

REGULAR BOARD MEETING

MINUTES

October 8, 2014

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on October 8, 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, John Shields, Charles Graves, Elizabeth Williams-Smith, and Tryphina Wiseman. Via Teleconference: Stephen Aldridge III.

Also Present: Peter M. Burke, Executive Director; Stephen N. Dirksen, General Counsel; Daniel Armstrong with North Carolina Funeral Directors Association, Michael Rulison with Funeral and Consumers Alliance of the Triangle and Lyn Cochrane.

Mr. Byrd called the meeting to order at 9:10 a.m. and led the Pledge of Allegiance.

Mr. Shields had the prayer and Mr. Byrd read the Ethics Statement. No one recused themselves at this time.

Mr. Byrd asked the guests to introduce themselves.

Public Comment: Mr. Armstrong thanked Mr. Byrd for helping with a preneed recovery matter. Mr. Stainback stated he had attended the NCFDA District 6 meeting.

Mr. Combs presented the September 10, 2014, minutes and moved for its approval. Mr. Graves made the motion and Mr. Stainback seconded. The motion carried.

Mr. Byrd stated the Crematory Authority Election will be presented at the November meeting.

Preneed Committee: Mr. Byrd stated the Committee had not met since September 5. Questions ensued regarding the new establishments. Mr. Byrd stated this report was for information only.

There are 658 licensed preneed funeral establishments, 1,689 individuals licensed to sell preneed and 172,387 active contracts as of October 6, 2014.

Disciplinary Committee: Ms. Wiseman stated there was an addendum and made the motion to approve the recommendations for M14-020 and M14-021. Mr. Graves seconded and the motion carried. Ms. Wiseman made the motion to approve the recommendations for C14-032, M14-001 and M14-022. Mr. Combs seconded and the motion carried.

Committee offered for later discussion stiffer probations of licensees and funeral homes, specifically repeat offenders, if a similar offense is cited.

Finance & Personnel Committee: Mr. Combs reviewed the Profit and Loss and Balance Sheets. Discussion ensued regarding the recovery fund application and fees.

Mr. Combs suggested a later discussion regarding goals for 2015. Mr. Stainback suggested discussion for an investigator under a 36 month contract to help the inspectors so they could focus on inspections and allow the investigator to perform this task.

Mr. Combs stated the committee met by e-mail on Wednesday, October 1. Committee recommends that the Preneed Program Assistant position currently functioning as part time be made full time. Mr. Stainback made the motion to approve the change and Mr. Graves seconded. Discussion ensued. Mr. Byrd called for the vote and the motion carried.

Attorney Report: Mr. Dirksen presented his report for information only

Mr. Byrd moved the closed session until after the Trainee Report.

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

New Funeral Establishments: Wake Funeral and Cremation Services, Cary; Blue Ridge Funeral Service, Mars Hill; Fayetteville Cremation Services, Fayetteville; Tribute Cremation Society, Charlotte.

New Crematory: A Choice Cremation, Raleigh.

New Funeral Service Licensees: Joshua Carter, Troy Mercer, Samuel Smith III, Kimberly Walthall, Terry Whittington Jr., Peyton Willey.

New Funeral Director Licensee: Sarah Sykes, Kalen Wilhide.

New Trainees: Claude Anthony Jr, Alea Armstrong, Judy Barbee, Torez Blue, Amber Bridges, Elizabeth Daniels, Laura Gallimore, Matthew Mason, Tracey Price, Christy Ramirez, Zane Rollins Jr., Benjamin Rumbaugh, Ebony Stevenson.

New Transport Registrations: Ken English, Michael Graham.

Mr. Burke presented the Board Meeting Calendar for 2015. After review and discussion, Mr. Graves made the motion to approve the dates. Mr. Combs seconded and the motion carried.

An Ebola Update was posted on the Board's website and sent to the Board's e-mail list last week which contained information from the CDC. Mr. Burke thanked Mr. Armstrong and the NCFDA for the related information from OCME.

Mr. Burke attended the ICFSEB Board of Directors meeting September 22-25.

Staff Vacancy Update: Mr. Burke will complete interviews for the paralegal position on Friday; begin interviews for the Preneed Program Assistant position tomorrow; begin inspector interviews next week. Discussion ensued regarding these positions.

Mr. Burke will speak at the National Funeral Directors Association Convention breakfast meeting of The Academy of Professional Funeral Service Practice on October 13, 2014.

The ICFSEB annual meeting will be February 25-26, 2015, in Dallas, Texas. The Board's Executive Committee usually attends this meeting.

Trainee Committee: Ms. Wiseman presented the report. The Committee met this morning with one trainee that had missed two reports. The Committee made the recommendation for trainee to lose three months of credit and resume November 1, 2014. Ms. Wiseman made the motion to accept the recommendation. Mr. Combs seconded and the motion carried.

Old Business: Mr. Byrd asked about the process on online registration and Mr. Burke stated he was waiting for a quote.

New Business: Mr. Byrd stated Mr. Graves would be the chair of the Continuing Education Committee and Mr. Aldridge had been added and Mr. Stainback had volunteered to serve on the Preneed Committee. These were the positions held by Lawrence Jackson III.

Mr. Byrd called for a five-minute recess.

Upon return from the recess, Mr. Graves made a motion to go into closed session to discuss attorney-client privilege. Ms. Wiseman seconded and the motion carried.

Upon return to open session and Mr. Byrd stated they had discussed a matter involving attorney-client privilege regarding the Wilson decision and an employee matter.

Mr. Combs made the motion to appeal the Wilson decision and Mr. Aldridge seconded. Mr. Combs corrected his original motion to appeal the Wilson decision and request a stay of the original appellate decision and Mr. Aldridge seconded. Mr. Aldridge, Mr. Byrd, Mr. Combs, Mr. Shields voted yes. Mr. Graves, Mr. Stainback, Ms. Smith and Ms. Wiseman voted no. Discussion ensued since the vote was tied.

Mr. Byrd called for a new motion to appeal and request a stay regarding the Wilson Case. Mr. Shields made the motion and Mr. Combs seconded. The motion carried.

Questions ensued regarding the Mitchell case which has been referred to the Office of Administrative Hearings. Discussion ensued regarding Board member seats and how members are chosen.

The Board meeting adjourned at 11:35 a.m.

M. Kelly Byrd, President

J. Broadus Combs, Secretary