

## REGULAR BOARD MEETING

### MINUTES

March 12, 2014

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on March 12, 2014, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Kelly Byrd, President; Ken Stainback, Vice President; Broadus Combs, Secretary; Stephen Aldridge III, John Shields, Charles Graves, Elizabeth Williams-Smith, Tryphina Wiseman, and Lawrence Jackson III.

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; Michael Rulison with Funeral Consumers Alliance of the Triangle; Inspectors Brett Lisenbee, Carolyn Connor, and Susan Mitchell; Lyn Cochrane, Judy Haines and Angela Rubbo.

Mr. Byrd called the meeting to order at 9:07 a.m., led the Pledge of Allegiance, and had a generic prayer.

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

Mr. Byrd asked then asked the guests to introduce themselves.

Mr. Stainback presented the February 20, 2014, minutes. Mr. Combs made the motion to accept the minutes. Mr. Graves seconded and the motion carried.

Preneed Committee: Mr. Byrd stated the committee reviewed documentation of solvency submitted by a preneed establishment supporting a request to discontinue the bond requirement. Committee noted the documentation did not provide enough support to honor the request and was denying approval. Mr. Combs made the motion to approve the recommendation and Mr. Aldridge seconded. The motion carried.

The preneed report was submitted for information only. There are 646 licensed preneed funeral establishment and 1649 individuals licensed to sell preneed.

Disciplinary Committee: Ms. Wiseman stated the report had been sent to Board members and made the motion to accept the recommendation for V14-001, C14-006, C14-004, M09-028 and the Addendum V10-050 with concurrent cases C10-066, C12-076, and M13-012. Mr. Jackson seconded and the motion carried.

Laws and Rules Committee: Mr. Stainback stated the committee had met via teleconference on Monday, March 10 to discuss the latest draft of SB 403 (prudent investor). The committee has questions regarding the re-draft and has directed staff to investigate some of the potential financial implications. Mr. Stainback yielded to Mr. Burke to respond to questions. There were none. This report is for information only.

Finance/Personnel Committee: Mr. Combs stated the committee had last met on February 7.

Staff received the draft copy of the 2013 annual financial statements, management letter and governance letter prepared by Bernard Robinson and Company, LLP on March 10, 2014. Staff has submitted the draft to the Board to vote on whether to accept the report as prepared. Mr. Combs made the motion to accept the report and Mr. Aldridge seconded. The motion carried.

Mr. Combs reviewed the monthly financials and made the motion to accept. Mr. Stainback seconded and the motion carried.

Attorney Report: Mr. Dirksen presented his report and stated the report was for information only. There were two hearings at 10:00; one settled and one is continued. The 1:00 hearing may run over to Thursday. There is one 9:00 Thursday hearing. Questions ensued.

Mr. Dirksen gave an update on a Pennsylvania case.

Mr. Byrd thanked Mr. Dirksen and staff for their hard work.

Executive Director's Report: Mr. Burke presented the registration report for January thru March 2014.

New Funeral Establishments: Royalty Funeral Home, Lumberton; Melanie Little Funerals, Rocky Mount; S. Jones Funerals & Cremations, Enfield.

New Chapel Registrations: Mackie-Sinclair-Hawkins, East Bend; Wilder's Chapel of Windsor, Aulander.

New Crematories: Mackie-Sinclair-Hawkins, Yadkinville; Director Services, Inc., Mocksville; James Funeral & Cremation Services, Huntersville; Carolina Crematory, Greenville.

New Unaffiliated: Brandon R. Byerley Funeral Director Licensee, Thomasville.

New Funeral Service Licensees: Monica Adkins, Robyn Bolton, Kevin Boudle, James Hampton III, Christopher Herring, Fred Jordan III convert to funeral service, Amanda Kilby, Rodney Lanier, Jessica Long, Joseph Malm, and John Seright III.

New Funeral Director Licensee: Kelly Floyd.

New Trainees: Carlos Callands, Hannah Chavis, Austin David, Tanjaneca Dixon, Mejjii Douthit, Linda Fling-Norfleet, Jamison Floyd, Jeffrey Goodman, Mark Hayden, Hunter Hayes, Darius Lacewell, Charles Lambert, Joshua Love, Alexander Martin, Maurice Mosley, Dannie Myers, Milltrene Newell, Catherine Poole, Keri Rickett, Damien Shell, Kate Swenson, William Taylor III, Robert Torry Jr., Dwan White.

New Transport Registrations: Phillip Holmes, Donald Sintic, Tommy Watson, Michael Mehan, Michael Lanning Jr., Deana Cole.

The International Conference of Funeral Service Examining Boards (ICFSEB) Annual Meeting on February 26-27, 2014, in Orlando, was attended by Mr. Burke, Mr. Byrd, Mr. Stainback, and Mr. Aldridge. Mr. Burke was elected to the Board of Directors for Region 3 for a period of three years.

Mr. Burke thanked Ms. Wiseman for attending the House Committee on Funeral and Cemetery Regulation on behalf of the Board in Hickory on February 26. Ms. Williams-Smith also was in attendance. The next meeting is in Greenville on March 26 and Mr. Burke will attend. There will also be two meeting in Raleigh in April and May at the Legislative Office Building but dates have not yet been announced.

Mr. Burke attended the NCFDA District 3 meeting in Goldsboro on March 6 and will attend District 11 in Asheville on April 16.

Mr. Dirksen will schedule Board Member training with Ms. Wiseman and Mr. Jackson since they were unable to attend the last Board meeting.

Members were reminded about the completion of the Statement of Economic Interest due April 15.

At this time Inspectors Carolyn Connor and Brett Lisenbee were asked if they had any comments regarding their areas and there was none. Mr. Burke stated Inspector Susan Mitchell was assignment regarding a disciplinary matter.

Mr. Byrd thanked the inspectors for attending the meeting. Mr. Jackson thanked Mr. Lisenbee for all his help during a recent inspection.

Trainee Committee: Ms. Wiseman thanked the Board representatives for attending the ICFSEB conference. Mr. Stainback thanked Ms. Wiseman for attending the House Committee meeting in Hickory.

At this time Ms. Haines departed the meeting.

Ms. Wiseman stated the committee had met prior to the Board meeting with one trainee that had missed two reports. Committee was recommending loss of credit for two reports and a restart on April 1, 2014.

At this time trainees can renew their traineeship two times giving them three years for completion. Committee would like to make a change from three years to two years. Discussion ensued. Committee recommended staff research what is needed in order to make this legislative change. Ms. Wiseman made the motion to accept the committee recommendation and Mr. Graves seconded. The motion carried.

Old Business: Ms. Wiseman made comments on the Hickory meeting in February.

At this time Ms. Mitchell entered the meeting.

Discussion ensued regarding the Funeral and Cemetery Regulation. Ms. Wiseman made a motion for the Board to make a position regarding the combination of the Cemetery Commission and the Board of Funeral Service. Discussion ensued. Ms. Wiseman moved that the Board oppose the proposed legislation. Mr. Graves seconded. Mr. Jackson, Mr. Aldridge, Mr. Stainback, Mr. Byrd, Mr. Shields, Ms. Williams-Smith, and Mr. Graves voted for the motion. Mr. Combs voted against and the motion carried.

New Business: There was none. Mr. Dirksen made additional comments regarding the Pennsylvania ruling.

Public Comment: Mr. Rulison made comments regarding the Cemetery Commission and Board legislation.

Mr. Byrd recognized Ms. Mitchell for comments and she reported on her inspection area.

Ms. Wiseman made the motion to go back into closed session to discuss a personnel matter and Mr. Combs seconded. Upon proper motion the Board returned to open session. There was no action taken in closed session.

Mr. Burke stated he had received a request from the auditing firm that a correction was being made to one item that was immaterial to the approval of the financials.

Mr. Burke also checked the Board's website link to FTC rule and it is the 2012 version.

The Board recessed prior to commencement of hearings.

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M. Kelly Byrd, President

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J. Broadus Combs, Secretary