

BEFORE THE WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS

**WEST VIRGINIA BOARD OF FUNERAL
SERVICE EXAMINERS,**

Petitioner,

v.

Complaint No. 2024-02

**ARMSTRONG FUNERAL HOME
Cletis Kellione, Owner and Licensee in Charge
Funeral Establishment License No WV-0381,**

Respondent.

CONSENT AGREEMENT AND ORDER

At its Board meeting held on November 9, 2023, the West Virginia Board of Funeral Service Examiners (hereinafter "Board"), determined there is probable cause to believe Armstrong Funeral Home (hereinafter "Respondent") failed to comply with the *West Virginia Funeral Service Examiners Act*, which renders its funeral establishment license subject to discipline by the Board by failing to timely renew its funeral establishment license.

The Board issued a Board-Initiated Complaint on September 28, 2023, which provided Respondent with written notice of the allegations against its establishment license. On October 25, 2023, Cletis Kellione, Licensee-in-Charge of Armstrong Funeral Home, submitted a response to the allegations. The Board acknowledges receipt of Armstrong Funeral Home's renewal payment check on July 29, 2023, and late fee on September 11, 2023.

In lieu of a hearing, the parties have reached an agreement for the resolution of this matter and agree to the following order:

FINDINGS OF FACT

1. Armstrong Funeral Home failed to renew its funeral establishment license prior to or on the expiration date. Armstrong Funeral Home now holds an active license and has complied with all requirements.
2. Armstrong Funeral Home conducted approximately fourteen memorial services, funeral services and arrangements without an active funeral establishment license between July 1, 2023, and prior to the renewal of its funeral establishment license on September 11, 2023.
3. The above allegation renders Respondent's funeral establishment license subject to discipline by the Board.
4. The parties agree to resolve this matter as set forth below.

BOARD'S CONCLUSIONS OF LAW

1. Respondent holds an active funeral establishment license and is subject to the jurisdiction and authority of the Board and applicable licensing requirements.
2. The Board is empowered to take disciplinary action against a licensee for violations of applicable laws, rules or regulations or where a licensee willfully departs from acceptable standards in professional conduct. *See* W. Va. Code § 30-6-5(10) and W. Va. Code § 30-6-23(a)(2).
3. Respondent violated West Virginia Code Section 30-6-18(b): "All funeral establishment licenses must be renewed biennially, by a staggered schedule, upon or before the first day of July and pay a renewal fee."
4. This document is a public record as defined in West Virginia Code Section 29B-1-2(5).

5. Respondent acknowledges the Findings set forth above and consents to the following Order:

CONSENT OF LICENSEE

1. Respondent executes this Consent Agreement and Order voluntarily, freely, and without compulsion or duress and mindful that it has legal consequences.
2. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein.
3. Respondent acknowledges that it may pursue this matter through appropriate administrative and/or court proceedings, and is aware of its legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.
4. Respondent waives any defense of laches, statute of limitations, estoppel, lack of jurisdiction, lack of due process, and waiver that he may have otherwise claimed as a condition of this agreement.
5. Respondent consents and agrees to the following terms and conditions:

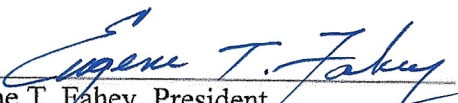
ORDER

On the basis of the foregoing, the Board does hereby **ORDER** and **DECREE** as follows:

1. Respondent shall pay a fine in the amount of \$2,500.00.
2. Respondent shall pay administrative costs in the amount of \$500.00.

Respondent's failure to comply with the terms and conditions of this Consent Agreement and Order hereby imposed shall be deemed a violation of this Consent Agreement and Order. Should Respondent violate any of the terms of this Consent Agreement and Order, the Board may take further disciplinary action against Respondent's funeral establishment license.

Entered this 15TH day of December, 2023.


Eugene T. Fahey, President
West Virginia Board of Funeral Service Examiners

Reviewed and Agreed to by:

Cletis Kellione, Owner and Licensee in Charge
Armstrong Funeral Home

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ARMSTRONG FUNERAL HOME
ATTN: CLETIS KELLIONE
39687 COAL RIVER ROAD
WHITESVILLE, WV 24801



9590 9402 7231 1284 8330 44

2. Article Number (Transfer from service label)

7021 2720 0002 8278 1935

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Teresa Kellione

- Agent
- Addressee

B. Received by (Printed Name)

Teresa Kellione

C. Date of Delivery

12-29-23

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

P.O. Box 185
Whitesville, WV
25209

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery