

# North Carolina Board of Funeral Service newsletter

North Carolina Funeral Board Service

Volume 3, Issue 5 Fall 2008

Death Notice for Mr. T.E. White, Sr. located on page 3

## Recent Board Actions

### Preneed

- When contracts are registered with insurance funding that is 100% or greater than the funeral expenses, the Board staff will request a copy of the assignment to ensure the consumers protection is evident. **Wording:** Assignment as the Funeral Home's interest may appear at the death of the insured and delivery of services and merchandise as recorded on the preneed statement of goods and services selected.
- A 1st/2nd to died policy should not be used to fund a preneed contract and will be sent back by the staff.

### Continuing Education

- On embalming programs: admit to and give CE credit for all licensees in cases when the presentation is a recorded program. Only embalmers, funeral service licensees or trainees

registered for those disciplines will be allowed in live demonstrations.

- Increased annual limit on computer based CE programs to two hours (Requires rulemaking)

### Laws, Rules and Legislation

- Approved the final draft of the licensed guidelines document.
- Notified all transport and removal services that the permit only allows the transportation and removal of a deceased and does not convey any ability to arrange for embalming or other services unless they also hold an appropriate license from the Board. In addition, the permit is not designed to be an "umbrella" permit allowing more than one individual to operate under a single permit. Therefore, all individuals who are working for another permit holder as a transporter are to submit fingerprint cards and the appropriate processing fee for the cards. Beginning with the 2009 renewal cycle ALL individuals working as transporters shall apply for the permit.
- Notified crematory licensees if not otherwise licensed by the Board can only perform the following other activities in addition to cremating the body: remove and transport the deceased from the place of death to the crematory, file vital records information in compliance with NC G. S. 130A-115, and return the ashes to the authorizing agent. The staff was further directed to request an opinion from the Federal Trade Commission to clarify under what circumstances a crematory must comply with the Funeral Rule.

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## North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108  
Raleigh, NC 27605  
919-733-9380 • 1-800-862-0636  
Fax 919-733-8271

### Board members

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President

**Larry R. Andrews**.....Shalotte  
Vice President

**J.T. Willoughby, III**.....Tarboro  
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Rudy N. Lea .....Raleigh  
Frank G. McCree, Sr. ....Fairmont  
George S. Parrott.....Raleigh  
T.E. White, Sr.....Albermarle

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lyn Cochrane.....Executive Assistant  
Elizabeth R. Stegall.....Administrative Services  
Supervisor

Marty Mills.....Administrative Assistant  
Ruth Britt..... Preneed Services Administrator  
Jimmy Featherston.....Program Assistant  
Tanya Pearson.....Program Assistant  
Carolyn J. Connor.....Inspector-West  
Susan Cox.....Inspector-Central  
Brett Lisenbee.....Inspector-East  
Lloyd H. Davis.....Auditor Burial Association  
Virginia W. Harris.....Burial Association

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

\_\_\_ copies of this document were printed  
at a cost of \$\_\_\_ per copy.

*Recent Board actions cont. from page 1*

### Finance & Personnel

- Negotiated a reduction in the interest rate for the mortgage from 6.375% to 5.75% with the same maturity date.
- Increased the meal per diem to match the amount set by the State of North Carolina effective July 1, 2007.
- Transferred all reserve funds held with Wachovia Securities to the State Treasurers account.
- Amended the policy on pro ration of Board per diem
- Increased contract services budget, if needed, by \$ 4250.00

### Disciplinary

With regard to the late filing or unfiled death certificates: If investigation determines the licensee is responsible, issue a Letter of Caution in the first instance. If repeated or multiple instances, a strongly worded letter of caution, with a copy to the deputy registrar in the location. Also inform State Vital Records and copy them on the policy for distribution to deputy registrars.

### Examination

Approved Castle Worldwide to administer the computer based laws and rules examination.

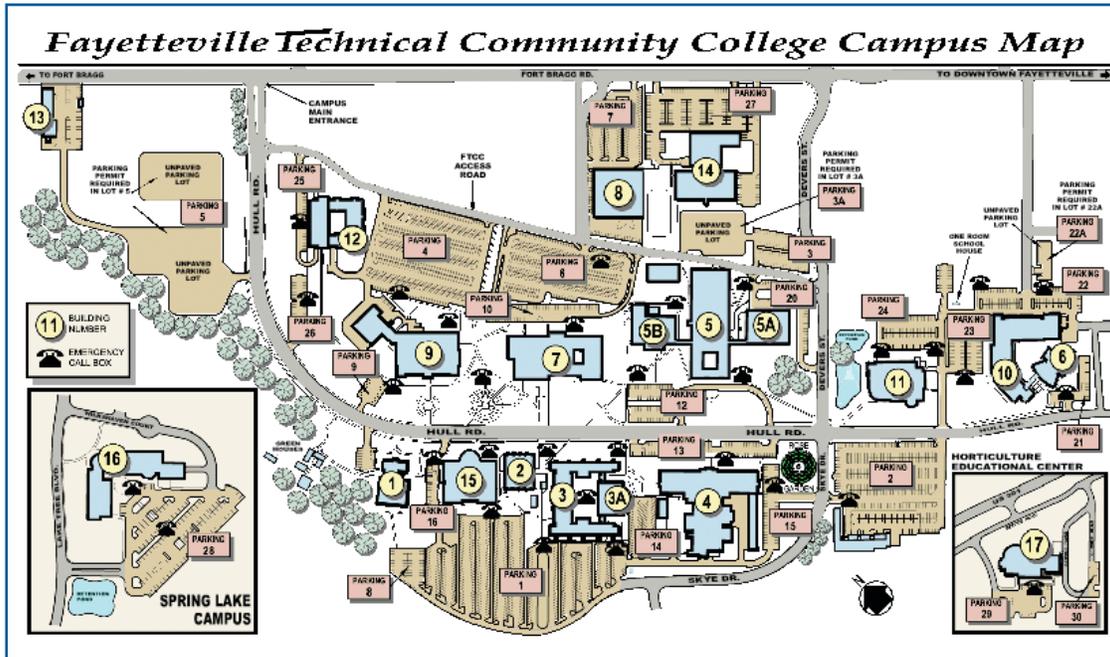
### Traineeship

Discontinue the use of the trainee video until such time as a new one can be produced.

## Sales and Use Tax Rates

Legislation enacted by the General Assembly that was effective October 1, 2008 may affect the State and local sales and use tax rates in certain counties. Licensees should inquire with their local government to determine the correct total rate.

# 2008 Fall Clinic



Main Campus: 2201 Hull Road Fayetteville, NC 28303  
Mailing Address: PO Box 35236 Fayetteville, NC 28303

The Board will hold a Continuing Education clinic on Wednesday, November 19 in Cumberland Hall Auditorium on the campus of Fayetteville Technical Community College. The program is scheduled from 9 a.m. until 4 p.m. and is approved for 5 hours of CE credit. The program will focus on organ/tissue recovery and embalming procedures used for restoration of bodies following organ and/or tissue recovery. In addition a portion of the program will provide procedures for treating viscera. Registration will begin at 8 a.m., and the registration fee will be \$15 per licensee.

Cumberland Hall Auditorium is designated as "3A" on the map. You may park in the lot designated as "Parking 1". FTCC will not be able to reserve any spaces, but the Board has arranged that campus security will not ticket those cars without student permits. It is suggested that you make a sign to place on your dashboard to inform security officers that you are attending the Board of Funeral Service program in the auditorium.

The Board is saddened to report the death of member and immediate past-president Mr. T. E. White, Sr. of Kelsey Funeral Home of Albemarle, Inc. Mr. White died Friday October 31, 2008. He was appointed to the Board for a 3 year term by Governor Easley in January 2005 following his nomination by the Funeral Directors & Morticians Association of North Carolina, Inc. Mr. White was recently nominated for reappointment by the FD&MA of NC, Inc for another 3 year term to begin January 1, 2009. Funeral Services were held Wednesday, November 5, 2008.



In this 2007 Board photo, Mr. White is in the center of the seated members.

## General Assembly appoints public *members*

On the recommendation of Speaker of the House Joe Hackney, Ms. Elizabeth Webber of Chapel Hill was appointed to a three year term beginning January 1, 2009. Ms. Webber is a real estate agent with Keller Williams Realty® in Chapel Hill and is a Board Member of the

Funeral Consumers Alliance of the Triangle. On the recommendation of President Pro Tempore of the Senate Marc Basnight, Mr. George Parrott was appointed to a new three year term also beginning January 1, 2009.

## Crematory *authority*

The North Carolina Crematory Authority met in July and made the following recommendations to the Board

- Change to the BFS-56 series forms to include the permanent ID number and the crematory license number
- Allow the use of a single form to combine the information required on forms BFS-56 A-C. The final draft of this form requires approval by the Crematory Authority and the Board prior to rulemaking.

### *2009 Renewals*

- Licenses expire December 31, 2008 and must be renewed on or before February 1, 2009 to avoid disciplinary action.
- 2009 Renewal applications will be mailed by December 1, 2008. If you do not receive one by December 10, 2008, please contact the Board office. DO NOT wait until the end of January to request another. You may also access renewal forms online at [www.ncbfs.org](http://www.ncbfs.org) on the "Applications" page.
- Pursuant to N.C.G.S. § 90-210.23(d) make certain you inform the board of any change in mailing address. In the interest of security, the notice should be in writing and signed.
- Licensees can check their CE hours by accessing the website "Directory" page. Enter either your license number or only your last name. Please keep in mind CE hours recently obtained may not be entered as yet.

# Disciplinary matters

**Case File Number:** V08-005.

**Licenses:** Zelma Webb, Roanoke Rapids (PNS #FS1588).

**Summary:** Ms. Webb sold a preneed funeral contract on a regular Statement of Goods and Services Selected without filing it with the Board. The preneed funds were accepted by the unlicensed owner several months before but were never deposited into a trust account or insurance policy.

**Board Action:** The Board adopted a consent order placing Ms. Webb's preneed sales license on probation for one (1) year on the condition she take a preneed continuing education class and undergo testing.

**EFFECTIVE DATE:** June 18, 2008.

**Case File Number:** V08-013.

**Licenses:** Jackson Funeral Home, Laurinburg (PNE #097).

**Summary:** The complainant alleges that Jackson Funeral Home refused to transfer a preneed policy at death. Jackson Funeral Home made itself beneficiary of policy made itself after the insured could no longer keep up the premiums, thereby creating a preneed funeral contract under law.

**Board Action:** The Board entered into a Consent Order extending the probation for Jackson Funeral Home's preneed establishment license for one (1) year on the condition that its preneed sales licensees attend a preneed continuing education course. The funeral home also transferred the policy proceeds to the performing funeral home.

**EFFECTIVE DATE:** June 18, 2008.

**Case File Number:** V07-036, M08-002

**Licenses:** Terence Rountree (FD #3504); Rountree Family Mortuary & Cremation Service, Greenville, NC (FE #349; PNE #745).

**Summary:** In V07-036, Mr. Rountree took preneed funds to a check cashing store and did not timely deposit them into a trust account within five (5) business days. The contract was not filed in a timely manner with the Board. Mr. Rountree made restitution shortly thereafter. The Board inspector also found several preneed recordkeeping violations. In M08-002, during the investigation of an unlicensed funeral establishment, the Board inspector found that Mr. Rountree made a payment to an unlicensed person to secure business.

**Board Action:** Mr. Rountree voluntarily surrendered his funeral director license and preneed sales license. Mr. Rountree agreed to resign his officer position in the corporation owning the funeral home. He is eligible to seek reinstatement of his funeral director license in six (6) months. The preneed establishment permit was placed on three (3) years probation and the funeral establishment was placed on one (1) year probation. A \$1,000.00 civil penalty was paid by the funeral home.

**EFFECTIVE DATE:** July 16, 2008.

**Case File Number:** M07-002.

**Licenses:** Jernigan-Warren Funeral Home, Fayetteville (FE #283); James Lancaster (FSL #2084).

**Summary:** During an inspection, the Board's inspector found that a mortuary student who was not enrolled in an embalming class or as a trainee was assisting embalming and left unattended while two bodies were being embalmed. A clerical person listed the wrong embalmer on the death certificates for the two bodies. Funeral Establishment states that it was unaware the enrolled mortuary student could not assist with embalming.

**Board Action:** The Board adopted two consent orders. The first consent order placed the funeral home and its manager on probation for two years each and assessed a combined \$5,000 civil penalty. The second consent order placed the mortuary student on probation for duration of his traineeship.

**EFFECTIVE DATE:** August 13, 2008.

**Case File Number:** M07-017.

**Licenses:** Payton Funeral Home (FEP #454), Dunn; Payton Funeral Chapel (FC #14), Lillington; Chester Payton, Jr. (FSL #825).

**Summary:** The Board inspector found the funeral establishment did not meet building code requirements and was not in compliance with the pricing requirements of the Funeral Rule.

**Board Action:** The parties wish to enter into a consent order surrendering its funeral establishment, funeral chapel, and preneed licenses but may have its licenses reinstated upon complying with the building code. Mr. Payton was placed on probation for one (1) year and was required to complete a continuing education course in the Funeral Rule.

**EFFECTIVE DATE:** September 10, 2008.

*cont. on page 6*

*Disciplinary matters cont. from page 5*

**Case File Number:** M08-005.

**Licensees:** Knotts Funeral Home (FEP #674), Chapel Hill; W.H. Knotts (FSL #1142); Gloria Murchison (FDL #3850).

**Summary:** The Board's inspector found that several violations of the Funeral Rule, including failure to use a compliant General Price List and failure to complete its Statement of Goods and Services with the required level of detail. The inspector also found that its advertising that could be considered misleading because it did not clearly distinguish that the location was unlicensed for preneed. The inspector also found Funeral Establishment was not using body tags that met the statutory standard.

**Board Action:** The Board adopted a consent order placing its funeral establishment permit on probation for 6 months, requiring continuing education in the Funeral Rule for the owner and former manager, and paying a \$500.00 civil penalty.

**EFFECTIVE DATE:** September 10, 2008.

## 2008 Calendar

- **Board meeting dates:** The Board set the second Wednesday and Thursday of each month for meetings unless otherwise changed. Since meeting dates are subject to change, please check the "Current Events" page on the Board's website to confirm a meeting date.  
[www.ncbfs.org/currentevents.htm](http://www.ncbfs.org/currentevents.htm)
- **Remaining 2008 Laws and Rules Examination dates:** November 18th, December 16th
- **2008 Holiday Schedule:**  
The Board offices will be closed on the following state holidays: November 27 & 28 (Thanksgiving), December 24, 25 & 26 (Christmas)

## Sympathies Extended . . .

**Harry Clayton "Clay" Joyce**, former owner of Nelson Funeral Home, Danbury, who died February 29, 2008.

**James M. Hester**, formerly of Hester, Whitted and Day Funeral Service, Roxboro and Hillsborough, who died March 28, 2008.

**James (Jim) H. Wilkinson, Jr.**, formerly of Wilkinson Funeral Home, Concord, who died July 11, 2008.

**Elizabeth Anne (Beth) Carothers** of Gastonia who died July 18, 2008.

**Walter Barfield, Jr.**, President of Garris Funeral Home, Mount Olive who died August 22.

**James Delbert "J.D." Boone**, former owner of Reins-Sturdivant Funeral Home, West Jefferson and Ashelawn Memorial Chapel and Gardens, Jefferson who died September 2.

*(If a reader is aware of the death of a licensee that has not been acknowledged in this section, please inform the Board staff.)*

# Establishment *changes*

## **New Funeral Homes:**

*A. L. Jinwright, Pineville*  
*Carolina Mortuary Service & Cremation, Charlotte*  
*Chappell-Washington Funeral Home, Raleigh*  
*Garnes & Toney's Funeral Service, Spring Hope*  
*Genesis Funeral Service, Shelby*  
*Good Shepherd Funeral Home, Indian Trail*  
*Heritage Funeral Service, Inc., Valdese*  
*New Beginnings Funeral Service, Inc., Rich Square*  
*Wilders Funeral Home, Rich Square*

## **Ownership Changes:**

*Powell Funeral Home, Southern Pines*

## **Name and Location Change:**

*Davis Funeral Home- Jordan Memorial Chapel,*  
*Wilmington*  
*(Formerly French I. Davis, moved to former*  
*Jordan Funeral Home location)*

## **Crematories:**

*Wilders Funeral Home, Rich Square (New)*  
*Pines Cremation Service, Southern Pines*  
*(change of ownership)*  
*Triad Cremation Society, Inc., Greensboro (New)*

## **Funeral Service Licensees:**

*Randy James Baker, Asheboro*  
*Ursula Y. Belle, Greenville*  
*Tamara Jo Berry, Hendersonville*  
*Damon W. Depew, Deep Gap*  
*R. Adam Harris, Rutherfordton*  
*Ada Maria Harvell, Coral Springs, FL (now Raleigh)*  
*Roberta D. Hodge, Raleigh*

*Kim D. Marshall, Upper Marlboro, MD*  
*Charles Patrick McNeill, Rockingham*  
*Josefa M. Meek, Goldsboro*  
*Jamison L. Murphy, Fort Mill, SC*  
*DeMonica L. Nealy, Lumberton*  
*Kelly L. Osborne, Cary*  
*Clifford Overstreet, Lexington*  
*Ralph L. Patriarca, Holbrook, NY*  
*Rebecca Boston Polley, Carthage*  
*Jonathan W. Prather, Red Springs*  
*Kari Suzanne Saad, Broadway*  
*Jackson Ivey Taylor, Fayetteville*  
*Richard Joseph Toker, Hendersonville*

## **Converted to Funeral Service:**

*Michael Davies Barnhart, Sr., Wilmington*  
*Jared Anthony Gelo, Winston-Salem*  
*Donald Shearin, Battleboro*

## **New Funeral Director Licensees:**

*Claude H. Anthony, Jr., Scotland Neck*  
*Staton Summersett Carter, Salisbury*  
*Linda V. Tucker-Gooding, Ayden*  
*Linda Absher Holman, Jefferson*  
*Rick T. Hood, Morganton*  
*Miriam Angelique Mabry, Reidsville*  
*Sharon Ward Maitland, Columbia*  
*Jerome E. McMillan, Southern Pines*  
*Anna Bridges Phillips, Sanford*  
*Michael Anthony St. Onge, West End*  
*Jennifer R. Skinto, Shelby*  
*Christopher J. Stoessner, Kill Devil Hills*  
*Karon Williams Whitaker, Pleasant Garden*

# Licensee & Trainee Address Update

If your mailing address needs to be updated, please use this simple form to update the Board's information. Once you have completed the address correction form, please place it in a stamped envelope and mail it to:

1033 Wade Ave., Suite 108  
Raleigh, NC 27605

LICENSEE/TRAINEE NAME \_\_\_\_\_ LIC. NUMBER \_\_\_\_\_

CORRECT MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

*Address Update Form can be found on the last page of this issue!*

Return Service Requested

North Carolina Board  
of Funeral Service  
1033 Wade Ave., Suite 108  
Raleigh, NC 27605

