

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

**IN RE: Cornerstone Family Services of West Virginia, Inc.  
d/b/a Long & Fisher Funeral Home**

**COMPLAINT NO. 2022-07**

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**CONSENT AGREEMENT AND ORDER**

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The West Virginia Board of Funeral Service Examiners (hereinafter "Board"), determined there is probable cause to believe Cornerstone Family Services of West Virginia Inc., d/b/a Long & Fisher 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.

Following an inspection of its facility which revealed violations of the *West Virginia Funeral Service Examiners Act*, the Board issued a Board-Initiated Complaint May 2, 2022, which provided the Respondent with written notice of the allegations against them. Respondent responded to the Board-Initiated Complaint on May 16, 2022.

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

**BACKGROUND**

1. On April 18, 2022, the Board inspected Long & Fisher Funeral Home pursuant to W. Va. Code § 30-6-16 *et seq.* and revealed the following violations of the West Virginia Funeral Examiners Act:

**a.) Violation of W. Va. Code R. § 6-1-14.1.2.n**

**b.) No licensee in charge** from approximately November 6, 2021, until April 21, 2022 (*See* W. Va. Code § 30-6-19(a), W.Va. Code R. § 6-1-12.4, and W. Va. Code § 30-6-18(f));

**c.) Unlicensed attendee meeting families** (*See* W. Va. Code R. § 6-1-12.7);

**d.) The casket price list and OBC price lists were unavailable for inspection** (*See* W. Va. Code R. § 6-1-9);

**e.) The statement of goods/services contract was unavailable for inspection** (*See* W. Va. Code R. § 6-1-9);

**f.) The advertisement fails to comply with Rules** (*See* W. Va. Code R. § 6-1-10.2.3);

**g.) Funeral establishment license was not displayed** (*See* W. Va. Code § 30-6-19(b));

**h.) Licensee in charge license was not displayed** (*See* W. Va. Code § 30-6-19(d));

**i.) General price list fails to contain essential information** (*See* W. Va. Code R. §§ 6-1-9 and 6-1-10); and

**j.) Failure to offer Hepatitis B vaccination to exposed employees at no cost** (*See* W. Va. Code R. § 6-1-14).

2. The parties, by and through their respective counsel, engaged in settlement negotiations and agreed to resolve this matter as set forth below.

#### **BOARD'S CONCLUSION OF LAW**

1. Respondent, at all times relevant hereto, held an active funeral establishment 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 take disciplinary action against a license 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.

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

5. That the actions of the Respondent constitute violations of W. Va. Code § 30-6-1 *et seq.* and the rules of the Board and such conduct are grounds for disciplinary action.

#### **CONSENT OF LICENSEE**

Respondent acknowledges the following:

1. Respondent has reached this agreement in consultation with counsel.
2. Respondent executes this Consent Agreement and Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.
3. 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.
4. 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 waive such rights.
5. 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.

6. Respondent acknowledges that it operated in violation of applicable rules and regulations as set forth above in paragraphs 1 a-f of the Background.

7. 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. That Respondent's funeral establishment license is suspended for a period of six months;

2. The suspension shall be **stayed for a period of one year pending a one year probation period** subject to the following terms and conditions:

3. During the probation period, Respondent shall not engage in any violations of the *West Virginia Funeral Service Examiners Act*;

4. During the probation period, Respondent will be subject to random, quarterly inspections at the cost of Respondent. The inspector will provide Respondent with two-hour notice prior to inspections;

5. During the probation period, Respondent's current licensee in charge must take, in addition to the seven hour continuing education requirement, an additional one-hour course in ethics and an additional one-hour course in OSHA, workplace safety, and blood-borne pathogens.<sup>1</sup>

6. Respondent must pay a fine in the amount of \$2,500.00

7. Respondent must pay administrative costs in the amount of \$63.82.

8. Respondent must pay legal fees relating to this matter in the amount of \$707.50.

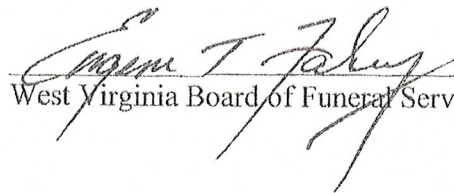
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<sup>1</sup> Although the Board recognizes that the current licensee in charge was not responsible for the violations at issue herein, the continuing education ethics course will ensure Respondent's future compliance and is necessary to prevent future violations.

9. 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 the Respondent violates any of the terms of this Consent Agreement and Order, the Board may take further disciplinary action against the Respondent's license.

10. This document is a public record as defined in W. Va. Code § 29B-1-2(4).

Entered this 7<sup>TH</sup> day of September, 2022.

 , President  
West Virginia Board of Funeral Service Examiners

Reviewed and Agreed to by:



Cornerstone Family Services of West Virginia,  
d/b/a Long & Fisher Funeral Home,  
Respondent  
Jack Omer, Division President

10/11/22

Date



Legal Counsel or Witness for the Respondent

10/11/2022

Date