NORTH CAROLINA
BOARD OF FUNERAL SERVICE

Minutes
January 15, 2025, Board Meeting

The North Carolina Board of Funeral Service convened for a duly scheduled Board meeting on January 15, 2025, at the Board offices at 1033 Wade Avenue, Suite 108, Raleigh, NC 27605.

Present: Mr. Thomas Hilderbrand, President; Mr. Richard Hincher, Vice President; Ms. Le'Shekia Coleman, Secretary; Dr. Steven L. Lyons; Dr. Kimberly Kelsey; Mr. Allen; and Mr. Gary Overcash. Mr. Nunnaley was not in attendance. Staff in attendance were Mr. Stephen Davis, Executive Director; Ms. Amy Acord, Assistant Director; Mr. Brett Lisenbee, Compliance Officer; and Ms. Catherine Lee, General Counsel.

Mr. Hilderbrand convened the meeting at 9:04 a.m. followed immediately by the Pledge of Allegiance to the flag. He then asked Mr. Davis for the invocation. Following the invocation, Mr. Hilderbrand read the Statement of Ethics and asked if any Board members had any conflict or appearance of conflict of interest. None recused. Mr. Hilderbrand then invited any guests in attendance to introduce themselves. Guests present included Ms. Kaylan Krcelic, Board staff member; Mr. P. Hasten Wall, Funeral Service licensee; Ms. Melissa Holloway, Funeral Director trainee; and Mr. Ian C. Wall, Funeral Director licensee.

Following the introduction of guests, Mr. Hilderbrand invited Mr. Ian C. Wall to the Board table for a presentation of his Funeral Director license which was issued on December 29, 2024. Mr. Davis and Ms. Acord joined Mr. Hilderbrand for the presentation to Mr. Wall.

Following the presentation of Mr. Wall's license certificate, Mr. Wall announced that Governor Roy Cooper reappointed Ms. Le'Shekia Coleman, Board Secretary, to another 3-year term beginning January 1, 2025. Ms. Coleman fills the seat designated for a licensee unaffiliated with either of the two (2) professional associations.

Mr. Hilderbrand continued and recognized Ms. Coleman for the presentation of the minutes from the December 11, 2024, meeting. Ms. Coleman stated that staff had provided the minutes prior to the meeting for review and invited any changes or amendments. Mr. Hilderbrand invited a motion for approval of the December 11, 2024, minutes as presented.

Upon a motion by Dr. Kelsey and a second by Mr. Overcash, the Board voted unanimously to approve the December 11, 2024, minutes as presented.

Mr. Hilderbrand continued and asked Dr. Lyons to present the Disciplinary Committee report.

Disciplinary Committee Report

Dr. Lyons presented the following recommendations from the Disciplinary Committee to the Board:

DISMISSALS

C24-0088/C24-0092 C24-0093 C24-0094 C24-0096 C24-0098

C24-0100 C24-0103 C24-0104

LETTER OF CAUTION

C24-0102

NOTICE OF HEARING

C24-0099

Mr. Hilderbrand thanked Ms. Lee for presenting the Disciplinary Committee report and asked for any questions or comments. No comments were offered. Mr. Hilderbrand then invited motions for approval of the Disciplinary Committee report.

Upon a motion by Dr. Lyons and a second by Mr. Hincher, the Board voted unanimously to approve the Disciplinary Committee report as presented.

Mr. Hilderbrand then recognized Mr. Davis for summarizing the Finance and Personnel Committee report.

Finance and Personnel Committee Report

Mr. Davis said that since he had been called for jury duty in the Wake County Superior Court on the day the Committee met, Ms. Acord would summarize the Committee's discussion of the financial reports for the period ending November 2024 and other pertinent matters. Ms. Acord offered highlights and summarized the following Committee report:

> Ms. Acord presented the Statement of Net Position to the Committee and referred members to the First Citizens operating account balance for the period ending November 2024 which showed a balance of $1,783,361 which is a slight increase from the same reporting period in 2023. Ms. Acord then referred the Committee to the Preneed Recovery Trust Fund Balance which showed a balance for the period ending November 2024 was $853,766 which was a significant increase over the balance shown for the same reporting period in 2023 at $701,235. Ms. Acord then reported that all CD's held with First Horizon had been deposited into the money market account and that balance was now $151,158. Ms. Acord also reminded the Committee that a decision needed to be made on investing this money into one of the investment firms Mr. Davis had previously researched.
>
> Ms. Acord asked members for questions or comments. Hearing none, she continued with a report on the Statement of Revenues and Expenses. Ms. Acord said that Revenue collections were in line with what was reported for the same period in 2023 and that Total Revenue collections were at 97.1% of the total projected for FY2024 compared to 97.9% for the same period in 2023. Ms. Acord reported that the total expenses were at 94.4% of revenue collected

compared to 90.2% for the prior fiscal year. Ms. Acord indicated that total operating expenses should be at 91.6%, but due to renovation expenses that were paid rather than capitalized, the Board was over budget by 2.8%.

Dr. Lyons then asked for an explanation of the line-item "Operating Income (Loss)". Ms. Acord indicated that she was uncertain what this was and informed the Committee she would be happy to reach out to the representative with Thomes, Judy & Tucker for an explanation.

Ms. Acord then reported to the Committee that Board staff had offered Ms. Kaylan Krcelic a permanent position with the Board and she had accepted effective January 1, 2025. Ms. Acord acknowledged Ms. Krcelic's ability to quickly grasp concepts, her helpfulness to consumers and licensees, and her willingness to learn.

The Committee then discussed recruitment efforts for the Executive Director position that would become open on March 1. Discussion ensued regarding the pros and cons of having a licensee fill the role. Mr. Hilderbrand asked Ms. Lee to explain past recruitment efforts. Discussion ensued. Ms. Lee suggested the Board investigate hiring a consulting firm that specializes in non-profit recruitment.

Mr. Hilderbrand asked Ms. Acord to explain her efforts in reaching out to Skyline Personnel. Ms. Acord said that Skyline is the agency used for temporary staff placement and that she had spoken with them regarding executive level recruitment. Skyline responded indicating that they did specialize in that sort of recruitment and would be happy to share further information if the Board chose to explore this option further.

The Committee decided to discuss recruitment efforts with the full Board before making a recommendation.

Mr. Hilderbrand then asked Ms. Acord to give an update on license renewal efforts. Ms. Acord indicated that renewals were going well overall. She said there had been a few glitches with the new process of emailing wall licenses but indicated that the issues had recently been resolved.

Ms. Acord concluded her summary by reporting that the Committee had recommended approval of the financial reports for the period ending November 2024 to the full Board. Mr. Hilderbrand asked for any questions or comments. Mr. Hilderbrand expressed reassurance that the Preneed Recovery Trust Fund continues to increase and said that he hoped the increase in the Fund balance would continue. He then invited a motion regarding the Finance and Personnel Committee report.

Upon a motion by Mr. Overcash and a second by Ms. Coleman, the Board voted unanimously to approve the Financial Reports for the period ending November 2024 as presented.

Mr. Hilderbrand paused the meeting to recognize two (2) guests joining the meeting. He recognized Mr. Valdus Lockhart, former Board President and Funeral Service licensee, and Mr. Joshua Hicks introduced himself as a Funeral Service licensee.

Mr. Hilderbrand then recognized Dr. Lyons for the Technology Committee report.

Technology Committee

Dr. Lyons said that the Technology Committee had a productive meeting on Wednesday, January 8, 2025, and noted that Ms. Acord had presented information to members regarding the design and development of a new website for the Board. He asked Ms. Acord to summarize the Committee's discussion. Ms. Acord offered highlights based on the following Committee report:

> Ms. Acord acknowledged Ms. Annie Ngo's attendance and asked that she give the Committee updates on the redesign of the Board's website. Ms. Ngo acts as the Board's webmaster for its website and is a principal in the firm Digital Information Systems, Inc. which is contracted to provide information technology services for the Board. Ms. Ngo provided the Committee with updates for the redesign of the website based on the Committee's suggestions from the November 2024 meeting. Ms. Ngo reminded the Committee that her proposal for the redevelopment of the Board's website was based on three components: usability, structure and then appearance. Ms. Ngo provided the page prototypes to the Committee. She noted that she included an "FAQ" option on each page of the prototype. Mr. Overcash suggested integrating all applications into the website rather than downloading PDF versions and submitting them separately.
>
> Ms. Ngo suggested that she share the prototypes of each website page with Committee members by using Google Drive. The Committee decided that once everyone has a chance to thoroughly review each prototype page, an email thread would be created for suggested changes. Ms. Coleman asked about the amount of time it would take for the redesigned website to be live. Ms. Ngo indicated that it would take a couple of weeks after everyone agrees on the content of each page to have phase 1 ready to go live.

Ms. Acord noted that the new website would be rolled out in two phases with the initial phase focused on populating the website with basic but essential information for licensees, consumers and other users. She said that Phase II would include an integration of the license applications pages with the online payments option which would require additional time for design and development to assure its functionality. Ms. Acord further explained that the new website would include photographs of Board members and staff but that it would be necessary to have all photos taken professionally so they have a consistent look.

Mr. Davis commended the Technology Committee for their multi-month engagement in the website redevelopment project, and he noted Ms. Acord's leadership role particularly in her coordination of the Committee's vision for the new website with Ms. Ngo in structuring the site. Mr. Hilderbrand asked about the integration of the new website with the Board's licensing management system and how that would work. Ms. Acord provided additional details and reported that the new website would capitalize on accessing iGov, the licensing management system, to every extent possible.

Mr. Hilderbrand then asked for an update on creating Board-specific email addresses for each Board member. Mr. Davis and Ms. Acord conveyed their recent discussion with Digital Information Systems, Inc. in moving forward immediately with the creation of email addresses for Board members. They said that they expected email addresses to be assigned prior to the February Board meeting.

Mr. Hilderbrand expressed thanks to the Technology Committee and to Board staff for their collective efforts in the redesign of the Board's website. Mr. Hilderbrand then recognized Mr. Davis for the Executive Director's report.

Executive Director's Report

Mr. Davis updated the Board on registrations and other arrangements for the upcoming Annual Meeting of The Conference scheduled in Palm Springs, CA for late February. He also confirmed that he had made hotel room reservations for attendees. He also briefly

Mr. Davis reminded the Board about amendments to the bylaws for The Conference, which will be voted upon at the Annual Meeting, and their opportunity to offer any comments on the proposed changes to The Conference.

Mr. Davis reminded Board members about nominations for a vacant seat on the Board of Directors for The Conference and briefly described the nomination process for those wishing to propose a colleague or Board staff member for election as the District 3 representative on the Board of Directors.

Mr. Davis announced that the Board office would be closed on January 20, 2025, for observance of the Martin Luther King holiday.

Mr. Davis announced that the NC General Assembly had announced that May 8, 2025 would be the crossover deadline for the introduction of new legislation in the current session.

Mr. Hilderbrand thanked Mr. Davis for his report. Mr. Davis added an additional item to his report by letting the Board know about various mandatory reports sought by various state agencies and other service providers. He noted that the NC Office of State Budget & Management recently requested that the Board report on any administrative rules promulgated since July 1, 2024 with economic impact. He said that the Board had responded to this request and reported that no administrative rules had been promulgated that had economic impact. He also commended Karen Loveland, the Board's Administrative Officer, for her diligence in preparing responses to a multitude of mandatory reports throughout any given year. Mr. Davis and Ms. Lee briefed the Board on an upcoming review of its administrative rules for the purpose of readopting necessary rules. They noted that this review is required periodically and would be done in 2027.

Before concluding his report, Mr. Davis said that the Inspections and New Licensure reports were included in the Board meeting materials for Board members' review. Mr. Hilderbrand invited Mr. Lisenbee to comment on the Inspections Report. Mr. Lisenbee summarized the metric information presented in the December 2024 report and also noted the declining number of Mutual Burial Associations through dissolution. Mr. Hilderbrand conveyed thanks to Mr. Lisenbee and the team of Compliance Inspectors who perform on site inspections of funeral establishments on a recurring basis. Mr. Hilderbrand then invited comment on the New Licensure report and noted that the number of new licensees shown was low by comparison to prior months. Ms. Acord explained that fewer individuals are licensed in December since most prefer to wait for January 1st before receiving a license since one issued in mid-to late December would require renewal prior to December 31, 2024.

Mr. Hilderbrand then recognized Ms. Lee for the Legal Report.

Legal Report

Ms. Lee presented the following metric information to the Board regarding the status of disciplinary and preneed cases.

DISCIPLINARY MATTERS

Current Active Cases:	40
Pending Investigation:	15
Pending Review by Disciplinary Committee:	0
Pending Dispositive Action:	10
Pending Hearing:	8
Post-Hearing:	0
Other:	7
New files opened since last Board meeting:	4
Notices of Hearing sent since last Board meeting:	3
Consent Orders received since last Board meeting:	1
Cases reviewed by Disciplinary Committee since last Board meeting:	10

PRENEED RECOVERY FUND CLAIMS

Current Active Preneed Recovery Fund Claims:	0
Pending Investigation:	0
Pending Dispositive Action:	0
Preneed Recovery Fund Claims received since last Board meeting:	0
Preneed Recovery Fund Claims re-opened since last Board meeting:	0
Preneed Recovery Fund Claims reviewed by Committee since last Board meeting:	0

Ms. Lee continued her report and updated the Board on rulemaking activities. She reminded the Board that Ms. Acord conducted a public hearing to receive comment regarding proposed amendments to 21 NCAC 34B .0619, Change of Funeral Establishment Manager. She reported that no public comments were offered nor had the Board received any written comment pertaining to this rule. Ms. Lee continued and reported that the proposed adoption of rules governing the removal and transportation of decedents would be presented at the January 30th meeting of the NC Rules Review Commission. She noted that she had worked collaboratively with staff at the Rules Review Commission on a number of technical changes to reduce ambiguity in the rules' text.

Mr. Hilderbrand expressed thanks to Ms. Lee for her work as the Board's primary rulemaking coordinator. He then asked Ms. Lee to explain the case numbering system that is used for populating the monthly disciplinary report. Ms. Lee provided information on the meaning of C-files and M-files for the Board's awareness.

At 9:48 a.m., Mr. Hilderbrand announced a brief recess and said that the Board would reconvene at 10:00 a.m. He noted that he would invite a motion at that time for the Board to convene in closed session to hear legal updates from General Counsel. He also said that the Board would consider Old and New Business items following the administrative hearings which would begin at 11:00 a.m.

Mr. Allen joined the meeting at 9:51 a.m. The Board reconvened at 9:57 a.m. Mr. Hilderbrand invited a motion for closed session.

Upon a motion by Mr. Hincher and a second by Dr. Lyons, the Board voted unanimously to convene in closed session to hear matters subject to attorney-client confidentiality pursuant to NC General Statute 143-318.11(a)(1) and (a)(3).

Specifically, the Board made the motion to hear updates on pending litigation in Rockingham Superior Court regarding the matter of NC Board of Funeral Service v. Garcia Fenwick Johnson and to consider a proposed Consent Order in the matter of Bruce D. Martin, Jr. and Long House Funeral Home, Inc. Mr. Hilderbrand recused himself from the matter of NC Board of Funeral Service v. Garcia Fenwick Johnson.

Upon proper motion and vote, the Board reconvened in open session. Mr. Hilderbrand announced that the Board would conduct administrative hearings that had been noticed to begin at 11:00 a.m. in the matter of Tamari Scott Harris, Board Case Number M24-0041; and in the matter of De'Shon Terrell Whitaker, Board Case Number T24-0001.

Following the first hearing, Mr. Hilderbrand invited a motion for the Board to convene in closed session.

Upon a motion by Mr. Overcash and a second by Ms. Coleman, the Board voted unanimously to convene in closed session to deliberate on Board Case Number T24-0001, De'Shon Whitaker.

Upon a motion by Dr. Kelsey and a second by Mr. Hincher, the Board voted unanimously to reconvene in open session.

Mr. Hilderbrand invited any motions pertaining to the matter discussed in closed session.

Upon a motion by Ms. Coleman and a second by Mr. Overcash, the Board voted unanimously to terminate the applicant's traineeship in the matter of Board Case Number T24-0001 and that all credit earned under said traineeship would be forfeited. The Board encouraged Mr. Whitaker to re-apply for registration as a resident trainee in the future.

Upon a motion by Mr. Hincher and a second by Ms. Coleman, the Board voted unanimously to accept a Consent Order in settlement of Board Case Number M23-0060, Bruce D. Martin, Jr. and Long House Funeral Home, Inc.

Mr. Hilderbrand announced that the Board would conduct an administrative hearing in the matter of Tamari Harris, Board Case Number M24-0041.

Following the hearing, Mr. Hilderbrand invited a motion for closed session.

Upon a motion by Mr. Overcash and a second by Ms. Coleman, the Board voted unanimously to convene in closed session to deliberate on Board Case Number M24-0041.

Upon a motion by Ms. Coleman and a second by Mr. Hincher, the Board voted unanimously to reconvene in open session.

Mr. Hilderbrand invited any motions pertaining to the matter discussed in closed session.

Upon a motion by Mr. Overcash and a second by Dr. Kelsey, the Board voted to grant Respondent's application for registration as a resident trainee in funeral directing upon the condition that Respondent report to the Board within 10 days any criminal charges or probation violations occurring during the course of the traineeship.

Mr. Hilderbrand announced that the Board would conduct a hearing in the matter of Board Case Number M24-0039/M24-0040, Bostic-Kendrick Funeral Homed and R.C. Bostic & Son Funeral Service.

Upon a motion by Mr. Hincher and a second by Ms. Coleman, the Board voted unanimously to convene in closed session to deliberate.

Upon proper motion and vote, the Board voted unanimously to reconvene in open session.

Upon a motion by Ms. Coleman and a second by Mr. Overcash, the Board voted unanimously to recess any decision on the matter in Board Case Number M24-0039/M24-0040 to allow Board staff sufficient time to review Exhibits 11 and 12 and to present either a Consent Order or to request a continuance. Further, the Board voted to recess a decision until the Board receives an application from Respondent to renew his preneed establishment permit.

Mr. Hilderbrand thanked Board members for their deliberations and decisions in matters subject to administrative hearings. He then asked if there were any Old Business or New Business items to come before the Board. None were offered. Mr. Hilderbrand said that the Board would meet in closed session to discuss a matter subject to attorney-client confidentiality pursuant to NC General Statute 143.318.11(a)(6).

Upon a motion by Mr. Hincher and a second by Ms. Coleman, the Board voted unanimously to convene in closed session.

Upon a motion by Mr. Overcash and a second by Ms. Coleman, the Board voted unanimously to reconvene in open session.

Mr. Hilderbrand asked if there were other items to come before the Board. None were offered and he invited a motion for adjournment.

Upon a motion by Mr. Overcash and a second by Ms. Coleman, the Board voted unanimously to adjourn the meeting.

Affirmation:

Thomas T. Hilderbrand

Mr. Thomas T. Hilderbrand, President

Le'Shekia Coleman

Ms. Le'Shekia Coleman, Secretary

February 12, 2025

Date