

## REGULAR BOARD MEETING

### MINUTES

September 12, 2012

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on September 12, 2012 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Try Wiseman, President; J. T. Willoughby III, Vice-President; Harris High, Secretary; Ken Stainback, John Shields, Stephen Aldridge III, Broadus Combs, Lawrence Jackson III, and Kelly Byrd.

Also Present: Peter M. Burke, Executive Director, Stephen N. Dirksen, General Counsel, Fred Jordan with NC Eye Bank, Larry Stegall with North Carolina Funeral Directors Association, Dan Funchess and Jim Baron, Funeral Service Licensees and Lyn Cochrane.

The guests introduced themselves.

The meeting was called to order at 9:05 a.m. Ms. Wiseman led the Pledge of Allegiance, had the invocation and read the Ethics Awareness & Conflict of Interest statement. No one recused themselves.

Mr. High presented the August 15, 2012, minutes. Mr. Willoughby made the motion to accept the minutes and Mr. Byrd seconded. The motion carried.

Preneed Committee: Mr. High reviewed the report. There are 170,293 active contracts as of September 11, 2012; 660 licensed preneed funeral establishments; and 1,669 individuals licensed to sell preneed as of September 11, 2012.

The Committee met by teleconference on Monday, September 10, to discuss the following:

- 1) A revised version of Form PN-5, Certificate of Performance. The new form contains additional space for listing financial institutions or insurance companies/policy numbers. It also contains spaces and instructions to calculate the funds applicable to the non-guaranteed portion of an inflation-proof contract. Committee was recommending approval of the form.
- 2) An Excel formula for calculating the funds applicable to the non-guaranteed portion of an inflation-proof contract that will be posted on the Board website. Committee was recommending approval.
- 3) An establishment request to edit the Inflation-proof Statement of Funeral Goods and Services Selected (NCBFS ISG&S 10/03) and as discussed last month, Committee recommended no change be allowed.

Discussion ensued. Mr. Willoughby made the motion to approve the report and approve the Committee recommendations. Mr. Stainback seconded and the motion carried.

Traineeship Committee: There were seven new trainees registered in August. This report is for information only.

Disciplinary Committee: Ms. Wiseman presented the report with an addendum. Mr. High made the motion to accept the recommendations for V12-018, V12-037, V12-041, V12-052, V10-014, V12-039, and M12-022. Mr. Byrd seconded and the motion carried.

Mr. High made the motion to accept the addendum, which includes recommendations for M10-030, V11-040, V11-076, M11-023 and M11-025. Mr. Byrd seconded and the motion carried.

Finance/Personnel Committee Mr. Willoughby reviewed the financials. Discussion ensued regarding the MBA position. Mr. High made the motion to accept the report and Mr. Combs seconded. The motion carried.

Committee met by teleconference on Monday, September 10 to discuss the Mutual Burial Association auditor position. Lloyd Davis has offered to return to work until at least the end of 2012.

A personnel item will also be addressed after the agenda items in closed session.

Exam Committee: Mr. Stainback stated nine candidates were eligible to take the Laws & Rules exam. Seven took the exam and five passed and two failed. This report is for information only.

Laws & Rules Committee: Mr. Stainback stated the Committee had met by teleconference on September 5 to discuss the request from Howard Hunter III, president of the NC Association of County Commissioners. Committee was recommending no action to be taken at this time regarding the Debt Setoff Program and to refer Mr. Hunter to his representative to initiate discussion regarding assignments from the retirement program; the Board would participate in supporting such legislation. A draft response to Mr. Hunter was presented to Board Members for approval.

For information only--an establishment called about the process of securing payment for at-need services; family had contracted for niche, "casket system" and direct cremation from Crown Memorial Park.

Discussion ensued. Mr. Aldridge made the motion to approve the report and the letter to be mailed to Mr. Hunter. Mr. High seconded and the motion carried.

Other Committee Reports: There were no reports.

Attorney Report: Mr. Dirksen presented his report. Six hearings were scheduled today and Thursday. Two were continued by the Vice President, three by consent order and one was dismissed. Mr. Aldridge commended Mr. Dirksen and the Disciplinary Committee for their good work.

Questions ensued regarding how the Projected Active Files are counted. Mr. Dirksen is to review the four categories under this and exclude any inactive files from the total number reported. This report is for information only.

Executive Director's Report: Mr. Burke presented the report.

New Funeral Service Licensees: Tiffany Huffman, Chris Parsell, William Benfield, Gregory York

New Funeral Director Licensees: None

New Trainees: Lisa Heafner, Donnica Boston, Tyler Garnett, Richard Glover, Faiger Blackwell II, Michael Moss, Maggie Welch

New Unaffiliated Registration: Edward Kosmos, Larry Blackwell

New Transport/Removal Registrations: Henry Dunbar II

There are four candidates for the Crematory Authority election. Ballots will be mailed out on or about October 1 and will be received until 4:30 on November 1<sup>st</sup>.

Mr. Burke will review the second draft of the Crematory Manual.

A 5-hour Preneed/FTC Review is scheduled for September 25 and a 5 hour Cremation/FTC Review is scheduled for September 26.

Mr. Burke presented letters that will be mailed to NC Department of Revenue and NC Department of the Secretary of State requesting the Board be notified when a funeral home, crematory, transport corporation or LLC fails to file any report, return or to pay any taxes or fees required. Discussion ensued.

This report is for information only.

New Business: There was none.

Old Business: There was none.

At this time Mr. Combs made the motion to go into closed session to discuss qualifications, fitness and conditions of initial employment of personnel. Mr. Jackson seconded and the motion carried.

Upon return to open session Mr. Aldridge made the motion to offer the paralegal a permanent part-time position with the Board as stipulated in closed session. Mr. Jackson seconded and the motion carried.

Informational Items: Ms. Wiseman discussed the Board Christmas Dinner. Staff is to contact Winston's Grille.

Mr. Willoughby directed staff to research the cost of new Boardroom chairs since there appears to be funds under the Equipment and Furniture line item in the financials.

Mr. Byrd made the motion to adjourn and Mr. Aldridge seconded. The Board adjourned at 10:36 a.m.

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Tryphina Wiseman, President

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Harris High, Secretary