

## REGULAR BOARD MEETING

### MINUTES

September 8, 2010

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on September 8, 2010 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: J. T. Willoughby III, President; George Parrott, Vice President; Tryphina Wiseman, Secretary; Rudy Lea, Frank McCree, Mark Blake, Elizabeth Webber, and Jack Briggs. Larry Andrews was absent.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel; Larry Stegall with North Carolina Funeral Directors Association, Herb Reichlin with Funeral Consumers Alliance of the Triangle, Attorney Jon Carr, Beth Velliquette with the Chapel Hill Herald and Lyn Cochrane.

Mr. Willoughby called the meeting to order at 9:10, led the Pledge of Allegiance and had the invocation.

Mr. Willoughby read the Ethics Awareness & Conflict of Interest statement. Mr. Briggs read a prepared statement indicating he would be recused from discussion and voting on the Declaratory Ruling. Mr. Blake and Mr. Lea also recused themselves from discussion and voting on the Declaratory Ruling. Ms. Webber attended the Funeral Consumers Alliance Board Meeting in August. Mr. Briggs attended the District 8 and 9 meetings of the NCFDA. Mr. Briggs stated he also recused himself from the Laws and Rules Meeting and Mr. Willoughby had taken his place.

Mr. Willoughby asked the guests to identify themselves. Mr. Willoughby then opened the floor for public comments, advising that comments related to the Declaratory Ruling and Disciplinary matters/investigations were not appropriate.

The August minutes were presented for approval and Ms. Wiseman made the motion to adopt them. Mr. Lea seconded and the motion carried.

Clinics: Ms. Wiseman stated the event center has limited parking and the Committee has discussed pre-registration to help assess an alternative in case preregistrations reflect high attendance. This is for information only.

At this time Mr. Willoughby asked for the Disciplinary Committee Report.

Disciplinary Committee: Mr. Lea presented the report and addendum. Mr. Parrott made the motion to accept the recommendations of the Disciplinary Committee for V10-028, V10-044, V10-035, M10-019, M10-020 and M10-21. Mr. Briggs seconded. The motion carried. Mr. Lea presented the addendum. Questions ensued. Ms. Webber made the motion to accept the recommendation of the Disciplinary Committee for M10-015 and M10-022. Mr. Parrott seconded and the motion carried.

Mr. Lea deferred to Mr. Harris to discuss the Guidelines for License Application Hearings the Committee was submitting for approval. Discussion ensued. Mr. Lea made the motion to approve the Guideline and Ms. Webber seconded. The motion carried.

Exam Committee: Mr. Willoughby stated that since the August meeting eight applicants registered to take the laws and rules exam. Four were eligible to take the exam by September 8. Two have taken the exam, both passing. One applicant failing the laws and rules exam in August reviewed the questions missed.

Finance and Personnel Committee: Mr. Briggs presented the report. Mr. Harris stated this was an unreconciled report for information only. Mr. Briggs made the motion to accept the report for information only. Ms. Wiseman seconded and the motion carried.

Laws, Rules and Legislation Committee: Mr. Briggs stated Board staff conferred with Rules Review staff to address technical corrections in the proposed rules. They have been reviewed and committee was recommending approval. Mr. Briggs made the motion to approve. Mr. Parrott seconded and the motion carried.

Mr. Briggs yielded the floor to Mr. Harris to discuss proposed rule 21 NCAC 34A.0203. Mr. Harris stated it became effective September 1, 2010.

Mr. Briggs stated several written comments were submitted regarding the treatment of non-guaranteed funds within and inflation-proof contracts. These comments were public record and available for review.

Preneed Committee: Mr. Harris stated the committee had met by teleconference Tuesday morning. Four preneed firms had requested to drop their surety bond. Staff reviewed the requests and committee proposes adoption of staff recommendations for Request A—denied. Requests B, C. & D—approved. Ms. Wiseman made the motion to accept the recommendation and Mr. Lea seconded. Mr. Lea, Mr. McCree, and Mr. Parrott, Ms. Wiseman, Mr. Briggs and Ms. Webber voted yes. Mr. Blake voted no. The motion carried. Mr. Blake would like names of requesting firms be made known.

Mr. Harris presented the regular report in Mr. Andrews' absence

Traineeship: Mr. Blake stated the committee had met this morning with a trainee who is in the second year of traineeship and has been late with two reports during this registered year. The committee recommends to lift the suspension effective October 1 and send a letter to the supervisor reminding them of their responsibility to sign the monthly report in a timely manner. No credit will be given for July and August. Mr. Blake made the motion to accept the recommendation and Mr. Parrott seconded. The motion carried. There are two other trainees scheduled to meet with the committee prior to the October Board meeting.

Attorney Report: Mr. Dirksen presented the report. The 11:00 and 1:00 hearings have been settled by consent order and one continued for medical reasons.

Executive Director's Report: Since the August Board meeting 19 reports have been filed.

Change of Ownership: Evans Funerals & Cremations of Edenton, LLC.

New Crematory: Cremation Society of Charlotte, Inc.

New Removal/Transport Permits: Elizabeth Maynard, Charlotte.

New Funeral Service Licensees: James Moffatt, Keven Mukosiej, Justin Whitefield.

Convert to Funeral Service: Kenneth Hagan, John Hernandez.

New Funeral Director Licensees: William Wilson, Richard Griffin, Susan Miller-Thigpen.

New Trainees: Mark Lattimore, Jack Messer, Heidi Dodson, Christopher Ledford, Sean Dougherty, George Williamson, Chris James, O'vetta Youngblood, William Savoca, Inez Green, Thomas Nesbit, Edward Carter.

Staff Ethics Report: Mr. Harris stated he had contact with NCFDA staff and their legal counsel regarding the Declaratory Ruling, with a licensee related to their continuing concerns on organ and tissue donations, and with the Ethics Commission staff for an informal verbal opinion on participation in the Declaratory Ruling by Mr. Briggs, Mr. Blake, Mr. Lea and Mr. Andrews.

The August 26 Preneed/FTC Review was well attended nearly to the limits of available seating. A number of attendees under Board direction to attend were present.

Mr. Harris advised the Board of the status of funeral director and funeral service numbers.

The Governor's office has not made a decision on the Board appointment.

Details on the October 19 CE clinic will be included in the next newsletter. The 2011 budget is being prepared and will be presented to Finance and Personnel. The renewal forms for 2010 will be presented to Laws and Rules for consideration no later than the October Board meeting.

Jon Carr entered the meeting at 9:45 a.m.

Mr. Willoughby received the Executive Director's report for information only.

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

New Business: At this time Mr. Blake, Mr. Briggs and Mr. Lea removed themselves from the table and did not participate in the discussion or vote in the Declaratory Ruling. Mr. Harris read the Procedural History of the Ruling and stated the Laws and Rules Committee had met by teleconference. Ms. Wiseman made the motion to accept the Declaratory Ruling. Ms. Webber seconded and the motion carried. Mr. Blake, Mr. Briggs and Mr. Lea then returned to the table.

Mr. Parrott made the motion to direct staff to meet with Laws and Rules and any interested parties to discuss preneed laws and contract forms. Mr. Webber seconded. Discussion ensued. Mr. Willoughby called for the vote and the motion carried.

Old Business: There was none.

At this time Beau Minnick with WRAL arrived.

Informational Items: Mr. Willoughby asked Ms. Wiseman to read the Resolution of Appreciation of Service for Mrs. Ruth Britt who retired September 1. Mr. Blake made the motion to accept the resolution and include with the minutes and send Ms. Britt the original. Mr. Lea seconded and the motion carried.

Public Comment: Mr. Willoughby again advised that comments related to the Declaratory Ruling and Disciplinary matters/investigations were not appropriate. There was no public comment.

There being no further business, Mr. Parrott made the motion to adjourn the meeting and Ms. Webber seconded. The motion carried and the meeting was adjourned at 10:00 a.m.

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J. T. Willoughby III, President

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Tryphina Wiseman, Secretary