

BOARD MEETING

MINUTES

January 11, 2017

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on January 11, 2017, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Charles Graves, President; Matt Staton, Vice President; Craig Olive, Secretary; Mark Blake, Mike Stone, Kelly Byrd, Valdus Lockhart, and Don Brown.

Also Present: David Shehdan, Executive Director; Christina Cress, General Counsel; Staff members Lyn Cochrane, Brett Lisenbee; Dorman Caudle with Carolina Donor Services; Fred Jordan with Miracles in Sight; Bill Forsberg, Executive Director of NC Funeral Directors Association; Dan Funchess, Funeral Service Licensee; Elliott Futrell, Funeral Service Licensee and Past Board President; Freddie Gooding, Funeral Service Licensee; Attorney Henry Lancaster II; Tryphina Wiseman, Funeral Service Licensee and Past Board President; George Durham, President of the Funeral Directors and Morticians Association of NC, Inc.; Anthony Worley, Chairman of the FD&MA of NC, Inc.; H. D. Pope, Funeral Service Licensee.

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

Mr. Graves read the Ethics Statement. Mr. Blake stated he had removed himself from participating in one matter reviewed by the Trainee Committee meeting held prior to the Board Meeting due to a conflict of interest or appearance of conflict of interest and Mr. Brown had conducted the meeting for that matter.

Mr. Graves stated on December 22, 2016 a letter from State Ethics had been received and new member, Don Brown, has no actual conflict of interest but may have the potential for such conflict.

Mr. Graves presented Mr. Lockhart with a gavel as a token of appreciation for his service as 2016 Board President.

Mr. Graves reminded everyone to turn off their cell phone ringers and the guests introduced themselves. At this time Marty Mills entered the meeting to swear in Charles Graves as President of the Board and then departed the meeting.

Mr. Olive presented the December 14, 2016, minutes and made the motion to approve. Mr. Lockhart seconded and the motion carried.

Public Comment: Mr. Jordan made reference to the statement made by Mr. Rulison at the December meeting regarding the invocation. Mr. Jordan spoke in support of continuing the invocation at Board meetings.

Mr. Futrell stated he was in attendance because of the proposed changes in legislation being presented at this meeting. Mr. Forsberg made comments regarding the notice of the proposed legislation.

Preneed Committee: Mr. Blake stated the Committee met via teleconference and makes the following recommendations:

A consumer now living in Florida requested revocation of his preneed contract since he is now living out of state. Proper documentation has been provided and recommendation is to allow revocation pursuant to statute.

The Committee reviewed Preneed Recovery Fund Claim Number P16-001 in the amount of \$6,925.00 and recommended denial of the claim.

The Committee reviewed Preneed Recovery Fund Claim Number P16-019 in the amount of \$98.51, and recommended approval of the claim in the amount of \$98.51.

The Committee reviewed Preneed Recovery Fund Claim Number P16-028 in the amount of \$5,185.16, and recommended approval of the claim in the partial amount of \$3,984.91.

The Committee reviewed Preneed Recovery Fund Claim Number P16-032 in the amount of \$3,053.00, and recommended approval of the claim in the partial amount of \$1,053.60.

The Committee reviewed Preneed Recovery Fund Claim Number P16-039 in the amount of \$5,699.00, and recommended approval of the claim in the partial amount of \$3,425.00.

The Committee reviewed Preneed Recovery Fund Claim Number P16-051 in the amount of \$4,700.00, and recommended approval of the claim in the amount of \$4,700.00.

Mr. Byrd made the motion to accept the recommendations of the Committee for all matters. Mr. Staton seconded and the motion carried.

Disciplinary Committee: Mr. Lockhart presented the following case numbers: Dismissals—P16-012 and concurrent case C16-084; C16-099; C16-100; C16-102; Letters of Caution—M16-059; C16-077; C16-084; Consent Orders—C15-067; C14-056/C15-054/M14-015/M15-051/M15-053/C16-078; M15-043; Notices of Hearing—M15-050; M16-043; M16-054 and M16-060; Addendum Items M16-019/16 BMS 09322. Mr. Staton made the motion to accept the recommendations. Mr. Olive seconded and the motion carried.

Trainee Committee: Mr. Blake reported the Committee met prior to the Board meeting with five trainees in attendance. Mr. Blake stated he had removed himself from discussion of Trainee #5. Committee recommends lose credit for December 2016 and January 2017 and restart of complete traineeship for all five trainees. Mr. Blake made the motion to accept the recommendations and Mr. Lockhart seconded. The motion carried.

Finance/Personnel Committee: Mr. Lockhart stated the Committee met via teleconference on January 5 for a closed session to discuss personnel matters. Committee recommends approval of the proposed job description for the 5th inspector position. Mr. Lockhart made the motion to accept the recommendation and Mr. Byrd seconded. Questions ensued regarding the posting and filling of the position. Mr. Graves called for the vote and the motion carried. Mr. Lockhart reviewed the financials and Mr. Byrd made the motion to accept them. Mr. Staton seconded and the motion carried.

Laws & Rules Committee: Mr. Graves stated the Committee had met by teleconference on January 6 and deferred the report to Ms. Cress. Ms. Cress discussed a proposed temporary rule that would regulate the practice of funeral service when funeral establishments are affected by a natural disaster. Discussion ensued. At this time Mr. Lancaster entered the meeting. Mr. Brown made a motion to have staff review this further and refer this back to the Committee for review and recommendation. Mr. Lockhart seconded and motion carried.

Executive Director's Report: Mr. Shehdan stated the IT Manager recruitment is ongoing.

Online renewals from December 1 – 31:

Funeral Homes online	163	Individuals online	232
Funeral Homes mailed	326	Individuals mailed	1434

Staff have been able to maintain one day to day and a half turnaround with mailing out pocket cards. This is due to the tremendous staff effort and operational priority.

The cloud based portal for inspectors is almost ready. Inspector Hall has been reviewing the Pathology Exam for proposed changes. New Board Member training for Mr. Brown and the four inspectors will be scheduled for February after appointment of the vacant Board member seat.

The Joint Legislative Administrative Oversight Committee met January 3rd and presented five Legislative proposals.

The Ethics Commission is accepting 2017 SEI forms that Board members must file by April 15th.

The International Conference of Funeral Service Examining Boards registrations have been submitted for the Board officers and Executive Director.

FD&MA of NC, Inc. Annual Conference is June 19-22 in Greenville and the NCFDA Conference is May 22 and 23 in Raleigh.

At this time Tryphina Wiseman and George Durham entered the meeting.

Attorney's Report: Ms. Cress stated that only three cases presently pending that are older than 2015. The three cases to be heard this meeting have been continued to February and March. A closed session to discuss a matter of attorney client privilege is requested for later in the meeting. The last item in the Laws, Rules & Legislation report should be voted on. Mr. Blake made a motion that the Board vote to allow its Rulemaking Coordinator to request an expedited periodic review from the Rules Review Commission. Mr. Olive seconded and the motion carried.

Compliance: Mr. Lisenbee presented the following information.

There have been 1,295 preneed contracts recorded since the last Board report; approximately 924 Certificates of Performance have been processed. There are 178,990 active contracts as of January 2, 2017, and preneed contracts have been entered through January 3, 2017. There are 655 licensed preneed funeral establishments and 1,707 individuals licensed to sell preneed as of January 10, 2017. One new funeral home has been licensed to sell preneed—Beam Funeral Service, Marion.

Mr. Lisenbee reported that in December 2016: 7 funeral establishments were inspected, 3 preneed examinations were conducted, 1 crematory was inspected, 1 chapel was inspected, 1 unaffiliated practitioner, and 5 mutual burial associations were inspected. Inspectors fielded 172 compliance phone calls and responded to approximately 4 compliance opinions via email. Individual inspector reports were provided for the Board to review.

New Funeral Homes: Sunset Memorial Funeral Home, Rocky Mount; Eternacare Service, LLC, Clemmons.

New Funeral Director Licensees: Phillip Holmes; Michael Davis; Donald Gloege.

New Trainees: Nathaniel Anderson, Hakeem Brown, Tova Gatling, Jesse Hall, Kimetha Moye, Tyra Harrison, David Reese.

Mr. Lisenbee stated he had included information in this report requested by Mr. Stone and it was reported in a new format to include that information. This format was acceptable to the Board members.

Discussion ensued regarding Mutual Burial Associations (MBA) and Mr. Lisenbee presented revised reports to be filed with the Board. At this time there are 59 permits. Of those 3 to 5 funeral homes are closed or under Board action.

Old Business: Mr. Shehdan commented on the MBA status. Financial Statements were mailed as required and a plan is being developed on how to handle these since the administrator has been out due to health reasons. These plans may involve the 5th inspector.

At this time Mr. Worley and Mr. Pope entered the meeting. Mr. Lockhart made the motion to approve the revised MBA forms and Mr. Staton seconded. The motion carried.

Mr. Stone referred to Mr. Lisenbee's report and requested that the total number of each permit classification be added to the Inspection Report.

New Business: Mr. Blake stated that during the January 4 preneed meeting he questioned why the Board had stopped enforcing the use of the Preneed Form PN-7 Individual Ledger sheet. Mr. Blake stated that the Board should be enforcing its rules and asked Ms. Cress to comment. Discussion was had by Mr. Blake and Ms. Cress on this change. Mr. Blake also stated that leadless pacemakers are now being used but cannot be removed at the funeral home since it is implanted in the heart instead of under the skin as was the case with older pacemakers. Cremation authorization forms may need to be updated for this new pacemaker.

At this time Mr. Graves called for a five-minute recess.

Upon return from recess, Mr. Staton made the motion to appoint Drew Shaver to the Crematory Authority. Mr. Lockhart seconded and the motion carried.

Mr. Lockhart made the motion to go into closed session to discuss a matter of attorney-client privilege and a personnel matter. Mr. Staton seconded and the motion carried.

At this time Mr. Byrd departed the meeting.

Upon motion by Mr. Lockhart and second by Mr. Staton, the Board returned to open session.

Mr. Lockhart made the motion to accept the recommendation by the Finance/Personnel Committee. Mr. Staton seconded and the motion carried.

Mr. Graves asked the visitors that had entered after the meeting began to introduce themselves. Mr. Graves then turned the meeting over to Ms. Cress to discuss the Overview of Draft Legislation. Mr. Graves stated that comments and questions over the Legislation would be addressed by Board of staff.

Mr. Blake commended the members and officers of the FD&MA of NC, Inc. regarding their representation during this meeting and the Executive Director of the NCFDA but expressed his displeasure in the fact that none of the NCFDA members or officers were present.

The meeting recessed for lunch at 12:30. Upon return from recess, the overview resumed.

Upon proper motion by Mr. Graves and second by Mr. Staton, the meeting was adjourned at 4:35 p.m.

Charles Graves, President

Craig Olive, Secretary