BEFORE THE MISSOURI STATE BOARD OF
EMBALMERS & FUNERAL DIRECTORS

In the matter of:	)	
	)	
Foster Family Funeral Chapel	)	Estab. License no. 2013040443
& Cremation Services LLC	)	Preneed Seller License no. 2013040442
	)	Preneed Provider License no. 2013040441
and	)	
	)	
Anna Marie Foster,	)	Funeral Director License no. 2014039472
	)	
Respondents.	)	AHC Case no. 21-2422
	)	Board file nos. 2021-002092,
	)	2021-000883, 2023-001342, 2022-002388
	)	& 2023-001452

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER

On April 3, 2023, the Missouri State Board of Embalmers and Funeral Directors issued a Probation Violation Complaint with notice issued to Ms. Foster and Foster Family Funeral Chapel & Cremation Services LLC (hereafter "Foster Family Funeral Chapel" or "the funeral home"). On August 9, 2023, the Board issued a Second Amended Probation Violation Complaint with notice issued to Ms. Foster and the funeral home. The matter was scheduled for hearing on September 21, 2023. Ms. Foster appeared by telephone. The Board was represented by attorney Samantha Green. Attorney Tom Townsend served as legal advisor to the Board at the hearing and during deliberation. Evidence was heard. The Board offered Ms. Foster and the funeral home until October 5, 2023 to send the Board any additional exhibits. The Board continued the hearing to its next available meeting on December 12, 2023.

After the Board's September 21, 2023, hearing, Foster contacted the Board's Executive Director by email on October 5, 2023 to request an additional meeting. The

Board responded to Foster's email on October 6, 2023 and notified her a meeting would be held on October 12, 2023. Foster failed to appear on October 12, 2023 and failed to have any other contact with the Board since the October 5, 2023 email.

On October 12, 2023, the Board mailed Foster and the funeral home packets with instructions on additional documents needed to comply with the Board's probation conditions and notice of the next hearing on December 12, 2023. Both Foster and the funeral home received the packets by certified mail and email at the address used by Foster in her previous communications. Neither Foster nor the funeral home responded.

On December 12, 2023, neither Ms. Foster nor any representative of the funeral home appeared, despite notice being delivered. The Board was represented by attorney Samantha Green. Attorney Tom Townsend served as legal advisory to the Board at the hearing and during deliberation. Evidence was heard. The Board took the matter under advisement.

Having fully considered the matter, the Board enters the following findings of fact, conclusions of law, and Order:

Findings of Fact & Conclusions of Law

1. On or about January 3, 2023, the Board issued its Disciplinary Order. The Order placed Ms. Foster's funeral director license and the funeral home's establishment license on probation. As part of the probationary conditions, Foster and the funeral home were required to *inter alia* timely comply with the requirements to submit a preneed provider and preneed seller license applications and otherwise comply with the laws of Missouri.

2. Foster and the funeral home failed to comply with the probationary requirements in that:

A. PRENEED PROVIDER:
   1) Foster and the funeral home have failed to submit its completed preneed provider license application.
   2) Foster Family Funeral Chapel and Ms. Foster have acted as a preneed provider by providing funeral services while the license was expired.
   3) Providing preneed funeral services while the license is expired violates Section 333.315, RSMo, and Board rule 20 CSR 2120-3.105(3)(B) and provides cause to impose additional discipline pursuant to Section 333.330(6), RSMo.
   4) Providing preneed funeral services while the license is expired violates the professional trust and confidence held in Foster Family Funeral Chapel and Ms. Foster by the Board as licensed professionals and provides cause to impose additional discipline pursuant to Section 333.330.14, RSMo.

B. PRENEED SELLER:
   1) Foster and the funeral home submitted a preneed seller license application for 2022 that was received in March 2023, but that license was not issued because Foster and the funeral home did not submit the required documents for the financial examination. Additionally, the 2022 application is now moot and a new preneed seller application for 2023 was required to be submitted. Foster nor the funeral home submitted a preneed seller license application for 2023.
   2) Foster Family Funeral Chapel and Ms. Foster have acted as a preneed seller by holding preneed funds of preneed contracts while the license was expired and subsequently suspended.
   3) The continued holding of preneed contracts/funds while the license is suspended violates Section 333.320, RSMo, and Board rule 20 CSR 2120-3.105(2)(F) and provides cause to impose additional discipline pursuant to Section 333.330(6), RSMo.
   4) The continued holding of preneed contracts/funds while the license is suspended violates the professional trust and confidence held in Foster Family Funeral Chapel and Ms. Foster by the Board as licensed professionals and provides cause to impose additional discipline pursuant to Section 333.330.14, RSMo.

C. ADVERTISING LOCATIONS:

1) Foster Family Funeral Chapel and Ms. Foster continue to holdout the funeral homes in Norborne and Waverly as establishments for funeral services despite the revocation of the establishment licenses.
2) Holding out an establishment to the public after the revocation of the license violates Section 333.061.1, RSMo, and Board rule 20 CSR 2120-2.070 and provides cause to impose additional discipline pursuant to Section 333.330(6), RSMo.
3) Holding out an establishment to the public after the revocation of the license violates the professional trust and confidence held in Foster Family Funeral Chapel and Ms. Foster by the Board as licensed professionals and provides cause to impose additional discipline pursuant to Section 333.330.14, RSMo.

D. COMPLIANCE REPORTS:

1) Neither Anna Foster nor Foster Family Funeral Chapel have complied with the terms of probation in that neither have submitted a Report of Compliance as required by paragraph E of the Board's Order, which were due no later than July 1, 2023.
2) Anna Foster and Foster Family Funeral Chapel's failure to submit their Report of Compliance violates the professional trust and confidence held in them by the Board as a licensed professional and provides cause to impose additional discipline pursuant to Section 333.330.2(14), RSMo.

E. CONSUMER RECORDS ("R.P."):

1) On April 24, 2023, the Board received a complaint from R.P.
2) In the complaint, R.P. stated she was a consumer of Foster Family Funeral Chapel.
3) On February 21, 2023, R.P. went to the funeral home to change the beneficiary on her preneed funeral services and to request a copy of her records.
4) On February 21, 2023, Foster Family Funeral Chapel could not locate the records for R.P.
5) After several unsuccessful attempts to retrieve her records, Foster Family Funeral Chapel stated the records would be mailed to R.P.
6) R.P. has not received her records from Foster Family Funeral Chapel.

7) Anna Foster and Foster Family Funeral Chapel's failure to provide R.P. with a copy of her preneed funeral records is a violation of professional trust and confidence and provides cause to impose additional discipline pursuant to Section 333.330(14), RSMo.

F. HEADSTONE ("M.M."):

1) On July 18, 2022, the Board received a complaint from M.M.
2) In the complaint, M.M. stated she was a consumer of Foster Family Funeral Chapel.
3) On August 15, 2019, M.M. and her family members purchased a headstone for her parents from Foster Family Funeral Chapel. The purchase price was $4,494 which was paid in full. Anna Foster advised M.M. the headstone would be delivered in February or March 2020.
4) Foster Family Funeral Chapel has not provided the family headstone.
5) Anna Foster and Foster Family Funeral Chapel's failure to provide the headstone (or refund) is the obtainment of a fee, charge or other compensation by misrepresentation and provides cause to impose additional discipline pursuant to Section 333.330(4), RSMo.
6) Anna Foster and Foster Family Funeral Chapel's failure to provide the headstone (or refund) is incompetency, misconduct, and gross negligence in the performance of the functions or duties of a funeral home and funeral director and provides cause to impose additional discipline pursuant to Section 333.330(5), RSMo.
7) Anna Foster and Foster Family Funeral Chapel's failure to provide the headstone (or refund) is a violation of professional trust and confidence and provides cause to impose additional discipline pursuant to Section 333.330(14), RSMo.

G. HEADSTONE ("D.B."):

1) On May 12, 2023, the Board received a complaint from D.B.
2) In the complaint, D.B. stated he was a consumer of Foster Family Funeral Chapel.
3) On October 7, 2020, D.B. arranged for the funeral services of his brother, D.B., who died on September 20, 2020. Foster Family Funeral Home provided the funeral services, but never put in the headstone marker that was ordered and paid for by D.B.

4) Foster Family Funeral Chapel has not provided the headstone for D.B.

5) Anna Foster and Foster Family Funeral Chapel's failure to provide the headstone (or refund) is the obtainment of a fee, charge or other compensation by fraud, deception, or misrepresentation and provides cause to impose additional discipline pursuant to Section 333.330(4), RSMo.

6) Anna Foster and Foster Family Funeral Chapel's failure to provide the headstone (or refund) is incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of a funeral home and funeral director and provides cause to impose additional discipline pursuant to Section 333.330(5), RSMo.

7) Anna Foster and Foster Family Funeral Chapel's failure to provide the headstone (or refund) is a violation of professional trust and confidence and provides cause to impose additional discipline pursuant to Section 333.330(14), RSMo.

3. Foster's and the funeral home's violations provides cause to impose additional discipline pursuant to Section 324.042, RSMo.

ORDER

Having considered the evidence presented, the Board enters the following Order:

A. REVOCATION: Foster's and the funeral home's establishment, preneed provider, preneed seller, and funeral director licenses are hereby revoked. Pursuant to Section 333.330.5, RSMo, Foster and the funeral home are prohibited from applying for any license regulated by Chapter 333, RSMo, for a period of three years.

The Board notes Foster's preneed agent funeral director license is now void. Foster continues to hold a license as an embalmer which is not subject to this Order.

B. PRENEED CONTRACTS: **Within 30 days** of the mailing of this Order, Foster and the funeral home shall refund to the consumer or assign all active preneed contracts to another licensed preneed provider and/or seller and transfer the funds held either in trust or in joint accounts to the successor licensee in accordance with Board rule 20 CSR 2120-3.030(3). Additionally, within 30 days or this Order, Foster and the funeral home shall provide the Board with written verification that all contracts have been refunded or assigned, including the contact information for all successor provider(s) and seller(s).

C. RETURN LICENSES: Foster and the funeral home shall return to the Board within ten (10) days of this Order all *indicia* of licensure or registration previously issued. In the event Foster and the funeral home no longer have possession of such *indicia*, Foster shall provide an affidavit to that effect within the same time period. Said affidavit shall detail the *indicia* of licensure or registration previously in Foster's possession and provide adequate explanation as to why the item is no longer in Foster's possession or control.

D. CEASE & DESIST: Foster and the funeral home shall immediately cease and desist the practice of funeral directing, acting as a preneed provider and/or seller, and shall no longer operate the establishment for any purpose regulated by Chapters 333 or 436, RSMo. Foster and

the funeral home shall discontinue any representation that Foster or the funeral home are licensed by the Board. This includes, but is not limited to, the removal of any reference to funeral services on signs, websites, business cards, letterhead, social media, or other advertising or correspondence.

E. At the conclusion of the prohibition period for re-application, the revocation of Foster's and the funeral home's licenses shall remain in effect permanently until such time as the Board may determine to reinstate or issue a new license.

F. The Board will maintain this order as an open record of the Board as required by Chapters 333, 610, and 620, RSMo.

If the Board determines that Foster or the funeral home have violated a term or condition of this Order, the Board may elect to pursue any lawful remedies or procedure afforded it pursuant to the laws of Missouri.

Entered this 15 day of December, 2023.

State Board of Embalmers and Funeral Directors

Patty Faenger

Patty Faenger, Executive Director
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