

REGULAR BOARD MEETING

MINUTES

August 15, 2012

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on August 15, 2012 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Try Wiseman, President; J. T. Willoughby III, Vice-President; Harris High, Secretary; Ken Stainback, John Shields, Stephen Aldridge III, Broadus Combs, Lawrence Jackson III, and Kelly Byrd.

Also Present: Peter M. Burke, Executive Director, Stephen N. Dirksen, General Counsel, Dorman Caudle with Carolina Donor Services, Fred Jordan with NC Eye Bank, Pat Hayes with North Carolina Funeral Directors Association, and Lyn Cochrane.

The meeting was called to order at 9:12. Ms. Wiseman led the Pledge of Allegiance, had the invocation and read the Ethics Awareness & Conflict of Interest statement. Ms. Wiseman Mr. Willoughby stated they had attended the National Funeral Directors & Morticians Association Convention in Las Vegas.

The guests introduced themselves.

Mr. High presented the July 11, 2012, minutes. Mr. Byrd noted one correction in the first sentence of the Disciplinary Committee—change Mr. Wiseman to Ms. Wiseman. Mr. Willoughby stated on Page 2 under the Executive Director's Report, the Hemby-Willoughby Chapel in Fountain should be Hemby-Willoughby Funeral Home. Mr. Combs made the motion to accept the minutes with the necessary corrections and Mr. Byrd seconded. The motion carried.

Preneed Committee: Mr. High stated the Committee had met by teleconference on Tuesday. Four items were discussed.

- 1) A request has been submitted from a preneed establishment to discontinue the bond. The required information has been received and Committee was recommending approval.
- 2) A request submitted by a consumer relinquishing responsibility for a preneed to siblings out of state and documentation was received in July to support request. The Committee was recommending approval.
- 3) A multiple-location preneed establishment has requested permission to amend the Board's Goods and Services form to include section(s) specific to their business model to enhance electronic preneed initiation. Committee was recommending denial of the request.
- 4) Staff has made a request to revise the Board's Certificate of Performance (PN-5) to include account and policy information where preneed funds were held, and to include a section demonstrating correct calculation of funds to non-guaranteed portion of the contract. Committee was recommending the draft of a new form and submission for review.

Questions ensued.

Mr. High then reviewed the report. There are 170,434 active contracts as of August 13, 2012; 660 licensed preneed funeral establishments; and 1,663 individuals licensed to sell preneed as of July 20, 2012. Mr. Byrd made the motion to accept the preneed committee recommendations and the report as presented. Mr. Aldridge seconded and the motion carried.

Traineeship Committee: Ms. Wiseman stated the Committee had met this morning. Trainee #1 missed two reports. Committee was recommending Trainee #1 lose June and July credits and resume September 1, 2012.

Committee also requests that the next newsletter include a paragraph on the importance of filing reports in a timely manner. Committee also discussed a link on the website for trainees and supervisors. Discussion ensued.

Mr. Byrd made the motion to accept the Committee recommendation. Mr. High seconded and the motion carried.

Disciplinary Committee: Ms. Wiseman presented the report. Mr. Dirksen stated there was a large addendum. Discussion ensued. Ms. Wiseman stated that any person, in addition to the licensee, that handles preneed record keeping will be required to attend the continuing education class if there is a consent order. Mr. High made the motion to accept the recommendations for V11-023, V11-024, V12-004, V12-014, V12-025, V12-029, V12-032, V12-040, V12-045, V12-046, M12-021, V12-043, M12-019, M12-020, V11-032, M12-001, M07-011, V08-005, and M09-028. Mr. Willoughby seconded and the motion carried.

Mr. High made the motion to accept the addendum, which includes recommendations for M10-009, V11-018, M12-001, M12-017, and M12-018. Mr. Byrd seconded and the motion carried.

Finance/Personnel Committee: Mr. Willoughby stated the Mutual Burial Association auditor, Tom McElreath, resigned on August 2, 2012, effective immediately. Solicitation for a replacement auditor will begin. Mr. Willoughby reviewed the financials. Discussion ensued regarding the MBA position. Mr. Willoughby made the motion to accept the report and Mr. Stainback seconded. The motion carried.

Exam Committee: Mr. Stainback stated twelve candidates were eligible to take the Laws & Rules exam. Seven took the exam and six passed and one failed. This report was for information only.

Laws & Rules Committee: Mr. Stainback stated the Committee had met by teleconference on July 30 and August 13 to discuss newly enacted legislation and a potential response.

SL 2012-196 (HB 799) was ratified in the General Assembly on July 2 and enacted July 24. The law amends Chapter 93B with new section 15-1, addressing licensure for individuals with military training and experience; licensure by endorsement for military spouses. Questions ensued.

Mr. Byrd made the motion to accept the report. Mr. High seconded and the motion carried.

Other Committee Reports: There were no reports.

Attorney Report: Mr. Dirksen presented his report. Hearings scheduled today for 10 and 11 a.m. have been settled but the 1 p.m. today is still scheduled. The hearings for Thursday have been settled. This report is for information only.

Executive Director's Report: Mr. Burke presented the report.

New Funeral Homes: Whitehead-Jones Funeral & Cremation, Sharpsburg

Change of Ownership: Drum Funeral Homes (2 locations), Willis-Reynolds, Perfect Peace Cremation

Crematory Change of Ownership: Willis-Reynolds Funeral Home & Crematory

New Funeral Service Licensees: Joseph Reneau, Glassie Locklear Jr., Steven Winburn

New Funeral Director Licensees: Randy Church, Amanda Moss

New Trainees: Todd Smith, Donnie Greene, Dylan Matthews, Dan Smith Jr., Joseph Bowen, Dana Baker, Joshua Heiderrveich, Sharon Patterson, Brenda Wilkins

New Transport/Removal Registrations: Drue Cobb, Wylie Joyner, Jonathan Kimray, David Foster, Bryan Thomas, Steven Marhenke

Mr. Burke presented the 2013 Ballot for Election of Members to The North Carolina Crematory Authority for review with four candidates. Mr. Burke requested a return date for the ballots. Discussion ensued. Mr. Willoughby made the motion to require the return of the ballots no later than 4:30 pm on November 1, 2012. Mr. Aldridge seconded and the motion carried. Ballots will be canvassed at the November Board meeting.

Mr. Burke will meet with Ms. Lee with Write Triangle RTP on the Crematory Manual on Friday, August 17.

A 5-hour Preneed/FTC Review is scheduled for September 25 and a 5 hour Cremation/FTC Review is scheduled for September 26.

Transitional Items: Attended the Electronic Death Registration Systems business partners meeting on July 16, 2012; completed the Ethics Commission required training online class on July 19, 2012; Contacted International Conference of Funeral Service Examining Boards to verify they had his contact information and spoke with Executive Director Dalene Paull; contacted Pat Barnes with OCME; contacted NC Register to get on the mailing list; contacted SBI to get on Background Check recipient list on August 6, 2012; attended Ethics Commission public comments session on August 10, 2012; and will be attending the Commission of Anatomy meeting on August 21, 2012.

Discussion ensued.

Discussion ensued regarding the filing of electronic death certificates.

Mr. Willoughby made the motion to accept the Executive Director Report. Mr. Jackson seconded and the motion carried.

New Business: Ms. Wiseman presented Ms. Cochrane with a 20-year employment token of appreciation.

Ms. Wiseman stated she and Mr. Willoughby had received a letter from Howard Hunter III of Hunter Funeral Home in Ahoskie. Mr. Hunter is the President elect of the NC Association of County Commissioners and had two items he would like the Board to consider for legislation. Discussion ensued. Mr. Burke was asked to have staff and Laws & Rules Committee research the requests and make a recommendation at the next meeting.

Old Business: Ms. Wiseman stated that we are approximately 30 days into the 60-day agreement with the paralegal. Extension of the agreement or addition of paralegal staff is still open for discussion. This will be discussed in close session later during the meeting.

Informational Items: One item from Regulatory Support Services newsletter regarding SB 847.

The Board recessed at 10:25 a.m. for a break.

Upon return from recess Mr. High made the motion to go into closed session to preserve attorney-client privilege and to discuss qualifications and fitness regarding personnel. Mr. Combs seconded and the motion carried.

Upon return to open session, Mr. High made the motion to have staff write a letter regarding recent legislation. Mr. Willoughby seconded and the motion carried.

At this time the Board recessed until the 1:00 p.m. hearing.

Tryphina Wiseman, President

Harris High, Secretary