

## REGULAR BOARD MEETING

### MINUTES

February 8, 2012

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on February 8, 2012 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

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

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel, Dan Funchess, Funeral Service Licensee, Herb Reichlin with Funeral Consumers Alliance, Fred Jordan with NC Eye Bank, Pat Hayes with North Carolina Funeral Directors Association, Attorney Gary Ballance and Lyn Cochrane.

Ms. Wiseman called the meeting to order at 9:00 and led the Pledge of Allegiance. Ms. Wiseman had the invocation and read the Ethics Awareness & Conflict of Interest statement. Mr. Willoughby and Ms. Wiseman stated they had attended the FD&MA of North Carolina, Inc. Board of Directors meeting on February 7, 2012.

Guests introduced themselves and there was no public comment.

Ms. Wiseman recognized Mr. Ballance who requested a continuance for the R. H. Greene Funeral Home hearing scheduled for 1:00 p.m. Mr. Willoughby made the motion to allow the continuance and Mr. Combs seconded. The motion carried and Mr. Balance departed the meeting.

Mr. High presented the January minutes. Mr. Combs made the motion to approve the minutes and Mr. Byrd seconded. The motion carried.

Preneed Committee: Mr. High reported 166,696 active contracts, 662 preneed funeral establishments and 1638 individuals licensed to sell preneed as of February 6, 2012. Questions ensued to which Mr. Harris responded. Mr. High made the motion to approve the report and Mr. Aldridge seconded. The motion carried.

Traineeship Committee: Ms. Wiseman stated two trainees were notified of suspensions due to late work reports. One trainee's supervisor was terminated from the firm's employment and was not available to sign the report before the due date. The trainee did promptly file an application to change supervisors. Committee was recommending lifting the suspension immediately with no time lost.

The other trainee was notified of the meeting this morning to discuss the late reports. Trainee did not appear. Committee was recommending since trainee is in the final year of eligibility and has completed all traineeship requirements, send notice that they have ten business days in which to submit a trainee affidavit in order to certify their traineeship or the Board will schedule a hearing to consider termination of the traineeship. Discussion ensued. Mr. Aldridge made the

motion to accept the recommendations of the Committee. Mr. High seconded and the motion carried.

Disciplinary Committee: Ms. Wiseman presented the Report. Discussion ensued. Mr. High made the motion to accept the recommendations for V09-023, V11-077, V11-082, V12-003, M12-001, V11-064, and M09-028. Mr. Willoughby seconded and the motion carried.

Ms. Wiseman stated that Mr. Dirksen credited his paralegal for helping him to move the cases along.

Finance/Personnel Committee: Mr. Willoughby reviewed the report and deferred to Mr. Harris for comment. Questions ensued. Mr. Willoughby made the motion to approve the Financials. Mr. Stainback seconded and the motion carried.

Exam Committee: Mr. Stainback stated one question on the pathology examination might have been compromised. Staff has contacted the Conference to remove the question from the exam item bank. Costs will be involved but are not known at this time. Mr. Stainback yielded to Mr. Harris for further explanation.

Mr. Stainback continued. Committee and staff will begin review of the current Conference task outline with the proposed task outline.

Since the December meeting, ten applicants have taken the Laws and Rules examination and all passed.

Discussion ensued. Mr. Stainback made the motion to accept the report. Mr. Byrd seconded and the motion carried.

Laws & Rules Committee: Mr. Stainback stated the Committee had met by teleconference on Monday morning to discuss review of the existing rules as required under Executive Order 70, Rules Modification and Improvement Report. The Committee recommends proceeding with the repeal of 21 NCAC 34A.0105 Public Inspection of Materials and 21 NCAC 34A.0102 Purpose of Board. Mr. Stainback made the motion to accept the recommendation. Mr. Combs seconded and the motion carried.

Mr. Stainback stated other rules under Continuing Education, Preneed, Cremations and Examinations may require Board action, however, the Committee recommends at this time any rulemaking related to those areas be done in conjunction with statute changes that may be required to reduce duplication of effort.

Attorney Report: Mr. Dirksen presented his report and stated the Board had approved continuance for the 1:00 p. m. hearing and there may be a continuance request for the 9:00 a.m. Thursday before the Board meeting was over. Mr. Willoughby made the motion to accept the Attorney Report and Mr. High seconded. Motion carried.

Executive Directors Report: Mr. Harris reviewed the inspector reports and questions ensued. Mr. Harris stated 30 reports were filed and reviewed since the December meeting.

Establishments: New–Boone-Carroll Funeral Home, Cleveland; Dennis J. Stallings Memorial Funeral Home, Gatesville; Gail's Funeral Home, Asheboro (2<sup>nd</sup> location)

Closed—Beasley's Funeral & Cremation Service of Winston-Salem; Wesley Heights Funeral & Cremation Services, Inc., Charlotte; Twiford Funeral Home, Elizabeth City (N. Road Street location)

Crematories: New—Legacy Cremations, Eden

Crematories: Change of ownership—Coastal Cremations, Inc., Wilmington (formerly Coastal Cremation Service)

New Funeral Service Licensees: Stephanie Kykendall, Michael Lerate, Brian Bonar, Gerald Harris, David Oberley, Raymond Laws, Nichole Lund, Christopher Stoessner, David Harris

New Funeral Director Licensees: Duane Cutlip, Karen Green, Jeremy Groce

New Trainees: Scott Aldridge, Thomas Amato, Karen Bell, Dwain Bell, Alex Carroll, Erin Clements, Ora Evans, Mercedes Fornay, Demetrius Henderson, David Johnson, Shaun Jones, Lisa Kendziera, Cody McCain, Joseph Moore, Jeffrey Painter

Staff Ethics report: Mr. Harris has had conversations with the representatives of the NCFDA and FD&MA of NC, Inc., regarding various regulatory matters and Funeral Consumers Alliance.

Mr. Harris attended the Advisory Group for Electronic Death Registration and gave an update.

At this time Ms. Wiseman called for a 5-minute recess. Upon reconvening Mr. Harris continued.

The 2011 Fee report to Office of State Budget & Management is ready to be submitted. The 2012 Annual Report on Rules with Economic Impact that is due February 15 has already been submitted.

The Statements of Economic Interest to be completed by Board members is due April 15, 2012. Mr. Harris will send the information to members.

The 2011 Preneed Annual Reports were mailed the last week of January along with the letter template the Board approved at the January meeting.

Mr. Harris met with the Mexican Consulate last week to continue discussions on the memorandum of understanding and other concerns of the General Consulate.

The response to Representative Justice will be hand delivered today regarding the questions about licensing.

The ICFSEB Conference will be in Little Rock, Arkansas, February 29 - March 1 and Mr. Harris and the Executive Committee are registered to attend.

The MBA Assessments will be discussed at the March meeting. 2011 rates were \$100 per association and \$.30 per member.

Mr. Harris discussed the Crematory manual. Questions ensued. Mr. Willoughby made the motion to allow Mr. Harris to proceed with the manual. Mr. Stainback seconded and the motion carried.

The Preneed Recovery Rate will be discussed at the March meeting. 2011 rates were ½ of 1%.

Mr. Stainback asked Mr. Harris questions regarding the allowing of continuances of hearings and Mr. Harris responded. Discussion ensued.

At this time Mr. Reichlin departed.

New Business: Mr. Harris presented two Orders of Liquidation for Reich-Hayes-Boren Mutual Burial Association, Incorporated in Elkin and Rowan-Linn-Wright Mutual Burial Association in Landis. Mr. Aldridge made the motion to allow the Order of Liquidation. Mr. Byrd seconded and the motion carried.

Ms. Wiseman asked Mr. Harris to discuss the letters that had been mailed to Board members. He explained the Board's staff has on several occasions explained the matters to her and she did not understand that she has not completed all the examinations for licensing. He is preparing a written reply.

Old Business: There was none.

Informational Items: Mr. Harris had included a corrected Board calendar and a copy of Executive Order 34, Ethics and Attendance Standards for Gubernatorial Appointees to Boards.

Public Comment: There was none.

At this time Ms. Wiseman called for a 5-minute recess. At this time Mr. Funchess, Ms. Hayes and Mr. Jordan departed.

Upon reconvening at 12:03 p.m., Mr. Harris stated he did have some Old Business. Three office construction bids had been received ranging from \$15,300 to \$22,000. Discussion ensued. Mr. Stainback made the motion to award the bid to the low bidder. Mr. Combs seconded and the motion carried.

Ms. Wiseman recessed the meeting until the defendant for the 9:00 a.m. Thursday hearing was present.

Upon reconvening Mary McLendon appeared before the Board to request a continuance since her attorney had withdrawn from the case. Mr. Dirksen made comments. Discussion ensued. Mr. Byrd made the motion to go into closed session consider Ms. McLendon's request. Mr. High seconded and the motion carried.

Ms. McLendon, Mr. Harris, Mr. Dirksen, and Ms. Cochrane left the meeting.

Upon motion by Mr. Willoughby and second by Mr. Byrd with the motion carrying, the Board returned to open session.

Mr. Stainback made the motion to deny the second continuance. Mr. Byrd seconded and the motion carried. The hearing will convene at 9:00 a.m. Thursday as scheduled.

With no further business to come before the Board, the meeting was adjourned at 12:22 p.m.

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Tryphina Wiseman, President

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Harris High, Secretary