

Via Certified Mail – Return Receipt Requested

John Anderson
Hunter Anderson Funeral Home
36 S. Green Street
Berkeley Springs, West Virginia 25411

BOARD-INITIATED COMPLAINT
Complaint No. 2023-02

At its emergency meeting on August 15, 2022, the West Virginia Board of Funeral Service Examiners voted unanimously to initiate the following Complaint based on the allegations set forth below:¹

1. Respondent holds active licenses as a funeral service licensee (License No. FD14597), embalmer (License No. EM1759), and currently serves as the licensee-in-charge of Hunter Anderson Funeral Home.²

2. On July 11, 2022, the West Virginia State Police in Berkeley Springs investigated the Hunter Anderson funeral home upon receipt of a crime tip from the Medical Examiner of Respondent's violations of West Virginia State law.

3. A criminal complaint was entered in the Magistrate Court of Berkeley County on August 9, 2022, in Berkeley County Case No. 22-MD2M-04245.

4. The police reports revealed the following violations of the *West Virginia Funeral Service Examiners Act* and applicable regulations:

a. **Abuse of a corpse.** An unrefrigerated corpse was not properly preserved for approximately twelve days. Respondent is currently under investigation (WVSP, Berkeley Springs Incident No. 22-101880) for a possible violation of W.Va. Code § 61-8B-4 (sexual assault, second degree) related to the subject body.³ See W.Va. Code R. § 6-1-14.2.n (“All bodies...shall be treated with proper care and dignity”).

b. **Homeless Individuals Living in Funeral Home.** The police report (WVSP, Berkeley Springs Incident No. 22-101880) indicates that Respondent permitted homeless individuals, known for abusing drugs, to live in the funeral home. See W.Va. Code § 30-6-23(a)(3) (“willful departure from

¹ A Summary Suspension Order with respect to Respondent's licenses is issued contemporaneously with this order.

² Respondent is also the sole holder of the funeral establishment license of Hunter Anderson Funeral Home. The establishment license is subject to Complaint No. 2023-01.

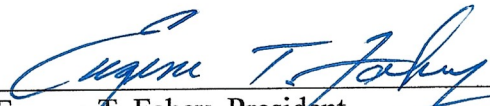
³ The Board reserves the right to amend the Board-Initiated Complaints in Complaint Nos. 2023-01 and 2023-02 upon completion of this investigation.

accepted standards of professional conduct”); W.Va. Code § 30-6-23(a)(6)(“conduct adversely affecting upon the licensee’s or certificate or registration holder’s fitness to perform professional services”).

c. Respondent’s Arrest for Obstructing, Driving on a Revoked License, and Trespassing. Respondent trespassed onto the Air National Guard property on August 9, 2022. *See State v. John Allen Anderson*, Berkeley County Magistrate Case No. 22-MD2M-04245. The police officer observed that Respondent appeared to have an altered mental state. His erratic behavior included making statements that he was drinking his own urine and was on the Air National Guard premises because he was “there to party.” The security officers at the Air National Guard indicated that Respondent had trespassed onto their property a week prior to this incident. Upon identifying the Respondent, the police found that Respondent had a revoked driver’s license. He was arrested for obstructing an officer in violation of W.Va. Code § 61-5-17, trespass in violation of W.Va. Code § 61-3B-3, and driving with a revoked driver’s license in violation of W.Va. Code § 17B-4-3. Respondent was transported from the scene to the Eastern Regional Jail to await arraignment. *See* W.Va. Code § 30-6-23(a)(3)(“willful departure from accepted standards of professional conduct”); W.Va. Code § 30-6-23(a)(6)(“conduct adversely affecting upon the licensee’s or certificate or registration holder’s fitness to perform professional services”).

5. The above allegations render Respondent’s licenses subject to discipline by the Board. 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.

6. Respondent is hereby directed to submit a written response to this Complaint to the Board within 14 days of receipt of this Complaint.



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

August 18, 2022
Date

BEFORE THE WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS

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

Complainant,

V.

Complaint Nos. 2023-01, 2023-02

**JOHN ANDERSON, in his capacity as
Funeral Service Licensee (License Number FD14597),
Embalmer (License Number EM1759),
Licensee-In-Charge, and Sole Holder of the
Funeral Establishment License of
Hunter Anderson Funeral Home**

Respondent.

SUMMARY SUSPENSION ORDER

The West Virginia Board of Funeral Service Examiners (“Board”) is the agency of the State of West Virginia responsible for the licensure and professional discipline of all funeral-related license holders in West Virginia. *See* W.Va. Code §§ 30-6-5(10) and W.Va. Code § 30-6-23. In circumstances in which the Board determines that a license holder constitutes an immediate danger to the public, the Board is authorized to temporarily and summarily suspend the holder’s license, prior to a disciplinary hearing, pending institution of proceedings to determine further disciplinary action. *See* W.Va. Code § 30-1-8(e)(1) *et seq.*¹

¹ “A board is authorized to suspend or revoke a certificate, license, registration or authority prior to a hearing if the person’s continuation in practice constitutes an immediate danger to the public...”

For the following reasons, and the reasons more fully set forth in Board-Initiated Complaint Nos. 2023-01 and 2023-02,² the Board hereby SUMMARILY SUSPENDS Respondent's license as a funeral service licensee, embalmer, licensee-in-charge, and as the sole holder of the funeral establishment license of Hunter Anderson Funeral Home:

a. **Abuse of a corpse.** An unrefrigerated corpse was not properly preserved for approximately twelve days. Respondent is currently under investigation (WVSP, Berkeley Springs Incident No. 22-101880) for a possible violation of W.Va. Code § 61-8B-4 (sexual assault, second degree) related to the subject body.³ See W.Va. Code R. § 6-1-14.2.n (“All bodies...shall be treated with proper care and dignity”);

b. **Homeless Individuals Living in Funeral Home.** The police report (WVSP, Berkeley Springs Incident No. 22-101880) indicates that Respondent permitted homeless individuals, known for abusing drugs, to live in the funeral home. See W.Va. Code § 30-6-23(a)(3) (“willful departure from accepted standards of professional conduct”); W.Va. Code § 30-6-23(a)(6) (“conduct adversely affecting upon the licensee’s or certificate or registration holder’s fitness to perform professional services”).

c. **Respondent’s Arrest for Obstructing, Driving on a Revoked License, and Trespassing.** Respondent trespassed onto the Air National Guard property on August 9, 2022. See *State v. John Allen Anderson*, Berkeley County Magistrate Case No. 22-MD2M-04245. The police officer observed that Respondent appeared to have an altered mental state. His erratic behavior included making statements that he was drinking his own urine and was on the Air National Guard premises because he was “there to party.” The security officers at the Air National Guard indicated that Respondent had trespassed onto their property a week prior to this incident. Upon identifying the Respondent, the police found that Respondent had a revoked driver’s license. He was arrested for obstructing an officer in violation of W.Va. Code § 61-5-17, trespass in violation of W.Va. Code § 61-3B-3, and driving with a revoked driver’s license in violation of W.Va. Code § 17B-4-3. Respondent was transported from the scene to the Eastern Regional Jail to await arraignment. See W.Va. Code § 30-6-23(a)(3) (“willful departure from accepted standards of professional conduct”); W.Va. Code § 30-6-23(a)(6) (“conduct adversely affecting upon

² The allegations as set forth in Board-Initiated Complaints 2023-01 and 2023-02 are incorporated herein.

³ The Board reserves the right to amend the Board-Initiated Complaints upon completion of this investigation.

the licensee's or certificate or registration holder's fitness to perform professional services").

Accordingly, the Board finds that Respondent's continuation in practice constitutes an immediate danger to the public in his capacity as holder of a funeral service license, embalmer's license, licensee-in-charge and sole holder of the funeral establishment license of Hunter Anderson Funeral Home. Therefore, the Board hereby ORDERS that Respondent's licenses be SUMMARILY SUSPENDED effective August 18, 2022, pending further disciplinary proceedings.

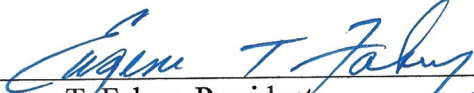
ORDER

Respondent's licenses are hereby SUSPENDED pending resolution of disciplinary proceedings initiated by the Board against his licenses. Respondent is directed to surrender his licenses to the Board immediately.⁴

You are hereby notified that at a time and place to be mutually set by the parties, the Board will conduct an administrative hearing, via teleconference and/or in person, before a Hearing Examiner at the Office of the Board, located at 179 Summers Street, #319, Charleston, WV 25301. Respondent or his legal counsel is directed to immediately contact Executive Director Linda Lyter, (304) 558-0302, to set a hearing date and to address any questions regarding this matter.

⁴ See W.Va. Code § 30-6-1 (requiring a license to operate a funeral establishment). To the extent that the funeral establishment license must be operated under the supervision and management of a licensee-in-charge, Hunter Anderson Funeral Home cannot operate without having a licensee-in-charge. See W.Va. Code § 30-6-19.

Entered August 18, 2022



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