

## REGULAR BOARD MEETING

### MINUTES

March 9, 2011

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on March 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 Reichlin with Funeral Consumers Alliance, Fred Jordan with NC Eye Bank, Pat Hayes with North Carolina Funeral Directors Association and Lyn Cochrane.

Mr. Parrott called the meeting to order and led the Pledge of Allegiance. Mr. Willoughby had the devotion.

Mr. Parrott read the Ethics Awareness & Conflict of Interest statement and Mr. Briggs stated he would remove himself from a disciplinary matter. Ms. Wiseman and Ms. Webber stated they attended the International Conference of Funeral Service Examining Boards. Ms. Webber stated she had also attended the Funeral Consumers Alliance of the Triangle Board meeting.

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

Ms. Webber stated the minutes had been previously mailed. Mr. High stated there was one correction on Page 1, Disciplinary Committee, first paragraph, 5<sup>th</sup> line down; the year should be changed from 2001 to 2011. Mr. High made the motion for approval of the minutes with the correction. Mr. Willoughby seconded and the motion carried.

Exam Committee: Ms. Webber reported that since the February meeting, nine applicants had taken the laws and rules exam. Six passed and three failed. One requested review. This report was for information only.

Finance and Personnel Committee: Mr. Briggs stated the Committee had met by teleconference. There are 72 MBA's active to date. All but six MBA's have submitted their annual reports. The others are under extension requests. There is an approximate figure of \$5,195,543 in MBA funds.

For 2011 MBA Assessments, the Committee recommends the following: \$100.00 per MBA and \$.30 per member. Mr. Briggs made the motion to accept the recommendation. Mr. Stainback seconded and the motion carried.

The Committee discussed revisions to the current policy on release of personnel information for public records request. Legal counsel prepared revisions in accordance with state law. The Committee recommends adopting the revisions with one correction. The third bullet should read "date of initial employment by the Board." Mr. Briggs made the motion to adopt the policy and Mr. Willoughby seconded. The motion carried.

The Executive Director has reported to the Committee that the hourly rate of one part-time staff person should have been \$.25 more per hour. The adjustment will make a difference of \$25.00 for the year but will be well within the total salaries budget for 2011. This was for information only.

The January 2011 Financials were presented since the February has not yet been reconciled. Mr. Briggs stated that during the next Committee meeting discussion would include paying more on the mortgage.

Mr. Briggs made the motion to accept the Report. Ms. Webber seconded and the motion carried.

Laws and Rules Committee: Mr. Briggs yielded the floor to Mr. Harris to discuss Resolution 2011-2 Senate Joint Resolution 17 A Joint Resolution to Establish the Joint Regulatory Reform Committee, House DRH90019-LB-132 (02/11) Economic Impact/Regulatory Legislation and Senate Bill 22 APA Rules: Increasing Costs Prohibition. This discussion was to bring this information to the Board's attention.

Mr. Harris also stated that he had been in discussions with staff from Unclaimed Property Division under the State Treasurers Office. They are considering statutes or regulations to deal with preneed trust accounts. Their concerns are identifying preneed trusts for people that have died and the trust is not closed and improper escheating of trusts for people that are still living. Staff will continue to work with Unclaimed Property to address these concerns. This is for information only.

Traineeship Committee: Ms. Wiseman reported that staff issued one suspension letter since the last Board meeting and the trainee has not responded as of today.

A trainee on suspension for a second late filing submitted records, including a mail log in support of her claim that the report in question was mailed on time. The Board has no record of the report. Committee recommends lifting the suspension retroactively to March 1. Ms. Wiseman made the motion to accept the recommendation and Ms. Webber seconded. The motion carried.

Preneed Committee: Mr. Willoughby stated the purchaser of an irrevocable preneed contract has moved out of state and has submitted a request to transfer her contract. Staff confirms the request meets requirements of 21 NCAC 34D .0106. Mr. Willoughby made the motion to accept the recommendation and Mr. High seconded. The motion carried. The Preneed Report was submitted for information only.

Disciplinary Committee: Mr. Lea stated there was an addendum. Mr. Briggs recused himself from V11-002 and requested it be voted on separately. Mr. Willoughby made the motion and Ms. Wiseman seconded. The motion carried. Mr. Briggs did not participate in this vote. Mr. Willoughby made the motion to accept the recommendation for V11-002. Ms. Webber seconded and the motion carried. Mr. Briggs moved away from the table and did not participate in the vote. Mr. Willoughby made the motion to accept the recommendations for V10-046, V11-003, V11-006, V11-007, V11-009, V11-019, V11-004, V10-026, V10-065, V11-005, M11-006, M11-007, V10-034, V10-051 which includes M10-006 and M11-005, V10-037 which includes V10-055. Ms. Wiseman seconded and the motion carried.

Attorney's Report: Mr. Dirksen presented the report. The 11:00 matter today will be heard and the 1:00 matter was settled.

Executive Directors Report: Mr. Harris stated since the January meeting twenty-nine reports have been filed and reviewed.

New Establishment Permits: Funeraria Jardinez De La Paz, Inc., Wilson; Pamlico Funerals & Cremation Service, Washington; Mercedes O'Forney Funeral Mansion & Cremation Service, Inc., Williamston; Donald I Roseboro Funeral & Cremation Service, East Flat Rock

Ownership Changes: Wrenn-Yeatts Memorial Funeral Home (formerly Marley), Yanceyville

Closed: Davis & Mangum, Statesville

New Chapels: Morris Chapel, Red Springs; Walker-Horner's Chapel, Plymouth

New Unaffiliated: Jimmy D. Sawyer Funeral Director Licensee

New Crematories: Paul Funeral Home & Crematory, Washington; Sossoman Funeral Home Crematory, Morganton; Cleveland Crematory Service, Shelby

New Funeral Service Licensees: Matthew Payne, Claiborne Whitt III, Bryan Hughes, Charles Wilburn, Jr., Ryland Bennett, James Surratt, David Neal, Hillary Pennington, Donald Robertson, Dudley Bennett, Sean Algee, John Kepner

New Funeral Director Licensees: Scott Teague, Vondia Smith, Mary Taylor, Gladys Cooper, Stacey Walker, Louise Hartsell

New Trainees: Michelle Pharr, Christopher O'Neill, Reggie Daniels, Tyler Mace, Chandler Olsen, Christopher Herring, Toby Casper, Scott Peek, Brandon Baynard, Kimberly Lambert, Peter Larrabee II, William Randlett, Deborah Bridges

Staff Ethics report: Contact with representatives from both trade associations--NCFDA and FD&MA of NC, Inc., and FD&MA of NC, Inc. Discussion with Representative Kelly Alexander and Representative James Boles, Jr. regarding possible legislation affecting the Board.

Mr. Harris stated eleven resumes were received for the paralegal position. He and Mr. Dirksen will begin review of these resumes on Thursday and Friday.

There were four participants for the Crematory Law Review on February 24, 2011.

Mr. Harris provided a report on the ICFSEB Annual Meeting that he, Ms. Wiseman and Ms. Webber attended last week.

Mr. Harris reported on the progress of the electronic death certificates with Vital Records.

The new server has been installed and all the information transferred over to it.

Mr. Willoughby had questions regarding the progress of the office construction and possible expansion of the offices. Mr. Harris stated he had had several inquiries regarding the health care power of attorney. He and Mr. Dirksen are drafting a response to Mr. Rulison, Ms. Bartnik and Mr. Reichlin with the Funeral Consumers Alliance of the Triangle. A meeting

with the mortgage banker is scheduled for Friday to discuss the balance of the loan and the balloon payment due in July.

Mr. Harris will participate in a round table discussion at the CANC meeting on March 23<sup>rd</sup> in Greensboro. Preneed/FTC Reviews are scheduled for March 29. Registration for the FD&MA of NC, Inc. Convention in Winston-Salem, June 13-16 has been mailed. Registration for the NCFDA Convention in Asheville has also been mailed.

New Business: There was none.

Old Business: There was none.

Informational Items: Resolutions from the FD&MA of NC, Inc. and NCFDA were included showing their support of the Board. Newspaper articles from The Dispatch regarding the Briggs Family were included. One article from The Gaston Gazette regarding the Howell case was included.

Public Comment: Mr. Parrott asked if anyone had any additional comments and there was none.

Mr. Parrott called for a recess until the 11:00 hearing.

---

George S. Parrott, President

---

Elizabeth S. Webber, Secretary