

REGULAR BOARD MEETING

MINUTES

February 9, 2011

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on February 9, 2011 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: George Parrott, President; Tryphina Wiseman, Vice President; Elizabeth Webber, Secretary; Rudy Lea, Frank McCree, J. T. Willoughby III, Jack Briggs, Harris High and Ken Stainback.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel; Dorman Caudle with Carolina Donor Services, Herbert Reicklin with Funeral Consumers Alliance, Tim Hodges, Dan Funchess and Sam James, Funeral Service Licensees and Lyn Cochrane.

Mr. Parrott called the meeting to order at 9:05 a.m. and led the Pledge of Allegiance. Ms. Wiseman had the devotion.

Mr. Parrott read the Ethics Awareness & Conflict of Interest statement and no one recused themselves. Mr. Willoughby and Ms. Wiseman attended the FD&MA of NC, Inc. Board of Directors meeting and Mr. Briggs attended the South Carolina Mid-Winter Conference.

Mr. Parrott administered the Oaths of Office to Mr. Willoughby.

Mr. Parrott read Resolutions of Appreciation issued to former Board Members Mark Blake and Larry Andrews and that these Resolutions are made a part of the minutes and original copies presented to Mr. Blake and Mr. Andrews. Mr. Willoughby made the motion and Mr. Briggs seconded. The motion carried.

Mr. Parrott asked the guests to identify themselves and there was no public comment.

Ms. Webber stated the minutes had been previously mailed. Ms. Wiseman made the motion for approval. Mr. Lea seconded and the motion carried.

Disciplinary Committee: Mr. Lea stated the addendum would be handled separately. There being no questions, Mr. Lea made the motion to accept the Committee recommendations for V10-074, V10-079, V10-072, M11-004 and M11-001. Mr. Dirksen stated for clarification that M11-001 applies to all who have not renewed for 2001 including all preneed, funeral homes and crematories. Mr. Parrott called for the vote and the motion carried.

Questions ensued regarding the addendum. Mr. Willoughby made the motion to accept the Committee recommendations for V10-008, V10-047, M10-002, V10-052, M10-019 and M10-008. What wording do I need to use regarding the affidavit or do I need to mention this. Mr. Lea seconded and the motion carried.

Mr. Briggs thanked the staff for the additional research on V10-008 from last month.

Traineeship Committee: Ms. Wiseman reported the Committee met with a trainee who has been on suspension since December. Trainee started September 1, 2010 and filed the first

two monthly reports late. Trainee wishes to register under a new supervisor at another branch of the funeral home. Committee recommendation is to allow the trainee to register under the new supervisor to begin March 1. No credit will be allowed for the activities performed under the first supervisor.

Two trainees were recently suspended for a second late filing within the trainee year. Both state they mailed the reports on time and accept responsibility for the timely filing. Committee recommends lifting both suspensions effective March 1.

Ms. Wiseman made the motion to accept Committee recommendations and Ms. Webber seconded. Motion carried. Questions ensued.

Staff Reports:

Mr. Dirksen stated that both hearings for today have been resolved. The first hearing for Thursday had a first continuance request that meets all the guidelines. The respondents in the second hearing were not served in time and that matter will be rescheduled.

Mr. Harris reported the following.

2011 Renewals: 2,442 active licensees, 182 inactive licensees, 731 funeral homes, 99 crematories, 15 chapels, 16 unaffiliated licensees and 78 removal/transportations

Staff Ethics report: Contact with representatives from both trade associations--NCFDA and FD&MA of NC, Inc., lobbyist with FD&MA of NC, Inc., Henry Lancaster, Lucius Pullen for Cemetery Association. Participated in a meeting with NCFDA, FD&MA of NC, Inc., Representative Jamie Boles and Representative Kelly Alexander.

Bid requests for the interior construction will be mailed and the ad for the paralegal position has been posted.

A Board calendar is included with suggested Board meeting dates. The Crematory Review is scheduled for February 24, 2011 in the Board office. Mr. Parrott, Ms. Wiseman and Ms. Webber will be attending the ICFSEB Annual Meeting in Myrtle Beach. Ms. Wiseman has been appointed to the Task Analysis Committee, which is inline with the Board's Exam Committee. The FD&MA of NC, Inc. Convention will be in Winston-Salem June 13-16.

Staff has consulted with the Disciplinary Committee and drafted a proposed amendment to the Consent Order Agreement between the Board, Hodges Funeral Home Inc. dba Elkin Funeral Service and Tim Hodges. The Committee is recommending approval of the draft that would allow Mr. Hodges to return as an employee of Elkin Funeral Service.

Mr. Briggs made the motion to go into closed session in order to preserve the attorney-client privilege in consideration of a proposed amendment to the consent order agreement between the Board, Hodges Funeral Home Inc. dba Elkin Funeral Service and Tim Hodges. Mr. Willoughby seconded and the motion carried.

Mr. Willoughby made the motion to return to open session and Mr. High seconded. The motion carried.

Ms. Webber made the motion to accept the amendment to the Consent Order as presented by Disciplinary Committee with an addition that Mr. Hodges not hold himself out as a licensee. Mr. Stainback seconded and the motion carried.

At this time Mr. Parrott called for a ten-minute recess.

New Business: Mr. Harris stated an unaffiliated licensee was present today with a request to speak before the Board concerning a letter from Mr. Dirksen. Questions ensued regarding the statements by Mr. James. Mr. Briggs made the motion to uphold the staff's letter to Mr. James concerning his use of a name that was neither registered nor consistent with the Board's requirement for unaffiliated licensees.

Ms. Wiseman seconded and the motion carried. Mr. James and staff had brief additional discussion following the vote.

Old Business: There was no old business but Mr. Briggs asked Mr. Harris about the mutual burial association report that was requested at the January meeting. Mr. Harris stated he had not included the information because annual reports were still being received and Mrs. Harris could not provide an accurate reporting without more reports in. He further stated that because this meeting was an abbreviated business agenda, the information would be brought in March.

Informational Items: Mr. Harris prepared a 2011 calendar showing holidays, various conventions and meeting and proposed meeting dates. The Committee Assignment sheet was included and also updated Board and Crematory Authority rosters. Mr. Parrott asked Mr. Briggs about the newspaper articles recently published about his funeral home and his family. Mr. Harris stated he would provide copies at the March meeting.

At this time Lyn Cochrane entered the meeting. Mr. Willoughby made comments regarding staff's advisory to unaffiliated licensees and the proper use of their registered name. Further discussion ensued.

Public Comment: Mr. Parrott asked if anyone had any additional comments. Mr. Caudle stated he appreciated the opportunity to attend as funeral home liaison, he appreciates what the Board does.

Mr. Dirksen stated approval was needed for the continuance for the Thursday hearing. Mr. Willoughby made the motion to approve the continuance. Ms. Webber seconded and the motion carried. Motion carried.

Ms. Wiseman made the motion to hold the next meeting on March 9th and 10th. Ms. Webber seconded and the motion carried.

Mr. Parrott asked if there was any further business.

Mr. Stainback thanked the Board for the opportunity to sit on the Board and the Governor for the appointment to the Board for the next three years. Mr. Parrott stated that he and Mr. Harris appreciated the opportunity to attend Mr. Stainback's swearing in ceremony. Mr. High "seconded" Mr. Stainback's comments.

There was no further business, Mr. Lea made the motion to adjourn. Mr. Stainback seconded and the meeting was adjourned.

George S. Parrott, President

Elizabeth S. Webber, Secretary