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January 30, 2024

**VIA E-MAIL JONATHAN@PATBOYLEFUNERALHOME.COM**

Mr. Jonathan D. Clutter, Owner  
Clutter Funeral Services LLC (dba Pat Boyle Funeral Home & Cremation Services)  
144 Hackers Creek Road  
Jane Lew, West Virginia 26378

**Re: Jonathan D. Clutter and  
Clutter Funeral Services LLC dba Pat Boyle  
Funeral Home & Cremation Service  
Complaint #2024-04**

Dear Mr. Clutter:

Please find enclosed a proposed Consent Agreement and Order. Please reply to the email forwarding this letter to provide available times between now and February 6, 2024 when you can meet with me via Zoom to discuss this proposed Consent Agreement. The Funeral Board expects a response because it intends to discuss the matter in executive session at its next meeting.

Thank you for your assistance in this matter. Should have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Shawn Morgan'.

Shawn Morgan

SAM/srp  
Attachment

cc: Sarah Canterbury (via e-mail sarah@patboylefuneralhome.com)  
Stephenee Gandee, Esquire (via e-mail)  
Marc Bryson, Esquire (via e-mail)

**BEFORE THE WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS**

**IN RE: Jonathan D. Clutter, Licensee-in-Charge  
Clutter Funeral Services, LLC dba  
Pat Boyle Funeral Home and Cremation Service**

**COMPLAINT NO. 2024-04**

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**CONSENT AGREEMENT AND ORDER**

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The West Virginia Board of Funeral Service Examiners (hereinafter "Board") determined that probable cause exists that Pat Boyle Funeral Home and Cremation Service (hereinafter "Respondent") failed to comply with the *West Virginia Funeral Service Examiners Act*, which renders its crematory license subject to discipline by the Board. Respondent acknowledged that it permitted, on limited occasions, unlicensed individuals to assist with the cremation of bodies in violation of West Virginia Code Section 30-6-1. 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. Respondent holds an active crematory license in the State of West Virginia, License No. CR0031.
2. A complaint was filed on or around September 26, 2023, alleging numerous violations including that Respondent allowed unlicensed individuals to perform cremations.
3. On October 17, 2023, Respondent, by counsel Shawn A. Morgan, Esq. and Stephenee R. Gandee, Esq., Steptoe & Johnson PLLC, filed a response thereto.
4. Pursuant to West Virginia Code Section 30-6-1, "The practice of preparing dead human bodies for burial or cremation and the subsequent burial or cremation thereof has serious public health and safety considerations and should only be practiced by a person who has specific training in those fields. Therefore, the Legislature hereby finds that to protect the public interest a person *must have a license*, as provided in this article, to practice embalming, funeral

directing and *cremation* and to operate a funeral establishment and crematory in the State of West Virginia.” (emphasis added).

5. Respondent acknowledges that they have failed to comply with West Virginia Code 30-6-1 at limited times and have permitted unlicensed individuals to assist with the cremation process.

6. In its meeting on November 9, 2023, the Board found that probable cause exists that Respondent’s actions constitute a violation of West Virginia Code Section 30-6-1. The above allegation renders Respondent’s crematory license subject to discipline by the Board. *See* W. Va. Code § 30-6-5.

7. The parties agree to resolve this matter as set forth below.

**BOARD’S CONCLUSION OF LAW**

1. Respondent, at all times relevant hereto, held an active crematory license, and is subject to the jurisdiction and authority of the Board and applicable licensing requirements.

2. That the Board has jurisdiction to take disciplinary action against the Respondent pursuant to W. Va. Code § 30-6-5.

3. The Board is empowered to suspend, revoke, or otherwise discipline a licensee for violation of the West Virginia Funeral Service Examiners Act, W. Va. Code § 30-6-1 *et seq.*, and the rules promulgated thereunder.

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

**CONSENT OF LICENSEE**

Respondent acknowledges the following:

1. Respondent executes this Consent Agreement and Order voluntarily, freely, with the advice of counsel, 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**

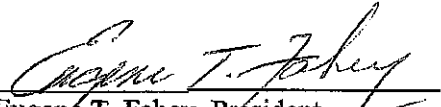
On the basis of the foregoing, the Board does hereby **ORDER** and **DECREE**:

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.
3. Any unlicensed employees performing cremations must complete the required crematory operator training and apply for a cremator operator's license.
4. Respondent must provide the Board with its cremation logs monthly, for a period of six months, from the date of execution of this agreement.

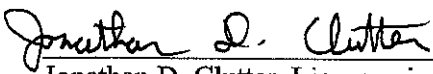
Respondent's failure to comply with the terms and conditions of this Consent Agreement and Order hereby imposed shall be deemed a violation of this Consent Agreement and Order, and should Respondent violate any of the terms of this Consent Agreement and Order, the Board may take further disciplinary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

This document is a public record as defined in W. Va. Code Section 29B-1-2(5).

Entered this 4<sup>th</sup> day of JANUARY, 2024.

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

Reviewed and Agreed to by:

  
Jonathan D. Clutter, Licensee-in-Charge  
Clutter Funeral Services LLC dba  
Pat Boyle Funeral Home and  
Cremation Service, Respondent

1-31-24  
Date