

State Board of Embalmers and Funeral Directors

September 22, 2014

8:30 a.m.

Drury Plaza Hotel Chesterfield
355 Chesterfield Center East
Chesterfield, MO 63017

OPEN AGENDA

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. (Tab 1) Executive Director Report
 - Financial Report
 - License Reports (new, closed/ceased, disciplined)
 - Renewal Update
 - Legal Counsel Update
 - Next Meeting Dates/Location
5. Legal Counsel Report
6. Open Session/Discussion
7. CLOSED
8. Adjourn

**Board of Embalmers
Financial Statement - FY 2015
as of July 31, 2014**

	Year-To-Date	Projected	Remaining
FY 2014 Beginning Fund Balance	3,009,200.72		
Revenue	10,161.00	0.00	0.00
Expense and Equipment	6,062.10	0.00	0.00
Total Transfers & Licensure System	62,983.98	0.00	0.00
Ending Fund Balance	2,950,315.64		

A	FY 2015 Actual												FY 2014 Projections			
	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
	July	August	September	October	November	December	January	February	March	April	May	June	July	YTD Total	Projected	Remaining (Projected - YTD Total)
1	Embalmers - 0633															
2	FY 2015 Monthly Fund Balance Sheet															
3																
4	Beginning Fund Balance	3,009,200.72	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	10,161.00	0.00	0.00
5	Revenue	10,161.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,161.00	0.00	0.00
6	Start-up Loan Transfer - Lender's Revenue	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	Total Revenue	10,161.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10,161.00	0.00	0.00
8	Total Loan	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	Total Funds Available	3,019,361.72	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	10,161.00	0.00	0.00
10																
11	Appropriation Costs:															
12	Expense and Equipment	6,062.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,062.10	0.00	0.00
13	Personal Service and Per Diem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14	Total Appropriation Costs	6,062.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6,062.10	0.00	0.00
15																
16	Licensure System Cost (PR Transfer)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17	Licensure System Cost (Appropriation 8428)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	Total Licensure System Cost	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
19																
20	PR Appropriated Transfers (HB 7,540):															
21	Rent	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22	DIFP Department Cost Allocation	574.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	574.72	0.00	0.00
23	License Refunds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24	Start-up Loan - Borrower's Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
25	Division PR Transfer:															
26	Division PR Transfer:															
27	Division-Wide Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28	Purchasing Staff	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
29	PROT Staff	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30	Legal Team	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
31	CRR Staff	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
32	Board Specific:															
33	Expense/Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
34	Personal Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
35	Fringe Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
36	Technical Support Staff	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
37	Central Mail Processing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
38	CIV Investigations	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
39	Total Division PR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
40	Total PR Appropriated Transfers (HB 7,540)	574.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	574.72	0.00	0.00
41																
42	GR Transfer (HB 7,535):															
43	Attorney General	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
44	Administrative Hearing Comm.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
45	Total GR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
46																
47	Other Transfers:															
48	Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
49	Unemployment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
50	Board Staff Fringe Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
51	Biennium Sweep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
52	OA Cost Allocation Transfer	1,409.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,409.00	0.00	0.00
53																
54	FY 2014 Transfers Carried Over:															
55	FY 2014 June PR Transfer	60,715.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60,715.26	0.00	0.00
56	FY 2014 July Lapse PR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
57	FY 2014 PR Transfer Adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
58	FY 2014 Final Rent Transfer Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
59	FY 2014 Final DIFP Transfer Adj	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
60	FY 2014 AG - June	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
61	FY 2014 AHC - June	285.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	285.00	0.00	0.00
62	Total FY 2013 Transfers Carried Over	61,000.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	61,000.26	0.00	0.00
63	Total Transfers	62,983.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	62,983.98	0.00	0.00
64	Total Appropriation Costs and Transfers	69,046.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	69,046.08	0.00	0.00
65	Ending Fund Balance	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	2,950,315.64	0.00	0.00
66																
67	Total PR Transfer - HB 7,540	61,289.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	61,289.98	0.00	0.00
68	Total GR Transfer - HB 7,535	285.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	285.00	0.00	0.00
69	Total	61,574.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	61,574.98	0.00	0.00
70																

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Roesslein, Emily Ellen	2014020266	6/23/2014
Jenkins, Christopher Wayne	2014020892	6/24/2014
Gordon, Catherine Yvonne	2014022978	7/7/2014
Harrington, Jarred Howard	2014026210	7/28/2014
Lane, Taryn N	2014027850	8/6/2014
Hoover, Carissa Anne	2014029502	8/18/2014
Sheffield, Robert Emory	2014031696	9/4/2014
Dickey, Brok Phillip	2014032090	9/8/2014

Embalmer

8

Licensee Name	License #	Orig Issue Date
White, Alexis Nichole	2014021968	6/30/2014
Troxell, Calvin John	2014021971	6/30/2014
Voss, Kaitlyn Flynn	2014024445	7/15/2014
Wix, Jason D	2014025824	7/24/2014
Hoover, Carissa Anne	2014025839	7/24/2014
Harrington, Jarred Howard	2014026211	7/28/2014
Hines, Danna La'Trice	2014026527	7/29/2014
Gislason, Susan Lynne	2014029444	8/18/2014
Rhodes, Sandra Lee	2014029506	8/18/2014
Meinders, Christopher Carl	2014031326	8/29/2014
Sheffield, Robert Emory	2014031697	9/4/2014
Dickey, Brok Phillip	2014031997	9/8/2014

Funeral Director

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Licensee Name	License #	Orig Issue Date
Sig-Mo Assets LLC	2014020422	6/23/2014
Sig-Mo Assets LLC	2014020423	6/23/2014
GWG Legacy LLC	2014020848	6/24/2014
GWG Legacy LLC	2014020849	6/24/2014
Charles M. Hanson	2014021607	6/27/2014
Assurance Cremation Society Inc.	2014023860	7/11/2014
Holden Cremation and Funeral Service LLC	2014029929	8/20/2014
Millard Family Chapels, Inc.	2014031702	9/4/2014

Funeral Establishment

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Licensee Name	License #	Orig Issue Date
Spencer, Erica R	2014020682	6/24/2014
ay, Brian Otto	2014021487	6/26/2014
Smith, Jimmy Edward	2014022923	7/7/2014
Schooler, James Wesley	2014023268	7/8/2014
Branch, Zakee Ameen	2014023881	7/11/2014

Board Name**Embalmers & Funeral Directors**

Licensee Name	License #	Orig Issue Date
Jenkins, Christopher Wayne	2014024519	7/16/2014
Clardy, Kevin Kays	2014026188	7/28/2014
Freeman, Ryan Christopher	2014026189	7/28/2014
Reichard, Rebecca Ann	2014026190	7/28/2014
Miller, Robert Gustav, II	2014026471	7/29/2014
Michel, Kevin H	2014026796	7/30/2014
Bichsel, BreAnna Paige	2014027422	8/5/2014
Markel, Ronald Bradley	2014029516	8/18/2014
Smolik, Stephen Douglas	2014029521	8/18/2014
Stone, Timothy Michael	2014030100	8/21/2014

Preneed Agent Funeral Director

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Licensee Name	License #	Orig Issue Date
Riley, Scott Allan	2014020678	6/24/2014
Delkescamp, Douglas Wade	2014020690	6/24/2014
Collings, Sasha Nicholle	2014021921	6/30/2014
Eck, Debra Kim	2014021934	6/30/2014
Volkart, Cody Steven	2014022105	6/30/2014
Stutenkemper, Dakotah Diann	2014024043	7/14/2014
Dickensheets, Rachel L	2014026456	7/29/2014
Lyons, Lawrence P.J.	2014027833	8/6/2014
Powley, Gerald Stephen	2014027834	8/6/2014
Brokaw, Michelle Marie	2014029509	8/18/2014
Wilson, Angela Kaye	2014029568	8/18/2014
Roth, Candice Susan	2014031760	9/4/2014

Preneed Agent

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Licensee Name	License #	Orig Issue Date
Sig-Mo Assets LLC	2014020424	6/23/2014
Sig-Mo Assets LLC	2014020425	6/23/2014
GWG Legacy LLC	2014020846	6/24/2014
Charles M. Hanson	2014021646	6/27/2014
Assurance Cremation Society Inc	2014023859	7/11/2014
Millard Family Chapels, Inc	2014031703	9/4/2014

Preneed Provider

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Licensee Name	License #	Orig Issue Date
Sig-Mo Assets LLC	2014020426	6/23/2014
GWG Legacy LLC	2014020847	6/24/2014
Assurance Cremation Society Inc.	2014023861	7/11/2014

Preneed Seller

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Total count for the Embalmers & Funeral Directors board: 64

**Closed Funeral Establishments, Providers, and Preneed Sellers
Between 6/20/2014 and 9/11/2014**

Funeral Establishment	Name	Lic Number	Address	License Status	Exp Date	Closed Date
	Perpetua Holdings Inc	002720	4800-4828 Natural Bridge Road	Closed/Change of Owner	12/31/2015	6/24/2014
	Perpetua Holdings Inc	002719	St. Louis, MO 63115 4800 Natural Bridge Road	Closed/Change of Owner	12/31/2015	6/24/2014
	SCI Missouri Funeral Services, Inc.	002407	Saint Louis, MO 63115 801 NW 108th Street	Closed/Out of Business	12/31/2015	6/23/2014
	D & L Pollock, Inc.	2005024536	Kansas City, MO 64155 902 East North St	Closed/Change of Owner	12/31/2015	9/4/2014
	D.W. Newcomer's Sons, Inc.	002739	Eidon, MO 65026 12700 S Raytown Rd	Closed/Out of Business	12/31/2015	6/23/2014
Preneed Provider						
	D & L Pollock, Inc	2009038426	Kansas City, MO 64149 902 E North St	Closed/Change of Owner	10/31/2014	9/4/2014
	D.W. Newcomer's Sons, Inc	2009037187	Eidon, MO 65026 12700 Raytown Rd	Closed/Out of Business	10/31/2014	6/23/2014
	Perpetua Holdings, Inc	2009039063	Kansas City, MO 64149 4800 Natural Bridge	Closed/Change of Owner	10/31/2014	6/24/2014
	SCI Missouri Funeral Services, Inc	2009038941	Saint Louis, MO 63115 801 NW 108th Street	Closed/Out of Business	10/31/2014	6/23/2014
Preneed Seller						
	Perpetua Holdings Inc	2011037043	Kansas City, MO 64155 4800 Natural Bridge	Closed/Change of Owner	10/31/2014	6/24/2014
	Saint Louis, MO 63115		Saint Louis, MO 63115	Closed/Change of Owner	10/31/2014	6/24/2014

Disciplinary Actions

Ordered From 06/20/2014 Through 09/11/2014

Complaint: 2012-007485 **Friday, Oscar EMB 006193- Board Investigation 3 years PROBATION**

Friday, Oscar E, Jr

S/C:

07/15/2014

Probation

Joint Stipulation of Facts and Conclusions of Law

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

The Parties and License

The Board is an agency of the state of Missouri created and established by Section 333.151, RSMo, 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.

Friday is an individual who has registered his address with the Board at 1315 E. 60th Street, Kansas City, Missouri 64110.

Friday holds funeral director license number 004809 that is current and active, but suspended as of October 20, 2012 due to Friday's failure to comply with Missouri tax laws per Section 324.010, RSMo.

Friday holds embalmer license number 006193 that is current and active, but suspended as of October 20, 2012 due to Friday's failure to comply with Missouri tax laws per Section 324.010, RSMo.

Conduct Giving Cause for Discipline

Friday's funeral director and embalmer licenses were both suspended by operation of law on October 20, 2012 due to Friday's failure to comply with Missouri tax laws.

By letter dated October 25, 2012, the Board notified Friday of the suspension of his funeral director and embalmer licenses and advised Friday that he could not practice as an embalmer or funeral director until the administrative suspension was lifted.

On November 7, 2012, the Board's inspector visited Friday's employer's funeral establishment and met with Mr. Friday.

During the November 7, 2012 interview, Mr. Friday denied practicing as an embalmer while his license was suspended.

Between October 31, 2012 and November 5, 2012, while his embalmer's license was suspended, Mr. Friday embalmed six bodies.

While his license was suspended, Friday held out to his employer and the public that he held an embalmer license that was current and active.

The Board has cause to discipline Licensee's funeral director and embalmer licenses pursuant to Section 333.330.2 (5), (6), (7), and (14), RSMo.

Jurisdiction and Venue

The Board possesses jurisdiction over this matter pursuant to Section 324.042, RSMo, and pursuant to paragraphs 22 and 23 of the Funeral Director Probation Order.

Venue is proper.

Disciplinary Actions

Ordered From 06/20/2014 Through 09/11/2014

Complaint: 2013-006669 **Polley Funeral Home FUN2006025730/2007008991/2007008989 PNS2009039723 PNP2009039722/2009039721/2**
Polley Funeral Home LLC S/C:
DBA:Polley Funeral Home 07/29/2014

Disciplinary Actions

Ordered From 06/20/2014 Through 09/11/2014

Suspension

Joint Stipulation of Facts and Conclusions of Law

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

Parties and Licenses

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 enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Polley Funeral holds funeral establishment license number 2007008989 and has registered this funeral establishment's address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039722 and has registered this provider's license address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2006025730 and has registered this funeral establishment's address with the Board as 122 W N Main, Richmond, Missouri 64085 (the "Richmond Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039721 and has registered this provider's address with the Board as 122 W. Main, Richmond, Missouri 64085 (the "Richmond Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2007008991 and has registered this establishment's address with the Board as 5951 E Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039724 and has registered this provider's address with the Board as 5951 E. Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds seller license number 2009039723 and has registered this seller's address as 5951 E. Highway 10, P.O. Box 271, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Seller"). This license was current and active until it expired on October 31, 2012.

Toby Polley ("Polley") holds funeral director license number 006070 and has registered his address with the Board as 5951 East Highway 10, P.O. Box 271, Excelsior Springs, Missouri. Polley's funeral director license is and has been at all relevant times, current and active.

Polley serves as funeral director in charge for the Lawson Establishment, the Richmond Establishment and the Excelsior Springs Establishment.

As funeral director in charge, Polley is responsible for the supervision and management of each funeral establishment and to ensure each establishment's

Disciplinary Actions

Ordered From 06/20/2014 Through 09/11/2014

Establishment and to ensure each establishment's compliance with applicable Missouri statutes and regulations.

Polley serves as the manager in charge for the Excelsior Springs Seller.

As manager in charge for the Excelsior Springs Seller, Polley is responsible for the supervision and management of the seller's business and to ensure the seller complies with applicable Missouri statutes and regulations.

For the purposes of this document, the Richmond Establishment, the Lawson Establishment and the Excelsior Springs Establishment licenses, collectively will be referred to as the "Establishment Licenses." The Richmond Provider, the Lawson Provider and the Excelsior Springs Provider licenses, collectively, will be referred to as the "Provider Licenses." The Richmond Establishment, the Lawson Establishment, the Excelsior Springs Establishment, the Richmond Provider, the Lawson Provider, the Excelsior Springs Provider, and the Excelsior Springs Seller licenses, collectively, will be referred to as the "Polley Licenses."

Conduct Giving Cause for Discipline

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Excelsior Springs Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Seller license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral acted as a preneed seller using the Excelsior Springs Seller license. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Lawson Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Lawson Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Richmond Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Richmond Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 29, 2013, the Board mailed Polley at Polley Funeral a letter reminding Polley Funeral that it had not reinstated its Provider Licenses nor the Excelsior Springs Seller license and that Polley Funeral had not responded to the Board's previous letters that Polley Funeral received on May 8, 2013. In this May 29, 2013 letter, the

Disciplinary Actions

Ordered From 06/20/2014 Through 09/11/2014

Board again request copies of documents and also notified Polley Funeral of the time, date and location for a scheduled appearance before the Board at its June 25, 2013 meeting.

By fax on June 21, 2013, Polley provided the records requested by the Board.

On July 11 and July 22, 2013, the Board notified Polley Funeral, via fax, that the reinstatement renewals for the Provider Licenses and the Excelsior Springs Seller could not be renewed until Polley Funeral provided a "No Tax Due" certificate from the Missouri Department of Revenue. These faxes also reiterated to Polley Funeral that it could not lawfully practice as a seller or as a provider until the licenses were renewed.

On June 21, 2013, Polley Funeral responded to the Board's request and enclosed the requested documents and also indicated that it should be able to provide a "No Tax Due" certificate from the Missouri Department of Revenue on June 22, 2013 or as soon as the Missouri Department of Revenue could process Polley Funeral's payment.

On June 21, 2013, Polley Funeral faxed to the Board the following reinstatement requests:

- a. Excelsior Springs Provider "Reinstatement" signed by Polley on May 14, 2013;
- b. Lawson Provider "Reinstatement" signed by Polley on May 14, 2013;
- c. Richmond Provider "Reinstatement" signed by Polley on May 14, 2013; and
- d. Excelsior Springs Seller "Reinstatement" signed by Polley on June 19, 2013 and included the seller's annual report that had been due on October 31, 2012.

On July 25, 2013, Polley called the Board office to say that he had not been able to obtain a "No Tax Due" certificate from the Missouri Department of Revenue, but that Polley was told that the Missouri Department of Revenue that it might be another month or two before he could obtain the certificate.

On September 4, 2013, Polley contacted the Board office and told the Board he expected to have everything to Missouri Department of Revenue in the next couple of days.

On November 22, 2013, the Board's inspector conducted an inspection of Polley Funeral and submitted his report of that inspection to the Board on December 6, 2013 (the November Inspection).

At the November Inspection, the Excelsior Springs Establishment was open for business and had the following violations:

- a. Polley Funeral displayed Seller License number 2009039723 that was expired;
- b. Polley Funeral displayed provider license number 2009039724 that was expired;
- c. The register log was not up to date with the last entry being September 18, 2013 and the Excelsior Springs Establishment had had 22 funerals since September 18, 2013; and
- d. The Excelsior Springs Establishment could not provide a current backflow inspection.

At the November Inspection, the Lawson Establishment had the following violations:

- a. The Lawson Establishment displayed preneed seller license number 2009039723 that was expired; and

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Jefferson City, Missouri 65102
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b. The Lawson Establishment displayed preneed provider license number 2009039722 that was expired.

The November Inspection found the following violations at the Richmond Establishment:

The Richmond Establishment displayed preneed seller license number 2009039723 that was expired; and

The Richmond Establishment displayed preneed provider license number 2009039721 that was expired.

At the November Inspection Polley was not available to meet with the inspector.

The Board's inspector asked the employee of Polley Funeral that was present for the inspection to ask Polley to contact the Board's inspector and requested that Polley provide to the Board's inspector the date of the last backflow inspection for the Excelsior Springs Establishment, copies of preneed contracts that had been provided since November 2, 2012 and an updated register log.

Polley never contacted the Board's inspector nor did he or anyone else with Polley Funeral supply the information the Board requested at the November Inspection except on June 21, 2013, Polley faxed to the Board office copies of preneed contracts that had been provided since November 2, 2012.

Polley Funeral's Establishment Licenses expired on December 31, 2013 because they were not renewed on or before December 31, 2013.

By letters dated January 10, 2014 sent by both certified and regular mail to each funeral establishment, the Board notified Polley at Polley Funeral that all Establishment Licenses had expired due to non-renewal and included instructions for reinstatement.

The Board received confirmation of delivery of each of these letters to each of the establishments.

By letter dated February 11, 2014 and by e-mail on February 11, 2014, the Board confirmed a telephone conversation with Polley about what he needed to do to have the Funeral Establishment, Seller and Provider Licenses reinstated.

On February 24, 2014, the Board again provided Polley with instruction and forms to complete the reinstatement of Polley Funeral's Licenses.

Polley Funeral continued to operate as a funeral establishment as the Excelsior Springs Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Lawson Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Richmond Establishment, even though it held no license to do so.

Since Polley Funeral's Funeral Establishment Licenses lapsed, Polley Funeral has handled final disposition for at least 19 decedents.

Polley Funeral continued to act as a provider after November 1, 2012, even though it held no license to do so and provided at least 8 preneed contracts during the

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so and provided at least 8 preneed contracts during the time its provider licenses were expired.

Polley Funeral continued to act as a seller after November 1, 2012, even though it held no license to do so and acted as seller by continuing to hold active preneed contracts and by acting as a seller in the fulfillment of at least 8 preneed contracts during the time its seller license was expired.

Cause to Discipline

Polley Funeral failed to renew times its Excelsior Springs Seller license, but continued to operate and practice as a seller and held out to the public that it was so licensed from November 1, 2012 until the present and when it held no valid license to do so.

Polley Funeral failed to file its seller annual report due on or before October 31, 2012 and, as of the date of signing this Settlement Agreement has failed to do so and failed to file the seller annual report due on or before October 31, 2013.

Polley Funeral failed to renew timely its Lawson Provider, its Richmond Provider, and its Excelsior Springs Provider licenses, but continued to hold out to the public and act as a provider at each location and provided at least 8 preneed contracts from November 1, 2012 until the present and during that time it held no provider license.

Polley Funeral failed to renew the Polley Establishment Licenses on or before December 31, 2013, but continued to hold out to the public and to operate as a funeral establishment at each location from January 1, 2014 and to the present even though it held no license to operate at any of the three locations.

The Board has cause to discipline the Polley Licenses pursuant to Section 333.330.2, (6), (7), (13), (14), and (19), RSMo.

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Complaint: 2013-006669 Polley Funeral Home FUN2006025730/2007008991/2007008989 PNS2009039723 PNP2009039722/2009039721/2

Polley Funeral Home LLC S/C:

07/29/2014

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Suspension

Joint Stipulation of Facts and Conclusions of Law

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

Parties and Licenses

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 enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Polley Funeral holds funeral establishment license number 2007008989 and has registered this funeral establishment's address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039722 and has registered this provider's license address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2006025730 and has registered this funeral establishment's address with the Board as 122 W N Main, Richmond, Missouri 64085 (the "Richmond Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039721 and has registered this provider's address with the Board as 122 W. Main, Richmond, Missouri 64085 (the "Richmond Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2007008991 and has registered this establishment's address with the Board as 5951 E Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039724 and has registered this provider's address with the Board as 5951 E. Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds seller license number 2009039723 and has registered this seller's address as 5951 E. Highway 10, P.O. Box 271, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Seller"). This license was current and active until it expired on October 31, 2012.

Toby Polley ("Polley") holds funeral director license number 006070 and has registered his address with the Board as 5951 East Highway 10, P.O. Box 271, Excelsior Springs, Missouri. Polley's funeral director license is and has been at all relevant times, current and active.

Polley serves as funeral director in charge for the Lawson Establishment, the Richmond Establishment and the Excelsior Springs Establishment.

As funeral director in charge, Polley is responsible for the supervision and management of each funeral establishment and to ensure each establishment's

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Establishment and to ensure each establishment's compliance with applicable Missouri statutes and regulations.

Polley serves as the manager in charge for the Excelsior Springs Seller.

As manager in charge for the Excelsior Springs Seller, Polley is responsible for the supervision and management of the seller's business and to ensure the seller complies with applicable Missouri statutes and regulations.

For the purposes of this document, the Richmond Establishment, the Lawson Establishment and the Excelsior Springs Establishment licenses, collectively will be referred to as the "Establishment Licenses." The Richmond Provider, the Lawson Provider and the Excelsior Springs Provider licenses, collectively, will be referred to as the "Provider Licenses." The Richmond Establishment, the Lawson Establishment, the Excelsior Springs Establishment, the Richmond Provider, the Lawson Provider, the Excelsior Springs Provider, and the Excelsior Springs Seller licenses, collectively, will be referred to as the "Polley Licenses."

Conduct Giving Cause for Discipline

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Excelsior Springs Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Seller license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral acted as a preneed seller using the Excelsior Springs Seller license. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Lawson Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Lawson Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Richmond Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Richmond Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 29, 2013, the Board mailed Polley at Polley Funeral a letter reminding Polley Funeral that it had not reinstated its Provider Licenses nor the Excelsior Springs Seller license and that Polley Funeral had not responded to the Board's previous letters that Polley Funeral received on May 8, 2013. In this May 29, 2013 letter, the

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Board again request copies of documents and also notified Polley Funeral of the time, date and location for a scheduled appearance before the Board at its June 25, 2013 meeting.

By fax on June 21, 2013, Polley provided the records requested by the Board.

On July 11 and July 22, 2013, the Board notified Polley Funeral, via fax, that the reinstatement renewals for the Provider Licenses and the Excelsior Springs Seller could not be renewed until Polley Funeral provided a "No Tax Due" certificate from the Missouri Department of Revenue. These faxes also reiterated to Polley Funeral that it could not lawfully practice as a seller or as a provider until the licenses were renewed.

On June 21, 2013, Polley Funeral responded to the Board's request and enclosed the requested documents and also indicated that it should be able to provide a "No Tax Due" certificate from the Missouri Department of Revenue on June 22, 2013 or as soon as the Missouri Department of Revenue could process Polley Funeral's payment.

On June 21, 2013, Polley Funeral faxed to the Board the following reinstatement requests:

- a. Excelsior Springs Provider "Reinstatement" signed by Polley on May 14, 2013;
- b. Lawson Provider "Reinstatement" signed by Polley on May 14, 2013;
- c. Richmond Provider "Reinstatement" signed by Polley on May 14, 2013; and
- d. Excelsior Springs Seller "Reinstatement" signed by Polley on June 19, 2013 and included the seller's annual report that had been due on October 31, 2012.

On July 25, 2013, Polley called the Board office to say that he had not been able to obtain a "No Tax Due" certificate from the Missouri Department of Revenue, but that Polley was told that the Missouri Department of Revenue that it might be another month or two before he could obtain the certificate.

On September 4, 2013, Polley contacted the Board office and told the Board he expected to have everything to Missouri Department of Revenue in the next couple of days.

On November 22, 2013, the Board's inspector conducted an inspection of Polley Funeral and submitted his report of that inspection to the Board on December 6, 2013 (the November inspection).

At the November inspection, the Excelsior Springs Establishment was open for business and had the following violations:

- a. Polley Funeral displayed Seller License number 2009039723 that was expired;
- b. Polley Funeral displayed provider license number 2009039724 that was expired;
- c. The register log was not up to date with the last entry being September 18, 2013 and the Excelsior Springs Establishment had had 22 funerals since September 18, 2013; and
- d. The Excelsior Springs Establishment could not provide a current backflow inspection.

At the November inspection, the Lawson Establishment had the following violations:

- a. The Lawson Establishment displayed preneed seller license number 2009039723 that was expired; and

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b. The Lawson Establishment displayed preneed provider license number 2009039722 that was expired.

The November Inspection found the following violations at the Richmond Establishment:

The Richmond Establishment displayed preneed seller license number 2009039723 that was expired; and

The Richmond Establishment displayed preneed provider license number 2009039721 that was expired.

At the November Inspection Polley was not available to meet with the inspector.

The Board's inspector asked the employee of Polley Funeral that was present for the inspection to ask Polley to contact the Board's inspector and requested that Polley provide to the Board's inspector the date of the last backflow inspection for the Excelsior Springs Establishment, copies of preneed contracts that had been provided since November 2, 2012 and an updated register log.

Polley never contacted the Board's inspector nor did he or anyone else with Polley Funeral supply the information the Board requested at the November Inspection except on June 21, 2013, Polley faxed to the Board office copies of preneed contracts that had been provided since November 2, 2012.

Polley Funeral's Establishment Licenses expired on December 31, 2013 because they were not renewed on or before December 31, 2013.

By letters dated January 10, 2014 sent by both certified and regular mail to each funeral establishment, the Board notified Polley at Polley Funeral that all Establishment Licenses had expired due to non-renewal and included instructions for reinstatement.

The Board received confirmation of delivery of each of these letters to each of the establishments.

By letter dated February 11, 2014 and by e-mail on February 11, 2014, the Board confirmed a telephone conversation with Polley about what he needed to do to have the Funeral Establishment, Seller and Provider Licenses reinstated.

On February 24, 2014, the Board again provided Polley with instruction and forms to complete the reinstatement of Polley Funeral's Licenses.

Polley Funeral continued to operate as a funeral establishment as the Excelsior Springs Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Lawson Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Richmond Establishment, even though it held no license to do so.

Since Polley Funeral's Funeral Establishment Licenses lapsed, Polley Funeral has handled final disposition for at least 19 decedents.

Polley Funeral continued to act as a provider after November 1, 2012, even though it held no license to do so and provided at least 8 preneed contracts during the

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so and provided at least 8 preneed contracts during the time its provider licenses were expired.

Polley Funeral continued to act as a seller after November 1, 2012, even though it held no license to do so and acted as seller by continuing to hold active preneed contracts and by acting as a seller in the fulfillment of at least 8 preneed contracts during the time its seller license was expired.

Cause to Discipline

Polley Funeral failed to renew times its Excelsior Springs Seller license, but continued to operate and practice as a seller and held out to the public that it was so licensed from November 1, 2012 until the present and when it held no valid license to do so.

Polley Funeral failed to file its seller annual report due on or before October 31, 2012 and, as of the date of signing this Settlement Agreement has failed to do so and failed to file the seller annual report due on or before October 31, 2013.

Polley Funeral failed to renew timely its Lawson Provider, its Richmond Provider, and its Excelsior Springs Provider licenses, but continued to hold out to the public and act as a provider at each location and provided at least 8 preneed contracts from November 1, 2012 until the present and during that time it held no provider license.

Polley Funeral failed to renew the Polley Establishment Licenses on or before December 31, 2013, but continued to hold out to the public and to operate as a funeral establishment at each location from January 1, 2014 and to the present even though it held no license to operate at any of the three locations.

The Board has cause to discipline the Polley Licenses pursuant to Section 333.330.2, (6), (7), (13), (14), and (19), RSMo.

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Complaint: 2013-006669 Polley Funeral Home FUN2006025730/2007008991/2007008989 PNS2009039723 PNP2009039722/2009039721/2

Polley Funeral Home LLC S/C:

DBA: Polley Funeral Home 07/29/2014

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Suspension

Joint Stipulation of Facts and Conclusions of Law

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

Parties and Licenses

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 enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Polley Funeral holds funeral establishment license number 2007008989 and has registered this funeral establishment's address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039722 and has registered this provider's license address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2006025730 and has registered this funeral establishment's address with the Board as 122 W N Main, Richmond, Missouri 64085 (the "Richmond Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039721 and has registered this provider's address with the Board as 122 W. Main, Richmond, Missouri 64085 (the "Richmond Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2007008991 and has registered this establishment's address with the Board as 5951 E Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039724 and has registered this provider's address with the Board as 5951 E. Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds seller license number 2009039723 and has registered this seller's address as 5951 E. Highway 10, P.O. Box 271, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Seller"). This license was current and active until it expired on October 31, 2012.

Toby Polley ("Polley") holds funeral director license number 006070 and has registered his address with the Board as 5951 East Highway 10, P.O. Box 271, Excelsior Springs, Missouri. Polley's funeral director license is and has been at all relevant times, current and active.

Polley serves as funeral director in charge for the Lawson Establishment, the Richmond Establishment and the Excelsior Springs Establishment.

As funeral director in charge, Polley is responsible for the supervision and management of each funeral establishment and to ensure each establishment's

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Establishment and to ensure each establishment's compliance with applicable Missouri statutes and regulations.

Polley serves as the manager in charge for the Excelsior Springs Seller.

As manager in charge for the Excelsior Springs Seller, Polley is responsible for the supervision and management of the seller's business and to ensure the seller complies with applicable Missouri statutes and regulations.

For the purposes of this document, the Richmond Establishment, the Lawson Establishment and the Excelsior Springs Establishment licenses, collectively will be referred to as the "Establishment Licenses." The Richmond Provider, the Lawson Provider and the Excelsior Springs Provider licenses, collectively, will be referred to as the "Provider Licenses." The Richmond Establishment, the Lawson Establishment, the Excelsior Springs Establishment, the Richmond Provider, the Lawson Provider, the Excelsior Springs Provider, and the Excelsior Springs Seller licenses, collectively, will be referred to as the "Polley Licenses."

Conduct Giving Cause for Discipline

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Excelsior Springs Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Seller license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral acted as a preneed seller using the Excelsior Springs Seller license. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Lawson Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Lawson Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Richmond Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Richmond Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 29, 2013, the Board mailed Polley at Polley Funeral a letter reminding Polley Funeral that it had not reinstated its Provider Licenses nor the Excelsior Springs Seller license and that Polley Funeral had not responded to the Board's previous letters that Polley Funeral received on May 8, 2013. In this May 29, 2013 letter, the

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Board again request copies of documents and also notified Polley Funeral of the time, date and location for a scheduled appearance before the Board at its June 25, 2013 meeting.

By fax on June 21, 2013, Polley provided the records requested by the Board.

On July 11 and July 22, 2013, the Board notified Polley Funeral, via fax, that the reinstatement renewals for the Provider Licenses and the Excelsior Springs Seller could not be renewed until Polley Funeral provided a "No Tax Due" certificate from the Missouri Department of Revenue. These faxes also reiterated to Polley Funeral that it could not lawfully practice as a seller or as a provider until the licenses were renewed.

On June 21, 2013, Polley Funeral responded to the Board's request and enclosed the requested documents and also indicated that it should be able to provide a "No Tax Due" certificate from the Missouri Department of Revenue on June 22, 2013 or as soon as the Missouri Department of Revenue could process Polley Funeral's payment.

On June 21, 2013, Polley Funeral faxed to the Board the following reinstatement requests:

- a. Excelsior Springs Provider "Reinstatement" signed by Polley on May 14, 2013;
- b. Lawson Provider "Reinstatement" signed by Polley on May 14, 2013;
- c. Richmond Provider "Reinstatement" signed by Polley on May 14, 2013; and
- d. Excelsior Springs Seller "Reinstatement" signed by Polley on June 19, 2013 and included the seller's annual report that had been due on October 31, 2012.

On July 25, 2013, Polley called the Board office to say that he had not been able to obtain a "No Tax Due" certificate from the Missouri Department of Revenue, but that Polley was told that the Missouri Department of Revenue that it might be another month or two before he could obtain the certificate.

On September 4, 2013, Polley contacted the Board office and told the Board he expected to have everything to Missouri Department of Revenue in the next couple of days.

On November 22, 2013, the Board's inspector conducted an inspection of Polley Funeral and submitted his report of that inspection to the Board on December 6, 2013 (the November Inspection).

At the November Inspection, the Excelsior Springs Establishment was open for business and had the following violations:

- a. Polley Funeral displayed Seller License number 2009039723 that was expired;
- b. Polley Funeral displayed provider license number 2009039724 that was expired;
- c. The register log was not up to date with the last entry being September 18, 2013 and the Excelsior Springs Establishment had had 22 funerals since September 18, 2013; and
- d. The Excelsior Springs Establishment could not provide a current backflow inspection.

At the November Inspection, the Lawson Establishment had the following violations:

- a.. The Lawson Establishment displayed preneed seller license number 2009039723 that was expired; and

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b. The Lawson Establishment displayed preneed provider license number 2009039722 that was expired.

The November Inspection found the following violations at the Richmond Establishment:

The Richmond Establishment displayed preneed seller license number 2009039723 that was expired; and

The Richmond Establishment displayed preneed provider license number 2009039721 that was expired.

At the November Inspection Polley was not available to meet with the inspector.

The Board's inspector asked the employee of Polley Funeral that was present for the inspection to ask Polley to contact the Board's inspector and requested that Polley provide to the Board's inspector the date of the last backflow inspection for the Excelsior Springs Establishment, copies of preneed contracts that had been provided since November 2, 2012 and an updated register log.

Polley never contacted the Board's inspector nor did he or anyone else with Polley Funeral supply the information the Board requested at the November Inspection except on June 21, 2013, Polley faxed to the Board office copies of preneed contracts that had been provided since November 2, 2012.

Polley Funeral's Establishment Licenses expired on December 31, 2013 because they were not renewed on or before December 31, 2013.

By letters dated January 10, 2014 sent by both certified and regular mail to each funeral establishment, the Board notified Polley at Polley Funeral that all Establishment Licenses had expired due to non-renewal and included instructions for reinstatement.

The Board received confirmation of delivery of each of these letters to each of the establishments.

By letter dated February 11, 2014 and by e-mail on February 11, 2014, the Board confirmed a telephone conversation with Polley about what he needed to do to have the Funeral Establishment, Seller and Provider Licenses reinstated.

On February 24, 2014, the Board again provided Polley with instruction and forms to complete the reinstatement of Polley Funeral's Licenses.

Polley Funeral continued to operate as a funeral establishment as the Excelsior Springs Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Lawson Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Richmond Establishment, even though it held no license to do so.

Since Polley Funeral's Funeral Establishment Licenses lapsed, Polley Funeral has handled final disposition for at least 19 decedents.

Polley Funeral continued to act as a provider after November 1, 2012, even though it held no license to do so and provided at least 9 preneed contracts during the

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so and provided at least 8 preneed contracts during the time its provider licenses were expired.

Polley Funeral continued to act as a seller after November 1, 2012, even though it held no license to do so and acted as seller by continuing to hold active preneed contracts and by acting as a seller in the fulfillment of at least 8 preneed contracts during the time its seller license was expired.

Cause to Discipline

Polley Funeral failed to renew times its Excelsior Springs Seller license, but continued to operate and practice as a seller and held out to the public that it was so licensed from November 1, 2012 until the present and when it held no valid license to do so.

Polley Funeral failed to file its seller annual report due on or before October 31, 2012 and, as of the date of signing this Settlement Agreement has failed to do so and failed to file the seller annual report due on or before October 31, 2013.

Polley Funeral failed to renew timely its Lawson Provider, its Richmond Provider, and its Excelsior Springs Provider licenses, but continued to hold out to the public and act as a provider at each location and provided at least 8 preneed contracts from November 1, 2012 until the present and during that time it held no provider license.

Polley Funeral failed to renew the Polley Establishment Licenses on or before December 31, 2013, but continued to hold out to the public and to operate as a funeral establishment at each location from January 1, 2014 and to the present even though it held no license to operate at any of the three locations.

The Board has cause to discipline the Polley Licenses pursuant to Section 333.330.2, (6), (7), (13), (14), and (19), RSMo.

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Complaint: 2013-006669 Polley Funeral Home FUN2006025730/2007008991/2007008989 PNS2009039723 PNP2009039722/2009039721/2

Polley Funeral Home, LLC S/C:

07/29/2014

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

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Suspension

Joint Stipulation of Facts and Conclusions of Law

The parties agree and stipulate to the following findings of fact and conclusions of law:
Parties and Licenses

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 enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Polley Funeral holds funeral establishment license number 2007008989 and has registered this funeral establishment's address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039722 and has registered this provider's license address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2006025730 and has registered this funeral establishment's address with the Board as 122 W N Main, Richmond, Missouri 64085 (the "Richmond Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039721 and has registered this provider's address with the Board as 122 W. Main, Richmond, Missouri 64085 (the "Richmond Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2007008991 and has registered this establishment's address with the Board as 5951 E Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039724 and has registered this provider's address with the Board as 5951 E. Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds seller license number 2009039723 and has registered this seller's address as 5951 E. Highway 10, P.O. Box 271, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Seller"). This license was current and active until it expired on October 31, 2012.

Toby Polley ("Polley") holds funeral director license number 006070 and has registered his address with the Board as 5951 East Highway 10, P.O. Box 271, Excelsior Springs, Missouri. Polley's funeral director license is and has been at all relevant times, current and active.

Polley serves as funeral director in charge for the Lawson Establishment, the Richmond Establishment and the Excelsior Springs Establishment.

As funeral director in charge, Polley is responsible for the supervision and management of each funeral establishment and to ensure each establishment's

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Establishment and to ensure each establishment's compliance with applicable Missouri statutes and regulations.

Polley serves as the manager in charge for the Excelsior Springs Seller.

As manager in charge for the Excelsior Springs Seller, Polley is responsible for the supervision and management of the seller's business and to ensure the seller complies with applicable Missouri statutes and regulations.

For the purposes of this document, the Richmond Establishment, the Lawson Establishment and the Excelsior Springs Establishment licenses, collectively will be referred to as the "Establishment Licenses." The Richmond Provider, the Lawson Provider and the Excelsior Springs Provider licenses, collectively, will be referred to as the "Provider Licenses." The Richmond Establishment, the Lawson Establishment, the Excelsior Springs Establishment, the Richmond Provider, the Lawson Provider, the Excelsior Springs Provider, and the Excelsior Springs Seller licenses, collectively, will be referred to as the "Polley Licenses."

Conduct Giving Cause for Discipline

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Excelsior Springs Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Seller license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral acted as a preneed seller using the Excelsior Springs Seller license. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Lawson Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Lawson Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Richmond Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Richmond Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 29, 2013, the Board mailed Polley at Polley Funeral a letter reminding Polley Funeral that it had not reinstated its Provider Licenses nor the Excelsior Springs Seller license and that Polley Funeral had not responded to the Board's previous letters that Polley Funeral received on May 8, 2013. In this May 29, 2013 letter, the

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Board again request copies of documents and also notified Polley Funeral of the time, date and location for a scheduled appearance before the Board at its June 25, 2013 meeting.

By fax on June 21, 2013, Polley provided the records requested by the Board.

On July 11 and July 22, 2013, the Board notified Polley Funeral, via fax, that the reinstatement renewals for the Provider Licenses and the Excelsior Springs Seller could not be renewed until Polley Funeral provided a "No Tax Due" certificate from the Missouri Department of Revenue. These faxes also reiterated to Polley Funeral that it could not lawfully practice as a seller or as a provider until the licenses were renewed.

On June 21, 2013, Polley Funeral responded to the Board's request and enclosed the requested documents and also indicated that it should be able to provide a "No Tax Due" certificate from the Missouri Department of Revenue on June 22, 2013 or as soon as the Missouri Department of Revenue could process Polley Funeral's payment.

On June 21, 2013, Polley Funeral faxed to the Board the following reinstatement requests:

- a. Excelsior Springs Provider "Reinstatement" signed by Polley on May 14, 2013;
- b. Lawson Provider "Reinstatement" signed by Polley on May 14, 2013;
- c. Richmond Provider "Reinstatement" signed by Polley on May 14, 2013; and
- d. Excelsior Springs Seller "Reinstatement" signed by Polley on June 19, 2013 and included the seller's annual report that had been due on October 31, 2012.

On July 25, 2013, Polley called the Board office to say that he had not been able to obtain a "No Tax Due" certificate from the Missouri Department of Revenue, but that Polley was told that the Missouri Department of Revenue that it might be another month or two before he could obtain the certificate.

On September 4, 2013, Polley contacted the Board office and told the Board he expected to have everything to Missouri Department of Revenue in the next couple of days.

On November 22, 2013, the Board's inspector conducted an inspection of Polley Funeral and submitted his report of that inspection to the Board on December 6, 2013 (the November Inspection).

At the November Inspection, the Excelsior Springs Establishment was open for business and had the following violations:

- a. Polley Funeral displayed Seller License number 2009039723 that was expired;
- b. Polley Funeral displayed provider license number 2009039724 that was expired;
- c. The register log was not up to date with the last entry being September 18, 2013 and the Excelsior Springs Establishment had had 22 funerals since September 18, 2013; and
- d. The Excelsior Springs Establishment could not provide a current backflow inspection.

At the November Inspection, the Lawson Establishment had the following violations:

- a.. The Lawson Establishment displayed preneed seller license number 2009039723 that was expired; and

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b. The Lawson Establishment displayed preneed provider license number 2009039722 that was expired.

The November Inspection found the following violations at the Richmond Establishment:

The Richmond Establishment displayed preneed seller license number 2009039723 that was expired; and

The Richmond Establishment displayed preneed provider license number 2009039721 that was expired.

At the November Inspection Polley was not available to meet with the inspector.

The Board's inspector asked the employee of Polley Funeral that was present for the inspection to ask Polley to contact the Board's inspector and requested that Polley provide to the Board's inspector the date of the last backflow inspection for the Excelsior Springs Establishment, copies of preneed contracts that had been provided since November 2, 2012 and an updated register log.

Polley never contacted the Board's inspector nor did he or anyone else with Polley Funeral supply the information the Board requested at the November Inspection except on June 21, 2013, Polley faxed to the Board office copies of preneed contracts that had been provided since November 2, 2012.

Polley Funeral's Establishment Licenses expired on December 31, 2013 because they were not renewed on or before December 31, 2013.

By letters dated January 10, 2014 sent by both certified and regular mail to each funeral establishment, the Board notified Polley at Polley Funeral that all Establishment Licenses had expired due to non-renewal and included instructions for reinstatement.

The Board received confirmation of delivery of each of these letters to each of the establishments.

By letter dated February 11, 2014 and by e-mail on February 11, 2014, the Board confirmed a telephone conversation with Polley about what he needed to do to have the Funeral Establishment, Seller and Provider Licenses reinstated.

On February 24, 2014, the Board again provided Polley with instruction and forms to complete the reinstatement of Polley Funeral's Licenses.

Polley Funeral continued to operate as a funeral establishment as the Excelsior Springs Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Lawson Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Richmond Establishment, even though it held no license to do so.

Since Polley Funeral's Funeral Establishment Licenses lapsed, Polley Funeral has handled final disposition for at least 19 decedents.

Polley Funeral continued to act as a provider after November 1, 2012, even though it held no license to do so and provided at least 9 preneed contracts during the

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so and provided at least 8 preneed contracts during the time its provider licenses were expired.

Polley Funeral continued to act as a seller after November 1, 2012, even though it held no license to do so and acted as seller by continuing to hold active preneed contracts and by acting as a seller in the fulfillment of at least 8 preneed contracts during the time its seller license was expired.

Cause to Discipline

Polley Funeral failed to renew times its Excelsior Springs Seller license, but continued to operate and practice as a seller and held out to the public that it was so licensed from November 1, 2012 until the present and when it held no valid license to do so.

Polley Funeral failed to file its seller annual report due on or before October 31, 2012 and, as of the date of signing this Settlement Agreement has failed to do so and failed to file the seller annual report due on or before October 31, 2013.

Polley Funeral failed to renew timely its Lawson Provider, its Richmond Provider, and its Excelsior Springs Provider licenses, but continued to hold out to the public and act as a provider at each location and provided at least 8 preneed contracts from November 1, 2012 until the present and during that time it held no provider license.

Polley Funeral failed to renew the Polley Establishment Licenses on or before December 31, 2013, but continued to hold out to the public and to operate as a funeral establishment at each location from January 1, 2014 and to the present even though it held no license to operate at any of the three locations.

The Board has cause to discipline the Polley Licenses pursuant to Section 333.330.2, (6), (7), (13), (14), and (19), RSMo.

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Ordered From 06/20/2014 Through 09/11/2014

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Complaint: 2013-006669 Polley Funeral Home FUN2006025730/2007008991/2007008989 PNS2009039723 PNP2009039722/2009039721/2
Polley Funeral Home, LLC S/C:
07/29/2014

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Suspension

Joint Stipulation of Facts and Conclusions of Law

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

Parties and Licenses

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 enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Polley Funeral holds funeral establishment license number 2007008989 and has registered this funeral establishment's address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039722 and has registered this provider's license address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2006025730 and has registered this funeral establishment's address with the Board as 122 W N Main, Richmond, Missouri 64085 (the "Richmond Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039721 and has registered this provider's address with the Board as 122 W. Main, Richmond, Missouri 64085 (the "Richmond Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2007008991 and has registered this establishment's address with the Board as 5951 E Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039724 and has registered this provider's address with the Board as 5951 E. Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds seller license number 2009039723 and has registered this seller's address as 5951 E. Highway 10, P.O. Box 271, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Seller"). This license was current and active until it expired on October 31, 2012.

Toby Polley ("Polley") holds funeral director license number 006070 and has registered his address with the Board as 5951 East Highway 10, P.O. Box 271, Excelsior Springs, Missouri. Polley's funeral director license is and has been at all relevant times, current and active.

Polley serves as funeral director in charge for the Lawson Establishment, the Richmond Establishment and the Excelsior Springs Establishment.

As funeral director in charge, Polley is responsible for the supervision and management of each funeral establishment and to ensure each establishment's

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Establishment and to ensure each establishment's compliance with applicable Missouri statutes and regulations.

Polley serves as the manager in charge for the Excelsior Springs Seller.

As manager in charge for the Excelsior Springs Seller, Polley is responsible for the supervision and management of the seller's business and to ensure the seller complies with applicable Missouri statutes and regulations.

For the purposes of this document, the Richmond Establishment, the Lawson Establishment and the Excelsior Springs Establishment licenses, collectively will be referred to as the "Establishment Licenses." The Richmond Provider, the Lawson Provider and the Excelsior Springs Provider licenses, collectively, will be referred to as the "Provider Licenses." The Richmond Establishment, the Lawson Establishment, the Excelsior Springs Establishment, the Richmond Provider, the Lawson Provider, the Excelsior Springs Provider, and the Excelsior Springs Seller licenses, collectively, will be referred to as the "Polley Licenses."

Conduct Giving Cause for Discipline

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Excelsior Springs Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Seller license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral acted as a preneed seller using the Excelsior Springs Seller license. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Lawson Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Lawson Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Richmond Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Richmond Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 29, 2013, the Board mailed Polley at Polley Funeral a letter reminding Polley Funeral that it had not reinstated its Provider Licenses nor the Excelsior Springs Seller license and that Polley Funeral had not responded to the Board's previous letters that Polley Funeral received on May 8, 2013. In this May 29, 2013 letter, the

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Board again request copies of documents and also notified Polley Funeral of the time, date and location for a scheduled appearance before the Board at its June 25, 2013 meeting.

By fax on June 21, 2013, Polley provided the records requested by the Board.

On July 11 and July 22, 2013, the Board notified Polley Funeral, via fax, that the reinstatement renewals for the Provider Licenses and the Excelsior Springs Seller could not be renewed until Polley Funeral provided a "No Tax Due" certificate from the Missouri Department of Revenue. These faxes also reiterated to Polley Funeral that it could not lawfully practice as a seller or as a provider until the licenses were renewed.

On June 21, 2013, Polley Funeral responded to the Board's request and enclosed the requested documents and also indicated that it should be able to provide a "No Tax Due" certificate from the Missouri Department of Revenue on June 22, 2013 or as soon as the Missouri Department of Revenue could process Polley Funeral's payment.

On June 21, 2013, Polley Funeral faxed to the Board the following reinstatement requests:

- a. Excelsior Springs Provider "Reinstatement" signed by Polley on May 14, 2013;
- b. Lawson Provider "Reinstatement" signed by Polley on May 14, 2013;
- c. Richmond Provider "Reinstatement" signed by Polley on May 14, 2013; and
- d. Excelsior Springs Seller "Reinstatement" signed by Polley on June 19, 2013 and included the seller's annual report that had been due on October 31, 2012.

On July 25, 2013, Polley called the Board office to say that he had not been able to obtain a "No Tax Due" certificate from the Missouri Department of Revenue, but that Polley was told that the Missouri Department of Revenue that it might be another month or two before he could obtain the certificate.

On September 4, 2013, Polley contacted the Board office and told the Board he expected to have everything to Missouri Department of Revenue in the next couple of days.

On November 22, 2013, the Board's inspector conducted an inspection of Polley Funeral and submitted his report of that inspection to the Board on December 6, 2013 (the November Inspection).

At the November Inspection, the Excelsior Springs Establishment was open for business and had the following violations:

- a. Polley Funeral displayed Seller License number 2009039723 that was expired;
- b. Polley Funeral displayed provider license number 2009039724 that was expired;
- c. The register log was not up to date with the last entry being September 18, 2013 and the Excelsior Springs Establishment had had 22 funerals since September 18, 2013; and
- d. The Excelsior Springs Establishment could not provide a current backflow inspection.

At the November Inspection, the Lawson Establishment had the following violations:

- a. The Lawson Establishment displayed preneed seller license number 2009039723 that was expired; and

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b. The Lawson Establishment displayed preneed provider license number 2009039722 that was expired.

The November Inspection found the following violations at the Richmond Establishment:

The Richmond Establishment displayed preneed seller license number 2009039723 that was expired; and

The Richmond Establishment displayed preneed provider license number 2009039721 that was expired.

At the November Inspection Polley was not available to meet with the inspector.

The Board's inspector asked the employee of Polley Funeral that was present for the inspection to ask Polley to contact the Board's inspector and requested that Polley provide to the Board's inspector the date of the last backflow inspection for the Excelsior Springs Establishment, copies of preneed contracts that had been provided since November 2, 2012 and an updated register log.

Polley never contacted the Board's inspector nor did he or anyone else with Polley Funeral supply the information the Board requested at the November Inspection except on June 21, 2013, Polley faxed to the Board office copies of preneed contracts that had been provided since November 2, 2012.

Polley Funeral's Establishment Licenses expired on December 31, 2013 because they were not renewed on or before December 31, 2013.

By letters dated January 10, 2014 sent by both certified and regular mail to each funeral establishment, the Board notified Polley at Polley Funeral that all Establishment Licenses had expired due to non-renewal and included instructions for reinstatement.

The Board received confirmation of delivery of each of these letters to each of the establishments.

By letter dated February 11, 2014 and by e-mail on February 11, 2014, the Board confirmed a telephone conversation with Polley about what he needed to do to have the Funeral Establishment, Seller and Provider Licenses reinstated.

On February 24, 2014, the Board again provided Polley with instruction and forms to complete the reinstatement of Polley Funeral's Licenses.

Polley Funeral continued to operate as a funeral establishment as the Excelsior Springs Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Lawson Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Richmond Establishment, even though it held no license to do so.

Since Polley Funeral's Funeral Establishment Licenses lapsed, Polley Funeral has handled final disposition for at least 19 decedents.

Polley Funeral continued to act as a provider after November 1, 2012, even though it held no license to do so and provided at least 8 preneed contracts during the

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so and provided at least 8 preneed contracts during the time its provider licenses were expired.

Polley Funeral continued to act as a seller after November 1, 2012, even though it held no license to do so and acted as seller by continuing to hold active preneed contracts and by acting as a seller in the fulfillment of at least 8 preneed contracts during the time its seller license was expired.

Cause to Discipline

Polley Funeral failed to renew times its Excelsior Springs Seller license, but continued to operate and practice as a seller and held out to the public that it was so licensed from November 1, 2012 until the present and when it held no valid license to do so.

Polley Funeral failed to file its seller annual report due on or before October 31, 2012 and, as of the date of signing this Settlement Agreement has failed to do so and failed to file the seller annual report due on or before October 31, 2013.

Polley Funeral failed to renew timely its Lawson Provider, its Richmond Provider, and its Excelsior Springs Provider licenses, but continued to hold out to the public and act as a provider at each location and provided at least 8 preneed contracts from November 1, 2012 until the present and during that time it held no provider license.

Polley Funeral failed to renew the Polley Establishment Licenses on or before December 31, 2013, but continued to hold out to the public and to operate as a funeral establishment at each location from January 1, 2014 and to the present even though it held no license to operate at any of the three locations.

The Board has cause to discipline the Polley Licenses pursuant to Section 333.330.2, (6), (7), (13), (14), and (19), RSMo.

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Disciplinary Actions

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Complaint: 2013-006669 Polley Funeral Home FUN2006025730/2007008991/2007008989 PNS2009039723 PNP2009039722/2009039721/2

Polley Funeral Home, LLC S/C:

07/29/2014

Disciplinary Actions

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Suspension

Joint Stipulation of Facts and Conclusions of Law

The parties agree and stipulate to the following findings of fact and conclusions of law:
Parties and Licenses

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 enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Polley Funeral holds funeral establishment license number 2007008989 and has registered this funeral establishment's address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039722 and has registered this provider's license address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2006025730 and has registered this funeral establishment's address with the Board as 122 W N Main, Richmond, Missouri 64085 (the "Richmond Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039721 and has registered this provider's address with the Board as 122 W. Main, Richmond, Missouri 64085 (the "Richmond Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2007008991 and has registered this establishment's address with the Board as 5951 E Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039724 and has registered this provider's address with the Board as 5951 E. Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds seller license number 2009039723 and has registered this seller's address as 5951 E. Highway 10, P.O. Box 271, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Seller"). This license was current and active until it expired on October 31, 2012.

Toby Polley ("Polley") holds funeral director license number 006070 and has registered his address with the Board as 5951 East Highway 10, P.O. Box 271, Excelsior Springs, Missouri. Polley's funeral director license is and has been at all relevant times, current and active.

Polley serves as funeral director in charge for the Lawson Establishment, the Richmond Establishment and the Excelsior Springs Establishment.

As funeral director in charge, Polley is responsible for the supervision and management of each funeral establishment and to ensure each establishment's

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Establishment and to ensure each establishment's compliance with applicable Missouri statutes and regulations.

Polley serves as the manager in charge for the Excelsior Springs Seller.

As manager in charge for the Excelsior Springs Seller, Polley is responsible for the supervision and management of the seller's business and to ensure the seller complies with applicable Missouri statutes and regulations.

For the purposes of this document, the Richmond Establishment, the Lawson Establishment and the Excelsior Springs Establishment licenses, collectively will be referred to as the "Establishment Licenses." The Richmond Provider, the Lawson Provider and the Excelsior Springs Provider licenses, collectively, will be referred to as the "Provider Licenses." The Richmond Establishment, the Lawson Establishment, the Excelsior Springs Establishment, the Richmond Provider, the Lawson Provider, the Excelsior Springs Provider, and the Excelsior Springs Seller licenses, collectively, will be referred to as the "Polley Licenses."

Conduct Giving Cause for Discipline

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Excelsior Springs Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Seller license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral acted as a preneed seller using the Excelsior Springs Seller license. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Lawson Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Lawson Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Richmond Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Richmond Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 29, 2013, the Board mailed Polley at Polley Funeral a letter reminding Polley Funeral that it had not reinstated its Provider Licenses nor the Excelsior Springs Seller license and that Polley Funeral had not responded to the Board's previous letters that Polley Funeral received on May 8, 2013. In this May 29, 2013 letter, the

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Board again request copies of documents and also notified Polley Funeral of the time, date and location for a scheduled appearance before the Board at its June 25, 2013 meeting.

By fax on June 21, 2013, Polley provided the records requested by the Board.

On July 11 and July 22, 2013, the Board notified Polley Funeral, via fax, that the reinstatement renewals for the Provider Licenses and the Excelsior Springs Seller could not be renewed until Polley Funeral provided a "No Tax Due" certificate from the Missouri Department of Revenue. These faxes also reiterated to Polley Funeral that it could not lawfully practice as a seller or as a provider until the licenses were renewed.

On June 21, 2013, Polley Funeral responded to the Board's request and enclosed the requested documents and also indicated that it should be able to provide a "No Tax Due" certificate from the Missouri Department of Revenue on June 22, 2013 or as soon as the Missouri Department of Revenue could process Polley Funeral's payment.

On June 21, 2013, Polley Funeral faxed to the Board the following reinstatement requests:

- a. Excelsior Springs Provider "Reinstatement" signed by Polley on May 14, 2013;
- b. Lawson Provider "Reinstatement" signed by Polley on May 14, 2013;
- c. Richmond Provider "Reinstatement" signed by Polley on May 14, 2013; and
- d. Excelsior Springs Seller "Reinstatement" signed by Polley on June 19, 2013 and included the seller's annual report that had been due on October 31, 2012.

On July 25, 2013, Polley called the Board office to say that he had not been able to obtain a "No Tax Due" certificate from the Missouri Department of Revenue, but that Polley was told that the Missouri Department of Revenue that it might be another month or two before he could obtain the certificate.

On September 4, 2013, Polley contacted the Board office and told the Board he expected to have everything to Missouri Department of Revenue in the next couple of days.

On November 22, 2013, the Board's inspector conducted an inspection of Polley Funeral and submitted his report of that inspection to the Board on December 6, 2013 (the November Inspection).

At the November Inspection, the Excelsior Springs Establishment was open for business and had the following violations:

- a. Polley Funeral displayed Seller License number 2009039723 that was expired;
- b. Polley Funeral displayed provider license number 2009039724 that was expired;
- c. The register log was not up to date with the last entry being September 18, 2013 and the Excelsior Springs Establishment had had 22 funerals since September 18, 2013; and
- d. The Excelsior Springs Establishment could not provide a current backflow inspection.

At the November Inspection, the Lawson Establishment had the following violations:

- a.. The Lawson Establishment displayed preneed seller license number 2009039723 that was expired; and

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b. The Lawson Establishment displayed preneed provider license number 2009039722 that was expired.

The November Inspection found the following violations at the Richmond Establishment:

The Richmond Establishment displayed preneed seller license number 2009039723 that was expired; and

The Richmond Establishment displayed preneed provider license number 2009039721 that was expired.

At the November Inspection Polley was not available to meet with the inspector.

The Board's inspector asked the employee of Polley Funeral that was present for the inspection to ask Polley to contact the Board's inspector and requested that Polley provide to the Board's inspector the date of the last backflow inspection for the Excelsior Springs Establishment, copies of preneed contracts that had been provided since November 2, 2012 and an updated register log.

Polley never contacted the Board's inspector nor did he or anyone else with Polley Funeral supply the information the Board requested at the November Inspection except on June 21, 2013, Polley faxed to the Board office copies of preneed contracts that had been provided since November 2, 2012.

Polley Funeral's Establishment Licenses expired on December 31, 2013 because they were not renewed on or before December 31, 2013.

By letters dated January 10, 2014 sent by both certified and regular mail to each funeral establishment, the Board notified Polley at Polley Funeral that all Establishment Licenses had expired due to non-renewal and included instructions for reinstatement.

The Board received confirmation of delivery of each of these letters to each of the establishments.

By letter dated February 11, 2014 and by e-mail on February 11, 2014, the Board confirmed a telephone conversation with Polley about what he needed to do to have the Funeral Establishment, Seller and Provider Licenses reinstated.

On February 24, 2014, the Board again provided Polley with instruction and forms to complete the reinstatement of Polley Funeral's Licenses.

Polley Funeral continued to operate as a funeral establishment as the Excelsior Springs Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Lawson Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Richmond Establishment, even though it held no license to do so.

Since Polley Funeral's Funeral Establishment Licenses lapsed, Polley Funeral has handled final disposition for at least 19 decedents.

Polley Funeral continued to act as a provider after November 1, 2012, even though it held no license to do so and provided at least 8 preneed contracts during the

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so and provided at least 8 preneed contracts during the time its provider licenses were expired.

Polley Funeral continued to act as a seller after November 1, 2012, even though it held no license to do so and acted as seller by continuing to hold active preneed contracts and by acting as a seller in the fulfillment of at least 8 preneed contracts during the time its seller license was expired.

Cause to Discipline

Polley Funeral failed to renew times its Excelsior Springs Seller license, but continued to operate and practice as a seller and held out to the public that it was so licensed from November 1, 2012 until the present and when it held no valid license to do so.

Polley Funeral failed to file its seller annual report due on or before October 31, 2012 and, as of the date of signing this Settlement Agreement has failed to do so and failed to file the seller annual report due on or before October 31, 2013.

Polley Funeral failed to renew timely its Lawson Provider, its Richmond Provider, and its Excelsior Springs Provider licenses, but continued to hold out to the public and act as a provider at each location and provided at least 8 preneed contracts from November 1, 2012 until the present and during that time it held no provider license.

Polley Funeral failed to renew the Polley Establishment Licenses on or before December 31, 2013, but continued to hold out to the public and to operate as a funeral establishment at each location from January 1, 2014 and to the present even though it held no license to operate at any of the three locations.

The Board has cause to discipline the Polley Licenses pursuant to Section 333.330.2, (6), (7), (13), (14), and (19), RSMo.

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

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Complaint: 2013-006669 Polley Funeral Home FUN2006025730/2007008991/2007008989 PNS2009039723 PNP2009039722/2009039721/2

Polley Funeral Homes LLC S/C:

DBA:Polley Funeral Home 07/29/2014

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Suspension**Joint Stipulation of Facts and Conclusions of Law**

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

Parties and Licenses

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 enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Polley Funeral holds funeral establishment license number 2007008989 and has registered this funeral establishment's address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039722 and has registered this provider's license address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2006025730 and has registered this funeral establishment's address with the Board as 122 W N Main, Richmond, Missouri 64085 (the "Richmond Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039721 and has registered this provider's address with the Board as 122 W. Main, Richmond, Missouri 64085 (the "Richmond Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2007008991 and has registered this establishment's address with the Board as 5951 E Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039724 and has registered this provider's address with the Board as 5951 E. Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds seller license number 2009039723 and has registered this seller's address as 5951 E. Highway 10, P.O. Box 271, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Seller"). This license was current and active until it expired on October 31, 2012.

Toby Polley ("Polley") holds funeral director license number 006070 and has registered his address with the Board as 5951 East Highway 10, P.O. Box 271, Excelsior Springs, Missouri. Polley's funeral director license is and has been at all relevant times, current and active.

Polley serves as funeral director in charge for the Lawson Establishment, the Richmond Establishment and the Excelsior Springs Establishment.

As funeral director in charge, Polley is responsible for the supervision and management of each funeral establishment and to ensure each establishment's

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establishment and to ensure each establishment's compliance with applicable Missouri statutes and regulations.

Polley serves as the manager in charge for the Excelsior Springs Seller.

As manager in charge for the Excelsior Springs Seller, Polley is responsible for the supervision and management of the seller's business and to ensure the seller complies with applicable Missouri statutes and regulations.

For the purposes of this document, the Richmond Establishment, the Lawson Establishment and the Excelsior Springs Establishment licenses, collectively will be referred to as the "Establishment Licenses." The Richmond Provider, the Lawson Provider and the Excelsior Springs Provider licenses, collectively, will be referred to as the "Provider Licenses." The Richmond Establishment, the Lawson Establishment, the Excelsior Springs Establishment, the Richmond Provider, the Lawson Provider, the Excelsior Springs Provider, and the Excelsior Springs Seller licenses, collectively, will be referred to as the "Polley Licenses."

Conduct Giving Cause for Discipline

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Excelsior Springs Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Seller license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral acted as a preneed seller using the Excelsior Springs Seller license. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Lawson Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Lawson Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Richmond Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Richmond Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 29, 2013, the Board mailed Polley at Polley Funeral a letter reminding Polley Funeral that it had not reinstated its Provider Licenses nor the Excelsior Springs Seller license and that Polley Funeral had not responded to the Board's previous letters that Polley Funeral received on May 8, 2013. In this May 29, 2013 letter, the

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Board again request copies of documents and also notified Polley Funeral of the time, date and location for a scheduled appearance before the Board at its June 25, 2013 meeting.

By fax on June 21, 2013, Polley provided the records requested by the Board.

On July 11 and July 22, 2013, the Board notified Polley Funeral, via fax, that the reinstatement renewals for the Provider Licenses and the Excelsior Springs Seller could not be renewed until Polley Funeral provided a "No Tax Due" certificate from the Missouri Department of Revenue. These faxes also reiterated to Polley Funeral that it could not lawfully practice as a seller or as a provider until the licenses were renewed.

On June 21, 2013, Polley Funeral responded to the Board's request and enclosed the requested documents and also indicated that it should be able to provide a "No Tax Due" certificate from the Missouri Department of Revenue on June 22, 2013 or as soon as the Missouri Department of Revenue could process Polley Funeral's payment.

On June 21, 2013, Polley Funeral faxed to the Board the following reinstatement requests:

- a. Excelsior Springs Provider "Reinstatement" signed by Polley on May 14, 2013;
- b. Lawson Provider "Reinstatement" signed by Polley on May 14, 2013;
- c. Richmond Provider "Reinstatement" signed by Polley on May 14, 2013; and
- d. Excelsior Springs Seller "Reinstatement" signed by Polley on June 19, 2013 and included the seller's annual report that had been due on October 31, 2012.

On July 25, 2013, Polley called the Board office to say that he had not been able to obtain a "No Tax Due" certificate from the Missouri Department of Revenue, but that Polley was told that the Missouri Department of Revenue that it might be another month or two before he could obtain the certificate.

On September 4, 2013, Polley contacted the Board office and told the Board he expected to have everything to Missouri Department of Revenue in the next couple of days.

On November 22, 2013, the Board's inspector conducted an inspection of Polley Funeral and submitted his report of that inspection to the Board on December 6, 2013 (the November Inspection).

At the November Inspection, the Excelsior Springs Establishment was open for business and had the following violations:

- a. Polley Funeral displayed Seller License number 2009039723 that was expired;
- b. Polley Funeral displayed provider license number 2009039724 that was expired;
- c. The register log was not up to date with the last entry being September 18, 2013 and the Excelsior Springs Establishment had had 22 funerals since September 18, 2013; and
- d. The Excelsior Springs Establishment could not provide a current backflow inspection.

At the November Inspection, the Lawson Establishment had the following violations:

- a. The Lawson Establishment displayed preneed seller license number 2009039723 that was expired; and

Disciplinary Actions

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b. The Lawson Establishment displayed preneed provider license number 2009039722 that was expired.

The November Inspection found the following violations at the Richmond Establishment:

The Richmond Establishment displayed preneed seller license number 2009039723 that was expired; and

The Richmond Establishment displayed preneed provider license number 2009039721 that was expired.

At the November Inspection Polley was not available to meet with the inspector.

The Board's inspector asked the employee of Polley Funeral that was present for the inspection to ask Polley to contact the Board's inspector and requested that Polley provide to the Board's inspector the date of the last backflow inspection for the Excelsior Springs Establishment, copies of preneed contracts that had been provided since November 2, 2012 and an updated register log.

Polley never contacted the Board's inspector nor did he or anyone else with Polley Funeral supply the information the Board requested at the November Inspection except on June 21, 2013, Polley faxed to the Board office copies of preneed contracts that had been provided since November 2, 2012.

Polley Funeral's Establishment Licenses expired on December 31, 2013 because they were not renewed on or before December 31, 2013.

By letters dated January 10, 2014 sent by both certified and regular mail to each funeral establishment, the Board notified Polley at Polley Funeral that all Establishment Licenses had expired due to non-renewal and included instructions for reinstatement.

The Board received confirmation of delivery of each of these letters to each of the establishments.

By letter dated February 11, 2014 and by e-mail on February 11, 2014, the Board confirmed a telephone conversation with Polley about what he needed to do to have the Funeral Establishment, Seller and Provider Licenses reinstated.

On February 24, 2014, the Board again provided Polley with instruction and forms to complete the reinstatement of Polley Funeral's Licenses.

Polley Funeral continued to operate as a funeral establishment as the Excelsior Springs Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Lawson Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Richmond Establishment, even though it held no license to do so.

Since Polley Funeral's Funeral Establishment Licenses lapsed, Polley Funeral has handled final disposition for at least 19 decedents.

Polley Funeral continued to act as a provider after November 1, 2012, even though it held no license to do so and provided at least 8 preneed contracts during the

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so and provided at least 8 preneed contracts during the time its provider licenses were expired.

Polley Funeral continued to act as a seller after November 1, 2012, even though it held no license to do so and acted as seller by continuing to hold active preneed contracts and by acting as a seller in the fulfillment of at least 8 preneed contracts during the time its seller license was expired.

Cause to Discipline

Polley Funeral failed to renew times its Excelsior Springs Seller license, but continued to operate and practice as a seller and held out to the public that it was so licensed from November 1, 2012 until the present and when it held no valid license to do so.

Polley Funeral failed to file its seller annual report due on or before October 31, 2012 and, as of the date of signing this Settlement Agreement has failed to do so and failed to file the seller annual report due on or before October 31, 2013.

Polley Funeral failed to renew timely its Lawson Provider, its Richmond Provider, and its Excelsior Springs Provider licenses, but continued to hold out to the public and act as a provider at each location and provided at least 8 preneed contracts from November 1, 2012 until the present and during that time it held no provider license.

Polley Funeral failed to renew the Polley Establishment Licenses on or before December 31, 2013, but continued to hold out to the public and to operate as a funeral establishment at each location from January 1, 2014 and to the present even though it held no license to operate at any of the three locations.

The Board has cause to discipline the Polley Licenses pursuant to Section 333.330.2, (6), (7), (13), (14), and (19), RSMo.

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Complaint: 2013-006897 Polley, Toby FDR 006070 Suspension/probation

Polley, Toby L

S/C:

07/29/2014

Disciplinary Actions

Ordered From 06/20/2014 Through 09/11/2014

Suspension

Joint Stipulation of Facts and Conclusions of Law

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

Parties and Licenses

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 enforce the provisions of Chapter 333 and portions of Chapter 436, RSMo.

Polley Funeral holds funeral establishment license number 2007008989 and has registered this funeral establishment's address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039722 and has registered this provider's license address with the Board as 214 N. Pennsylvania Avenue, Lawson, Missouri 64062 (the "Lawson Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2006025730 and has registered this funeral establishment's address with the Board as 122 W N Main, Richmond, Missouri 64085 (the "Richmond Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039721 and has registered this provider's address with the Board as 122 W. Main, Richmond, Missouri 64085 (the "Richmond Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds funeral establishment license number 2007008991 and has registered this establishment's address with the Board as 5951 E Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Establishment"). This license was current and active until it lapsed on December 31, 2013.

Polley Funeral holds provider license number 2009039724 and has registered this provider's address with the Board as 5951 E. Highway 10, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Provider"). This license was current and active until it expired on October 31, 2012.

Polley Funeral holds seller license number 2009039723 and has registered this seller's address as 5951 E. Highway 10, P.O. Box 271, Excelsior Springs, Missouri 64024 (the "Excelsior Springs Seller"). This license was current and active until it expired on October 31, 2012.

Toby Polley ("Polley") holds funeral director license number 006070 and has registered his address with the Board as 5951 East Highway 10, P.O. Box 271, Excelsior Springs, Missouri. Polley's funeral director license is and has been at all relevant times, current and active.

Polley serves as funeral director in charge for the Lawson Establishment, the Richmond Establishment and the Excelsior Springs Establishment.

As funeral director in charge, Polley is responsible for the supervision and management of each funeral

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supervision and management of each funeral establishment and to ensure each establishment's compliance with applicable Missouri statutes and regulations.

Polley serves as the manager in charge for the Excelsior Springs Seller.

As manager in charge for the Excelsior Springs Seller, Polley is responsible for the supervision and management of the seller's business and to ensure the seller complies with applicable Missouri statutes and regulations.

For the purposes of this document, the Richmond Establishment, the Lawson Establishment and the Excelsior Springs Establishment licenses, collectively will be referred to as the "Establishment Licenses." The Richmond Provider, the Lawson Provider and the Excelsior Springs Provider licenses, collectively, will be referred to as the "Provider Licenses." The Richmond Establishment, the Lawson Establishment, the Excelsior Springs Establishment, the Richmond Provider, the Lawson Provider, the Excelsior Springs Provider, and the Excelsior Springs Seller licenses, collectively, will be referred to as the "Polley Licenses."

Conduct Giving Cause for Discipline

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Excelsior Springs Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Excelsior Springs Seller license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral acted as a preneed seller using the Excelsior Springs Seller license. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Lawson Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Lawson Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 3, 2013, the Board mailed Polley at Polley Funeral home a letter, via certified mail, notifying Polley that the Richmond Provider license had expired. This letter enclosed the reinstatement forms and instructions to have the license reinstated. This letter also requested copies of contracts for which Polley Funeral fulfilled contracts as the Richmond Provider. Polley Funeral signed the certified mail receipt for this letter on May 8, 2013.

On May 29, 2013, the Board mailed Polley at Polley Funeral a letter reminding Polley Funeral that it had not reinstated its Provider Licenses nor the Excelsior Springs Seller license and that Polley Funeral had not responded to the Board's previous letters that Polley Funeral

Disciplinary Actions

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received on May 8, 2013. In this May 29, 2013 letter, the Board again request copies of documents and also notified Polley Funeral of the time, date and location for a scheduled appearance before the Board at its June 25, 2013 meeting.

By fax on June 21, 2013, Polley provided the records requested by the Board.

On July 11 and July 22, 2013, the Board notified Polley Funeral, via fax, that the reinstatement renewals for the Provider Licenses and the Excelsior Springs Seller could not be renewed until Polley Funeral provided a "No Tax Due" certificate from the Missouri Department of Revenue. These faxes also reiterated to Polley Funeral that it could not lawfully practice as a seller or as a provider until the licenses were renewed.

On June 21, 2013, Polley Funeral responded to the Board's request and enclosed the requested documents and also indicated that it should be able to provide a "No Tax Due" certificate from the Missouri Department of Revenue on June 22, 2013 or as soon as the Missouri Department of Revenue could process Polley Funeral's payment.

On June 21, 2013, Polley Funeral faxed to the Board the following reinstatement requests:

- a. Excelsior Springs Provider "Reinstatement" signed by Polley on May 14, 2013;
- b. Lawson Provider "Reinstatement" signed by Polley on May 14, 2013;
- c. Richmond Provider "Reinstatement" signed by Polley on May 14, 2013; and
- d. Excelsior Springs Seller "Reinstatement" signed by Polley on June 19, 2013 and included the seller's annual report that had been due on October 31, 2012.

On July 25, 2013, Polley called the Board office to say that he had not been able to obtain a "No Tax Due" certificate from the Missouri Department of Revenue, but that Polley was told that the Missouri Department of Revenue that it might be another month or two before he could obtain the certificate.

On September 4, 2013, Polley contacted the Board office and told the Board he expected to have everything to Missouri Department of Revenue in the next couple of days.

On November 22, 2013, the Board's inspector conducted an inspection of Polley Funeral and submitted his report of that inspection to the Board on December 6, 2013 (the November Inspection).

At the November Inspection, the Excelsior Springs Establishment was open for business and had the following violations:

- a. Polley Funeral displayed Seller License number 2009039723 that was expired;
- b. Polley Funeral displayed provider license number 2009039724 that was expired;
- c. The register log was not up to date with the last entry being September 18, 2013 and the Excelsior Springs Establishment had had 22 funerals since September 18, 2013; and
- d. The Excelsior Springs Establishment could not provide a current backflow inspection.

At the November Inspection, the Lawson Establishment had the following violations:

- a. The Lawson Establishment displayed preneed seller

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license number 2009039723 that was expired; and
b. The Lawson Establishment displayed preneed provider license number 2009039722 that was expired.

The November Inspection found the following violations at the Richmond Establishment:

- a. The Richmond Establishment displayed preneed seller license number 2009039723 that was expired; and
- b. The Richmond Establishment displayed preneed provider license number 2009039721 that was expired.

At the November Inspection Polley was not available to meet with the inspector.

The Board's inspector asked the employee of Polley Funeral that was present for the inspection to ask Polley to contact the Board's inspector and requested that Polley provide to the Board's inspector the date of the last backflow inspection for the Excelsior Springs Establishment, copies of preneed contracts that had been provided since November 2, 2012 and an updated register log.

Polley never contacted the Board's inspector nor did he or anyone else with Polley Funeral supply the information the Board requested at the November Inspection except on June 21, 2013, Polley faxed to the Board office copies of preneed contracts that had been provided since November 2, 2012.

Polley Funeral's Establishment Licenses expired on December 31, 2013 because they were not renewed on or before December 31, 2013.

By letters dated January 10, 2014 sent by both certified and regular mail to each funeral establishment, the Board notified Polley at Polley Funeral that all Establishment Licenses had expired due to non-renewal and included instructions for reinstatement.

The Board received confirmation of delivery of each of these letters to each of the establishments.

By letter dated February 11, 2014 and by e-mail on February 11, 2014, the Board confirmed a telephone conversation with Polley about what he needed to do to have the Funeral Establishment, Seller and Provider Licenses reinstated.

On February 24, 2014, the Board again provided Polley with instruction and forms to complete the reinstatement of Polley Funeral's Licenses.

Polley Funeral continued to operate as a funeral establishment as the Excelsior Springs Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Lawson Establishment, even though it held no license to do so.

Polley Funeral continued to operate as a funeral establishment at the Richmond Establishment, even though it held no license to do so.

Since Polley Funeral's Funeral Establishment Licenses lapsed, Polley Funeral has handled final disposition for at least 19 decedents.

Polley Funeral continued to act as a provider after November 1, 2012, even though it held no license to do so and provided at least 8 preneed contracts during the time the provider licenses were expired.

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

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time its provider licenses were expired.

Polley Funeral continued to act as a seller after November 1, 2012, even though it held no license to do so and acted as seller by continuing to hold active preneed contracts and by acting as a seller in the fulfillment of at least 8 preneed contracts during the time its seller license was expired.

Cause to Discipline

Polley Funeral failed to renew its Excelsior Springs Seller license, but continued to operate and practice as a seller and held out to the public that it was so licensed from November 1, 2012 until the present and when it held no valid license to do so.

Polley Funeral failed to file its seller annual report due on or before October 31, 2012 and, as of the date of signing this Settlement Agreement has failed to do so and failed to file the seller annual report due on or before October 31, 2013.

Polley Funeral failed to renew timely its Lawson Provider, its Richmond Provider and its Excelsior Springs Provider, but continued to hold out to the public and act as a provider at each location and provided at least 8 preneed contracts from November 1, 2012 until the present and during that time it held no provider license.

Polley Funeral failed to renew the Polley Establishment Licenses on or before December 31, 2013, but continued to hold out to the public and to operate as a funeral establishment at each location from January 1, 2014 and to the present even though it held no current funeral establishment license at any of the three locations.

As the funeral director in charge of the Polley Establishments and as manager in charge of the Excelsior Springs Seller, Polley is responsible for the conduct of the Polley Establishments and the Excelsior Springs Seller.

For all conduct alleged in this Settlement Agreement, Polley engaged in that conduct on behalf of Polley Funeral.

The Board has cause to discipline Polley's funeral director license pursuant to Section 333.330.2, (6), (7), (13), (14), and (19), RSMo.

Disciplinary Actions

Ordered From 06/20/2014 Through 09/11/2014

Complaint: 2014-004270 **Smith, Carmela Practicum 2014004587 DOR HB600**

Smith, Carmela Renice S/C:
08/19/2014

Suspended 324.010

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