

Daily American

Somerset County's Newspaper

Vol. 79, No. 59

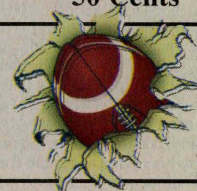
Wednesday, August 29, 2007

50 Cents

Mother, daughter team
decide to enlist together
— Page 6

Rescuers train in
Johnstown
— Page 6

Paterno's ready to
'jump' into opener
— Page 8



Funeral home director loses license

By MICHELLE GANASSI
Daily American Staff Writer

The State Board of Funeral Directors has suspended a local funeral home director's license for selling a steel casket as a bronze one.

David E. Lehman, who served as the funeral supervisor for

George E. Mason Funeral Home in Davidsville, had his license suspended for at least three years, had to pay \$3,000 in fines, and had a reprimand placed in his permanent board record.

In 2005, a man purchased a solid bronze casket and other services for his stepson, according to a consent agreement filed by the

state. A plate with the words "solid bronze" was affixed to the casket. The casket holding the body was shipped to Georgia and put in storage until a permanent mausoleum could be constructed, the documents state.

When the casket was taken out of storage, it was leaking fluid and was stained. It also had a foul odor,

according to the documents.

The documents said Lehman admitted that the caskets were switched. He later provided the family with a bronze casket.

"It was corrected and it was replaced," Lehman said. "I'm sorry things happened the way they did. I tried to correct them and go from there."

Lehman added that funeral home officials were not aware that the caskets were switched.

"They did not know until after the fact," he said.

He declined comment on whether the casket switch was intentional or not.

"I'd rather not say," he said. (See FUNERAL, Page 5)

Funeral home director loses license

(Continued from Page 1)

Lehman is still employed by the funeral home as a maintenance man. George Mason's grandson, Leslie J. Holsopple, has taken over as supervisor. Lehman has worked for the funeral home since 1980.

William Price, funeral director of the William Rowe Price Funeral Home in Meyersdale, is not familiar with the case, but was able to provide general comments about the local industry.

He said the main difference between a steel and bronze casket is

the price. He said the prices vary too much to give a definitive difference in price.

Funeral home directors have to be specific and cannot misrepresent the product, Price added.

"In my opinion, we are living in an area where the vast majority of funeral director's ethics are very high," he said. "We operate our business in an ethical manner and we don't misrepresent what we are selling to people."

According to state law, Lehman can petition the board for a stay of

the suspension after a year. If a stay is granted, Lehman would be put on probation for at least two years and would be able to practice as a funeral director under state supervision. Lehman did not have any prior disciplinary actions against him.

Lehman said it is possible he will attempt to get his license back in the future.

"I plan on it, but we'll see what happens," he said.

(Michelle Ganassi can be reached at michelleg@dailyamerican.com.)

Man sues funeral home, casket company

BY BERNIE HORNICK
BHORNICK@TRIBDEM.COM

A grieving Atlanta father who said he suffered a series of indignities while trying to bury his stepson is suing a Somerset County funeral home and a casket maker.

W. Robert Baynes is taking to court Allegheny Heartland Casket, owner Kimball Sweatt and Mason Funeral Home, all of Tire Hill, and former Mason employee David E. Lehman of Davidsville.

It began in November 2005 when Baynes contracted with Mason Funeral for a solid brass casket to hold the remains of his stepson, George Brown Baynes, at a cost of \$5,595.

A placard identified the casket as solid brass.

Unbeknownst to Baynes, he appar-

ently got a steel receptacle instead.

"If the casket had been buried in a cemetery plot, the defendants' misrepresentations might have gone undetected," Baynes' attorneys said in the suit, filed in U.S. District Court in Johnstown.

Instead, the remains and casket were stored temporarily during the construction of a mausoleum in Georgia.

"Approximately 10 months later, the casket was removed from storage in a temporary mausoleum, revealing that the casket had become rusted and stained and leaked fluids," the suit says.

The defendants then shipped a replacement casket, but it didn't fit the mausoleum, the lawsuit claims. George Baynes and his new casket were returned to temporary storage.

"(Robert) Baynes was forced, at his own expense, to redesign and reconstruct the mausoleum to fit the replacement casket for the deceased's final resting," according to the suit.

Breach of contract and unfair trade practices are among Baynes' allegations. He is seeking to recoup the price of the casket, costs to redesign and rebuild the mausoleum and temporary storage costs after the casket was found to have leaked.

He is seeking treble damages of more than \$75,000.

A manager for Mason Funeral said the home would have no comment.

Lehman could not immediately be reached.

Sweatt, though, had plenty to say.

"I felt terrible for Bobby Baynes," Sweatt said. "Bottom line: Bobby

Baynes got screwed trying to bury his stepson."

Sweatt said he had nothing to do with it, though, and doubted that malice was involved by any of the parties.

Sweatt said he sells caskets to a variety of funeral homes, which then sell directly to customers from their show floor.

"I sell wholesale to funeral homes or cemeteries," Sweatt said. "They can do anything they want with the caskets after that. That's their business. They can make a planter in their front yard, make it into a go-cart and race it down the street."

Sweatt said he doesn't carry "solid brass" placards and wouldn't know where to find one.

He said brass and steel caskets can be indistinguishable to the eye. They can

be told apart by their weight — and price. He said a bronze casket — at \$3,200 wholesale in 2005 — costs roughly twice as much as steel.

Beyond that, he said either material should not leak in 10 months and could remain sealed "forever," unless the casket is dropped or otherwise manhandled.

He said the Baynes receptacle could have been damaged by airport or trucking handlers, at the mausoleum in Georgia or by any number of people.

Getting banged up is what caused the leakage, Sweatt said, not him.

"I don't need a lawyer. I'm innocent," he said Friday.

The case has been sent to Alternative Dispute Resolution, which seeks to resolve disputes through settlement instead of litigation.