

Jace Colby Clark
5101 South 525 West
Washington Terrace, UT 84405
12/01/2017

Utah Division of Occupational and Professional Licensing

PO BOX 146741
Salt Lake City, UT 84114-6741

Dear Utah Division of Occupational and Professional Licensing:

I am writing this letter in regards to my license that I hold with the state. I currently have a Funeral Service Intern license that is effective 02/01/2016-02/01/2018. My license number is: 9632995-0903. I am asking for an extension on my intern license for an additional period. I am currently in Mortuary School at Arapahoe Community College in Littleton, CO, studying part-time and will graduate mortuary school this up coming year. Attached is a letter of acceptance I have from mortuary school. Please let me know if any other information is needed.

Yours Truly,

Jace Colby Clark
Funeral Service Intern

May 15, 2016

Dear *Gace,*

Congratulations! I am pleased to inform you that you have been accepted for admission into the Mortuary Science Program beginning in the **Fall 2016** semester. Please note that you are not eligible to enroll in any of the Summer 2016 Mortuary Science courses. Please read this letter carefully, there are 3 important deadline dates that affect your acceptance into the program.

To accept your seat you must e-mail me from your ACC college email account by June 15, 2016 and verify that you are enrolling this Fall. If I do not hear from you by June 15th, you will have forfeited your seat. I will reply to your email so you will know that I received it. My e-mail address is martha.thayer@arapahoe.edu.

You have been accepted for:

- ❖ Part-time course work in the Internet program.
- ❖ Full-time course work in the Internet program.
- ❖ Part-time course work in the On-Campus program.
- ❖ Full-time course work in the On-Campus program.

This Fall you must register for the following courses (please see page 3 for more information):

- ❖ MOR100 Introduction to Funeral Service
- ❖ MOR210 Embalming Theory I and Lab
- ❖ MOR215 Funeral Service Merchandising
- ❖ MOR220 Mortuary Law and Compliance
- ❖ MOR224 Thanatomicrobiology Pathology

You must register for the above courses by July 15th or your seat in the program will be forfeited. The following CRN's will help you register in a timely manner. Please note that 101 courses are on-campus courses, 201 and 202 courses are on-line courses, and 301 courses are hybrid courses, which are both on-line and on-campus. The 301 courses in the program are MOR210, MOR225, and MOR230 because of the embalming and restorative art lab component. Students wishing to take MOR210 on-campus should sign up for the MOR 210 101 section, students wishing to take MOR210 on-line should sign up for the MOR 210 301 section.

MOR 100 101 CRN 22277 Monday 1-3:50 PM. Room A1210
 MOR 100 201 CRN 22270
 MOR 100 202 CRN 22962

MOR 210 101 CRN 23011 Wednesday 9-11:50 AM. Room A1210
 MOR 210 301 CRN 22278

MOR 215 101 CRN 23012 Thursday 9-11:50 AM, Room A1210
 MOR 215 201 CRN 22279

MOR220 101 CRN 23013 Tuesday 9-11:50 AM, Room A1210
 MOR220 201 CRN 22280

MOR224 101 CRN 22282 Monday 6-9:50 PM, Room A1210
 MOR224 201 CRN 22281

By **August 22**, the following course must either be transferred in to your ACC account or you must have completed them at ACC with a grade of "C" or better. Failure to do so will forfeit your acceptance in the program.

- ❖ ACC121, Principles of Accounting _____
- ❖ BUS216, Business Law & the Legal Environment _____
- ❖ ENG121, English Composition I _____
- ❖ PSY101, General Psychology _____
- ❖ MAN128, Human Relations In Organizations _____
- ❖ COM125, Interpersonal Communications _____
- ❖ BIO201, Anatomy & Physiology I ✓ - Aug. 16
- ❖ BIO202, Anatomy & Physiology II ✓ - Aug. 17 at latest

The following information is missing from your file. These items must be submitted immediately.

- Reference letter is missing. _____
- Proof of High School Diploma. _____
- Proof of Hepatitis B vaccination series. _____
- Proof of Tetanus shot within the last 5 years. _____
- If you have not already done so please submit your Health Careers Background Check to the name and address on the form. It does not come to me. You can access the form on the Mortuary Science Homepage. You must successfully pass your background check before you enter the program in August.

The following information will help prepare you for entrance into the Mortuary Science Program:

- If you have any changes of name, address, phone number, or decide later not to enroll for the Fall semester, please notify me immediately by e-mail: martha.thayer@arapahoe.edu. Making changes with the admissions/records office does not change your file in the Mortuary Science Office.
- Please register at ACC as soon as possible as this will help me plan for the school year. You can register on-line at www.arapahoe.edu.
- If you encounter problems with your registration, call the Admissions and Records office at 303-797-5621.
- If you have not transferred in your previous course work from other institutions please do so immediately. If your prerequisite courses are not transferred in by August 18th you will have

forfeited your seat in the program. To check, sign into your myACC account and it will show you which courses have been transferred.

- On-line students will receive instructions on how to access your courses the week of August 15th, however, you will not have access to your courses until August 22nd, which is the first day of classes.
- For full-time students, embalming lab dates will not be assigned until after June 15th and I know how many students are accepting their seats.
- Students will not be allowed to choose their embalming lab date until they have enrolled in MOR 210 Embalming Theory I and Lab. When the dates are made available they are on a first come first served basis for sign up.
- Students who were accepted to the full-time program will need an over-ride to register for MOR210 as MOR224 is a co-requisite course. If you fall into this category you need to email me that you need an over-ride for your MOR210 course and include your S number and the CRN of the MOR210 course that you have selected.
- Please note that when registering for MOR215 and MOR220, you must first put in the CRN for MOR215 and then MOR220 and register for them at the same time as they are co-requisite courses. If you do not enroll in these courses in numerical order the computer will not allow you to register for either course.
- Pregnant students are prohibited from attending embalming labs unless a release letter is furnished by an Obstetrician approving participation in the lab.
- Please order your books directly from the bookstore or from www.arapahoe.edu, click on bookstore. The bookstore phone number is 303-797-5676.
- All financial aid questions should be directed to the financial aid office at 303-797-5661.
- Part-time students must meet all of the pre-requisite courses for each MOR course they are enrolling in, and all of their general education courses must be completed before continuing on into the second year of the program.
- Please refer to the 2016 college catalog for a complete list of pre-requisite courses.
- Every student at Arapahoe Community College has an email account through the college. You must use this email account to communicate with me and your other instructors in the program. If you have not yet accessed your ACC email account you can do so by going to www.arapahoe.edu and clicking on the email account icon.



In order to be in compliance with accreditation standards in reporting demographics, I am required to collect the following information. It is not option for me to leave this information off of my annual report. Some of this information is easy to gather from your application and some of it is not, so for ease in complying with the standard, please include all of the following data when emailing me to accept your seat in the program.

- Age at time of enrollment
- Gender
- Ethnicity (White, Hispanic, African American, Native American, Asian/Pacific Islander, other)
- State of Residence
- High School diploma or GED
- Previous years of education (1 year, 2 years, 3 years, Bachelor's degree, Master's degree, PhD)
- Have you previously attended another funeral service program?
- Do you have a family member in funeral service? (parent, spouse, sibling, in-law, other)
- Do you currently work in a funeral home? (paid positions only)
- If you do not work in a funeral home, are you employed elsewhere? (Yes or No)

I look forward to meeting you soon and I'm happy to have you as a student in the program.

Sincerely,

Martha L. Thayer, M.A., C.F.S.P.
Department Chair
Mortuary Science Program

CARVER MORTUARY SERVICES

847 W 2500 S, Salt Lake City, UT 84119
(801) 613-8574

12/13/2017

VIA E-MAIL

DEPARTMENT OF PROFESSIONAL LICENSING
c/o Thomas M. Melton, Assistant Attorney General
160 East 300 South, 5th Floor
Salt Lake City, UT 84111-0872
Email: tmelton@utah.gov

RE: Carver Mortuary

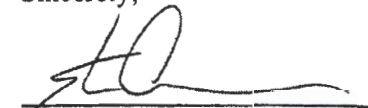
Dear Mr. Melton:

Carver hereby requests that Chad Anderson, a licensed funeral director in good standing with the State of Utah, be approved to serve as Carver's operations director during its period of supervision with the Utah Department of Occupational and Professional Licensing ("DOPL") under the Stipulation and Order previously reached with DOPL on November 13, 2017.

Mr. Anderson owns and operates several mortuaries—including Goff Mortuary—and has been a customer of Carver in the past. Mr. Anderson is a well-respected and longstanding member of the mortuary industry in the State of Utah. His biography is attached hereto. Mr. Anderson has been informed of the duties required of an operations supervisor under the Stipulation and Order and has indicated a willingness to act as a neutral and objective outside operations supervisor. Mr. Anderson understands that the role will be separate and distinct from any relationship formed with Carver based on business dealings between the entities in the past.

Thank you for your consideration.

Sincerely,


Tyler Carver
CARVER MORTUARY

Chad M. Anderson



Chad M. Anderson is a 5th generation Funeral Director and Embalmer. He is the owner and operator of Goff Mortuary in Midvale, Anderson & Goff Mortuary in Draper, and Anderson Funeral Home in Nephi. He earned a Bachelor's Degree from the University of Utah in Organizational Communications, and an Associate's Degree from Arapahoe Community College in Mortuary Science. He is a member of the Utah Funeral Directors Association, having served on the Board of Directors, and a member of the National Funeral Directors Association. He is currently licensed, License #5335901-0902, with the State of Utah as a Funeral Service Director.

CARVER MORTUARY SERVICES PROPOSED PRACTICE PLAN

1. EXPERIENCE OF FUNERAL DIRECTORS AT CARVERS

Tyler Carver – Funeral Director/Embalmer

- Graduated from the Amarillo College Mortuary Science Program
- Received Associate's Degree in Mortuary Science in 2007
- Owned and operated several mortuary services over the last 10 years in Texas and Utah

Lance Sargent – Funeral Director/Embalmer

- Graduated from the Cincinnati College of Mortuary Science
- Graduated in 2008 with Associate's Degree of Applied Science and Bachelor of Mortuary Science with emphasis in embalming chemistry
- Specializes in facial feature restoration
- Worked in the funeral industry since 1988
- Has worked for many funeral homes during the past 10 years and has served many families in Tennessee, Texas, and Utah

Burke Dyson – Funeral Director/Embalmer

- Graduated from Mt. Hood Community College in 1999
- Received Associate's Degree in Funeral Service Education
- Has close to 20 years of experience serving families in Oregon, Washington, and Utah

2. HIRING PLAN

As required by the stipulation entered in this matter, Carver intends to retain Chad Anderson to serve as its Operations Director during the period of probation. Mr. Anderson will have supervisory authority over all other licensed funeral directors at Carver.

Tyler Carver will hold the facility license for Carver and will also serve as a licensed funeral director. Carver is in the process of hiring additional licensed funeral directors. Previously, Carver employed Shane Westmoreland and Tanner Carver as its two

principal licensed funeral directors. Going forward, Carver plans to have Lance Sargent and Burke Dyson, both licensed funeral directors in good standing, act as the primary licensed funeral directors at the facility and they, along with Tyler Carver, will conduct all licensed activity at Carver.

Tyler Carver and Mr. Sargent have already begun their service in those principal roles, and Carver expects that Mr. Dyson, who has accepted an offer and has notified his current employer of the change, will commence his duties within the next two weeks or so.

3. CARVER MORTUARY SERVICE POLICIES AND PROCEDURES FOR HANDLING DECEDENTS AND CREMAINS

(a) Transporting Decedents to Carver's Facility

- i. Any Decedent that comes to Carver must have an identification tag attached to the person. If there is not one before the delivery is finished, a tag with the name of decedent and funeral home should be placed on the left ankle.
- ii. As part of the intake process, a chain of custody sheet will be assigned to each person that comes to our facility. This chain of custody will follow the body and be filled out each step of the way until the body or the cremains leave Carver's facilities. All personal effects should be tracked and noted on the chain of custody form
- iii. A body inventory log located on the back table by the cooler door must be completed by the employee receiving the body in order to check them into our facility. When a body is released or cremated, it is then checked out of our facility by filling out the corresponding release side of the same inventory log.

(b) Cremation Policy and Procedures

- i. Consistent with Utah law, only Licensed Funeral Directors and their licensed interns are allowed to participate in any part of the cremation process. (Utah Code § 58-9-102(17), (19)). Any questions regarding who is properly licensed to perform such activities, and/or what constitutes conduct for which licensure is required, should be directed to Tyler Carver, who will seek direction from the DOPL-approved operations supervisor, if necessary.
- ii. Cremation is a permanent process and must be handled with exactness and care. Only licensed funeral directors and licensed interns are allowed to cremate. Each director or intern who performs a cremation will be

held accountable for every step of the process. Any steps not performed will result in disciplinary action that could include a verbal warning, written warning, suspension, or termination, depending on the severity of the offense.

iii. ONLY LICENSED FUNERAL DIRECTORS can cremate.

(c) Required paperwork before cremation (Utah Code Ann. § 58-9-607)

i. Burial Transit Permit with the box checked allowing for cremation.

ii. Cremation Authorization signed by the next of kin.

(d) Each cremation authorization must have the following disclosures:

i. Disclosure to remove pacemakers, pumps, augmentation or implants.

ii. Disclosure of cremation process including pulverizing, separating metal, and metal recycling.

iii. Disclosure of comingling of ashes.

iv. Disclosure of personal effects, including jewelry.

v. Identification disclosures.

vi. Next of kin disclosures.

vii. Release of remains and mailing disclosure.

viii. County approvals (for county cases only).

ix. Chain of custody must be placed in the cremation folder after the operator signs the last entry.

x. Review paperwork and file prior each to cremation.

xi. Some files will have special instructions that need to be addressed and every cremation is different, thus the file should always be read prior to cremation. The funeral director that performs the cremation will be responsible for making sure special instructions are complied with.

(e) Identification of body prior to cremation by checking ankle tags and cremation box labels (Utah Code Ann. § 58-9-607(3))

i. Ankle tags must be checked before moving the body from storage. A chain of custody form must be filled out at each phase of cremation.

After taking a body to the cooler facility, the inventory log must be updated to reflect the cremation.

- ii. All deceased persons will be checked prior to cremation for the following: jewelry, pace makers, pumps, augmentations or implants and will be removed. The only exception is if a family wants jewelry burned with the body and it is specifically stated in writing in the cremation authorization.

(f) Cremation log and tracking policies

- i. The cremation log must have everything filled out correctly on the digital system.
- ii. The information in the cremation log should include: the full name of deceased, the funeral home requesting Carver's cremation services, the date and time in, the initials of the licensed crematory operator receiving the body through the intake process, and the operator's license number, as well as the date and time out and the initials of crematory operator and their license number after the service is performed.
- iii. Case report will also have spaces for date in, time in, initials of licensed crematory operator, date out, time out initials of crematory operator.

(g) Step-by-step cremation process

- i. Retrieve body from cooler.
- ii. Verify identification tag matches name on folder and paperwork.
- iii. Fill out cremation log and case reports completely in all cases.
- iv. Electronically log in to retort computer system by using personal funeral director password assigned only to authorized persons.
- v. Start cremation cycle.
- vi. Gently place body into retort. Only one body may be placed in the retort at a time.
- vii. Place coin in front left corner of retort.
- viii. Turn on main burner until process is completed.
- ix. Sign out of the retort computer system.

Sweeping and processing procedures

- x. When temperature allows, open retort door and place coin in ash holder.
- xi. Sweep all cremains completely into the ash holder.
- xii. Allow cremains to cool (should only take around 15-20 minutes).
- xiii. Turn on processor dust filter.
- xiv. Dump cremains into processing tray.
- xv. Place a plastic bag in an urn and place the urn under the funnel to catch the ashes.
- xvi. Take cremation folder corresponding to the case and place it on the processor.
- xvii. Use magnet to extract coin and any other magnetic metal.
- xviii. Place cremation coin with corresponding case number on the file. There should never be a lost coin. There should always be sufficient coins on the premises to track all remains present in the facility. If there ever arises an issue with a coin, notify management and the Operations Supervisor immediately.
- xix. Use hand brush to locate other metal that should be extracted.
- xx. Brush the cremated remains into the processor and start the processor by closing metal hatch door in the processing tray to allow processing until "processing complete" light appears.
- xxi. Take rubber mallet and tap the processing funnel to release trapped ashes.
- xxii. Remove the urn, place a zip tie through the cremation coin and around the bag opening then zip tie it and close the lid to the urn.
- xxiii. Take urn and corresponding file to front office to be labeled and delivered to the requesting party.
- xxiv. Sweeping and processing must happen at the same time. Funeral directors are NOT to sweep out another cremation until the previous one is processed. Only one set of ashes shall be present or cooling in a cremation holder at a time.

- xxv. There will be a label printed for each cremation. The label will include the name of the deceased, the name of the requesting funeral home, the cremation tag number, and the ICG printed. The label shall be placed on the urn's lid.
- xxvi. A certificate of cremation will be generated for each cremation. The certificate will include the name of the deceased, the date of cremation, the location where the cremation took place as well as the cremation tag number.
- xxvii. A cremation release form will be generated and taped to the top of the temporary urn.
- xxviii. Cleaning will be done after each cremation. This will ensure that all remains are properly handled and identified.

(h) Embalming Policies and Procedures

Carver embalms in order to preserve and disinfect the remains so families can have a viewing or visitation of their loved one in a dignified atmosphere. We are committed to giving the funeral home a product that exceeds industry standards. Only Licensed Funeral Directors and their licensed interns are allowed to participate in the embalming process. (Utah Code Ann. § 58-9-102, (17), (19)).

- i. Proper Personal Protection Equipment must be worn to embalm.
- ii. Check body for proper identification tag on ankle of decedent and verify that chain of custody page is with decedent and matches the ankle tag.
- iii. Any personal effects must be noted on the chain of custody and removed from decedent and placed in a bag and labeled with decedent's and the requesting funeral home's name.
- iv. Wash body prior to embalming with antiseptic soap or disinfectant. Disinfect orifices of the face and body.
- v. Setting features the following is a standard case funeral homes may request something different.
- vi. Head should be tilted slightly to the right at 1 o'clock position and the toes at 2 o'clock position.
- vii. Hands positioned left over right.
- viii. Shave the face clean of any stubble. Check with the requesting funeral homes for any questions.

- ix. Eyes closed at 2/3 with eye caps.
- x. Mouth closed with suture or needle injector.
- xi. Head on a head block.
- xii. Cotton in mouth to resolve emaciation.
- xiii. No putty unless specifically requested by the funeral home.
- xiv. Call requesting funeral home for any facial hair or specific grooming preferences.
- xv. Proper preservation and embalming.
- xvi. Wash body completely after embalming process. This includes: full body, back and body crevices. Shampoo the hair and wrap the body in a sheet. Clean fingernails free of any matter. Face should be lightly coated with facial cream.
- xvii. Embalming case report is required to be filled out completely after every embalming. Embalmers are then to make a copy and place it with the body to give to the funeral home.
- xviii. Cleaning the preparation room is required after each and every embalming. The tables, floors, and walls must be scrubbed free of any blood, or other matter. Instruments used during the embalming must be wiped free of any blood and placed in disinfectant tray.
- xix. Call the requesting funeral director and review finished case after every one without exception. Review any of the above items that were not done to our above normal standard, whether due to the nature of the case or a challenge of embalming. LET THE FUNERAL HOME KNOW.
- xx. Remember, the funeral director expects every case to be perfect. So, if it is not perfect we need to let him or her know prior to completion and help them to understand the unique challenges posed in those particular instances.

(i) Removal policies and procedures

- i. Removal technicians will primarily handle all removals.
- ii. The person on the schedule labeled "1st" will be the one who goes on every call for that shift. If there is a call that has a need for 2 people the person on the schedule labeled "2nd" will assist on the call.

- iii. Removal technicians will be dispatched by the funeral director on call. The funeral director will take the information for the call and text it to the removal technicians going on the call. On call removal techs need to respond immediately to the text. Responding is essential so that the dispatcher knows that a call has been received. Failure to respond to the text could mean the removal job will fall to the next removal technician in line.
- iv. Items technicians will need for each removal: Cot, cot cover, clean white sheet, portable cot, PPE or crash bag iPad.
- v. Gloves are required to be worn on every removal. Additional PPE is located in the crash bag.
- vi. All removals will require that a case report is filled out completely and emailed to the appropriate email address. Any removal technician that does not fill out case report properly and is not emailed to the appropriate email address will not receive credit for the call until corrected.
- vii. Tagging the decedent at the place of removal is mandatory in every case. Failure to do so will result in disciplinary action.
- viii. Operating a stretcher.

(j) Policies and Procedures for Releasing Remains

- i. Each decedent must be released by an employee of the requesting funeral home or by an approved funeral director or authorized staff member.
- ii. Upon release of any decedent, the chain of custody sheet must be signed by the person receiving the body as the last entry. Employees will then retain the chain of custody for Carver's records.
- iii. Employees will take a photograph of the chain of custody and post it to their time card in Busy Busy.
- iv. Upon releasing cremated remains, the person receiving the remains will sign the case stating that they have verified the identification tag inside the urn with the number on the case report. They will also check for personal effects and other items requested by the family.

(k) Victim Redress Plan

- i. Carver proposes to audit historical cremation files to identify any potential issues including misidentification of deceased persons and/or commingling and to investigate whether any evidence of such issues exists. In the event that an issue exists with a particular case, or in those instances where decedent's family/representatives present evidence of a potential issue, Carver will:
 - Investigate its records to see if any issues exist.
 - Provide a list of those potential affected files to its Operations Supervisor.
 - Work together with its Operations Supervisor in developing an equitable and efficient claims process.
 - The claims process will include notice to the decedent's family/representatives, an opportunity for a response from the decedent's family/representatives within a reasonable time period, and working with the Operations Supervisor to assess the merits of each claim and determine whether compensation or some other form of relief is proper under the circumstances.

THOMAS MELTON (U.S.B. 4999)
Assistant Attorney General
SEAN D. REYES (U.S.B. 7969)
Utah Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 140872
Salt Lake City, UT 84114-6741
TEL: (801) 366-0310

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF)	
CARVER MORTUARY SERVICE, LLC)	STIPULATION AND ORDER
UTAH LICENSE #6909835-0901)	
TO OPERATE AS A)	
FUNERAL SERVICE ESTABLISHMENT)	CASE NO. DOPL 2017- 617
IN THE STATE OF UTAH)	

CARVER MORTUARY SERVICE, LLC ("Respondent") and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily. Tanner Carver is an owner of Respondent company and is authorized to act as agent for, and enter into binding agreements in behalf of, Respondent company.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Funeral Service ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-4-901 through R156-4-907. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order to other persons and entities.

7. Respondent neither admits nor denies the following, but acknowledges that the Division has sufficient evidence to make the following findings of fact:

- a. Respondent was first licensed to operate as a funeral service establishment in the State of Utah on or about February 14, 2008. Respondent contracts with Intermountain Medical Center, the Utah Office of the Medical Examiner, and Salt Lake County, among others, to provide cremation services to deceased persons.
- b. Between February 2017 and November 2017, Respondent knowingly permitted employees who were not licensed to perform embalming and cremation services.
- c. Between February 2017 and November 2017, on multiple occasions in the State of Utah, Respondent's employees placed fetal remains or infants in the same retort as a deceased adult individual.
- d. Between February 2017 and November 2017, on multiple occasions in the State of Utah, Respondent's employees failed to fully empty the retort after cremations. Ashes that remained in the retort were discarded or commingled.
- e. Between February 2017 and November 2017, on multiple occasions in the State of Utah, Respondent's employees cremated individuals without documenting their identity or maintaining paperwork that showed that the cremation was authorized.
- f. Between February 2017 and November 2017, on multiple occasions in the State of Utah, Respondent's employees failed to maintain accurate and complete cremations logs.
- g. Between February 2017 and November 2017, on multiple occasions in the State of Utah, Respondent's employees allowed the refrigerator at Carver Mortuary to be over-filled, and allowed unembalmed bodies to remain outside the refrigerator for more than a day.
- h. Respondent's employees failed to cooperate with Division investigators when asked to provide records to the Division.

8. Respondent, while neither admitting nor denying the findings of fact made above by the Division, agree that the items identified as findings of fact above in Paragraph 7 constitute

unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), and (g); § 58-9-506; § 58-9-607, § 58-9-608; § 58-9-610; Utah Administrative Code R156-9-401, and unlawful conduct as defined in Utah Code Ann. § 58-1-501(c); that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), may be issued in this matter providing for the following action against Respondent's license:

- (1) Respondent's license to operate as a funeral service establishment in the State of Utah shall be revoked, the revocation immediately stayed, and Respondent's license placed on probation for a period of five years, subject to the terms and conditions below. The period of probation shall commence when the Division Director signs the Order in this matter. During the period of probation Respondent's license shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division and Board.
 - a. Respondent shall meet with the Division and Board within thirty (30) days of the signing of the accompanying Order. Respondent shall meet with a Division staff persons Robyn Barkdull and Chris Rogers prior to Respondent's first meeting with the Board to review this agreement. For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division or Board, quarterly or at such other greater or lesser frequency as the Division or Board may direct.
 - b. Respondent shall be assessed a fine of \$50,000 (fifty thousand dollars) of which all but \$ \$10,000.00 (ten thousand dollars) shall be suspended and waived. The \$10,000 fine shall be paid to the Division within one year of the effective date of this Stipulation and Order if Respondent is in compliance with all of the terms of this Stipulation and Order. If Respondent violates any provision of this Stipulation and Order. Respondent shall be immediately

assessed and shall pay the entire fine amount of \$50,000 to the Division.

- c. All reports and documentation required in this Stipulation and Order, shall be submitted to the Division and Board on a monthly basis for the first six months of probation. If Respondent is in compliance with all terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis.
- d. Respondent shall not permit any unlicensed employee to engage in any funeral service activity that requires a license under Utah law.
- e. Respondent shall employ a full-time licensed funeral services director to oversee Respondent's operations on-site. Shane Adam Westmoreland and Tanner Carver shall not be eligible for this position during the period of this Stipulation and Order. Tyler Carver may be employed as the full-time licensed funeral services director to oversee Respondent's operations on-site as required by statute for an initial period of 90 days following the entry of this Stipulation and Order or until a meeting of the Utah Board of Funeral Service, whichever is earlier. At the conclusion of this initial period, the Board shall consider Tyler Carver's continued employment as the full-time licensed funeral services director to oversee Respondent's operations on-site.
- f. Respondent shall contract with an operation supervisor who shall oversee and review Respondent's business operations. The operation supervisor shall be a funeral service director licensed in good standing with the State of Utah. The operation supervisor shall be pre-approved in writing by the Division and the Board. All costs and expenses of the operation supervisor shall be paid by Respondent. Failure to pay the costs and expenses of the operation supervisor shall be considered a violation of this Stipulation and Order. Respondent's chief funeral service director shall meet with the operation supervisor on a weekly basis. The operation supervisor shall review the following matters with Respondent:

- (i) cremation practices;
- (ii) records keeping;
- (iii) proper treatment of unembalmed bodies;
- (iv) mortuary sanitation practices;
- (v) retort maintenance;
- (vi) hiring practices; and
- (vii) victim redress plan

g. Respondent's operations supervisor shall submit reports to the Board and Division assessing Respondent's compliance with the terms of Respondent's probation and ethics. The reports shall be submitted monthly for the first six months and quarterly thereafter, or at such frequency as directed by the Board and Division. The receipt of an unfavorable report shall be considered a violation of probation.

h. Respondent shall, within 30 days of the effective date of this Stipulation and Order, submit a proposed practice plan to the Division and Board that contains new policies and procedures that Respondent shall implement including the following:

- (i) implementation of a password system so that a retort can only be used by an authorized funeral service director;
- (ii) implementation of a digital cremation log with data fields that include name of deceased, name of funeral home, date of cremation, time of cremation, name of funeral director, and license number of funeral director;
- (iii) hiring of additional qualified funeral directors;
- (iv) creation of detailed new policies regarding retort procedures, cooler procedures, embalming procedures, handling of ashes, and disciplinary procedures for employees found to have violated the new policies;
- (v) installation of coded locks on embalming room door;

(vi) implementation of updated cooler tracking system;

(vii) implementation of updated change of custody tracking system;

(viii) implementation of updated intake system;

(ix) implementation of a victim redress plan: the Respondent shall review all records regarding instances of where deceased persons may have been misidentified and/or co-mingled or where personal property may have been obtained or controlled by Respondent but not returned to an authorized representative and shall notify potential victims and/or families of such deceased persons. As part of the practice plan submitted by Respondent, Respondent shall propose appropriate procedures for such identification and notice.

- i. The practice plan described above must be approved by the Division and Board at the first Board meeting following the effective date of this Stipulation and Order. The Division and Board may require additional new practices and policies. If the Board or Division do not approve the practice plan, Respondent shall submit a new practice plan within 20 days of the plan being rejected. If a practice plan is not approved within 90 days of the effective date of this Stipulation and Order, Respondent's license shall be immediately suspended and remain suspended until the practice plan is approved by both the Division and Board.
- j. In the event Respondent does not operate for a period of sixty (60) days or longer, Respondent shall notify the Division in writing of the date Respondent ceased operating. The period of time in which Respondent does not operate shall not be counted toward the time period of this Stipulation and Order.
- k. If any of Respondent's owners or supervisory employees is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent's owners or supervisory employees be admitted as a patient to any institution in this state or elsewhere

for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division to be notified immediately. If any of Respondent owners or supervisory employees at any time during the period of this agreement are convicted of a criminal offense of any kind, including an offense based on the conduct described in this Stipulation and Order, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate additional sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

- l. Respondent shall maintain an active license at all times during the period of this agreement.
- m. Respondent shall immediately notify the Division in writing of any change in Respondent's business address.
- n. Respondent shall submit reports to the Division on the date they are due and shall appear at scheduled meetings with the Division and Board promptly. Failure to do so shall be considered a violation of this Stipulation and Order.
- o. Respondent shall provide a copy of this Stipulation and Order to any person or entity in which Respondent provides cremation or embalming services prior to providing those services. This includes providing a copy of this Stipulation and Order to Intermountain Medical Center, the Utah Office of the Medical Examiner, and Salt Lake County, among any others.
- p. The Division has the right to inspect Respondent's property and facilities at any time and without any advance notice in addition to the inspection right during normal business hours pursuant to Utah Code Ann. 58-9-506. Any refusal by Respondent or Respondent's employees to provide immediate access to inspect shall constitute a violation of this Stipulation and Order.

9. Upon approval by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of this non-criminal administrative matter. Respondent

acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent acknowledges that the Stipulation and Order does not affect any civil or arbitration causes of action that third parties may have against it arising in whole or in part from its actions, and that the Order does not affect any criminal causes of action that may arise as a result of the conduct referenced herein. Respondent also acknowledges that any civil, criminal, arbitration, or other causes of action brought by third parties against it have no effect on, and do not bar, this administrative action by the Division.

11. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

12. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that

any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

13. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall comply with and timely complete all the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board or Division. Failure to comply with and timely complete a term or condition shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction. The Division or Board may lift the stay of Respondent's revocation of licensure for any violation of this Stipulation and Order or any violation of any section or subsection of Title 58 of Utah Code Ann.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. Respondent has read each and every paragraph contained in this Stipulation and

Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

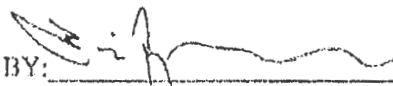
BY: _____
ROBYN BARKDULL
Bureau Manager

BY: 
TANNER CARVER
Owner

DATE: _____

DATE: 11/13/17

BY: _____
THOMAS MELTON
Counsel for the Division
UTAH ATTORNEY GENERAL

BY: 
ERIC BENSON
Counsel for Respondent
RAY QUINNEY & NEBEKER

DATE: _____

DATE: 11.13.17

Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

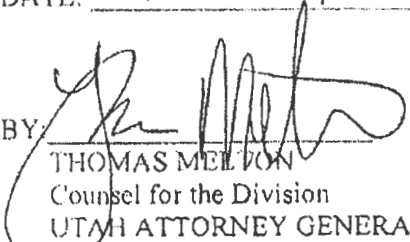
RESPONDENT

BY: 
ROBYN BARKDULL
Bureau Manager

BY: _____
TANNER CARVER
Owner

DATE: 11-13-17

DATE: _____

BY: 
THOMAS MELLON
Counsel for the Division
UTAH ATTORNEY GENERAL

BY: _____
MATTHEW LEWIS
Counsel for Respondent
RAY QUINNEY & NEBEKER

DATE: 11-13-17

DATE: _____

ORDER

THE ABOVE STIPULATION, in the matter of **CARVER MORTUARY SERVICE, LLC**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 13 day of November, 2017.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of November, 2017, a true and correct copy of the foregoing STIPULATION AND ORDER has been served on the parties of record in this proceeding by mailing a copy thereof, properly addressed by first class mail with postage prepaid, to the following:

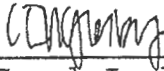
CARVER MORTUARY SERVICE LLC
847 WEST 2500 SOUTH
SALT LAKE CITY UT 84119

and caused a copy to be electronically mailed to:

Matthew R. Lewis (mlewis@rqn.com), Eric Benson (ebenson@rqn.com)
and Ryan Pahnke (rpahnke@rqn.com), Respondent's attorneys

Tom Melton, Assistant Attorney General
(tmelton@agutah.gov)

Bruce Dibb, Administrative Law Judge
(bdibb@utah.gov)



Carol Inglesby
Administrative Assistant
Division of Occupational
and Professional
Licensing



State of Utah
Department of Commerce

Division of Occupational and Professional Licensing

GARY R. HERBERT

Governor

SPENCER J. COX

Lieutenant Governor

FRANCINE A. GIANI

Executive Director

MARK B. STEINAGEL

Division Director

Date: 11.13.2017

Dear Respondent,

You have been ordered to pay a fine to the Division of Occupational and Professional Licensing:

Your fine of 10,000.00 is due 11-13-2018.*

Your case number is DOPL- 2017-617 (CARVER MORTUARY SERVICE LLC)

*If you are unable to pay the fine as indicated in your Order or your Order indicates other arrangements, you must contact me or my co-worker Carol Inglesby within ten (10) days from the date of this letter. No special considerations will be granted for failure to contact us within the ten (10) day limit.

Make check(s) payable to DOPL and remit to:

DOPL
Attn: Disciplinary Files
P O Box 146741
Salt Lake City UT 84114-6741

Or you may pay with a Visa/Mastercard/American Express. Please mail your card number and expiration date to the above address or call (801)530-6088 and leave the information. Ms. Inglesby's phone number is (801)530-6626.

Please be sure to include your case number on any correspondence you send us.

Thank you,

Kim Lesh

Kim Lesh
Administrative Secretary

Discp/Fine letter 03/06

