

REGULAR BOARD MEETING

MINUTES

March 11, 2015

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on March 11, 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; Fred Jordan with Miracles in Sight; Dorman Caudle of Carolina Donor Services, Doris McRae with Great Western Insurance Company, Tom Schneider with North Carolina Funeral Directors Association, Brad Bailey, Bill Gaffney and Diane Matzkevich with North Carolina Cemetery Commission, Catherine Lee and Anna Baird Choi with Allen, Pinnix & Nichols, Jeff Gray with Bailey & Dixon, Board inspectors Brett Lisenbee and David Hall, and staff members Lyn Cochrane and Dara Lyon Warner.

Mr. Stainback called the meeting to order at 9:04 a.m. and read the Ethics Statement. Ms. Smith recused herself from discussion and vote on a Disciplinary Case.

Mr. Stainback led the Pledge of Allegiance and Mr. Graves had the prayer.

Mr. Stainback asked the guests to introduce themselves and moved the Public Comment from the end of the meeting. Doris McRae spoke regarding changes in legislation. She then departed the meeting.

Mr. Stainback deferred the meeting to Ms. Lee and Ms. Choi who updated the Board members on a recent case regarding NC Board of Dental Examiners v. FTC. They then departed the meeting.

Mr. Burke then introduced new Board Inspector David Hall.

Ms. Smith stated the minutes had been previously submitted to Board members and made the motion to approve them. Mr. Graves seconded and the motion carried.

Mr. Stainback expressed sympathy on behalf of the Board to Mr. Graves on the recent passing of his brother.

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

There are 657 licensed preneed funeral establishments and 1,690 individuals licensed to sell preneed as of March 9, 2015. There are 172,603 active contracts as of March 9.

Ms. Cochrane updated the Board regarding the filing of Preneed Annual Reports.

Disciplinary Committee: Ms. Smith stated the committee met via teleconference on March 5, 2015 and presented the report. There is an addendum. Ms. Smith made a motion to accept the recommendation of C-15-008, C15-004, M15-006, M15-007, M15-008. Mr. Byrd seconded and the motion carried. Ms. Smith recused herself from M15-009. Mr. Byrd made the motion to approve M15-009 and Mr. Combs seconded. The motion carried and Ms. Smith did not participate in the vote.

Ms. Smith made the motion to accept the recommendation for the addendum for M14-001 and M14-023. Mr. Combs seconded and the motion carried.

Laws & Rules: The Committee presented pages for information only on the recent US Supreme Court ruling in the matter of NC State Board of Dental Examiners v. Federal Trade Commission. Mr. Dirksen made further comments in addition to those by Ms. Lee and Ms. Choi.

At this time Mr. Gray entered the meeting.

Trainee Committee: Trainee has missed reports and has been a no show for two prior meetings. Mr. Combs made the recommendation to terminate traineeship. Mr. Aldridge seconded. Mr. Byrd amended the motion to include a hearing if the trainee makes that request. Mr. Clay seconded and the motion carried.

Finance & Personnel Committee: Mr. Aldridge stated the committee met via e-mail March 4 to receive the Executive Director's review and recommendation concerning the request for proposal of competitive bids for the audit services contract for the next three years. Three bids were received in response to the RFP. One bid was packaged incorrectly and disqualified; one bid was received after the deadline. The committee endorses the recommendation of the Executive Director to award the contract to Bernard Robinson and Company, LLP. Mr. Aldridge made the motion to accept the recommendation. Mr. Byrd seconded and the motion carried.

Mr. Aldridge reviewed the financials and Mr. Byrd made the motion to accept the report. Mr. Graves seconded and the motion carried.

Mr. Stainback made comments on the recent International Conference of Funeral Service Examining Boards annual meeting the Executive Committee attended and how beneficial it was to them. Ms. Smith agreed.

Attorney Report: Mr. Dirksen presented his report for information only. Originally there were five cases. There were two cases to be heard later today; one case had been continued by Mr. Stainback and two had been settled. Questions ensued.

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

New Funeral Establishments: Richmond Funeral & Cremation Service, Wadesboro; Simply Cremations Burial Service, Matthews.

New Chapel: Lancaster's Franklinton Chapel, Franklinton.

New Funeral Director Licensees: Alice Dickens, Joseph Hildreth, and Adrian Jefferies.

New Funeral Service Licensees: Charles Lambert, Alicia Sarin, Katherine Tiller, and Erin Whitaker.

New Trainees: Lisa Allison-Moon, Carolyn Elmore, Jeffrey Fisher, Mark Green, Walton Herring III, Brett Lail, Guy LeBlanc, Yolanda McLaurin, Laura Phipps, Gordon Preddy, Charles Thompson, Jr., and Geraldine Williams

New Transport: Donald Long.

Mr. Burke discussed the 2015 renewals of funeral homes, crematories, chapels, licensees, unaffiliated and transporters. Mr. Burke also included a graph showing the trend for Cremation and Preneed Contract Fees from 2011-2015.

Board members were reminded to complete the Statement of Economic Interest for the State Ethics Commission by April 15th.

Mr. Burke met with Representative Jamie Boles last week along with Representatives Howard Hunter and Kelly Alexander. The meeting included the discussion of an updated draft of H811 and the merger of the Cemetery Commission and Funeral Service Board.

Mr. Aldridge asked if Mr. Bailey and Mr. Gaffney had comments. They both stated the Cemetery Commission was 100% against this merger.

Mr. Burke, Mr. Dirksen and Mr. Stainback will attend an Occupational Licensing meeting on May 5.

Mr. Burke will attend The Joint Legislative Program Evaluation Oversight Committee meeting on Monday.

The Richmond County Grand Jury has requested Mr. Burke be present on March 23, 2015, in regards to Larry Russell and Russell-Marks Funeral Home.

Mr. Burke deferred the meeting to Mr. Lockhart to make comments and observations of the ICFSEB conference. Mr. Stainback asked Mr. Burke to explain his involvement with the ICFSEB. Mr. Burke stated he was the District 3 Director. District 3 consists of six states and Puerto Rico. He has also been a committee member with the Model Practice Act along with Mr. Byrd.

Old Business: There was none.

New Business: Mr. Aldridge and Mr. Lisenbee made comments on the Board's Preneed Form PN-7 and its usefulness. Mr. Aldridge made the motion to cease enforcing the use of PN-7. Mr. Byrd seconded and the motion carried.

Discussion ensued regarding the use of the Preneed Online Annual Report, the online renewal process and having all the Board forms online as PDF documents.

At this time the Board recessed. Upon return, Mr. Byrd made the motion to go into closed session to discuss a personnel matter. Mr. Graves seconded and the motion carried.

Upon proper motion the Board returned to open session and then recessed for hearings.

The Board returned to open session and Mr. Byrd made a motion to adjourn at 12:30. Mr. Aldridge seconded and the motion carried.

Kenneth D. Stainback, President

Elizabeth Williams-Smith, Secretary