

## REGULAR BOARD MEETING

### MINUTES

January 14, 2015

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on January 14, 2015, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Ken Stainback, President; Stephen Aldridge, Vice President; Elizabeth Williams-Smith, Secretary; Charles Graves, Joe Clay, Valdus Lockhart, Broadus Combs, and Kelly Byrd. Absent: John Shields

Also Present: Peter M. Burke, Executive Director; Stephen N. Dirksen, General Counsel; Patricia Hayes with North Carolina Funeral Directors Association, Dorman Caudle with Carolina Donor Services, Dan Funchess, Funeral Service Licensee, Attorney Jeff Gray and Board staff members Lyn Cochrane, Dara Lyon Warner, and Susan Mitchell.

Mr. Stainback called the meeting to order at 9:37 a.m. and led the Pledge of Allegiance.

Mr. Graves had the prayer.

Mr. Stainback swore in new Board Member Valdus Lockhart and returning Board Member Broadus Combs. Mr. Stainback then presented 2014 President Kelly Byrd with a gift of appreciation for his service.

Mr. Stainback read the Ethics Statement and no one recused themselves at this time.

Mr. Stainback asked the guests to introduce themselves.

In Mrs. Smith's absence Mr. Stainback moved the minutes to a later time in the meeting.

Mr. Aldridge nominated Mr. Byrd for the Crematory Authority Board appointment. Mr. Clay seconded and the motion carried.

Mr. Stainback also moved the Disciplinary Committee report to a later time in the meeting.

Preneed Committee: Mr. Byrd stated the report was for information only.

There are 655 licensed preneed funeral establishments and 1,693 individuals licensed to sell preneed as of January 13, 2015. There are 173,234 active contracts as of December 18, 2014.

Finance & Personnel Committee: Mr. Aldridge stated the committee met via e-mail January 9 and January 13. A proposal of .221768% was recommended on preneed recovery fund claims in 2015. Mr. Aldridge made a motion to accept this rate and Mr. Byrd seconded. The motion carried.

The committee also reviewed a request by a funeral home to waive the preneed surety bond requirement. Upon review of the current balance sheet, the committee feels the firm is not a I position to warrant waiver of the requirement and recommends the bond be renewed. Mr. Aldridge made the motion to accept the recommendation. Mr. Graves seconded and the motion carried

Mr. Aldridge reviewed the financials and Mr. Byrd made the motion to accept them as presented. Mr. Clay seconded and the motion carried.

Attorney Report: Mr. Dirksen presented his report for information only. There were seven cases: two Thursday hearings were continued by Mr. Stainback; one case the defendant was not served; two were on the Disciplinary report and one was a renewal issue. One hearing is scheduled for today at 10:00 a.m.

Mr. Dirksen stated for the year 2014 there were 70 consumer complaints and 25 staff generated complaints.

At this time Attorney Jeff Gray entered the meeting.

Questions ensued regarding complaints and how the 4<sup>th</sup> inspector would impact the process.

At this time Mrs. Smith entered the meeting.

Executive Director's Report: Mr. Burke presented the following information.

New Funeral Establishments: Reins-Sturdivant Funeral Home, North Wilkesboro

New Funeral Director Licensees: Joshua Heidenreich, William Osborne

New Chapel: Garrett-Sykes Memorial Chapel, Murfreesboro

New Trainees: Robert Atkinson Jr., Elton Buffaloe, Chrystal Bumgarner, Edwin Corvinus, Jessica Hawk, Rhett Miller, Monica Sawyer, James Simons Jr., Courtney Stout, Yvette Whitley.

Mr. Burke discussed the 2015 renewals of funeral homes, crematories, chapels, licensees, unaffiliated and transporters.

2015 Mileage rate is \$0.575 and subsistence rates did not change. Mr. Burke reminded Board members about the required State Ethics Commission education classes.

The 2013-14 Fee Report due to Office of State Budget and Management was submitted prior to the due date.

Mr. Burke will attend the FARB Forum in Tucson, Arizona, next week. ICFSEB 2015 Annual Meeting registrations have been sent in but attending members will have to make their own travel and room reservations.

Mr. Burke presented a graph showing preneed contract fees and cremation fees for the years 2011-2014 and discussion ensued.

Mr. Stainback had discussion regarding the rule and the law concerning the submission of Certificates of Performance when the performing funeral home is not the original contracting establishment. Board Inspector Mitchell presented the comparison of the rule and what is stated in the Law Book. Mr. Dirksen stated this will require a law change and it was included in H-811 that did not pass. This will be discussed at a future meeting.

At this time Ms. Smith presented the minutes of the December 10, 2014, meeting. Mr. Graves made the motion to approve. Mr. Byrd seconded and the motion carried.

Disciplinary Committee: Ms. Smith stated the committee met via teleconference on January 8, 2015 and presented the report. There is an addendum. Ms. Smith recused herself from discussion or vote on C14-054. Mr. Byrd made the motion to approve the recommendation for the Addendum Cases M-14-022 and M-15-002. Mr. Clay seconded and the motion carried. Mr. Byrd made the motion to approve the recommendation for Cases C14-035, C-14-049 and C14-064, C14-065, C14-067, C-14-054, M15-004, C14-036 and C14-051, M15-002, C14-057, and M15-003. Mr. Byrd then retracted M14-054 and Mr. Combs seconded. The motion carried. Mr. Byrd then made the motion to accept the recommendation for C14-054 and Mr. Graves seconded. The motion carried. Ms. Smith did not participate in the vote.

Traineeship Committee: There was no report.

Old Business: Mr. Byrd asked about online renewals and Mr. Burke stated Mr. Miranda was working on this.

New Business: There was none.

Public Comment: There was none.

At 10:40 a.m. the Board recessed to prepare for hearings.

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Kenneth D. Stainback, President

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Elizabeth Williams-Smith, Secretary