



North Carolina Board of Funeral Service NEWSLETTER

VOLUME 1

FALL 2004

NUMBER 2

2004 ELECTIONS & HOUSE BILL 859

On Tuesday, August 17, Governor Easley signed House Bill 859. The effective date of the new law will be January 1, 2005. The terms of current Board members will end on December 31, 2004 and a new Board will be appointed. One consequence of HB 859 becoming effective on January 1, 2005 is the impact on the elections scheduled for this year. The candidates that are successful in winning election will be unable to take office for the terms beginning January 1, 2005. This information has been shared with each candidate and each has submitted a written notice of withdrawal from candidacy.

The North Carolina Board of Funeral Service Elections considered this matter during the Board of Elections meeting on Wednesday, September 8, 2004. The Board adopted a resolution canceling the elections scheduled for 2004.

House Bill 859 mandates four Board members to be appointed by the Governor from nominees submitted by the North Carolina Funeral Directors Association; two Board members to be appointed by the Governor from nominees submitted by the Funeral Directors and Morticians Association of North Carolina, Inc.; one Board member to be appointed by the Governor who is not a member of any funeral trade organization; and two public members to be appointed by the General Assembly based on the recommendations of the Senate Pro Tem and Speaker of the House.

A NOTE ON RENEWALS

This year saw a large number of late renewals in all areas of licensure. Please read the following suggestions:

1. All **2005 RENEWAL APPLICATIONS** will be mailed on November 22, 2004. The envelopes will be marked "**LICENSE RENEWAL-DO NOT DISCARD**". If you have not received your renewal application by the second week of December, call immediately. Do not wait until the end of January to request another!
2. **DO NOT** wait until December to acquire your CE hours
3. Your license expires on **DECEMBER 31. RENEW EARLY.**
4. You should receive your pocket card within **TEN** days following submission of your renewal application. If you don't, please contact the Board.
5. Make certain you inform the Board in writing of any change in mailing address. Send the letter via **Certified Mail** and keep a copy of the letter and your mail receipt.
6. If you receive a pre-need license and **Do Not** receive your at need license, call the Board.

A SHORT LIVED APPOINTMENT

Effective March 31, 2004 Governor Easley appointed Ms. Jeannette Sherrod of Monroe to the North Carolina Board of Funeral Service. Ms. Sherrod is a retired agricultural extension agent. She has four children, two sons and two daughters. As with the other current Board members, Ms. Sherrod's term will end December 31, 2004.

With the appointment of Ms. Sherrod, the term of Ms. Nancy Rorie ended. Ms. Rorie served the citizens of North Carolina with grace and distinction during her terms on the Board. We thank her for her dedicated service to her fellow North Carolinians.

THIS ISSUE'S HIGHLIGHTS

From the Executive Director ... pg 2
Winter CE Clinic Info pg 3
New Licensees pg 4
Disciplinary Actions pg 5
Exam Schedule pg 7

**NORTH CAROLINA
BOARD OF FUNERAL SERVICE**

1033 WADE AVENUE, SUITE 108
RALEIGH, NC 27605
1-919-733-9380
1-800-862-0636
fax 919-733-8271

BOARD MEMBERS

- P. Alex Lee Garner
President
Jack D. Briggs Denton
Vice President
James L. Boles, Jr. Southern Pines
Secretary
Windell Daniels Wilmington
Rudy N. Lea Raleigh
Harvey H. Leavitt, III Wadesboro
George S. Parrott Raleigh
Jeannette B. Sherrod Monroe
Jerry W. Hawks High Point

ADMINISTRATIVE

- Paul Harris Executive Director
Stephen N. Dirksen ... General Counsel
Lyn Cochrane Executive Assistant
Elizabeth R. Stegall Administrative
Services Supervisor
Marty Mills.... Administrative Assistant
Ruth Britt Program Assistant
Jimmy Featherston.. Program Assistant
Courtney Taylor Program Assistant
Carolyn J. Connor Inspector-West
Susan Cox Inspector- Central
Corrine J. Culbreth Inspector-East
Lloyd H. Davis Auditor Burial Assoc.
Virginia W. Harris Burial Assoc.



The North Carolina Board of Funeral Service NewsLetter is published bi-annually. Any questions or comments should be directed to the office at 919-733-9380 or 1-800-862-0636

3,000 copies of this document were printed at a cost of \$3499 per copy

FROM THE EXECUTIVE DIRECTOR....

There are many uncertainties in life and our profession deals with that uncertainty on a daily basis.

The North Carolina Board of Funeral Service and the Board's licensees are now faced with the reality of a major change in how the Board is selected. With any change, there will be challenges to face and some uncertainty as well. We will witness the end of an era as the transition takes place from elected to appointed Board members. However, we will also witness the beginning of a new era. We will meet the challenges and uncertainty which accompany any new era with anticipation and excitement.

One area that will not change is the Board's statute mission and responsibility to regulate our profession for the benefit of the public welfare. The staff remains committed to ensuring that service to the licensees continues to improve while protecting the funeral consumers of North Carolina.

Paul Harris

USE OF MOST CURRENT PRE-NEED FORMS

Beginning on September 1, 2004 all pre-need contracts must be submitted on forms bearing the date designation 10/03(rev. 03/04). In order to allow licensees to deplete existing stocks of printed forms the Board staff has accepted contracts with the date designation of no earlier than 10/03 since the pre-need forms were modified in March of 2004. These forms indicate the contract fee as \$20.00, the correct Board mailing address and the correct N.C. General Statute reference 90-210.126(e) for final disposition of cremated remains. All forms on the Board's website are the most current. A link to that page on the website is: www.ncbfs.org/application.htm.

IN MEMORIAM

- Manfred E. Phelps, Durham
Edward Bruce Lewis, Lewis Funeral Home, Bladenboro
Wallace Smith, Towson-Smith Funeral Home, Robbinsville
David Lawrence White, Brooks & White Funeral Home, Roxboro
W. W. Hoover, Hoover Funeral Home, High Point
Harvey Davis English, Rocky Mount
Formerly of Johnson Funeral Home and Wheeler-Woodlief Funeral Home
James T. Pugh, Pugh Funeral Home, Southern Pines
Bill Leeuwenburg, Pierce Chemicals, Wilmington
Jim Tunstall, Forbis & Dick Funeral Home, Greensboro
Fred Groce, Groce Funeral Home, Asheville
Mary Shackleford Davis, Davis Funeral Home, Monroe

Condolences are extended to their families and friends. The Board is grateful for their service to families, communities and the funeral profession

WINTER CE CLINIC

**TUESDAY, DECEMBER 14, 2004
9 A.M. - 4 P.M.
MCKIMMON CENTER, NCSU CAMPUS
REGISTRATION BEGINS AT 8 A.M.
REGISTRATION FEE \$ 35.00**

TWO CONCURRENT SESSIONS EACH APPROVED FOR 5 HOURS OF CE CREDIT.

PRESENTERS WILL INCLUDE:

**KAREN GILES
DIRECTOR, THE CHARLES C. CARSON CENTER FOR MORTUARY AFFAIRS AT DOVER AFB**

**REBECCA BAKER
FIELD SERVICES MANAGER OF VITAL RECORDS FOR DIVISION OF PUBLIC HEALTH**

REPRESENTATIVES OF CAROLINA DONOR SERVICES

PLEASE REMEMBER.....

The Board's mailing address is 1033 Wade Avenue, Suite 108, Raleigh, NC 27605.

BOARD POLICIES

1. BUSINESS NAME OF THOSE LICENSED FOR INDIVIDUAL, UNAFFILIATED PRACTICE

March 17, 2004 the Board adopted a policy that requires those licensees practicing as an individual, unaffiliated with a firm, to use their name and license designation as their business name.

2. 30 DAY DEADLINE FOR TRANSFER OF PRE-NEED FUNERAL CONTRACTS

May 17, 2004- the Board adopted a policy requiring pre-need establishments to facilitate the transfer of a pre-need funeral contract within thirty days of written notice by the contract purchaser. This is the responsibility of the establishment from which the contract is being transferred not the receiving establishment.

3. PAYMENT OF INTEREST ON PRE-NEED RECOVERY FUND CLAIMS

July 14, 2004- the Board adopted an interest rate policy on claims against the recovery fund. Interest will be paid at an annual percentage rate of 1 %. This policy and interest rate will be reviewed annually.

Trainee Responsibilities

The staff is concerned about recurring issues regarding trainees. We are seeing a number of problems with a lack of understanding for the respective responsibilities of the trainee and trainee supervisor. First and foremost it is the trainee's responsibility to complete the necessary work reports, to track the number of cases in each prescribed area, and to submit the monthly work reports to the Board by the 10th of the following month. The supervisor is responsible for providing every opportunity for the trainee to receive experience in the areas designated by the Board for reporting credit and making certain the trainee has indeed completed the work as reported. When an individual applies for traineeship, the Board mails two packets, one to the trainee and one to the trainee supervisor. Each of these packets has been developed to be a resource for guidance for both the trainee and supervisor. Included are samples of monthly work reports with the required areas of reporting credit. A trainee may call the Board to receive information about areas where additional work credit may be needed.

The Board voluntarily participates in the NC Dept. of Labor Apprenticeship Training program. Under the terms of the DOL agreement; if your funeral home employs a trainee the funeral home must pay the trainee based on the required rate.

Congratulations

to these funeral professionals who have been licensed since the last newsletter.

New Funeral Director Licensee's

Cynthia Jenkins Barbee	Gastonia
Joseph K. Bounds	Lumberton
Maurice Brown	Winston-Salem
Kenneth Wayne Buffkin, Jr.	Clinton
Carla L. Chavis	Winston
Theresa Eloise Fisher	Dover
Kelvin L. Freeman	Riegelwood
Jennings Jacobs	Red Springs
Sherri D. Jaster	Raleigh
Jason S. Justice	Spruce Pine
Danny West Long	Edenton
Michael B. Miller	Elizabeth City
Christopher H. Noe	Beaufort
George W. Parker, Jr.	Oxford
Susan W. Parker	Raleigh
Robert D. Plemmons	Black Mountain
Alvaro Quesada	Lincolnton
Wyonona M. Sanders	Granite Falls
Queen Marable Bass Scarborough	Durham
Terry D. Smith	Eden
Ellen L. Spruill	Greensboro
Melinda Farris Smith	Stoneville

New Funeral Service Licensee's

Jonathan Parks Allen	Lexington
Terri L. Aubry	Black Mountain
Joel Blady	Charlotte
William Craig Bodiford	Spruce Pine
David Hundley Boswell	Warrenton
Krika Renee Bradsher	Clayton
Patricia Godwin Brown (Converted to FS)	Wilson
Mia J. Butler	Greensboro
Ashley D. Capps	Winston-Salem
Samuel D. Cole, Sr.	Jacksonville, FL
Kenneth W. Conklin	Palm Beach Gardens, FL
Rudolph (Rudy) H. Creekmore	Wilson
Broderick Rannell Cumbo	Rich Square
Paul English	Belmont
Gina McCraw Garrison	Ft. Lawn, SC
William B. Geiser	Sanford
Thomas A. Glynn, III	Charlotte
John Bascom Harrington	Graham
Charles E. Jordan, Jr.	Morrisville
Melissa Locklear	Dudley
Jenelle Johnson	Dorchester, MA
Tyrone Powell Jones, III (Converted FS)	Wilson
Robert C. Kimes	Raleigh
Larry McIntosh	Asheville
Michael J. Neddo	Charlotte
William Jay Payne	Thomasville
D. Craig Peacock	Whiteville
Mitchell W. Powell	Watkinsville
Thomas E. Reese, Jr.	Wilmington
Joshua Daniel Roten	Lansing
Ricky Lee Sanders, Jr.	Denton
Mary D. Selby	Pickens, SC

(New Funeral Service Licensee's Continued)

George L. Tillman	Salisbury
Gregory Wayne Ussery	Lancaster, SC
Steve Larry Valentine	Lincolnton
Christopher W. Van Howling (Converted to FS)	Seven Lakes
Joseph Bradford Wells	Lake Wylie
Paul R. Wetzel	Wilson
Dahria Amelia-Jean Williams	Dorchester, MA
Sonya M. Williams	Wendell
Brian V. Wilson	Richmond, VA
Leticia Gomez Wright	Pineville

The following individuals are licensed to do business under the unaffiliated classification:

Wayne Gaskin	Matthews
Rick Harwood	Swannanoa
Bonita Patton	Winston-Salem
Tally H. Watson	Rockingham
Terry McBride	Taylorsville
Michael D. Bailey	Selma
Christopher Evans	Lenoir
David Reese	Clemmons
John Kennedy	Elkin

The following new establishments have been licensed in 2004:

Jenkins Funeral Service & Cremation Service	Newton
Carlton L. Gray Funeral & Cremation Service	Raleigh
Forest Lawn Mortuary	Hendersonville
Cox-Needham Funeral Home of Brown Summit	Brown Summit
Jones Funeral Service	Lumberton
National Cremation Service	Raleigh
Peoples Funeral Service	High Point
Wilson Memorial Service	Wilson
Yancey Funeral Service	Burnsville
Gilmore's Funeral Service Of High Point	High Point

2004 Board Meeting Calendar

- October 5, 2004 (committees and hearings if scheduled)
- October 6, 2004 Board meeting

- November 9, 2004 (committees and hearings if scheduled)
- November 10, 2004 Board meeting

- December 14, 2004 (CE clinic & committees)
- December 15, 2004 Board Meeting (subject to change)

CROWN MEMORIAL CASE

On April 1 The North Carolina Supreme Court dismissed Crown Memorial's motion to appeal.

DISCIPLINARY ACTIONS

CASE FILE NUMBER: M03-009

LICENSEES: Noble & Kelsey Funeral Home (PN #138)

VIOLATION: N.C.G.S. § 90-210.67(d); 21 NCAC 34 .0301.

BOARD ACTION: The Board and Noble & Kelsey Funeral Home entered into a Consent Order whereby Noble & Kelsey's preneed license would be placed on probation for one year and all of its preneed sales licensees would be required to attend a continuing education class in preneed laws and recordkeeping.

EFFECTIVE DATE: May 17, 2004.

CASE FILE NUMBER: M03-014

LICENSEES: Nelson Funeral Service (PN #536)

VIOLATION: N.C.G.S. §§ 90-210.64(a), 90-210.67(d), 90-210.62(b), 90-210.67(a), 21 NCAC 34 .0301.

BOARD ACTION: The Board and Nelson Funeral Service entered into a Consent Order whereby Nelson Funeral Service's preneed license would be placed on probation for one year and all of its preneed sales licensees would be required to attend a continuing education class in preneed laws and recordkeeping.

EFFECTIVE DATE: May 17, 2004.

CASE FILE NUMBER: M04-005

LICENSEES: Lynda Odessa Johnson (FD #3126); Johnson's Funeral Service (PN #792)

VIOLATION: G.S. 90-210.61(b); 90-210.61(a); 90-210.67(d); 90-210.70(a); 90-210.69(c)(4); 90-210.25(e)(1)b.

BOARD ACTION: The Board and the licensees entered into a Consent Order whereby the preneed establishment license of Johnson's Funeral Service was placed on one year probation and the preneed sales and funeral director licenses of Lynda Johnson were placed on one year probation. The licensees were ordered to attend a preneed continuing education course.

EFFECTIVE DATE: July 14, 2004.

The following licensees did not renew their individual licenses on time and entered into a Consent Order for late renewal. As a penalty, the licensees paid late fees to reinstate their license and a \$250 compromise penalty for unlicensed practice:

James D. Boone, Ronald D. Wells, Joe W. Dickens, William L. Sides, John M. Fields, Barbara R. Morgan, Leander R. Morgan, Deborah Peterson-Cunningham, Vernon B. Phillips, Donnie L. McIntyre, Charles V. Wilkerson, Jr., James D. McLaurin, Jr., Grover C. Burtney, Jr., Juile A. Harvey, L. Wayne Rouse, L. Wayne Rouse II, James D. Sawyer, Matthew D. Phillips, Jr., Jennifer L. Sharpe, Darrell W. Howell, Stephen A. Sells, Neil Breed, Lionel Whidbee.

The following funeral homes did not renew their funeral establishment permits on time and entered into a Consent Order for late renewal. As a penalty, the licensees paid late fees to reinstate their permit and a \$250 compromise penalty for unlicensed practice:

Eastover Community Funeral Home, E.C. Terry's Funeral Service, Kearns and Sons Funeral Service, Lionel Whidbee Funeral Home.

The following crematories did not renew their crematory licenses on time and entered into a Consent Order for late renewal. As a penalty, the licensees paid late fees to reinstate their licenses and a \$250 compromise penalty for unlicensed operation of a crematory:

Bass-Smith Funeral Home & Crematory, Westminster Gardens.

The following funeral homes did not renew their preneed licenses on time and entered into a Consent Order for late renewal. As a penalty, the licensees paid late fees to reinstate their licenses and a \$250 compromise penalty for each license that was not renewed:

E.C. Terry's Funeral Service, Melton-Riddle Funeral Home, Drum Funeral Home.

The following licensees did not renew their individual licenses on time and entered into a Consent Order for late renewal. As a penalty, the licensees paid late fees to reinstate their license and a \$250 compromise penalty for unlicensed practice:

Frederick Kearns.

The following funeral homes did not renew their preneed licenses on time and entered into a Consent Order for late renewal. As a penalty, the licensees paid late fees to reinstate their licenses and a \$250 compromise penalty for each license that was not renewed:

Tucker & Sons Funeral Home; Albritton-Carraway Funeral Home; Allen's Home of Funerals.

CASE FILE NUMBER: M03-002

LICENSEES: Winnell Short (FD #3618)

VIOLATION: N.C.G.S. § 90-210.25(e)(1)b.

BOARD ACTION: Ms. Short and the Board entered into a Consent Order whereby Ms. Short, an inactive licensee, would not return to active status for six months and serve three years probation.

EFFECTIVE DATE: September 8, 2004.

CASE FILE NUMBERS: V02-071; V03-020; V03-022; V03-051; V04-017

LICENSEES: Jerry C. Gilmore, III (FSL #760); Gilmore Funeral Home (FE #195, PN#515)

VIOLATIONS: N.C.G.S. §§ 90-210.23(d); 90-210.25(e).; 90-210.25(e)(1)(b); 90-210.67(d); 90-210.61(a); 90-210.62(b); 90-210.63(a); 90-210.64; 90-210.65; 90-210.69(c)(4); and 21 NCAC 34D .0301.

BOARD ACTION: The licensees and the Board entered into a Consent Order whereby Jerry Gilmore's funeral directing privileges were suspended for six months and placed on an additional one year probation following the suspension, the funeral establishment permit for Gilmore's Funeral Home was placed on one year probation, and the preneed establishment license was placed on five (5) years probation and fined \$5,000.00. In addition, the licensees were required to make restitution and to attend a class in preneed laws and record keeping.

EFFECTIVE DATE: September 7, 2004.

CASE FILE NUMBERS: #V00-058; V02-027; V03-056; V04-018; V04-039

LICENSEE: James Congleton (FS #1576)

VIOLATIONS: N.C.G.S. §§ 90-210.23(d); 90-210.25(e)(1)b.; 90-210.61(a); 90-210.67(d); 90-210.68(d1); 90-210.68(e); 90-210.69(c)(4); 90-210.70(a).

BOARD ACTION: The Board and James Congleton entered into a Consent Order whereby the funeral directing privileges of James Congleton were suspended indefinitely but for a minimum of one year and his embalmer's license was placed on probation indefinitely. In addition, Mr. Congleton is required to make restitution and shall be ineligible to apply for a preneed establishment license or preneed sales license for a minimum of three (3) years.

EFFECTIVE DATE: September 8, 2004.

(continued from pg 6)

CASE FILE NUMBERS: #M04-009

LICENSEES: Kevin Feggins (FS #1841), Feggins Funeral Service (FE #164), Quality Cremation (CR # 22).

VIOLATIONS: N.C.G.S. §§ 90-210.25(e)(1)b. for Kevin Feggins and Feggins Funeral Service. N.C.G.S. §§ 90-210.129(a), (b), (c), and (e) for Quality Cremation.

BOARD ACTION: The Board and licensees entered into a Consent Order whereby Kevin Feggins and Quality Cremation would each serve two years probation and pay a \$1,000.00 fine. The funeral establishment permit for Feggins Funeral Service was placed on probation for two years.

EFFECTIVE DATE: September 8, 2004.

CASE FILE NUMBER: M04-018

LICENSEE: Samuel Strickland

VIOLATIONS: N.C.G.S. § 90-210.25(e)(1)a.

BOARD ACTION: The Board previously ordered Samuel Strickland's license suspended. The Board received and denied an application for reinstatement from Samuel Strickland.

EFFECTIVE DATE: September 8, 2004.

The following preneed licensees did not file their preneed annual report by North Carolina General Statute section 90-210.68(a) and 21 NCAC 34D .0302. Each licensee was placed on two to three years probation and fined up to \$1,000.00 for the violation:

Carrie Hester Funeral Service (PN #766)

David B. Lawson Mortuary (PN #829)

Douglas Funeral Home (PN #872)

Galloway Funeral Home (PN #607)

Joyner's Mortuary (PN #755)

Lionel Whidbee Funeral Home (PN #868)

Payton Funeral Home (PN #563)

ANOTE ON DISCIPLINARY MATTERS

In keeping with the concerns over the nature and frequency of violations that appear to be flagrant, the staff is presently preparing a recommendation to the Board for the use of summary suspension of a license. The recommendation will include criteria for the use of this method of protecting public welfare.

EXAM DATES 2004/2005

November 9, 2004	June 14, 2005
December 14, 2004	July 19, 2005 (Tentative for State Exam)
January 11, 2005	August 9, 2005
February 15, 2005 (State Exam)	September 13, 2005
March 15, 2005	October 11, 2005 (Tentative for State Exam)
April 12, 2005	November 15, 2005
May 10, 2005	December 13, 2005

PROPOSED CHANGES TO RULES.....

*Proposed changes for **21 NCAC 34A Board Functions** 0100 General Provisions and **21 NCAC 34C Crematories** have become permanent rule.*

*During the meeting on August 8, the Board gave final approval to proposed changes for **21 NCAC 34B Funeral Service** and **21 NCAC 34D Pre-need Funeral Contracts**. The Board withdrew the proposed change to **21 NCAC 34D Pre-need Funeral Contracts** .0101 Approval of Contract forms. These proposed changes are now submitted to Rules Review Commission. Highlights of the proposed rule changes are: 34A Board Functions- .0124 Defines limitations on solicitation; 34C Crematories- .0202 Refrigeration will remove the grandfathering of crematories regarding refrigeration units in the holding facility; 34B Funeral Service- 0100 will allow for a part-time traineeship over a two year period, 0400 Continuing Education will allow for online CE courses (limited credit) and allows accredited sponsors to provide courses without submitting applications for each course offered, 34D Preneed Funeral Contracts will require copies of the at-need statement of goods and services to be placed in mature files.*

NORTH CAROLINA CREMATORY AUTHORITY ELECTIONS

On Wednesday, September 8, 2004, the Board of Funeral Service Elections adopted a resolution declaring Mr. Jay Roberts of Burlington and Mr. Peter Burke of Cary to be elected to the North Carolina Crematory Authority for three year terms beginning January 1, 2005. This action was taken pursuant to N.C.G.S 90-210.18(c) (11) (i) since there were only two positions available in the election cycle and Mr. Roberts and Mr. Burke were the only certified candidates.



NORTH CAROLINA
BOARD OF FUNERAL SERVICE
1033 WADE AVE, SUITE 108
RALEIGH, NORTH CAROLINA 27605