Pursuant to the terms of Section 536.060 RSMo<sup>1</sup>, the parties hereto waive the right to a hearing before the Board per Section 324.042, RSMo, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Licensee acknowledges that he understands the various rights and privileges afforded to him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him and, subsequently, the right to a hearing before the Board at which time he may present evidence in mitigation of discipline;

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

2

and the right to potentially recover attorney's fees incurred in defending this action against his licenses. Being aware of these rights provided it by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to him.

Licensee acknowledges that he has received a copy of the investigative report and other documents relied upon by the Board in determining there is cause for discipline, along with citations to law and/or regulations the Board believes were violated. Licensee acknowledges that he has been advised of his right to seek legal counsel to represent him in this matter.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Board that Licensee's licenses to practice as a preneed seller, license number 2010003431, preneed provider, license number 2010003432, funeral establishment, license number 002376, funeral director, license number 004734, embalmer, license number 06119 and preneed agent, registration number 2010004064, are subject to disciplinary action by the Board in accordance with the provisions of Chapters 324, 333, 436 and 621 RSMo.

#### Relevant Statutes

1. Section 324.042, RSMo, states:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

2. Section 436.430.2, RSMo, applicable to contracts sold after August 28, 2009

requires:

A seller must deposit all payments received on a preneed contract into the designated preneed trust within sixty days of receipt of the funds by the seller, the preneed sales agent or designee. A seller may not require the consumer to pay any fees or other charges except as authorized by the provisions of chapter 333, RSMo, and this chapter or other state or federal law.

3. Section 436.027, RSMo (2000)<sup>2</sup>, applicable to contracts sold before August 28, 2009, allowed the seller to keep the first 20% of consumer payments with the remaining funds required to be deposited into trust and stated:

The seller may retain as his own money, for the purpose of covering his selling expenses, servicing costs, and general overhead, the initial funds so collected or paid until he has received for his use and benefit an amount not to exceed twenty percent of the total amount agreed to be paid by the purchaser of such prepaid funeral benefits as such total amount is reflected in the contract.

4. Section 436.430.3 and .4, RSMo, allow a seller to request the trustee to distribute up to 15% of consumer payments placed into trust and state:

3. A seller may request the trustee to distribute to the seller an amount up to the first five percent of the total amount of any preneed contract as an origination fee. The seller may make this request at any time after five percent of the total amount of the preneed contract has been deposited into the trust. The trustee shall make this distribution to the seller within fifteen days of the receipt of the request.

4. In addition to the origination fee, the trustee may distribute to the seller an amount up to ten percent of the face value of the contract on a preneed contract at any time after the consumer payment has been deposited into the trust. The seller may make written request for this distribution and the trustee shall make this distribution to the seller within fifteen days of the receipt of the request or as may be provided in any written agreement between the seller and the trustee.

5. Section 436.465, RSMo, states:

A seller shall maintain:

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<sup>2</sup> Section 436.027, RSMo (2000) was repealed by S.B. 1, effective August 28, 2009, but continues to apply to contracts sold under prior to the enactment of S.B. 1 per Section 436.412, RSMo.

- (1) Adequate records of all preneed contracts and related agreements with providers, trustees of a preneed trust, and financial institutions holding a joint account established under sections 436.400 to 436.520;
- (2) Records of preneed contracts, including financial institution statements and death certificates, shall be maintained by the seller for the duration of the contract and for no less than five years after the performance or cancellation of the contract.

6. Sections 436.470.7 and .9, RSMo, state:

7. Upon request by the board, a licensee or registrant shall make the books and records of the licensee or registrant available to the board for inspection and copying at any reasonable time, including, any insurance, trust, joint account, or financial institution records deemed necessary by the board to determine compliance with sections 436.400 to 436.520;

9. All sellers, providers, preneed agents, and trustees shall cooperate with the board or its designee, the division of finance, the department of insurance, financial institutions and professional registration, and the office of the attorney general in any inspection, investigation, examination, or audit brought under this section.

7. Section 333.062.2, RSMo, requires each funeral establishment to be under the direction of a funeral director in charge and states, in relevant part:

1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a license issued by the board.

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

\* \* \*

8. Regulation 20 CSR 2120-1.040(14) defines the role and responsibilities of the funeral director in charge and states:

(14) Funeral director-in-charge—an individual licensed as a funeral director by the State Board of Embalmers and Funeral Directors responsible for the general management and supervision of a Missouri

licensed funeral establishment in the state of Missouri. Each Missouri licensed funeral establishment shall have a Missouri licensed funeral director designated as the funeral director-in-charge.

9. Section 333.330.2, RSMo, authorizes discipline against licensees issued pursuant to Chapter 333, and states, in relevant part:

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

\* \* \*

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant thereto;

\* \* \*

(10) Misappropriation or theft of preneed funds;

\* \* \*

(14) Violation of any professional trust or confidence;

\* \* \*

(19) Violation of any of the provisions of chapter 193, 194, 407, or 436;

\* \* \*

Findings of Fact and Conclusions of Law

10. The parties stipulate and agree to the following findings of fact and conclusions of law:

The Parties and Licenses

11. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo<sup>3</sup>, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

12. Treaster is an individual who resides at 105 Robin Drive, Ironton, Missouri 63650 and has registered his business address with the Board as 156 S. Main, Ironton, Missouri 63650.

13. Treaster operates a Missouri licensed funeral establishment known and registered with the Board as White Funeral Home and holds funeral establishment license number 002376 that is and was current and active at all times relevant to this Settlement Agreement.

14. Treaster holds funeral director license number 004734 that is and was current and active at all times relevant to this Settlement Agreement.

15. Treaster holds embalmer license number 006119 that is and was current and active at all times relevant to this Settlement Agreement.

16. Treaster holds preneed agent license number 2010004064 that is and was current and active at all times relevant to this Settlement Agreement.

17. Treaster operates as a preneed seller and as a preneed provider and holds seller license number 2010003431 and provider license number 2010003432. Both the seller and provider licenses are current and active and on probation.

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<sup>3</sup> All statutory references are to the Revised Statutes of Missouri (2000), as amended, unless otherwise indicated.

Procedural History

18. On November 15, 2011, the Board filed its Probation Violation Complaint against Treaster seeking a determination that Treaster violated the terms and conditions of the probation ordered by the Board on his seller and provider licenses.

19. The Board served Treaster with a copy of the Complaint and notice of hearing.

20. Treaster met with the Board and the Board and Treaster engaged in settlement negotiations that resulted in this Settlement Agreement.

21. On August 21, 2012, Treaster appeared before the Board and stipulated to the facts as set forth herein and that his licenses were subject to discipline.

Orders of Probation and Terms and Conditions of Probation

22. By "Order of the Missouri State Board of Embalmers and Funeral Directors Issuing a Probated Preneed Seller License to George H. Treaster dba White Funeral Home" issued February 1, 2010, the Board issued Treaster a probated seller license subject to certain terms and conditions (the "Probated Seller Order").

23. By "Order of the Missouri State Board of Embalmers and Funeral Directors Issuing a Probated Preneed Provider License to George H. Treaster dba White Funeral Home" issued February 1, 2010, the Board issued Treaster a probated provider license, subject to certain terms and conditions (the "Probated Provider Order").

24. Both the Probated Seller Order and the Probated Provider Order placed the respective licenses on probation as states on page 6 of both Orders that state:

...that license is placed on PROBATION for a period of FIVE (5) YEARS (the "Disciplinary Period") commencing on the date of this Order. However, should Treaster provide to the Board documentation demonstrating to the Board's satisfaction that Treaster has deposited into trust the payments made on all of the preneed contracts referenced herein as required by law, then this Disciplinary Period shall end at that time . . . .

25. The conduct for which Treaster's seller and provider licenses were placed on probation included Treaster's failure to place into trust the funds he received from consumers who purchased preneed funeral plans from him as required by statute. To date, Treaster has not yet placed into trust funds for these preneed contracts. These consumers were :

- a. R. P.;
- b. H. H.; and
- c. B. T.

26. Since the entry of the Probated Seller Order and the Probated Provider Order, consumers R. P. and B.T. have died. Treaster fulfilled the preneed contracts with these consumers although he never placed the funds paid to him into trust.

27. Some of the terms and conditions of probation set forth in paragraph D. on page 7 and paragraph G. on page 8 of both the Probated Seller Order and the Probated Provider Order state:

D. Treaster shall comply with all provisions of Chapters 333 and 436, RSMo; all rules and regulations of the Board; and all federal and state laws, rules and regulations related to the preneed funeral business. "State" as used herein refers to the State of Missouri and all other states and territories of the United States.

G. Treaster 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.

Jurisdiction and Venue

28. The Board possesses jurisdiction over this matter pursuant to Section 324.042, RSMo, and pursuant to pages 8 and 9 of both the Probated Seller Order and the Probated Provider Order.

29. Venue is proper.

*Financial Examination of Preneed Seller Books and Records*

30. In June 2011, the Board conducted a financial examination of the active preneed contracts of White Funeral Home with the Board's examiner making an on-site visit on June 30, 2011.

31. As part of the financial examination, the Board requested full and complete access to all books and records relating to all active preneed contracts sold by Treaster.

32. On June 30, 2011, Treaster signed the Board's Financial Examination Attestation in which he attested that he had provided to the Board "full and complete access to all records necessary for the board to conduct a financial examination of the books and records of this seller."

33. The Board's financial examination revealed contracts, in addition to those contracts found to be unfunded in the Probated Seller Order and in the Probated Provider Order, that were either underfunded or for which Treaster provided no documentation of funding so that funding could be confirmed.

34. By letter dated August 17, 2011, the Board provided Treaster with a copy of the financial exam report and provided him the opportunity to respond.

35. After receipt of the financial exam report, Treaster provided additional records and documents for some of the shortages found in the financial examination report.

36. All preneed contract funds are held at Forethought Federal Savings Bank.

37. Treaster did not deposit all funds into the preneed trust that the law required to be deposited.

38. The shortages in the preneed trust (not including F.H.L.) are:

Name	Contract Number	Date of Contract	Face Value of Contract	Examiner Verified Payments	Payments to Trust	Shortage
J. P.	833086632	8/21/96	6,230.61	3,520.00	1,484.49	789.51
R. R.	833086644	4/22/97	5,201.54	1,916.12	2,628.34	1,532.89
F. M.	833086625	5/03/98	5,638.33	5,638.33	1,656.66	2,854.00
L.C.	833086596	none	6,858.24	6,858.24	1,628.34	3,858.25
S.C.	833086597	none	6,858.24	6,858.24	2,114.53	3,372.06
G.C.	833602070	1/23/08	6,785.00	4,093.00	43.00	2,693.00
Totals			37,571.96	28,883.93	9,555.36	15,099.71

39. The preneed contract for H.H. remains underfunded with a shortage of \$5,424.77.

40. The total shortage in the preneed trust is \$20,524.48.

*Failure to Disclose Prior Discipline on 2011 Preneed Seller Renewal*

41. Treaster filed his 2011 Renewal License and Annual Report for his Preneed Seller license that he signed on October 19, 2011 (the "2011 Seller Renewal").

42. In Section B of the 2011 Seller Renewal, Treaster checked "No" to the following question:

2. Have you ever had any professional license, certification, registration or permit revoked, suspended, placed on probation, censured, reprimanded, fined or otherwise subjected to any type of disciplinary action?

43. Treaster has had both his seller and provider licenses placed on probation and both are still on probation per the Probated Seller Order and the Probated Provider Order.

44. Treaster did not truthfully answer question 2 on the 2011 Seller Renewal.

*Probation Violations and Cause for Discipline*

45. Treaster failed to maintain adequate records of all preneed contracts and related agreements as required by Section 436.465, RSMo.

46. Treaster failed to make available to the Board's financial examiner full and complete access to all books and records related to the preneed contracts as required by Section 436.480.7 and .9, RSMo.

47. Treaster failed to provide the Board's financial examiner with records related to the preneed contracts sold to R. P., H. H., and B. T.

48. Treaster kept for his own use funds in excess of the statutorily allowed 20% for contracts entered into prior to August 28, 2009 in violation of Section 436.026, RSMo (2000).

49. Treaster timely filed his compliance reports with the Board due by January 1 and July 1 of 2010 and 2011 in which he affirmed for the Board that he fully complied with the provisions of Chapter 333 and relevant provisions of Chapter 436, RSMo.

50. Treaster failed to be in compliance with the provisions of Chapters 333 and relevant provisions of Chapter 436, RSMo, because during the time for which he certified full compliance Treaster held consumer funds paid to him for preneed contracts but he failed to comply with the law by placing those funds into trust.

51. Treaster failed to be in compliance with the provisions of Chapters 333 and relevant provisions of Chapter 436, RSMo, when, on June 30, 2011, he attested to the Board that he provided full and complete access to the Board's financial examiners of all books and records related to the preneed contracts.

52. Treaster violated the professional trust and confidence of his preneed customers by not properly trusting their preneed funds.

53. Cause exists for the Board to impose additional disciplinary action against Licensee's preneed seller and preneed provider licenses as authorized by Section 324.042, RSMo.

54. Cause exists to impose discipline on the seller, provider, funeral establishment, funeral director, embalmer and preneed agent licenses held by Treaster pursuant to Section 333.330.2(4), (5), (6), (10), (14), and (19), RSMo.

**STIPULATED DISCIPLINARY ORDER**

The parties agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of Sections 333.330 and 621.045.3, RSMo:

55. Licensee's licenses to practice as a seller, provider, funeral establishment, embalmer, funeral director and preneed agent are hereby placed on PROBATION for a period of FIVE YEARS (the "Disciplinary Period"), beginning on the effective date of this Settlement Agreement. During the period of probation, Licensee shall be entitled to operate as a licensed seller, provider, funeral establishment, embalmer, funeral director and preneed agent, as defined in Chapters 333 and 436, RSMo, subject to the following terms and conditions of probation:

**Terms and Conditions of Probation**

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

- d. Licensee shall fully fund each underfunded preneed contract as shown above within 3 years of the effective date of this Settlement Agreement as follows:
  - i. By the end of the first year of probation, Licensee shall have deposited funds into trust of at least \$6,841.49 (1/3 of the total shortage);
  - ii. By the end of the second year of probation, Licensee shall have deposited at least another \$6,841.49 into trust, or the balance of the shortage;

- iii. By the end of the third year or probation, Licensee shall deposit into trust another \$6,841.49 or the amount required to fully fund the shortage.
- iv. In lieu of depositing funds into the trust, if any preneed beneficiary dies within the first three years of probation and Licensee provides the Board with sufficient written documents to show that Licensee fully provided the preneed contract, then that contract shall be deemed to be paid in full.
- v. In lieu of depositing additional funds into trust, when Licensee provides a preneed contract for which he is entitled to receive payment from the trust, Licensee may opt to leave all, or a portion of the funds he is entitled to receive, in the trust. Upon submission of written documentation showing that he has not claimed funds to which he is entitled, the Board shall count that as a credit towards funding the underfunded contracts.
- vi. In addition, if Licensee provides the Board with written documentation showing that additional funding is in place or that there has been a change in circumstances, such as a cancellation or refund of a preneed contract, the Board shall also credit any such amount, at the Board's discretion and confirmed by the Board in writing, towards the underfunded amounts.
- e. In the event Licensee sells or received compensation for any portion of his real estate or other substantial portion of his business assets, Licensee shall use the proceeds from that sale to fully fund all then outstanding underfunded preneed contracts.
- f. Licensee shall fully and completely honor and fulfill all active preneed contracts.

- g. For all preneed contracts sold after the effective date of this Settlement Agreement, Licensee shall deposit into trust 100% of all payments received from consumers and shall not request the Trustee to distribute back to Treaster any funds authorized by Section 436.430.3 and .4, RSMo.
- h. Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Board with his current and active e-mail address;
- i. Licensee shall comply with all applicable provisions of Chapters 194, 333 and 436, RSMo, all Board regulations and all federal, state and local laws and regulations related to business operations in the funeral and death care industry including all insurance and security laws applicable to any insurance or annuity used to fund preneed funeral contracts;
- j. Licensee shall engage in no conduct that would give the Board cause to seek authority to discipline from the Administrative Hearing Commission;
- k. Licensee shall meet in person with the Board or any Board representative at any such time and place as required by the Board or its representative upon reasonable notice. Any such meetings shall be at the Board's discretion;
- l. Licensee shall submit written compliance reports to the Board no later than January 1 and July 1 of each year, but no compliance report shall be filed more than 14 days before it is due. Each of these compliance reports shall state truthfully:

- i. Whether there has been full compliance with the terms and conditions of this Order for the previous six month period and shall fully explain any non-compliance, and
- ii. Provide an update on the status of each preneed contract listed in this Settlement Agreement including supporting documentation showing if the preneed contract has been fulfilled and how much has been deposited into trust on these accounts since the last report and a current report showing the funding of each preneed contract referenced in this Settlement Agreement.

These compliance reports shall contain all other information required by this Order. Compliance reports may be submitted on a form provided by the Board, but failure to receive such a form from the Board shall not excuse the timely filing of any compliance report;

- m. Upon the request by the Board or its representative, Licensee shall immediately submit any and all records requested to show compliance with these terms and conditions;
- n. Licensee shall renew timely all licenses and/or registrations, shall pay timely all fees required for licensure/registration and shall meet all other requirements necessary to maintain all licenses and registrations issued by the Board current and active; and
- o. Licensee shall accept and cooperate with unannounced visits from the Board, or its representatives, to monitor compliance with the terms and conditions of probation.

57. The terms of this Settlement Agreement are contractual, legally enforceable and binding, not merely recital. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge or termination is sought.

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

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

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

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

of Licensee's licenses. The Board has continuing jurisdiction to hold a hearing determine if a violation of the terms and conditions of probation occurred.

62. Licensee, together with his heirs and assigns and his attorney(s), do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents or attorneys, including any former Board members, employees, agents and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to Section 536.087 RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof void or unenforceable.

63. Each party agrees to pay all their own expenses and fees incurred as a result of this matter or any ensuing litigation.

64. Licensee understands that he may, either at the time the Settlement Agreement is signed by all parties or within fifteen (15) days thereafter, submit the Settlement Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Licensee's license. If Licensee desires the Administrative Hearing Commission to review this Settlement Agreement, Licensee may submit its request to: Administrative Hearing Commission, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102.

65. If Licensee requests review, this Settlement Agreement shall become effective on

the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Licensee's license. If Licensee does not request review by the Administrative Hearing Commission, the Settlement Agreement goes in to effect 15 days after the document is signed by the Executive Director of the Board.

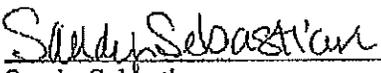
66. This Order of the Board shall be maintained as an open and public record of the Board as provided in Chapters 333, 610 and 324, RSMo.

67. As of the effective date of this Settlement Agreement, the Probated Seller Order and the Probated Provider Order are both vacated and this Settlement Agreement sets forth the discipline imposed against Licensee's licenses.

Licensee

  
George Treaster

Board

  
Sandy Sebastian  
Executive Director  
State Board of Embalmers and Funeral Directors  
November 15, 2012

Approved:

\_\_\_\_\_

  
Sharon K. Euler # 42950  
Division of Professional Registration  
615 East 13<sup>th</sup> Street, Suite 501  
Kansas City, Missouri 64106  
(816) 889-3687 (voice)  
(816) 889-2345 (fax)  
Sharon.euler@pr.mo.gov

COUNSEL FOR LICENSEE

COUNSEL FOR THE BOARD

EFFECTIVE DATE  
11-30-12  
STATE BOARD OF EMBALMERS  
AND FUNERAL DIRECTORS

State Board of Embalmers and Funeral Directors  
P.O. Box 423, 3605 Missouri Boulevard  
Jefferson City, Missouri 65102

Dear Board:

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, I, \_\_\_\_\_, hereby truthfully  
(name of licensee/registrant)  
state that I have been in full compliance with all terms and conditions of my discipline including the following  
which I have initialed to indicate my compliance:

- \_\_\_\_ 1. Notified the Board within 10 days of any address or telephone number changes, and if applicable, email addresses.
- \_\_\_\_ 2. Timely renewed all licenses, as applicable.
- \_\_\_\_ 3. Abided by all provisions of Chapter 333, RSMo and corresponding regulations.
- \_\_\_\_ 4. Abided by all provisions of Chapter 436, RSMo and corresponding regulations.
- \_\_\_\_ 5. Appeared/testified when requested by the Board.
- \_\_\_\_ 6. Complied with unannounced visits from the Board's duly authorized representatives, if applicable.
- \_\_\_\_ 7. To the best of my knowledge I have complied with all stipulations.

Additional comments:

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
Licensee Printed Name



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

FILED

JUL 02 2014

Board of Embalmers  
& Funeral Directors

87

STATE BOARD OF EMBALMERS AND )  
FUNERAL DIRECTORS, )  
 )  
PETITIONER, )  
 )  
V. )  
 )  
LELAND J. JONES, SR. )  
 )  
2739 Garfield )  
Kansas City, MO 64109 )  
 )  
RESPONDENT. )

CASE NO. EM 15.001.PV

**PROBATION VIOLATION COMPLAINT**

COMES NOW, the State Board of Embalmers and Funeral Directors (the "Board") and for its Probation Violation Complaint against Respondent Leland Jones, Sr. ("Jones" or "Licensee"), states:

*The Parties and Licenses*

1. The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo<sup>1</sup>, for the purposes of executing and enforcing the provisions of Chapter 333, RSMo, and the portions of Chapter 436, RSMo, related to preneed funeral contracts.

2. Jones is an individual who resides at 2739 Garfield, Kansas City, Missouri 64109.

<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (2000), as amended, unless otherwise indicated.

3. Jones holds embalmer apprentice registration license number 2011022668 that is current and active.

*Order of Probation and Terms and Conditions of Probation*

4. The Board issued Jones its “Order Issuing a Probated Embalmer Apprentice License” on July 15, 2011 (the “Embalmer Apprentice Probation Order”). Included with the Embalmer Apprentice Probation Order was a letter explaining the conditions of probation and also attached forms of what Jones would need to complete and submit to the Board to be in compliance with the conditions of his probation. A true and accurate copy of the Embalmer Apprentice Probation Order with accompanying letter and forms is attached to this complaint as Exhibit 1 and incorporated herein by reference as if fully set forth in this Complaint.

5. The Embalmer Apprentice Probation Order placed Jones’ embalmer apprentice registration license on probation for a period of three years, or until the completion of his apprenticeship, whichever occurred first, subject to certain terms and conditions of probation set forth in paragraph 46 of the Embalmer Apprentice Probation Order.

6. The Embalmer Apprentice Probation Order, in paragraph 46, listed conditions of probation including:

e. Licensee shall submit written compliance reports to the Board no later than January 1 and July 1 of each year, but no compliance report shall be filed more than 14 days before it is due. Each of these compliance reports shall state truthfully whether there has been full compliance with the terms and

conditions of this Order for the previous six month period and shall fully explain any non-compliance. These compliance reports shall contain all other information required by this Order. Compliance reports may be submitted on a form provided by the Board, but failure to receive such a form from the Board shall not excuse the timely filing of any compliance report;

\* \* \*

m. iv. If a 12 step program, or other support group attendance is recommended, Licensee shall submit to the Board evidence, to the Board's satisfaction, to verify such recommended attendance, as part of his January 1 and July 1 compliance reports;

7. The Board issued the Embalmer Apprentice Probation Order due to Jones' history of criminal conduct as set forth in attached Exhibit 1.

8. Jones failed to file his written reports of compliance, including verification of his attendance of a support group, on or before January 1, 2014 and on or before July 1, 2014.

9. By letter dated April 24, 2014, the Board notified Jones that he had failed to comply with paragraphs 46.e and m.iv. of the conditions of probation and gave Jones until May 8, 2014 to submit the delinquent report due January 1, 2014.

10. Jones failed to respond or to comply with the Board's request.

*Jurisdiction and Venue*

11. The Board possesses jurisdiction over this matter pursuant to Section 324.042, RSMo, and pursuant to paragraphs 47 and 50 of the Embalmer Apprentice Probation Order.

12. Venue is proper.

Relevant Statutes

13. Section 324.042, RSMo, states:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

Probation Violations

14. Jones violated the conditions of his probation set forth in paragraph 46.e and 46.m.iv. of the Embalmer Apprentice Probation Order in that he failed to submit timely his January 1, 2014 and July 1, 2014 written reports of compliance, including verification of attendance at support group meetings, even after the Board granted him an extension of time in which to complete the evaluation.

15. The Board has cause to impose additional discipline upon Jones' Embalmer Apprentice Registration License because Jones failed to comply with the conditions of his probation.

WHEREFORE, Petitioner asks that the Board provide notice and opportunity to be heard to Respondent pursuant to the provisions of Chapters 333 and 536, RSMo, and thereafter issue its findings of fact, conclusions of law and

order imposing further discipline on the licenses of Respondent and for such other relief as the Board deems just and proper.

Respectfully submitted,



Sharon K. Euler  
Missouri Bar No. 42950

Legal Counsel  
Division of Professional Registration  
Fletcher Daniels State Office Building  
615 East 13<sup>th</sup> Street, Suite 510  
Kansas City, Missouri 64106

Telephone: 816-889-3687  
Telefax: 816-889-2345  
E-mail: Sharon.euler@pr.mo.gov

ATTORNEY FOR THE BOARD



Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Jane A. Rackers, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
John M. Huff, Director

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
3605 Missouri Boulevard  
P.O. Box 423  
Jefferson City, MO 65102-0423  
Email: [embalm@pr.mo.gov](mailto:embalm@pr.mo.gov)  
<http://pr.mo.gov/embalmers.asp>

Sandy Sebastian  
Executive Director

573-751-0813  
573-751-1155 FAX  
800-735-2966 TTY  
800-735-2466 Voice Relay Missouri

July 15, 2011  
CERTIFIED MAIL 7009 2250 0001 4911 0353

Leland Jones, Sr.  
2739 Garfield  
Kansas City MO 64109

Dear Mr. Jones:

Thank you for meeting with the State Board of Embalmers and Funeral Directors on June 1, 2011 to discuss your applications. Following review of your *Application for Embalmer's License* and *Application for Funeral Director's License* the State Board of Embalmers and Funeral Directors made the decision to allow you to pursue licensure as both an embalmer and a funeral director.

Enclosed are your Affidavits of Practical Work and an Order probating your embalmer apprenticeship. This Order is effective July 15, 2011 through July 14, 2014 or until completion of your embalmer apprenticeship. You are encouraged to read through the entire Order to familiarize yourself with the terms of your discipline. I would specifically draw your attention to pages 21 through 31, which outline in detail your responsibilities while your apprenticeship is under discipline with the board.

I have enclosed a sample compliance letter that you may use in accordance with the written report that is required in paragraph 46.e on page 22 of the Order. This is a sample only and you may provide any form of compliance notification in accordance with the disciplinary terms. In accordance with the terms of the disciplinary period, should continuing treatment or support group meeting attendance be recommended I have included forms that can be used to assist reporting the information outlined in paragraphs 46.m.iii and 46.m.iv on page 26 of the Order. All of these forms can be located on our website at <http://pr.mo.gov/embalmers.asp> under the Discipline Monitoring Forms link.



Leland Jones, Sr.  
July 15, 2011  
Page 2

As an apprentice embalmer you must serve at least thirty (30) hours per week for six consecutive months under the direct supervision of the Missouri licensed embalmer listed on the enclosed Affidavit of Practical Work forms and must embalm at least twelve (12) dead human bodies in the funeral establishment listed on your Affidavit of Practical Work forms. The information for each embalming performed will need to be listed on the reverse side of the Affidavit of Practical Work form of the licensed embalmer that directly supervised the embalming. Your apprentice embalmer number is #2011022668. Your apprenticeship officially began on July 15, 2011.

The enclosed Affidavit of Practical Work form(s) must be displayed at the funeral establishment listed on the forms. The forms should not be submitted to the Board office until you have completed at least six (6) consecutive months of apprenticeship and embalmed at least twelve (12) dead human bodies.

Once you have submitted your Affidavits, you are no longer qualified to continue acting as an embalmer until you have successfully completed the application process, which includes passing the law examination.

If during your apprenticeship, you should change your place of employment or add additional embalmers to your list of supervisors, you will need to contact this office for the proper forms to complete this change.

Your file contains successful examination results that fulfill the requirements of the Service Arts and Science sections of the examinations so it will not be necessary for you to take these examinations as a part of your application process/s.

Enclosed is a Certificate Of Eligibility to allow you to sit for the Missouri law exam. This can be used to fulfill both your embalmer and funeral director licensure process.

You will be required to successfully complete the Missouri Law Examination section. An applicant will be deemed to have successfully completed the Missouri Law examination when a score of seventy-five percent (75%) or better is achieved. Cost for taking Missouri Law Examinations are \$120. Payment of the examination fee will be made through the International Funeral Service Examination Boards, Inc. No fees for examinations are paid to our office, only to the Conference.

When you are ready to begin the computerized examination process, you will need to submit the Certificate of Eligibility form to the International Conference. If you pay by credit card, the form may be faxed to 479-442-7090. If you pay by cashiers check or money order, please mail the form and payment to "The Conference", 1885 Shelby Lane, Fayetteville, AR 72704.

Allow 3 working days from mailing or faxing your eligibility certificate to the Conference to allow for processing, before contacting the Pearson Scheduling Center at 1-800-709-0180 to schedule your examination(s). You do not need to call the Board or Conference after submission, and/or during your waiting period that is required for processing. Please become familiar with the Conference website: <http://www.theconferenceonline.org> category "Order Products and Services" and "For Students". This website will assist you in understanding the computerized examination process, ordering study guides, scheduling and test center locations.

When you have completed a computerized examination at the Pearson Center, you will know immediately if you have successfully completed the examination.

If you do not successfully complete the examination, once the board office receives those failing results you will receive an updated certificate of eligibility. There will be a mandatory 30-day waiting period between all examinations.

You will need to bring the following with you to the examination:

**Official Picture Identification with Signature**

Issued by a governmental agency, such as a permanent, current or unexpired driver's license; U.S. passport; or Federal, State, County or City Employee I.D. card. **NOTE: A student I.D. card is not considered official identification.**

**Secondary Identification**

A second form of identification with your **signature** on it. This can be a credit card with signature, social security card with signature, a student I.D. card with signature, a membership card (i.e., Sam's Card, PACE Card, etc.) or a notarized photograph with signature.

**Registration Confirmation**

You will receive a letter from Pearson VUE confirming your test appointment. You may want to bring this letter with you in case any questions arise as to your scheduled location and time.

Note: **Both forms of identification must match the name on your Certificate of Eligibility identically.** If you arrive to test with forms of ID that do not match the name on your Certificate of Eligibility identically, you will not be allowed to test and you will have to reregister and pay The Conference the applicable examination fees before you will be allowed to schedule another examination.

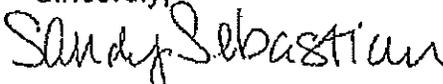
The Missouri Law Examination will test your knowledge of Chapter 333 RSMo, and the rules governing the practice of embalming, funeral director and funeral home licensing, together with government benefits, statutes and rules governing the care, custody, shelter, and disposition of dead human bodies and the transportation thereof. This examination will contain questions regarding Chapter 436 RSMo, relating to the preneed statutes and Chapters 193 and 194 RSMo relating to the Department of Health Statutes. This examination will also include questions regarding Federal Trade Commission rules and regulations and OSHA requirements as they apply to Missouri licensees. The Federal Trade Commission's address is 1999 Bryan Street, Suite 2150, Dallas, Texas 75201 and can be reached at (877)382-4357 or the Web-site <http://www.ftc.gov>. The OSHA, Office of Information and Consumer Affairs address is U.S. Department of Labor, 200 Constitution Avenue, N.W. Room N-3647, Washington, C.D. 20210 and can be reached at (202)693-1999 or the Web-site <http://www.osha.gov>. The above addresses, phone numbers and web-sites have been supplied for the convenience of obtaining additional study materials for this examination. This is a written examination of fifty (50) multiple-choice questions and the candidate will be allowed one hour to complete this examination.

Leland Jones Sr.  
 July 15, 2011  
 Page 4

The International Conference may provide auxiliary aides, services, and accommodations for disabled applicants. The Conference requires that such an applicant provide documentation of the existence and nature of the disability as evidence that he or she is entitled to modifications or aids. In the case of learning disabilities, this evidence must be disclosed in written form as part of the application and be from a licensed psychological examiner or other licensed professional who is qualified to make such determinations. The applicant must pay any costs of providing such documentation and must indicate on the application the accommodation requested. **The written documentation must be current (diagnosis or follow-up done within last five years) and must be provided with a current application.**

Successful law examination results will complete your *Application For Funeral Director's License* because you modified your application type from apprentice to education when in the office on June 28, 2011.

If you have any questions, please feel free to contact our office.

Sincerely,  
  
 Sandy Sebastian  
 Executive Director

Enclosures

*This letter was sent both regular and certified mail.*

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee 	
1. Article Addressed to:  Leland Jones, Sr. 273A Garfield Kansas City Mo 64109		B. Received by (Printed Name) Leland Jones Sr. C. Date of Delivery 7/19/11	
2. Article Number (Transfer from service label)		D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below  JUL 21 2011 STATE BOARD OFFICE	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
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**BEFORE THE  
MISSOURI STATE BOARD OF  
EMBALMERS AND FUNERAL DIRECTORS**

In the Matter of the Application of:

*LELAND CRAIG JONES, SR.*

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

COMES NOW, the Missouri State Board of Embalmers and Funeral Directors (the "Board") and pursuant to Section 324.038, RSMo<sup>1</sup>, issues this order granting a **PROBATED EMBALMER APPRENTICE REGISTRATION LICENSE** to Leland Craig Jones, Sr. ("Jones" or "Licensee"), 2739 Garfield, Kansas City, Missouri 64109.

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

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

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

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

#### Relevant Statutes

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

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

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

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

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

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

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

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

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

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

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

(3) Is a person of good moral character;

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

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

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

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

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

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

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

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

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

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

\* \* \*

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

\* \* \*

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

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

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

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

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

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

Criminal Statutes Violated by Jones

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

570.030. Stealing—penalties

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

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

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

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

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

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

3. Stealing is a class C felony if:

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

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

(3) The property appropriated consists of:

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

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

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

(d) Any firearms; or

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

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

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

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

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

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

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

otherwise, stealing is a class A misdemeanor.

7. In 1999 when Jones was convicted of driving while suspended,

second offense, Kansas Statute 8-262 (1998) stated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \*

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

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

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

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

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

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

#### Parties and Background

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

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

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

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

15. Jones is over the age of 18 years.

16. Jones has met the statutory requirements for licensure.

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

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

#### Jones' Licensing History

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

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

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

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

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

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

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

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

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

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

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

Basis for Probation

Drug and Alcohol Usage

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

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

Criminal Conduct

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

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

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

Convictions

35. Jones' criminal history includes the following:

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

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

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

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

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

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

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

Application Disclosures

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

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

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

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

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

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

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

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

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

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

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

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

Cause To Deny Licensure

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

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

Issuance of Probated License Subject to Terms and Conditions

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

Terms and Conditions of Probation

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

General Requirements

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

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

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

Chemical Dependency Requirements

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

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

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

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

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

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

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

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

v. If treatment of Licensee is successfully completed at any time during the period covered by this agreement, Licensee shall cause the chemical dependency professional to submit a report of final evaluation/summary which includes a statement that the Licensee has successfully completed treatment and indicate whether Licensee should continue in a 12 step program. If continuance in a 12 step program is recommended, Licensee shall continue submit evidence of attendance with his January 1 and July 1 compliance reports;

n. Licensee shall submit to periodic drug and alcohol screens, at Licensee's cost. The timing and/or scheduling for testing is within the Board's sole discretion. Such screenings may be conducted on any biological sample including blood, hair, urine or breath. If any drug and alcohol screen is performed on any biological sample of Licensee by any other entity, Licensee shall cause a copy of the report from that screening to be provided to the Board within 10 days of Licensee's receipt or knowledge of the results of said screening;

o. Licensee shall execute a limited medical release effective for the entire disciplinary period authorizing any chemical dependency

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

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

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

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

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

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

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

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

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

**IT IS SO ORDERED.**

Dated: July 15, 2011

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

State of Missouri  
Division of Professional Registration

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
3806 MISSOURI BOULEVARD  
P.O. BOX 423  
JEFFERSON CITY, MO 65102-0423  
TELEPHONE (573) 751-0813

**AFFIDAVIT OF PRACTICAL WORK - EMBALMER**

APPRENTICE EMBALMER NAME (FIRST, MIDDLE, LAST) Leland C. Jones		REGISTRATION # 2011022668
HOME ADDRESS (STREET, CITY, STATE, ZIP CODE) 2734 Garfield, Kansas City, MO 64109		DATE (MM/DD/YYYY) July 15, 2011
FUNERAL ESTABLISHMENT NAME Lawrence A Jones & Sons Funeral Chapels	ADDRESS (STREET, CITY, STATE, ZIP CODE) 1800 E Linwood Blvd, Kansas City, MO 64109	

**CERTIFICATION OF BOARD**

SUPERVISING EMBALMER NAME Craighton Campbell		MO. EMBALMER LICENSE NO. 007361
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This is to certify that the above named apprentice embalmer has met the Board requirements to serve as an apprentice embalmer. The apprentice embalmer must serve at least thirty (30) hours per week for twelve months under the direct supervision of a Missouri licensed embalmer and must embalm at least twenty-five (25) dead human bodies. Prior to completion of the period of apprenticeship, the apprentice embalmer must successfully complete the Missouri Law exam. After completion of these requirements, the apprentice embalmer will be qualified to take an oral examination on practical embalming and State laws. A grade of seventy-five percent (75%) on a scale one hundred must be attained.

SEAL

EXECUTIVE DIRECTOR

*Sandra Sebastian*  
DATE (MM/DD/YYYY)  
July 15, 2011

**CERTIFICATION OF PRACTICAL WORK - SUPERVISOR**

This is to certify that the above named apprentice embalmer has served under my supervision during the following time period.

FROM (MM/DD/YYYY)	TO (MM/DD/YYYY)	EMBALMER LICENSE NO.	NO. OF BODIES EMBALMED
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**MUST BE SIGNED IN THE PRESENCE OF NOTARY**

SIGNATURE OF EMBALMER SUPERVISOR	DATE (MM/DD/YYYY)	Funeral Director In Charge Signature
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NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF YEAR	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	

USE RUBBER STAMP IN CLEAR AREA BELOW.

**CERTIFICATION BY APPRENTICE EMBALMER**

This is to certify that I was under the personal supervision of the Missouri licensed embalmer named above and did embalm the dead human bodies, shown by this certificate of practical work.  
**THE FOREGOING IS A TRUE STATEMENT OF THE PRACTICAL WORK PERFORMED BY THE ABOVE NAMED APPRENTICE EMBALMER.**

**MUST BE SIGNED IN PRESENCE OF NOTARY**

APPRENTICE EMBALMER SIGNATURE	DATE (MM/DD/YYYY)
-------------------------------	-------------------

NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF YEAR	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	

USE RUBBER STAMP IN CLEAR AREA BELOW.

MO 419-1018N (7-04)

**MISSOURI STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
APPRENTICE EMBALMER ID CARD**

The above named board acknowledges receipt of application of	
APPRENTICE NAME Leland C. Jones	
for registration as an APPRENTICE EMBALMER which application is hereby approved, and applicant assigned apprentice number	
2011022668	
ISSUE DATE July 15, 2011	EXECUTIVE DIRECTOR <i>Sandra Sebastian</i>

During the apprenticeship period, this ID card must be displayed in a conspicuous location accessible to the funeral establishment where the apprentice embalmer is located and a copy retained by the apprentice embalmer.  
This form **MUST** be signed by the Funeral Director in Charge.

State of Missouri  
Division of Professional Registration

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
3605 MISSOURI BOULEVARD  
P.O. BOX 423  
JEFFERSON CITY, MO 65102-0423  
TELEPHONE (573) 751-0813

**AFFIDAVIT OF PRACTICAL WORK – EMBALMER**

APPRENTICE EMBALMER NAME (FIRST, MIDDLE, LAST) Leland C. Jones		REGISTRATION # 2011022668
HOME ADDRESS (STREET, CITY, STATE, ZIP CODE) 2734 Garfield, Kansas City, MO 64109		DATE (MM/DD/YYYY) July 15, 2011
FUNERAL ESTABLISHMENT NAME Lawrence A Jones & Sons Funeral Chapels	ADDRESS (STREET, CITY, STATE, ZIP CODE) 1800 E Linwood Blvd, Kansas City, MO 64109	

**CERTIFICATION OF BOARD**

SUPERVISING EMBALMER NAME Oscar E. Friday	MO. EMBALMER LICENSE NO. 000193
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This is to certify that the above named apprentice embalmer has met the Board requirements to serve as an apprentice embalmer. The apprentice embalmer must serve at least thirty (30) hours per week for twelve months under the direct supervision of a Missouri licensed embalmer and must embalm at least twenty-five (25) dead human bodies. Prior to completion of the period of apprenticeship, the apprentice embalmer must successfully complete the Missouri Law exam. After completion of these requirements, the apprentice embalmer will be qualified to take an oral examination on practical embalming and State laws. A grade of seventy-five percent (75%) on a scale one hundred must be attained.

SEAL

EXECUTIVE DIRECTOR

*Sandra Sebastian*

DATE (MM/DD/YYYY)  
July 15, 2011

**CERTIFICATION OF PRACTICAL WORK - SUPERVISOR**

This is to certify that the above named apprentice embalmer has served under my supervision during the following time period.

FROM (MM/DD/YYYY)	TO (MM/DD/YYYY)	EMBALMER LICENSE NO.	NO. OF BODIES EMBALMED
-------------------	-----------------	----------------------	------------------------

**MUST BE SIGNED IN THE PRESENCE OF NOTARY**

SIGNATURE OF EMBALMER SUPERVISOR DATE (MM/DD/YYYY) Funeral Director In Charge Signature

NOTARY PUBLIC EMBOSSEER OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF YEAR	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	

USE RUBBER STAMP IN CLEAR AREA BELOW.

**CERTIFICATION BY APPRENTICE EMBALMER**

This is to certify that I was under the personal supervision of the Missouri licensed embalmer named above and did embalm the dead human bodies, shown by this certificate of practical work.  
**THE FOREGOING IS A TRUE STATEMENT OF THE PRACTICAL WORK PERFORMED BY THE ABOVE NAMED APPRENTICE EMBALMER.**

**MUST BE SIGNED IN PRESENCE OF NOTARY**

APPRENTICE EMBALMER SIGNATURE DATE (MM/DD/YYYY)

NOTARY PUBLIC EMBOSSEER OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF YEAR	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	

USE RUBBER STAMP IN CLEAR AREA BELOW.

MO 410-1016N (7-04)

During the apprenticeship period, this ID card must be displayed in a conspicuous location accessible to the funeral establishment where the apprentice embalmer is located and a copy retained by the apprentice embalmer.  
This form **MUST** be signed by the Funeral Director in Charge.

**MISSOURI STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
APPRENTICE EMBALMER ID CARD**

The above named board acknowledges receipt of application of	
APPRENTICE NAME Leland C. Jones	
for registration as an APPRENTICE EMBALMER which application is hereby approved, and applicant assigned apprentice number 2011022668	
ISSUE DATE July 15, 2011	EXECUTIVE DIRECTOR <i>Sandra Sebastian</i>

State of Missouri  
Division of Professional Registration

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
3605 MISSOURI BOULEVARD  
P.O. BOX 423  
JEFFERSON CITY, MO 65102-0423  
TELEPHONE (573) 751-0813

**AFFIDAVIT OF PRACTICAL WORK – EMBALMER**

APPRENTICE EMBALMER NAME (FIRST, MIDDLE, LAST) Leland C. Jones		REGISTRATION # 2011022668
HOME ADDRESS (STREET, CITY, STATE, ZIP CODE) 2734 Garfield, Kansas City, MO 64109		DATE (MM/DD/YYYY) July 15, 2011
FUNERAL ESTABLISHMENT NAME Lawrence A Jones & Sons Funeral Chapels	ADDRESS (STREET, CITY, STATE, ZIP CODE) 1800 E Linwood Blvd, Kansas City, MO 64109	
MO FUNERAL ESTABLISHMENT LICENSE # 000894		

**CERTIFICATION OF BOARD**

SUPERVISING EMBALMER NAME Douglas Raphael		MO. EMBALMER LICENSE NO. 007130
<p>This is to certify that the above named apprentice embalmer has met the Board requirements to serve as an apprentice embalmer. The apprentice embalmer must serve at least thirty (30) hours per week for twelve months under the direct supervision of a Missouri licensed embalmer and must embalm at least twenty-five (25) dead human bodies. Prior to completion of the period of apprenticeship, the apprentice embalmer must successfully complete the Missouri Law exam. After completion of these requirements, the apprentice embalmer will be qualified to take an oral examination on practical embalming and State laws. A grade of seventy-five percent (75%) on a scale one hundred must be attained.</p>		
SEAL		EXECUTIVE DIRECTOR <i>Sandy Sebastian</i> DATE (MM/DD/YYYY) July 15, 2011

**CERTIFICATION OF PRACTICAL WORK - SUPERVISOR**

This is to certify that the above named apprentice embalmer has served under my supervision during the following time period.

FROM (MM/DD/YYYY)	TO (MM/DD/YYYY)	EMBALMER LICENSE NO.	NO. OF BODIES EMBALMED.
MUST BE SIGNED IN THE PRESENCE OF NOTARY		SIGNATURE OF EMBALMER SUPERVISOR	DATE (MM/DD/YYYY) Funeral Director In Charge Signature
NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST LOUIS)	
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF YEAR		USE RUBBER STAMP IN CLEAR AREA BELOW.
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES	
	NOTARY PUBLIC NAME (TYPED OR PRINTED)		

**CERTIFICATION BY APPRENTICE EMBALMER**

This is to certify that I was under the personal supervision of the Missouri licensed embalmer named above and did embalm the dead human bodies, shown by this certificate of practical work.  
**THE FOREGOING IS A TRUE STATEMENT OF THE PRACTICAL WORK PERFORMED BY THE ABOVE NAMED APPRENTICE EMBALMER.**

MUST BE SIGNED IN PRESENCE OF NOTARY	APPRENTICE EMBALMER SIGNATURE	DATE (MM/DD/YYYY)
NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF YEAR	
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
	NOTARY PUBLIC NAME (TYPED OR PRINTED)	

MO 410-1016N (7-04)

During the apprenticeship period, this ID card must be displayed in a conspicuous location accessible to the funeral establishment where the apprentice embalmer is located and a copy retained by the apprentice embalmer. This form MUST be signed by the Funeral Director in Charge.

MISSOURI STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
**APPRENTICE EMBALMER ID CARD**

The above named board acknowledges receipt of application of	
APPRENTICE NAME Leland C. Jones	
for registration as an APPRENTICE EMBALMER which application is hereby approved, and applicant assigned apprentice number	
2011022668	
ISSUE DATE July 15, 2011	EXECUTIVE DIRECTOR <i>Sandy Sebastian</i>

**Social Security Number Disclosure Notice**

You must provide your social security number pursuant to state and federal law

If you fail or refuse to provide your social security number, we will consider your initial application incomplete and return it to you. Continued failure or refusal to provide your social security number is grounds for denial of your application.

Provision of your Social Security Account number (SSN) is mandatory. § 620.127 RSMo. We will not publicly disclose your SSN without your consent, unless such disclosure is permitted by federal law, federal regulation or state law. State law allows us to disclose your SSN in connection with any civil, criminal, administrative or arbitral proceeding, in an investigation in anticipation of litigation, pursuant to a court order, and in the performance of a statutory or constitutional duty or power; we can also disclose the SSN to another government agency (federal, state or local) and to a private person or entity acting on behalf of, or in cooperation with, a state entity. State law requires us to provide your SSN to child support and tax compliance officials.

**PROBATED**

# Certificate of Eligibility

Missouri State Board of Embalmers and Funeral Directors

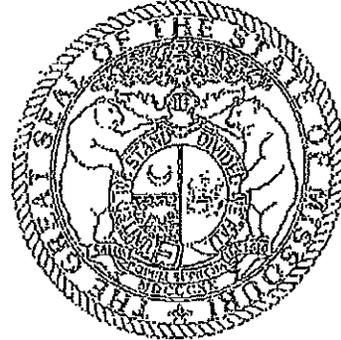
ISSUE DATE: July 15, 2011

This is to certify that Leland C. Jones has met the requirements to sit for the Missouri Law Exam 2000.

Application Expiration: July 14, 2013 (after this date you must reapply for licensure)

## Personal Information:

Social Security Number: [REDACTED]  
Name: Leland C. Jones  
Address: 2739 Garfield  
City, State Zip: Kansas City, MO 64109  
Daytime Phone number: 816-337-8554



EXAM FEE: \$120 Have you previously taken this exam? Yes  No

Please do not make payment to the Missouri State Board. All payments for examinations will be made directly to "The Conference" accompanied by this form.

\*\*NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED\*\*

For Credit Card Payments please FAX to "The Conference" at: 479-442-7090

Credit Card Orders: Visa  Master Card  Discover

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_ CSC Code: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(Authorization for credit Card)

E-MAIL ADDRESS: \_\_\_\_\_

Cashiers Check or Money Order should be made payable to "The Conference"

**For payment by mail please send to:**

International Conference of Funeral Service Examining Boards (The Conference):

The Conference

1885 Shelby Lane

Fayetteville, AR 72704

Phone: 479-442-7076

Web Site: <http://www.theconferenceonline.org>

Start your examination process as soon as possible, PLEASE do not wait until the last two months of your apprenticeship or application process, as a particular date and site cannot be guaranteed, examinations are based upon availability.

Missouri State Board of Embalmers and Funeral Directors  
P.O. Box 423, 3605 Missouri Boulevard  
Jefferson City, Missouri 65102

Dear Board:

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, I, \_\_\_\_\_, hereby truthfully  
(name of licensee/registrant)  
state that I have been in full compliance with all terms and conditions of my discipline including the following  
which I have initialed to indicate my compliance:

- \_\_\_\_\_ 1. Notified the Board within 10 days of any address or telephone number changes, and if applicable, email addresses.
- \_\_\_\_\_ 2. Timely renewed all licenses, as applicable.
- \_\_\_\_\_ 3. Abided by all provisions of Chapter 333, RSMo and corresponding regulations.
- \_\_\_\_\_ 4. Abided by all provisions of Chapter 436, RSMo and corresponding regulations.
- \_\_\_\_\_ 5. Appeared/testified when requested by the Board.
- \_\_\_\_\_ 6. Complied with unannounced visits from the Board's duly authorized representatives, if applicable.
- \_\_\_\_\_ 7. To the best of my knowledge I have complied with all stipulations.

Additional comments:

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
Licensee Printed Name

State Board of Embalmers and Funeral Directors  
3605 Missouri Blvd, PO Box 423  
Jefferson City MO 65102  
Telephone: (573) 751-0813 • Fax: (573) 751-1155

### Chemical Dependency Professional Continuing Treatment Evaluation Form

The license/s of the individual requesting that you complete this form is/are currently being disciplined by the State Board of Embalmers and Funeral Directors. The discipline document is public and may be obtained from the licensee or the Board office. One of the conditions of discipline is that the licensee must follow the treatment plan for chemical dependency as established by a licensed/certified chemical dependency professional. The professional shall report to the Board and provide an evaluation of the licensee's current progress and status related to the treatment recommendations/plan and the licensee's current prognosis and treatment recommendation/plan on a semi-annual basis for the duration of the discipline unless the licensee has been released from treatment.

NOTE: This form is not to be used to fulfill the requirement for the initial chemical dependency evaluation.

Name of Licensee: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Were you informed of the Board's disciplinary action by the licensee?  Yes  No

Were you provided a complete copy of the Board's disciplinary action by the licensee?  Yes  No

Number of sessions attended since last report: \_\_\_\_\_

Number of sessions missed since last report: \_\_\_\_\_

Reasons given for absence: \_\_\_\_\_

Problem areas addressed: \_\_\_\_\_

Is the licensee making satisfactory progress?  Yes  No

Comments:

Referrals or recommendations made to licensee:

Is licensee compliant with referrals and recommendations?  Yes  No

Current status/progress:

42

