

## REGULAR BOARD MEETING

### MINUTES

January 14, 2009

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on January 14, 2009 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Larry Andrews, President; J. T. Willoughby III, Vice President; George Parrott, Secretary; Rudy Lea, Frank McCree, Tryphina Wiseman and Mark Blake.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel; Fred Jordan with the N. C. Eye Bank, Dorman Caudle with Carolina Donor Services, Herb Reichlin and Elizabeth Webber with the Funeral Consumers Alliance, Pat Hayes with North Carolina Funeral Directors Association, Judge Michael Morgan, Funeral Licensee Cecil Burton, and Lyn Cochrane.

Mr. Andrews called the meeting to order at 9:10 a.m. and led the Pledge of Allegiance. Mr. Willoughby had the invocation.

Mr. Andrews read the Ethics Awareness & Conflict of Interest Reminder and no member recused themselves at this time.

Mr. Andrews asked for public comment. Mr. Reichlin stated Ms. Betty Stoddard extends her regards since she was unable to attend. The visitors in attendance identified themselves.

Mr. Andrews recognized Ms. Wiseman and called on Judge Morgan to administer the Oaths of Office for new Board Member Ms. Wiseman; Mr. Lea and Mr. Parrott as re-appointed Board Members; and Cecil Burton for the Crematory Authority. Before administering the Oaths Judge Morgan addressed the Board and thanked them for the opportunity. Mr. Andrews presented Judge Morgan with an appreciation gift and he departed.

Mr. Andrews presented former President Blake with a gift and thanked him for his service as Board president in 2008.

Mr. Andrews recognized Mr. Parrott for the presentation of the December minutes. Mr. Parrott stated one correction had been made since the minutes were mailed to the Board members and was noted in their copy. Mr. Willoughby made the motion to accept the minutes and Mr. Lea seconded. The motion carried.

Finance/Personnel: In the absence of Mr. Briggs, Mr. Harris presented and reviewed the report. Mr. Harris discussed the bank services. Questions ensued. Mr. Blake made the motion to approve the financials and Mr. Parrott seconded. The motion carried.

Mr. Blake had questions regarding the recovery fund and the Howell charges. Mr. Harris indicated the Financials reflected some information but not all claims had been processed and checks cleared.

Laws, Rules & Legislation: Mr. Harris presented technical changes of the proposed rules. Discussion ensued. Mr. Willoughby made the motion to accept the changes. Mr. Blake seconded and the motion carried.

Preneed Committee: Mr. Andrews stated the Committee had met by teleconference on Tuesday, and was recommending the following: Three requests to transfer irrevocable preneed trust contracts out of state have meet the requirements; interest rate of 2% on recovery fund claims approved and paid in 2009—for claims filed and approved from the former Howell Funeral Home in Gastonia, an interest rate of 2.5% until March 1, 2009 and claims filed and approved after that date for Howell will be paid at 2%. Mr. Parrott made the motion to approve the report and recommendations and Mr. Lea seconded. The motion carried. Discussion ensued regarding the requirements for preneed establishment to request discontinuance of the preneed bond. Mr. Andrews stated 413 preneed funeral establishments out of 675 have renewed for 2009.

Disciplinary Committee: Mr. Lea stated the committee was recommending the modification of the existing hearing continuance policy and yielded the floor to Mr. Harris. Recommendation would be to require respondents attorney's to submit a schedule of their court dates when requesting a continuance and when a first request for continuance is granted the matter would be continued for no more than two Board meetings. Discussion ensued. Mr. Willoughby made the motion to accept the recommendation of the committee. Mr. Parrott seconded and the motion carried.

Mr. Lea presented the report. Discussion ensued. Mr. Blake made the motion to accept the report and the addenda with the change of V08-072 to include a strong letter of caution to the trainee supervisor. Mr. Willoughby seconded and the motion carried.

Exam Committee: Mr. Parrott reported the December testing results—Four people took the laws and rules exam for the first time--three passed and one failed. Staff has completed the documents for Castle to create the laws and rules computer based exam.

Traineeship Committee: Mr. Blake presented the report. Staff was suggesting review of monthly report documents in order to suggest changes (check list and case report). Staff is close to finishing the traineeship certification program and will forward the proposed program to the committee for review and recommendation at the February meeting.

Attorney Report: Mr. Dirksen presented his report. Hearings are scheduled for 11 a.m. and 1 p.m. today. The 1:30 p.m. has requested a continuance and has met the guidelines. Consent Order has resolved the 9:00 a.m. hearing for Thursday morning. Currently the 9:30 a.m. and 1:00 p.m. Thursday matters are scheduled. Mr. Lea seconded and the motion carried. Mr. Blake made the motion to approve the continuance for the 1:30 hearing. Mr. Willoughby seconded and the motion carried.

Executive Director's Report: Mr. Harris thanked Mr. Blake for hosting the President's Christmas Dinner and for the gifts.

Mr. Harris submitted the Inspectors Monthly Status Reports for December.

Since the December 10, 2008 Board Meeting fifteen reports have been filed. Establishment Changes: Change of Ownership—Shuler Funeral Home, Hendersonville

Renewals as of December 8:

Establishments	548
Funeral Service	1,364 (out of 1,661 active)
Funeral Director	729 (out of 881 active)
Embalmer	9 (out of 12 active)
EM & FD	17 (out of 21 active)

Inactive 133 (out of 198)  
Crematory 68 of 88

Mr. Harris stated there were 72 pending preneed applications in addition to the 413 that have already been renewed.

New funeral service licensees: Karen Howell-McPherson, Roy Pruitt

New funeral director licensees: David Lockridge, Hugh Norris, Jr.

New trainees: Benjamin Bellante, Jimmie Smith, Barry McCrimmon, Jennah Bushway, Kenneth Hammond, Gregory Ratchford, Jettig Byrant.

Mr. Harris stated he had interaction with the Funeral Directors and Morticians Association of NC, Inc., NCFDA and FCAT. Mr. Harris has filed the 4<sup>th</sup> Quarter report with the Secretary of State and registered for 2009 as the Board's Legislative Liaison. He has requested an opinion from the State Ethics if the dinner gift card he received and returned should be reported.

Mr. Harris stated renewal reminder letters were mailed to licensees last year and staff was requesting discussion about sending them this year. Mr. Parrott made the motion to send the reminder letters. Mr. Lea seconded. Mr. McCree, Mr. Willoughby, Mr. Andrews, Mr. Parrott, Mr. Lea and Ms. Wiseman voted yes. Mr. Blake voted no and the motion carried.

The International Conference District 3 has made a request for Reciprocity for their states (Alabama, Florida, Georgia, Mississippi, North Carolina and South Carolina. Discussion ensued. Mr. Willoughby made the motion to table the Board's response until after the ICFSEB Conference in February. Ms. Wiseman seconded and the motion carried.

Discussion ensued regarding 2009 Board meeting dates. Mr. Lea made the motion to set February 18, 19, 2009 for the next meeting and for staff to present calendar dates for conference dates for 2009 at that meeting. Mr. Willoughby seconded and the motion carried.

Mr. Harris, Mr. Andrews and Mr. Willoughby will attend the ICFSEB Annual Convention in Williamsburg, Virginia in February.

Mr. Harris and Ms. Wiseman will meet to discuss the Spring CE clinic.

New Business: Mr. Harris stated Halifax Mutual Burial Association, Incorporated, Scotland Neck, and Whitley's Mutual Funeral Association, Incorporated, Kannapolis have presented their Order of Liquidation for approval. Mr. Blake made the motion to accept the Orders and Mr. Parrott seconded. The motion carried.

Mr. Harris stated staff had received a request from an examinee that was a "no show" for the exam that was requesting a waiver or a reduced fee due to car problems for the examination. Mr. Willoughby made the motion to deny the request unless he produces some documentation from AAA. Ms. Wiseman seconded and the motion carried.

Mr. Andrews received a thank you note from Jesse Ray and he felt it necessary to report. Mr. McCree, Mr. Blake and Mr. Willoughby also reported they had received a thank you note

Old Business: There was none.

Informational Items: Mr. Harris stated the Statement of Economic Interest requirements were included for review and noted the April 2009 deadline. The 2009 Committee request sheet was enclosed showing the committees the Board members were assigned. The State Ethics Commission Evaluation of Statement of Economic Interest Filed by Ms. Wiseman was included. The ICFSEB report for Winter 2008 was included.

Public Comment: There was none.

With no further business before the Board, the meeting was initially adjourned at 11:10 a.m. for the scheduled 11:00 Hearing

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Larry Andrews, President

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George Parrott, Secretary