

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. C21-0038

In the matter of:

Thaddies Lewis Butler d/b/a
Butler Funeral Chapel and Thaddies Lewis
Butler d/b/a Butler Funeral Home & Chapels
Respondents.

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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 Respondents stipulate and agree to entry of the following Consent Order:

1. Thaddies Lewis Butler d/b/a Butler Funeral Home & Chapels (hereinafter "Respondent Funeral Home") is licensed by the Board as Funeral Establishment Permit No. 0075 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. Respondent Funeral Home has not held a preneed establishment permit since 2014.
2. Respondent Thaddies Lewis Butler d/b/a Butler Funeral Chapel (hereinafter "Respondent Chapel" and collectively with Respondent Funeral Home, the "Respondents"), is licensed by the Board as Chapel Permit No. 0056 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. At no time has Respondent Chapel been licensed as a preneed establishment by the Board.
3. Respondent Chapel is affiliated with Respondent Funeral Home, pursuant to N.C. Gen. Stat. § 90-210.27A(g).
4. Prior to her death on or August 15, 2020, Dorethea Butler held Funeral Director License No. 3426 and was the owner of Respondent Funeral Home and Respondent Chapel.
5. Until his death on June 26, 2018, Douglas Lee McLaurin held Funeral Director License No. 2835 and served as the licensed manager of Respondent Funeral Home and Respondent Chapel.
6. On or about March 18, 2021, Board staff received a complaint from [REDACTED] (the "Complainant"). Board staff provided Respondents with an opportunity to respond to Ms. McArthur's allegations, and Respondents did so on

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or about March 28, 2021. Board Inspector Karen Davis conducted an investigation. Evidence obtained in this matter tends to show the following:

- a. On or about March 29, 2017, Complainant entered into a preneed contract with Respondent Chapel, which was written by Mr. McLaurin as a representative of Respondent Chapel and Respondent Funeral Home.
 - b. To fund the preneed contract, Complainant gave a check to Mr. McLaurin in the amount of \$2,200.00 made payable to Butler's Funeral Chapel.
 - c. On the preneed contract, Mr. McLaurin fraudulently wrote Dorethea Butler's license number and a fraudulent insurance policy number.
 - d. Complainant's preneed payment was intended to purchase a preneed insurance policy with United Home Life Insurance Company.
 - e. Mr. McLaurin, on behalf of Respondents, misrepresented to Complainant that the policy had been purchased by providing her with a forged insurance declaration document. However, Respondents did not purchase a preneed insurance policy with Complainant's payment. Instead, Complainant's preneed payment was misappropriated.
 - f. No preneed contract for Complainant has been filed with the Board.
7. The respective permits of Respondents expired on December 31, 2021; on or about February 1, 2022, Respondents submitted 2022 renewal applications with disconnected telephone numbers and an invalid mailing address.

CONCLUSIONS OF LAW

8. Respondents are subject to jurisdiction before the Board.
9. The acts and omissions of Respondents, described in Paragraphs 1-7 violate N.C. Gen. Stat. §§ 90-210.25(e)(1)(b) and 90-210.69(c)(4), for engaging in fraud or misrepresentation in the renewal of its Board-issued licensure, and in practice of funeral service or operation of a licensee's business.
10. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to deposit preneed funeral funds into a trust account or insurance policy within five (5) business days from the date of receipt, in violation of N.C. Gen. Stat. § 90-210.61(a).

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11. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to timely file a preneed contract with the Board, in violation of N.C. Gen. Stat. § 90-210.67(d), and 21 NCAC 34D .0105.
12. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to retain the physical file for a preneed contract sold, in violation of N.C. Gen. Stat. § 90-210.68(a), and 21 NCAC 34D .0301(b), (c)(4).
13. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to either execute or retain an application for insurance, an insurance policy, beneficiary designation documents, or instruments of assignment for an insurance funded preneed contract sold, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(5).
14. The acts and omissions of Respondents described in Paragraphs 1-7 offering to engage or engaging in activities for which a preneed license is required but without having obtained such a license, in violation of N.C. Gen. Stat. § 90-210.69(c)(1).
15. If established by a preponderance of the evidence, the acts and omissions of Respondents described in Paragraphs 1-7 violate N.C. Gen. Stat. § 90-210.69(c)(6), which prohibits violating or cooperating with others to violate the laws, rules and regulations of the Board, or the standards set forth in Funeral Industry Practices, 16 C.F.R. § 453 (1984), as amended from time to time.
16. The acts and omissions of Respondents described in Paragraphs 1-7 violate N.C. Gen. Stat. § 90-210.25(e)(1)j., which prohibits violating or cooperating with others to violate the laws, rules and regulations of the Board, or the standards set forth in Funeral Industry Practices, 16 C.F.R. § 453 (1984), as amended from time to time.
17. The Board concludes that one or more of the violations described in Paragraphs 8-16 were committed by any owner, officer, operator, manager, member, or partner of Respondent Funeral Home or by any agent or employee of Respondent Funeral Home 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 permit or chapel permit of Respondents, to place Respondents on probation, and 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, Respondents wish 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.

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Whereas Respondents acknowledge that they have read this entire document and understand it;

Whereas Respondents acknowledge that they enter into this Consent Order freely and voluntarily;

Whereas Respondents acknowledge that they have had full and adequate opportunity to confer with legal counsel in connection with this matter;

Whereas Respondents understand that this Consent Order must be presented to the Board for approval and that Respondents hereby waive 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 Respondents, it is ORDERED that:

1. Funeral Establishment Permit No. 0075 held by Respondent Funeral Home is hereby revoked.
2. Chapel Permit No. 0056 held by Respondent Chapel is hereby revoked.
3. Respondents are eligible to re-apply for licensure, contingent upon the following terms and conditions:
 - a. Respondents must meet the requirements for licensure set forth in North Carolina General Statute and the attendant rules;
 - b. Respondents shall submit a complete and accurate application for licensure to the Board; and
 - c. Respondents must provide evidence to the Board that they have reimbursed [REDACTED] or her Estate in the amount of \$2,200.00
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 Respondents 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.

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5. This Consent Order shall take effect immediately upon its execution by all parties and reflects the entire agreement between Respondents 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 Respondents 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. Respondents hereby waive any requirement under any law or rule that this Consent Order be served upon them.
9. Upon its execution by the Board and Respondents, 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.

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CONSENTED TO:

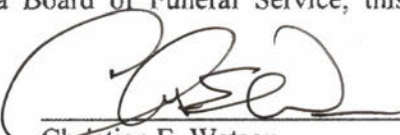
Thaddies Lewis Butler d/b/a Butler Funeral Chapel

Thaddies L. Butler Date: 5/10/2022
Thaddies Lewis Butler
Sole Proprietor

Thaddies Lewis Butler d/b/a Butler Funeral Home & Chapels

By: Thaddies L. Butler Date: 5/10/2022
Thaddies Lewis Butler
Sole Proprietor

By Order of the North Carolina Board of Funeral Service, this the 11th day of
May, 2022.

By: 
Christian E. Watson
Board President