

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NOS. C18-0008, M17-0026

In the matter of:)
)
Tribute Cremation Society, LLC,)
Brian Michael Van Heck,)
and Gregory Parker Leonard.)
)
Respondents.)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL AGENCY DECISION

In accordance with N.C. Gen. Stat. § 150B-42, the North Carolina Board of Funeral Service issues the following Findings of Fact, Conclusions of Law, and Final Agency Decision in this matter.

The record reflects that a quorum of the Board was present at the hearing and at the time the Board made this decision. The record further reflects that Board members Valdus Lockhart and Steve Herndon did not participate in the hearing or deliberations of this case since they served on the Board's Disciplinary Committee. The record further reflects that Board members Mike Stone and Chris Watson were absent. Catherine E. Lee, General Counsel, appeared for the Board; Jeffrey P. Gray appeared as Board Counsel; Respondents Tribute Cremation Society, LLC and Gregory Parker Leonard appeared and were unrepresented by counsel.

Before the hearing, the following inquiry was read aloud in accordance with state ethics laws: "Does any Board member have any known conflict of interest with respect to any matter coming before the Board today? If so, please identify the conflict or appearance of conflict and refrain from any undue or inappropriate participation in the particular matter involved." No Board member identified any conflict of interest or appearance of a conflict.

PROCEDURAL HISTORY OF THE CASE

The Notice of Hearing in this matter was timely issued on July 30, 2018, and was timely served on Respondents. On October 13, 2018, the Board adopted a Consent Order to which Respondent Brian Van Heck agreed to resolve the proceeding against Respondent Brian Van Heck only. The hearing took place as scheduled on October 14, 2018, at the Board's offices at 1033 Wade Avenue, Suite 108, Raleigh, NC 27605.

PETITIONER'S LIST OF EXHIBITS

1. Notice of Hearing and Proofs of Service
2. Board Database Printout
3. Funeral Establishment Inspection Report Addendum
4. Board Staff Opinion Regarding Aiding and Abetting
5. Cremation documents re: [REDACTED]
6. Cremation Documents re: A [REDACTED]
7. Cremation Documents re: [REDACTED]
8. Cremation Documents re: [REDACTED]
9. Cremation Documents re: [REDACTED]
10. Cremation Documents re: [REDACTED]
11. Cremation Documents re: [REDACTED]
12. Cremation Documents re: [REDACTED]
13. Cremation Documents re: [REDACTED]
14. Cremation Documents re: [REDACTED]
15. Cremation Documents re: [REDACTED]
16. Cremation Documents re: [REDACTED]

17. Cremation Documents re: [REDACTED]
18. Cremation Documents re: [REDACTED]
19. Cremation Documents re: [REDACTED]
20. Cremation Documents re: [REDACTED]
21. Cremation Documents re: [REDACTED]
22. Cremation Documents re: [REDACTED]
23. NCBFS v. Crown Memorial, 00 CVS 7316, Order and Judgment
24. NCBFS v. Crown Memorial, 00 CVS 7316, Order of Civil Contempt
25. Kuzma Complaint C18-0008

RESPONDENT'S LIST OF EXHIBITS

None.

FINDINGS OF FACT

1. Tribute Cremation Society, LLC (hereinafter "Respondent Funeral Home") is a corporation registered in North Carolina and is licensed by the Board as Funeral Establishment No. 812 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code and the standards set forth in Funeral Industry Practices, 16 C.F.R. § 453 (1984).
2. Gregory Parker Leonard (hereinafter "Respondent Leonard") is licensed as Funeral Director No. 3664 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code and the standards set forth in Funeral Industry Practices, 16 C.F.R. § 453 (1984).
3. Respondent Leonard was the licensed manager of Respondent Funeral Home between approximately September 24, 2014 and August 30, 2017.

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4. On or about September 13, 2017, Board Inspectors Brett Lisenbee (hereinafter "Inspector Lisenbee") and Karen Davis (hereinafter "Inspector Davis") conducted a Funeral Establishment Inspection (hereinafter "2017 Inspection") of Respondent Funeral Home.

5. During the 2017 Inspection, Respondent Funeral Home indicated to Inspector Lisenbee that Respondent Funeral Home had handled approximately eighteen (18) cremations for Crown Memorial Park ("Crown") between 2015 and 2017, during which time Crown was not licensed to provide funeral services in North Carolina.
6. During the 2017 Inspection, Respondent Funeral Home acknowledged to Inspector Lisenbee that they were aware of a warning letter that the Board had sent crematories in June 2016, advising licensees to be aware that "that aiding or abetting a person who is not licensed by this Board to perform funeral services in North Carolina is grounds under which the Board may take disciplinary action against a licensee."
7. On September 14, 2017, Inspector Lisenbee reviewed files located at Respondent Funeral Home containing records for the following decedents, for whom Respondent Funeral Home had conducted cremations on behalf of Crown:
 - a. [REDACTED] (date of death July 20, 2017)
 - b. [REDACTED] (date of death September 5, 2017)
 - c. [REDACTED] (date of death May 16, 2017)
 - d. [REDACTED] (date of death August 13, 2015)
 - e. [REDACTED] (date of death August 13, 2015)
 - f. [REDACTED] (date of death July 1, 2015)
 - g. [REDACTED] (date of death February 6, 2017)
 - h. [REDACTED] (date of death June 6, 2015)
 - i. [REDACTED] (date of death February 13, 2016)
 - j. [REDACTED] (date of death January 11, 2017)
 - k. [REDACTED] (date of death February 6, 2017)
 - l. [REDACTED] (date of death June 17, 2015)
 - m. [REDACTED] (date of death June 6, 2016)
 - n. [REDACTED] (date of death September 9, 2015)
 - o. [REDACTED] (date of death June 27, 2016)
 - p. [REDACTED] (date of death December 5, 2015)
 - q. [REDACTED] (date of death April 3, 2016)
 - r. [REDACTED] (date of death February 2, 2017)
8. In his review of the file for [REDACTED], Inspector Lisenbee determined that:
 - a. Respondent Funeral Home's "First Call Information" form indicates that [REDACTED] death call was received by Respondent Funeral Home from "Nicole [at] Crown," later determined to be Crown staff member, Nicole Bonham.
 - b. Board Form BFS-56G ("Form 56G") within Respondent Funeral Home's files makes reference to the cremation being performed on behalf of Crown.
 - c. The statement of funeral goods and services selected ("SFGSS") showing professional services selected as "Crown Memorial Park Cremation" was not

signed by a funeral director or funeral service licensee of the Board, per N.C. Gen. Stat. 90-210.25(e).

- d. Financial records indicate Crown was billed and remitted payment for Five Hundred Five Dollars (\$505.00) by Respondent Funeral Home in the form of Check No. 20648, on or about Aug. 1, 2017, for services rendered by Respondent Funeral Home for [REDACTED]
 - e. Board Staff received a consumer complaint dated April 22, 2017, jointly filed by [REDACTED] and his wife, [REDACTED] alleging that each complainant had prepaid for direct cremation with Crown.
9. In his review of the file for [REDACTED], Inspector Lisenbee determined that:
- a. The file contained no SFGSS signed by a funeral director or funeral service licensee of the Board, per N.C. Gen. Stat. 90-210.25(e).
 - b. The cremation authorization form obtained from Respondent Funeral Home lacked multiple required items including:
 - i. The time and date of death of the decedent, per N.C. Gen. Stat. § 90-210.125(a)(2).
 - ii. The address of the authorizing agent, per N.C. Gen. Stat. § 90-210.125(a)(5).
 - iii. The signature of the funeral director that received the cremation authorization form, per N.C. Gen. Stat. § 90-210.125(a)(14).
10. In his review of the file for [REDACTED] Inspector Lisenbee determined that:
- a. Form 56G within Respondent Funeral Home's files makes reference to the cremation being performed on behalf of Crown.
 - b. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral service licensee or funeral director, per N.C. Gen. Stat. § 90-210.25(e).
 - c. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by check, on or about May 26, 2017, for services rendered by Respondent Funeral Home to [REDACTED]
11. In his review of the file for [REDACTED] Inspector Lisenbee determined that:
- a. Respondent Funeral Home's arrangement form indicates the death call for [REDACTED] was handled on behalf of Crown.

- b. Form 56G in Respondent Funeral Home's files references an urn for [REDACTED] being provided by Crown.
- c. At least three (3) SFGSS were completed as follows:
 - i. At-need merchandise billed to [REDACTED]
 - ii. Professional services selected as "Crown Cremation" billed to Crown.
 - iii. A SFGSS reflecting the total charges of the funeral goods and services provided by Respondent Funeral Home.
- d. The SFGSS(s) were not signed by a funeral director or funeral service licensee, per N.C. Gen. Stat. 90-210.25(e).
- e. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 20048, on or about April 22, 2016, for services rendered to Mr. Geddes.
- f. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).

12. In his review of the file for [REDACTED] Inspector Lisenbee determined that:

- a. The initial death call regarding [REDACTED] was received by Respondent Funeral Home from "Bob [at] Crown."
- b. Form 56G makes reference to the cremation being performed on behalf of Crown.
- c. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
- d. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 19711, on or about Aug. 28, 2015, for services rendered by Respondent Funeral Home to [REDACTED]

13. In his review of the file for [REDACTED] Inspector Lisenbee determined that:

- a. Respondent Funeral Home's arrangement form indicates that the death call was handled on behalf of Crown.
- b. Form 56G in Respondent Funeral Home's files indicates that the cremation was performed on behalf of Crown.

- c. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
 - d. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Twenty-Five Dollars (\$525.00) by check, on or about July 13, 2015, for services rendered by Respondent Funeral Home to [REDACTED]
14. In his review of the file for [REDACTED] Inspector Lisenbee determined that:
- a. The First Call indicates that the death call was received from "Nicole [at] Crown."
 - b. Form 56G in Respondent Funeral Home's files references the cremation being performed on behalf of Crown.
 - c. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
 - d. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check Nos. 20423 and 20426 on or about Feb. 10 and 16, 2017, respectively, for services rendered by Respondent Funeral Home for [REDACTED]
 - e. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).
15. In his review of the file for [REDACTED] Inspector Lisenbee determined that:
- a. Respondent Funeral Home's arrangement form indicates that the death call for [REDACTED] was handled on behalf of Crown.
 - b. Form 56G references the cremation being performed on behalf of Crown.
 - c. Board Form BFS-56D ("Form 56D") indicates that the cremated remains were returned to Mr. Robert Hand, acting in his capacity as a representative of Crown, at Respondent Funeral Home's facility.
 - d. The file contained no SFGSS signed by a funeral director or funeral service licensee of the Board, per N.C. Gen. Stat. 90-210.25(e).
 - e. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Seven Hundred Fifty-Five Dollars (\$755.00) by Check No.

19616, on or about June 24, 2015, for services rendered by Respondent Funeral Home to [REDACTED]

- f. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).

16. In his review of the file for [REDACTED] Inspector Lisenbee determined that:

- a. The file contained what appears to be a note left for Crown by a family member of [REDACTED] intended to be read by the person(s) removing the decedent from the place of death. It reads as follows:

Hello Crown Funeral Service – I would like to thank you in advance for the gentle care [and] respect you will treat my beloved aunt with. Although she was 93 [years old], her death was unexpected, and we, her family, will greatly miss her. We are concerned that we couldn't remove her wedding ring. We will be in touch tomorrow, [Feb. 13], to talk about that. ~ [REDACTED] [phone number redacted]

- b. Respondent Funeral Home's arrangement sheet indicates that the death call for [REDACTED] was handled on behalf of Crown.
- c. Form 56G references that the cremation was performed on behalf of Crown.
- d. The SFGSS shows professional services selected as "Crown Cremation."
- e. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Fifty-Five Dollars (\$555.00) by Check No. 19976, on or about Feb. 22, 2016, for services rendered to [REDACTED]
- f. The cremation authorization form lacks the address of the authorizing agent, per N.C. Gen. Stat. § 90-210.125(a)(5).
- g. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).

17. In his review of the file for [REDACTED] Inspector Lisenbee determined:

- a. Respondent Funeral Home's arrangement sheet indicates that the death call was handled on behalf of Crown.
- b. The Release of Body form from Novant Health – Presbyterian lists Crown as the "Funeral Home or Crematory" named to take possession of the decedent's remains.

- c. Form 56G in Respondent Funeral Home's files references that the cremation was performed on behalf of Crown.
 - d. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
 - e. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 20375, on or about Jan. 24, 2017, for services rendered to [REDACTED]
 - f. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).
18. In his review of the files for [REDACTED] Inspector Lisenbee determined:
- a. The Release of Body form from Novant Health – Harris Hospice lists Crown as the "Funeral Home or Crematory" named to take possession of the decedent's remains.
 - b. On [REDACTED] patient chart dated Feb. 6, 2017, Crown is named as the funeral home / cremation service that was notified of the death by hospice staff.
 - c. Respondent Funeral Home's First Call indicates that the death call was received from "Nicole from Crown."
 - d. Respondent Funeral Home's arrangement sheet indicates that the death call was handled on behalf of Crown.
 - e. Respondent Funeral Home's Form 56G indicates the cremation was performed on behalf of Crown.
 - f. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral director or a funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
 - g. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 20426, on or about Feb. 16, 2017, for services rendered to [REDACTED]
19. In his review of the files of [REDACTED] Inspector Lisenbee determined:
- a. Respondent Funeral Home's arrangement sheet indicates that the death call for [REDACTED] was handled on behalf of Crown.

- b. Respondent Funeral Home's Form 56G references the cremation being performed on behalf of Crown.
- c. The SFGSS showing professional services selected as a Basic Cremation Package was not signed by a funeral director or a funeral service licensee per N.C. Gen. Stat. § 90-210.25(e).
- d. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Six Hundred Fifty-Five Dollars (\$655.00) by Check No. 19621, on or about June 26, 2015, for services rendered by Respondent Funeral Home to [REDACTED].

20. In his review of the files for [REDACTED] Inspector Lisenbee determined:

- a. The "Funeral Home Information Form" from Hospice Palliative Care – Charlotte Region lists Crown as the funeral home to receive the [REDACTED] remains.
- b. Respondent Funeral Home's First Call form indicates that the death call for [REDACTED] was received from "Bob from Crown."
- c. Respondent Funeral Home's arrangement sheet indicates that the death call for [REDACTED] was being handled on behalf of Crown.
- d. Form 56G in Respondent Funeral Home's files references that the cremation was performed on behalf of Crown.
- e. At least two (2) SFGSS were completed as follows:
 - i. Professional services selected as "Crown Cremation" billed to Crown.
 - ii. A SFGSS reflecting the total charges of the funeral goods and services provided by Respondent Funeral Home, specifically denoting that obituary charges were to be paid by "family."
- f. The SFGSS(s) were not signed by a funeral director or a funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
- g. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 20108, on or about June 12, 2016, for services rendered by Respondent Funeral Home to [REDACTED].
- h. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).

21. In his review of the files for [REDACTED], Inspector Lisenbee determined that:

- a. The Mecklenburg County, Office of the Medical Examiner, "Personal Effects Disposition" form indicates that an employee of Respondent Funeral Home signed as a representative of Crown, the entity named as the "Funeral Firm" to receive the decedent's remains.
- b. Respondent Funeral Home's arrangement sheet indicates that the death call was received on behalf of Crown.
- c. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral director or a funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
- d. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 19742, on or about Sept. 23, 2015, for services rendered by Respondent Funeral Home to [REDACTED].
- e. The cremation authorization form lacks the decedent's time of death, per N.C. Gen. Stat. § 90-210.125(a)(2).
- f. The cremation authorization form lacks the address of the authorizing agent, per N.C. Gen. Stat. § 90-210.125(a)(5).

22. In his review of the files for [REDACTED] Inspector Lisenbee determined that:

- a. The First Call indicates that the death call for [REDACTED] was received from "Mr. Bob from Crown."
- b. Respondent Funeral Home's arrangement sheet indicates that the death call for [REDACTED] was received on behalf of Crown.
- c. Form 56D in Respondent's files references that the cremation was performed on behalf of Crown.
- d. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral director or a funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
- e. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 20138, on or about July 12, 2016, for services rendered by Respondent Funeral Home to [REDACTED].

- f. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).

23. In his review of the files for [REDACTED] Inspector Lisenbee determined that:

- a. Respondent Funeral Home's arrangement sheet indicates that the death call for [REDACTED] was received on behalf of Crown.
- b. Form 56G in Respondent Funeral Home's files references that the cremation is being performed on behalf of Crown.
- c. The SFGSS shows professional services selected as "Crown Cremation."
- d. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 19877, on or about Dec. 14, 2015, for services rendered by Respondent Funeral Home to [REDACTED]

24. In his review of the files for [REDACTED] Inspector Lisenbee determined that:

- a. The "Information for Funeral Home" form from Hospice & Palliative Care – Charlotte Region lists Crown as being the funeral provider to take possession of [REDACTED] remains.
- b. Respondent Funeral Home's arrangement sheet indicates the death call for [REDACTED] was received on behalf of Crown.
- c. A North Carolina National Guard Military Funeral Honors Request Form lists "Bob Hand" as being a representative of Respondent Funeral Home, which is listed as the "Supporting Funeral Home." Contact information provided for Mr. Hand is that known to be associated with Crown and/or its representatives.
- d. Form 56G in Respondent Funeral Home's files makes reference to the cremation being performed on behalf of Crown.
- e. At least two (2) SFGSS were completed as follows:
 - i. A SFGSS reflecting cash advance items totaling two hundred dollars (\$200.00).
 - ii. A SFGSS reflecting the total charges of the funeral goods and services provided by Respondent Funeral Home, including professional services selected as "Crown Cremation."

- f. The SFGSS(s) were not signed by a funeral director or a funeral service licensee, per N.C. Gen. Stat. § 90-210.25(e).
- g. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 20047, on or about April 22, 2016, for services rendered by Respondent Funeral Home to [REDACTED]
- h. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).

25. In his review of the files for [REDACTED], Inspector Lisenbee determined that:

- a. The "Body Release Form" from Levine & Dickson Hospice House (IPU) lists "Crown Memorial via Tribute Cremation" as the funeral home to remove the decedent's remains from the facility.
- b. Respondent Funeral Home's First Call form indicates the death call was received from "Bob" from "Crown Memorial."
- c. Respondent Funeral Home's arrangement sheet indicates the death call for [REDACTED] was received on behalf of Crown.
- d. The SFGSS showing professional services selected as "Crown Cremation" was not signed by a funeral director or a funeral service licensee, per N.C. Gen. Stat. 90-§ 210.25(e).
- e. Financial records indicate Crown was billed and remitted payment to Respondent Funeral Home for Five Hundred Five Dollars (\$505.00) by Check No. 20432, on or about Feb. 17, 2017, for services rendered by Respondent Funeral Home for [REDACTED]
- f. The cremation authorization form lacks the required signature of a funeral director or funeral service licensee, per N.C. Gen. Stat. § 90-210.125(a)(14).

26. In 2002, Mecklenburg County Superior Court ordered Crown, its employees, and agents be enjoined from selling, offering to sell, arranging for, and offering to arrange for cremation services. The Court further ordered that Crown may refer members of the public to a licensed funeral establishment of such services, provided that the person is permitted to deal directly with the funeral establishment in making cremation arrangements and to make payment directly to the funeral establishment (the "2002 Order").

27. On April 10, 2018, the Mecklenburg County Superior Court found Crown to be in civil contempt of the 2002 Court Order and ordered that Crown cease and desist from all activities described in the 2002 Court Order.

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28. On February 14, 2018, Board staff received a complaint (hereinafter the "Complaint") against Respondents from Steven R. Kuzma (hereinafter "Complainant"), who is a licensee of the Board.
29. Complainant alleged that Respondent Funeral Home allowed a non-licensed individual to make arrangements on its behalf with a consumer named [REDACTED] for a direct cremation of [REDACTED]'s uncle.
30. Respondent Funeral Home responded to the Complaint on or about February 28, 2018, and admitted that a non-licensed individual named Edgar Rebollo made arrangements with [REDACTED] for a cremation of [REDACTED]'s uncle on behalf of Respondent Funeral Home.
31. In September 2017, Inspector Lisenbee conducted an establishment inspection of Respondent Funeral Home. During that establishment inspection, Inspector Lisenbee cited as a violation Respondent Funeral Home's failure to maintain a copy of a Statement of Funeral Goods and Services Selected or cremation authorization forms signed by a funeral director or funeral service licensee in multiple consumer files.

BASED upon the findings of fact, the Board makes the following:

CONCLUSIONS OF LAW

1. Respondent Funeral Home and Respondent Leonard are subject to jurisdiction before the Board.
2. Respondent Funeral Home and Respondent Leonard were properly served with process.
3. The Board is authorized under Article 3A, Chapter 150B of the North Carolina General Statutes to hear this matter.
4. The acts and omissions of Respondent Leonard violate N.C. Gen. Stat. § 90-210.25(e)(1)h, which prohibit aiding and abetting unlicensed practice, by entering into contracts to provide funeral service with Crown.
5. The acts and omissions of Respondent Leonard violate N.C. Gen. Stat. § 90-210.25(e)(1)c, by allowing a non-licensed representative of Respondent Funeral Home to hold himself out as practicing in the profession of funeral directing.
6. The acts and omissions of Respondent Leonard violate N.C. Gen. Stat. § 90-210.125(a)(14), by failing to witness or sign cremation authorization forms when they were received by Respondent Funeral Home.

7. The acts and omissions of Respondent Leonard violate N.C. Gen. Stat. § 90-210.125(a)(2), by failing to complete cremation authorization forms containing the time and date of the death of the decedents, and the address of the authorizing agent.
8. The acts and omissions of Respondent Leonard violate N.C. Gen. Stat. § 90-210.25(e)(2), by failing to provide to the person making funeral arrangements a written statement duly signed by a licensee of Respondent Funeral Home showing the price of the service as selected and what services are included therein.
9. The acts and omissions of Respondent Funeral Home violate N.C. Gen. Stat. § 90-210.25(e)(1)h, which prohibit aiding and abetting unlicensed practice, by entering into contracts to provide funeral serviced with Crown.
10. The acts and omissions of Respondent Funeral Home violate N.C. Gen. Stat. § 90-210.25(e)(1)c, by allowing a non-licensed staff member of Respondent Funeral Home to hold himself out as practicing in the profession of funeral directing.
11. The acts and omissions of Respondent Funeral Home violate N.C. Gen. Stat. §§ 90-210.125(a)(2) and 90-210.125(a)(14), by failing to ensure that cremation authorization forms were properly completed to contain the time and date of the death of the decedents; the address of the authorizing agent; and the signature of a licensed funeral director or funeral service licensee.

FINAL AGENCY DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the North Carolina Board of Funeral Service hereby issues the following decision:

- I. The Funeral Directing License of Gregory Parker Leonard, No. 3664, is suspended for a period of two (2) years, but said suspension shall be stayed upon the following conditions:
 - a. Respondent Leonard shall be placed on probation for two (2) years, during which time he shall not violate any law, regulation or rule regulated the Board;
 - b. Within six (6) months from the date of this Order, Respondent Leonard shall pay a compromise penalty of Two Thousand Five Hundred Dollars (\$2,500.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes; and
 - c. Respondent Leonard shall attend five (5) hours of Board-sponsored continuing education on the topic of the rules, regulations, and laws enforced by the Board on or before December 31, 2019.

- II. The Funeral Establishment License of Tribute Cremation Society, LLC, No. 812, is suspended for a period of five (5) years, but said suspension shall be stayed upon the following conditions:
- a. Respondent Funeral Home shall be placed on probation for five (5) years, during which time it shall not violate any law, regulation, or rule regulated by the Board; and
 - b. Within thirty (30) days from the date of this Order, Respondent Funeral Home shall pay a compromise penalty of Five Thousand Dollars (\$5,000.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

By order of the North Carolina Board of Funeral Service, this, the 15th day of November, 2018.

By: Charles Graves
Charles Graves
Presiding Chair

CERTIFICATE OF SERVICE

In accordance with North Carolina General Statute Section 150B-42(a), I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Final Agency Decision was sent by United States Postal Service, Certified Mail, Return Receipt Requested, postage prepaid, addressed to:


Tribute Cremation Society, LLC
4935 Monroe Road
Charlotte, NC 28205

Gregory Parker Leonard
3917 Medallion Drive
Charlotte, NC 28205

And via U.S. Mail, first class, postage prepaid and addressed as follows to:

Brian Van Heck
1036 Trinity Place
North Augusta, SC 29860

This, the 19 day of November, 2018.



Catherine E. Lee
General Counsel