

EXHIBIT 3  
DATE 1/29/2015  
HB 2231

**Adjudication Panel Teleconference Meeting Agenda  
Of The  
Montana Board Of Funeral Service  
301 South Park Ave 4<sup>th</sup> Floor Large Conference Room-#439  
8:30 a.m.  
January 15, 2015**

- 1. Call To Order - Establish Quorum - Introduction of Board & Staff Present (00:00)**
- 2. Approval and Tentative Modification of Agenda Order (00:00)**
- 3. Review and Approve July 31, 2014 Minutes (00:00)**
- 4. Public Opportunity to Comment (00:00)**  
(Presiding Officer Statement) Under this item, the Board will recognize members of the public in attendance to allow them to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. Please note that a "public matter" does not include contested cases or other adjudicative proceedings. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting.
- 5. Legal Report/Training/Complaint Register (00:00)**
- 6. Panel Action**  
**Complaint # 2014-FNR-LIC-81 Paul Huff (00:00)**
- 7. Adjourn (00:00)**

The Department of Labor & Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

New agenda items may be added up to "three business days" before the meeting. For the most accurate agenda, please consult the web site at [www.funeral.mt.gov](http://www.funeral.mt.gov). The board may reorder the agenda at the beginning of the meeting.

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## Erin MacLean

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**From:** Medina, Cristina <cmedina@mt.gov>  
**Sent:** Thursday, January 22, 2015 10:55 AM  
**To:** Erin MacLean  
**Cc:** Moss, Tyler; Brandt, Cheryl  
**Subject:** RE: Freedom of Information request - Stipulation from last BFS adjudication meeting

Erin,

The AP meeting held on January 15, 2015 discussed the Stipulation and Final Order regarding Paul Huff. The public documents are on the licensee lookup system. The issue has to do with the death certificates Mr. Huff completed which led to this disciplinary matter.

**Cristina Medina**  
Compliance Specialist  
Montana Department of Labor & Industry  
Phone: 406-841-2319 Fax: 406-841-2363



**From:** Erin MacLean [mailto:emaclean@fandmpc.com]  
**Sent:** Thursday, January 22, 2015 10:23 AM  
**To:** Brandt, Cheryl; Medina, Cristina; Moss, Tyler  
**Cc:** Melanie Dayton  
**Subject:** Freedom of Information request - Stipulation from last BFS adjudication meeting

Cheryl, Cristina and Tyler:

I was not sure to whom I should direct this request. Can you please send me a copy of the executed stipulation approved at the last adjudication panel meeting/teleconference of the Board of Funeral Service, held on January 15th? It related to the alleged death certificate forgeries that occurred at the Central Montana Crematory.

Thank you,

*Erin*

Erin F. MacLean\*  
Freeman & MacLean, P.C.  
44 W. 6<sup>th</sup> Avenue, Ste. 210  
P.O. Box 884  
Helena, Montana 59624  
Phone: 406-502-1594  
Fax: 406-502-1595  
[emaclean@fandmpc.com](mailto:emaclean@fandmpc.com)

\*Licensed to Practice Law in Montana, Wyoming, North Dakota and Colorado

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**BEFORE THE BOARD OF FUNERAL SERVICE  
STATE OF MONTANA**

<b>In the Matter of the Proposed Discipline of PAUL HUFF, Crematory Operator, License No. 922.</b>	<b>Case No. 2014-FNR-LIC-81  STIPULATION AND FINAL ORDER</b>
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The Business Standards Division of the Department of Labor and Industry of the State of Montana (Department), through its legal counsel, and Paul Huff (Licensee), stipulate and agree as follows:

1. **Jurisdiction.** Licensee is licensed as a crematory operator by the State of Montana Board of Funeral Service (Board), Montana License No. 922. The Board has subject matter jurisdiction in this matter.
  
2. **Waiver of Rights.** Licensee has read and understands each term of the *Notice of Proposed Board Action and Opportunity for Hearing (Notice)* and this Stipulation, and understands the various rights provided, including the right to a hearing before an impartial hearing examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, the right to subpoena witnesses, the right to request judicial review and appeal, and all other rights under Montana Code Annotated Title 2, chapter 4, part 6 (Montana Administrative Procedure Act), Title 37, chapters 1 and 19, and other applicable law. Licensee desires to avoid unnecessary expenditure of time and other valuable resources to resolve this matter. Therefore, Licensee voluntarily and knowingly waives the rights listed above and elects to resolve this matter on the terms and conditions of this Stipulation and acknowledges that no promise, other than those contained in this Stipulation, and no threat or improper assertion has been made by the Board or Department or by any member, officer, agent or representative of the Board or Department to induce Licensee to enter into this Stipulation.

3. **Release.** This Stipulation is a final compromise and settlement of this contested case proceeding. Licensee, his assigns, agents, and representatives, releases the Board, its members, officers, agents, or representatives from any and all liability, claim, and cause of action, whether now known or contemplated, including but not limited to, any claims under Montana Code Annotated Title 2, chapter 9, part 3 (Montana Tort Claims Act), as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case, its processing, investigation, litigation, or from the negotiation or execution of this Stipulation.

4. **Entire Agreement.** This Stipulation contains the entire agreement of the parties. All prior discussions and writings are superseded by this Stipulation, and no discussion by the Board prior to the approval of this Stipulation may be used to interpret or modify it. Any modification requires a written amendment signed by both parties and final Board approval.

5. **Severability.** If a court or administrative tribunal declares any term or condition contained in this Stipulation to be unenforceable for any reason, the unenforceable term or condition shall be severed from the remainder of this Stipulation, and the remainder of this Stipulation shall be interpreted and enforced according to its original intent.

6. **Reservation.** This Stipulation does not restrict the Board from initiating disciplinary action concerning allegations of unprofessional conduct that occur after the date Licensee signs this Stipulation or concerning allegations of conduct not specifically mentioned in this Stipulation that are now known to the board or yet to be discovered.

7. **Stipulation Subject to Final Approval.** This Stipulation is subject to final approval by the Board.

8. **Renewed Right to Hearing – Inadmissibility of Stipulation.** If the Board considers and does not approve this Stipulation, it is withdrawn and may not be considered as evidence for any purpose. Licensee will have a renewed 20 days from the date of the publicly noticed Board meeting to submit a written request for a hearing in this matter. Failure by Licensee to

request a hearing constitutes a default and allows the Board to enter a Final Order of discipline against Licensee. If, instead, this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any record relating to this Stipulation.

9. Entry of Final Order – Stipulated Facts and Violations. Licensee consents to the entry of a Final Order in this matter to the extent that it is consistent with this Stipulation and has final approval by the Board. The following are the unconditionally admitted facts and violations that support the disciplinary sanctions specified below:

Between April 2010 and December of 2013, Licensee was the office manager of Central Montana Crematorium, Inc. (CMC). However, Licensee was not licensed as a crematory operator until September 1, 2011.

Licensee completed a Death Certificate for a man who died on June 24, 2010, and submitted it to the Montana Department of Public Health and Human Services (DPHHS). In the process of completing and submitting the Death Certificate, Licensee personally completed the restricted section of the Death Certificate labeled, "To Be Completed By: Medical Certifier." Toward the bottom of the Death Certificate, and within the restricted section, is a box specifying, "TO BE COMPLETED BY CERTIFIER." Licensee selected "Richard J. Brown" from the available names of coroners, even though Mr. Brown had not certified the death of the individual and even though Licensee did not have authorization from Mr. Brown to use his name nor even to complete that portion of the Certificate of Death under any circumstances.

Also, Licensee completed another Death Certificate for a man who died on April 28, 2011, and submitted it to DPHHS. Again, in the process of completing and submitting that Death Certificate, Licensee personally completed the restricted section labeled, "TO BE COMPLETED BY: MEDICAL CERTIFIER." In this instance, Licensee selected the Sheriff/Coroner "Woodrow Weitzel" from the available names of coroners, even though Sheriff Weitzel had not certified the death of the individual, and even though Licensee did not have authorization from Sheriff Weitzel to use his name nor even to complete that portion of the Certificate of Death under any circumstances.

In order to become an authorized user of the DPHHS' Licensee Vital Statistics Information Management System (VSIMS), managed by the Office of Vital Statistics in the DPHHS, Licensee submitted a User Access Request form under the credentials of William A. Spoja (licensed crematory operator) and CMC (licensed crematory). As an authorized user of the VSIMS, Licensee completed and submitted the Death Certificates with Mr. Brown and Sheriff Weitzel incorrectly and improperly identified as the certifiers of death, all on behalf of CMC and William A. Spoja, the person in charge of CMC.

Licensee, however, asserts this was an error, not an intentional attempt to misrepresent his authority to act. In each of these instances, Licensee has taken necessary steps to correct his errors. The VSIMS is now more restricted and Licensee is now better

informed of the process.

10. Stipulated Disciplinary Sanctions. Upon acceptance of this Stipulation by the Board, Licensee agrees to the following sanction:

a. This Stipulation shall constitute a public reprimand for the admitted conduct.

b. Licensee shall fully cooperate with the State and assist in all reasonable ways in the event DPHHS reviews death certificates filed by Licensee through the VSIMS on behalf of CMC. Licensee's duty to cooperate will include, but not be limited to, facilitating the review, responding to inquiries, and making or assisting in effecting any appropriate corrections.

c. CMC maintains copies of all Death Certificates and Authorizations for Removal and Transport (ART) filed by or on behalf of CMC during Licensee's employment there. Within six (6) months of the date the Final Order is entered in this matter, Licensee shall review copies of those documents. The purpose of the review will be, to the extent possible, to:

- i. ensure that the certifiers of death and the pronouncers of death have been correctly identified, and
- ii. causes of death are correctly stated.

d. Also within six (6) months of the date the Final Order is entered in this matter, provide a written report to the board. The written report will be made under oath and represent to the Board that the review was timely completed and that the corrections, if any, are being diligently pursued. The report must be delivered to, and received by, the Board at the following address:

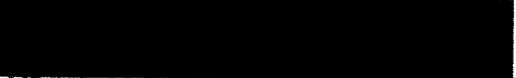
Cristina Medina, Compliance Specialist  
Business Standards Division  
Department of Labor and Industry  
301 South Park Avenue  
P.O. Box 200514  
Helena, MT 59620-0514

11. Public Documents. The Notice and this Stipulation and Final Order issued by the Board are public documents that the Department, at minimum, must make publicly available on the Department's website and professional databases, and may otherwise distribute to other interested persons or entities.

12. Complying with the Terms of the Stipulation. Licensee's failure to strictly abide by the terms of the Stipulation shall constitute a violation of the Final Order of the Board.

  
Paul Huff  
Licensee

June 8, 2015  
DATE

  
Mary Jaraczski  
Attorney for Licensee

1/9/2015  
DATE

  
Tyler G. Moss  
Department Counsel  
Montana Board of Funeral Service

1/9/2015  
DATE

**FINAL ORDER**

The Montana Board of Funeral Service (Board) enters, as its Findings of Fact and Conclusions of Law, the stipulated facts and violations as stated in the Stipulation. The Board, giving primary consideration to the sanctions that are necessary to protect and compensate the public and secondary consideration to any sanctions designed to rehabilitate Paul Huff (Licensee), approves, adopts, and incorporates the Stipulation into this Final Order.

DATED this 15 day of JAN, 2015.



Presiding Officer  
Montana Board of Funeral Service

**CERTIFICATE OF SERVICE**

I certify I served a true and accurate copy of the foregoing **STIPULATION AND FINAL ORDER** via United States Postal Service, first-class postage prepaid, on the following:

PAUL HUFF  
CENTRAL MONTANA  
CREMATORIUM  
PO BOX 882  
LEWISTOWN MT 59457

MARY K JARACZESKI  
UGRIN ALEXANDER ZADICK  
& HIGGINS PC  
#2 RAILROAD SQUARE  
GREAT FALLS MT 59403

DATED this 22<sup>nd</sup> day of January, 2015.



Department of Labor and Industry

Tyler G. Moss  
Special Assistant Attorney General  
DEPARTMENT OF LABOR AND INDUSTRY  
Office of Legal Services  
301 South Park Avenue  
P.O. Box 200514  
Helena, MT 59620-0514  
Telephone: (406) 841-2315  
Fax: (406) 841-2313  
E-mail: [tmoss@mt.gov](mailto:tmoss@mt.gov)

**BEFORE THE BOARD OF FUNERAL SERVICE  
STATE OF MONTANA**

In the Matter of the Proposed Discipline of  
**PAUL HUFF,**  
Crematory Operator, License No. 922.

Case No. 2014-FNR-LIC-81

**NOTICE OF PROPOSED BOARD ACTION  
AND OPPORTUNITY FOR HEARING**

TO: Paul Huff  
Central Montana Crematorium  
P.O. Box 882  
Lewistown, MT 59457

On March 19, 2014, the Screening Panel of the Montana Board of Funeral Service (Screening Panel) considered information presented by the Montana Department of Labor and Industry (Department) and directed issuance of this *Notice of Proposed Board Action and Opportunity for Hearing* (Notice) to Paul Huff (Licensee).

**A. FACT ASSERTIONS**

1. The Board has subject matter jurisdiction and legal authority to bring this action under Mont. Code Ann. §§ 37-1-131, 37-1-136, 37-1-307, 37-1-309 and Title 37, chapter 19.
2. Licensee is licensed by the Montana Board of Funeral Service (Board) to practice as a crematory operator, holding License No. 922. At all times relevant, the license was current and will expire on July 1, 2014, unless renewed.
3. In or about June 2010, Licensee completed a death certificate and submitted it to the Montana Department of Public Health and Human Services (DPHHS). The death certificate was for a man who died on June 24, 2010.

**ORIGINAL**

4. In the process of completing and submitting the death certificate, Licensee personally completed the restricted section of the certificate labeled "To Be Completed By: Medical Certifier."

5. Toward the bottom of the death certificate, and within the restricted section, is a box specifying "TO BE COMPLETED BY CERTIFIER."

6. Licensee selected "Richard J. Brown" from the available names of coroners, even though Mr. Brown had not certified the death of the individual, and even though Licensee did not have authorization from Mr. Brown to use his name nor even to complete that portion of the certificate of death under any circumstances.

7. Licensee used his own credentials to access DPHHS' system to complete and submit the death certificate with Mr. Brown incorrectly and improperly identified as the certifier of death.

8. Moreover, even if the certifier of death had been correctly identified, Licensee completed the death certificate with no authority to do so and then submitted it as if it were done with proper authority. Such conduct amounts to either a misrepresentation of Licensee's authority to act or a misrepresentation that the death certificate had been completed or approved by properly credentialed individuals.

9. Having acted without proper authority to complete and submit the death certificate to DPHHS, and having incorrectly and improperly identified the certifier of death in the process, Licensee thus:

a. signed or issued the death certificate in Licensee's professional capacity that Licensee knew or reasonably ought to have known contained a false or misleading statement; and

b. made a misleading, deceptive, false, or fraudulent representation in the conduct of his profession or occupation.

10. The Screening Panel found reasonable cause to believe Licensee's conducted violated statutes, rules, and standards applicable to his license and moved to initiate this disciplinary action.

**B. CHARGE OF STATUTES, RULES, OR STANDARDS VIOLATED**

Based on the fact assertions, the Screening Panel Found reasonable cause to believe the Licensee violated each of the following statutes, rules, or standards, justifying disciplinary proceedings:

**Mont. Code Ann. § 37-1-316. Unprofessional Conduct.** The following is unprofessional conduct for a licensee or license applicant governed by this part: . . .

- (4) signing or issuing, in the licensee's professional capacity, a document or statement that the licensee knows or reasonably ought to know contains a false or misleading statement;
- (5) a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation.

**C. STATEMENT OF RIGHTS AND PROCEDURES**

1. You may request a hearing to contest these charges. To exercise the right to a hearing, you must send a written request within 20 days of receipt of this Notice, addressed as follows:

Becky Carter, Compliance Unit Supervisor  
Business Standards Division  
Department of Labor and Industry  
301 South Park Avenue  
P.O. Box 200514  
Helena, MT 59620-0514

2. Failure to request a hearing within 20 days of the receipt of this Notice constitutes a default and allows the Board to enter a Final Order of discipline against you based on the facts available to it.

3. If you request a hearing within 20 days, the Commissioner of Labor and Industry will appoint an impartial hearing examiner to conduct the hearing. The hearing examiner will notify you and the Department of the time and place of the hearing. You have the right to appear in person or by or with counsel.

4. Procedural and substantive requirements governing this matter may be found at Montana Code Annotated Title 2, chapter 4, part 6 (Montana Administrative Procedure Act); Title 37, chapter 1, parts 1 and 3; and Title 37, chapter 19, including the right to a hearing before an impartial hearing examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, the right to subpoena witnesses, and the right to request judicial review and appeal.

5. After a proposed decision of a hearing examiner, a default, or a stipulated agreement, the Board will issue a Final Order imposing one or any combination of the sanctions under ruled adopted by the Board under Mont. Code Ann. §§ 37-1-136 and 37-1-312(1) as follows:

- a. revocation of the license;
- b. suspension of the license for a fixed or indefinite term;
- c. restriction or limitation of the practice;
- d. satisfactory completion of a specific program of remedial education or treatment;
- e. monitoring of the practice by a supervisor approved by the disciplining authority;
- f. censure or reprimand, either public or private;
- g. compliance with conditions of probation for a designated period of time;
- h. payment of a fine not to exceed \$1,000.00 for each violation (deposited in the state general fund);
- i. denial of a license application; and/or
- j. refund of costs and fees billed to and collected from a customer.

6. You may request judicial review of a Final Order of the Board entered after consideration of a proposed decision of a hearing examiner by filing a petition in district court within 30 days of the issuance of a Final Order.

7. In lieu of a hearing, you may enter into a stipulated agreement resolving potential or pending charges that include one or more sanctions authorized by law.

DATED this 7 day of July 2014.

  
Tyler G. Moss  
Special Assistant Attorney General  
DEPARTMENT OF LABOR AND INDUSTRY

**CERTIFICATE OF SERVICE**

I certify I served a true and accurate copy of the foregoing **NOTICE OF PROPOSED BOARD ACTION AND OPPORTUNITY FOR HEARING** via United States Postal Service, certified mail with return receipt requested, postage prepaid, on the following:

Paul Huff  
Central Montana Crematorium  
P.O. Box 882  
Lewistown, MT 59457

DATED this 8<sup>th</sup> day of July 2014.

  
Department of Labor and Industry

cc: Mary Jaraczski, Ugrin, Alexander, Zadick & Higgins, P.C.  
William A. Spoja, Jr., Attorney at Law