

BEFORE THE WEST VIRGINIA BOARD OF FUNERAL SERVICE EXAMINERS

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

Petitioner,

v.

Complaint No. 2024-01

**CROW-HUSSELL FUNERAL HOME
Funeral Establishment License No. WV-0391**

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 that probable cause existed that Crow-Hussell Funeral Home (hereinafter “Respondent”) failed to comply with the *West Virginia Funeral Service Examiners Act*, and renders its funeral establishment license subject to discipline by the Board. Respondent conducted thirteen funeral services after their funeral establishment license expired on July 1, 2023.

The Board issued a Board-Initiated Complaint on September 26, 2023, which provided Respondent with written notice of the allegations against its establishment license. The Board acknowledges receipt of Respondent’s response from Robert Patterson, II, Co-Owner and Licensee-In-Charge, on September 29, 2023. In his response, Mr. Patterson indicated that he has remedied the issue and has brought his funeral establishment license in compliance. In lieu of a hearing, the parties have reached the following agreement:

FINDINGS OF FACT

1. Crow-Hussell Funeral Home was required to renew its funeral establishment license on or before July 1, 2023, but failed to renew its funeral establishment license prior to or on the expiration date. As of September 29, 2023, Crow-Hussell Funeral Home holds an active license and has complied with all requirements.

2. Despite the expiration of its funeral establishment license, Crow-Hussell Funeral Home conducted approximately thirteen memorial services and arrangements after July 1, 2023, and prior to the renewal of its funeral establishment license on September 29, 2023.

3. The above allegation renders Respondent's funeral establishment license subject to discipline by the Board.

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

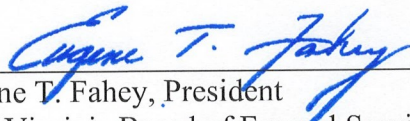
On the basis of the foregoing, the Board does hereby **ORDER** and **DECREE** as follows:

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.

The fine and administrative costs must be paid within 30 days of execution of this consent decree. 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.



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

1/4/2024
Date