

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
BOARD OF FUNERAL SERVICE  
CASE NO. C20-0047

In the matter of:

Stonemor North Carolina  
Funeral Services, Inc. d/b/a  
Montlawn Memorial Park  
Funerals & Cremations,  
Respondent

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**CONSENT ORDER**

THIS CAUSE, coming before the North Carolina Board of Funeral Service (hereinafter the "Board") at its offices at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605, with a quorum present, the Board and Respondent stipulate and agree to entry of the following Consent Order:

1. Stonemor North Carolina Funeral Services, Inc. d/b/a Montlawn Memorial Park Funerals & Cremations (hereinafter "Respondent Montlawn") is licensed by the Board as Funeral Establishment No. 0671 and Preneed Establishment No. 0760 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. Joseph D. Chandler (hereinafter "Mr. Chandler") is licensed by the Board as Funeral Service Licensee No. 2361 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. Kurtis J Van Abs (hereinafter "Mr. Van Abs") is licensed by the Board as Funeral Service Licensee No. 3485 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).
4. John Paul Womble (hereinafter "Mr. Womble") is licensed by the Board as Funeral Director No. 4261 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).
5. For all times relevant to this proceeding, Michelle Lynn Maddage (hereinafter "Ms. Maddage") was registered with the Board as a Funeral Director Trainee No. 202013 and, therefore, was 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).

6. For all times relevant to this proceeding, Ms. Maddage was employed by, and performed her traineeship at Respondent Montlawn.
7. Ms. Maddage began her traineeship on May 1, 2019 under the supervision of Scott Wheeler, who is licensed by the Board as Funeral Director No. 3843. Between May 1, 2019 and December 23, 2019, Scott Wheeler served as the licensed manager of Respondent Montlawn.
8. Scott Wheeler left employment with Respondent Montlawn on or about December 23, 2019.
9. On or about December 24, 2019, Maddage underwent a change of supervisor and Mr. Chandler became Maddage's supervisor.
10. Between approximately January 20, 2020 and February 12, 2020, Mr. Van Abs served as the licensed manager of Respondent Montlawn.
11. Between February 13, 2020 and March 20, 2020, Mr. Womble served as the licensed manager of Respondent Montlawn.
12. Between March 21, 2020 and May 13, 2020, Mr. Van Abs served as the licensed manager of Respondent Montlawn.
13. Since May 13, 2020, Mr. Womble has served as the licensed manager of Respondent Montlawn.
14. On or about July 19, 2020, Board staff received a complaint from Jason Ladd Abrams (hereinafter "Complainant"), who is a former employee of Respondent Montlawn, alleging that Ms. Maddage had falsified documents related to her traineeship. Evidence obtained in this matter tends to show the following:
  - a. Between January 2020 and June 2020, Ms. Maddage submitted to the Board monthly trainee work reports, pursuant to 21 NCAC 34B .0110 (the "Work Reports"). However, Ms. Maddage did not submit a monthly trainee work report for the month of February 2020.
  - b. On her Work Reports, Ms. Maddage indicated that she had performed work for credit toward her traineeship under the supervision of her registered supervisor when, in fact, she had not.
  - c. Specifically, on her Work Reports, Ms. Maddage indicated that, in January 2020, she performed twelve core arranging activities; in March 2020, she

performed one core arranging activity; in April 2020, she performed two core arranging activities; in May 2020, she performed one core arranging activity; and in June 2020, she performed three core arranging activities.

- d. Ms. Maddage's supervisor, Mr. Chandler, did not meet with any consumers to make arrangements, nor completed any statements of funeral goods and services selected for consumers, between January and June 2020. Therefore, Ms. Maddage did not assist with any core arranging activities under the supervision of Mr. Chandler between January and June 2020.
  - e. Between January and June 2020, Mr. Chandler only worked part-time for Respondent Montlawn. However, on her Work Reports, Ms. Maddage indicated that, under the supervision of Mr. Chandler, she completed 205 traineeship hours in January 2020; 166 hours in March 2020; 173 hours in April 2020; 205 hours in May 2020; and 50 hours in June 2020.
  - f. Mr. Chandler, as Ms. Maddage's supervisor, certified that Ms. Maddage had completed the activities set forth in her Work Reports under his supervision when, in fact, she had not.
  - g. Mr. Van Abs, as the licensed manager of Respondent Montlawn, certified that Ms. Maddage had completed the activities set forth in her January, March, and April Work Reports under Mr. Chandler's supervision when, in fact, she had not.
  - h. Mr. Womble, as the licensed manager of Respondent Montlawn, certified that Ms. Maddage had completed the activities set forth in her May and June Work Reports under Mr. Chandler's supervision when, in fact, she had not.
15. On or about July 11, 2020, Ms. Maddage placed her traineeship on inactive status. Ms. Maddage failed to renew her traineeship on or before May 1, 2021. As such, Ms. Maddage's registration as a trainee is expired.

#### **CONCLUSIONS OF LAW**

1. The acts and omissions of Respondent in Paragraphs 1-15 violate N.C. Gen. Stat. § 90-210.25(a)(4)(e), which requires that the data contained in the monthly trainee work reports be certified as correct by the licensee under whom the trainee has served and by the licensed person who is managing the funeral establishment.
2. The acts and omissions of Respondent in Paragraph 1-15 violate 21 NCAC 34B .0103(d), 21 NCAC 34B .0110(b), and 21 NCAC 34B .0126, in that employees and managers of Respondent certified for credit toward a traineeship alleged work performed by Ms. Maddage that was unsupervised or performed under the

supervision of a person not registered with the Board as the resident trainee's supervisor.

3. The acts and omissions of Respondent described in Paragraphs 1-15 violate N.C. Gen. Stat. § 90-210.25(e)(1)(j), which prohibits violating any provision of Article 13A of Chapter 90 of the North Carolina General Statutes, all rules and regulations of the Board, and the standards set forth in 16 C.F.R. § 453 (1984), as amended from time to time.
4. The acts and omissions of Respondent described in Paragraphs 1-15 violate N.C. Gen. Stat. § 90-210.25(e)(1)(b), which prohibits fraud or misrepresentation in obtaining or renewing a license.
5. One or more of the violations described above were committed by any officer, director, manager, partner, operator, or member of Respondent Montlawn or by any person, employee, or agent with the consent of any person, firm, or corporation operating it. Pursuant to N.C. Gen. Stat. § 90-210.25(d)(4), the Board has the authority to revoke, suspend, or refuse to issue or renew the funeral establishment permits of Respondent Montlawn, to place Respondent Montlawn on probation, and/or to assess a civil penalty not to exceed \$5,000.00.

BASED upon the foregoing Findings of Fact and Conclusions of Law, and in lieu of further proceedings, Respondent wishes to resolve this matter by consent and agree that Board staff and counsel may discuss this Consent Order with the Board *ex parte* whether or not the Board accepts this Consent Order as written.

Whereas Respondent acknowledges that it has read this entire document and understands it;

Whereas Respondent acknowledges that it enters into this Consent Order freely and voluntarily;

Whereas Respondent acknowledges that it has had full and adequate opportunity to confer with legal counsel in connection with this matter;

Whereas Respondent understands that this Consent Order must be presented to the Board for approval and that Respondent hereby waives any argument that any Board members considering this Consent Order are disqualified from participating in a hearing of this matter; and

Whereas the Board has determined that the public interest is served by resolving this matter as set forth below.

THEREFORE, with the consent of Respondent, it is ORDERED that:

1. No licensee employed with Respondent Montlawn shall serve as a supervisor for Ms. Maddage in the future.
2. Mr. Chandler, Mr. Van Abs, and Mr. Womble shall receive letters of caution, advising them of their obligation to provide complete and accurate documentation to the Board regarding the activity of trainees under their supervision.
3. Funeral Establishment No. 0671 and Preneed Establishment No. 0760 of Respondent Montlawn is suspended for twelve (12) months, but said suspension is stayed on the following conditions:
  - a. Respondent Montlawn admits to the violations herein;
  - b. Respondent Montlawn shall be placed on probation during the period of stayed suspension;
  - c. Respondent Montlawn shall not violate any law or rule of the Board during the period of suspension;
  - d. Respondent Montlawn shall timely respond to any and all Board and/or Board staff correspondence;
  - e. Respondent Montlawn shall comply with all terms of this Consent Order; and
  - f. Within thirty (30) days from the date this Consent Order takes effect, Respondent Montlawn shall pay a compromise penalty of Two Thousand Five Hundred (\$2,500.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
4. The Board shall retain jurisdiction under Article 3A, Chapter 150B for all administrative hearings held in connection with or pursuant to this Consent Order. If the Board receives evidence that Respondent have violated any term of this Consent Order or any other law or rule enforced by the Board, the Board shall schedule a show cause hearing for a determination of the violations. If the Board determines that a violation has occurred, the Board may impose such disciplinary action as it determines is appropriate and is authorized by law.
5. This Consent Order shall take effect immediately upon its execution by all parties and reflects the entire agreement between Respondent and the Board, there being no agreement of any kind, verbal or otherwise, which varies, alters, or modifies this Consent Order.

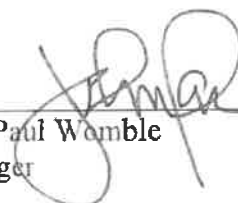
6. No modification or waiver of any provision of this Consent Order shall be effective unless it is in writing, adopted and approved by the Board, and signed by the parties affected.
7. Both the Board and Respondent participated in the drafting of this Consent Order. Any ambiguities herein shall not be construed against either party in any future civil or administrative proceeding.
8. Respondent hereby waives any requirement under any law or rule that this Consent Order be served upon them.
9. Upon its execution by the Board and Respondent, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof.
10. It is understood that in entering into this Consent Order, Respondent does not represent the interests of Michelle Lynn Maddage, Joseph D. Chandler, Kurtis J. Van Abs or John Paul Womble.

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CONSENTED TO:

Stonemor North Carolina Funeral Services, Inc.  
d/b/a Montlawn Memorial Park Funerals & Cremations

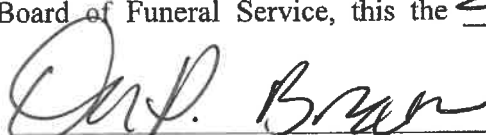
By:   
John Paul Wamble  
Manager

Date:

July 30, 2021

By Order of the North Carolina Board of Funeral Service, this the 24 day of August, 2021.

By:



Don D. Brown  
Board President