

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. C21-0067/M21-0089

In the matter of:

Williams & Ashford Funeral Directors and
Cremations LLC and Dandrell D'ante Williams
Respondents.

)
)
)
)
)

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:

FINDINGS OF FACT

1. Respondent Williams & Ashford Funeral Directors and Cremations LLC f/k/a Serenity Memorial Funeral Home & Cremations, LLC (hereinafter "Respondent Funeral Home"), is licensed by the Board as Funeral Establishment Permit No. 0893 and Preneed Establishment Permit No. 1025 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code.
2. Respondent Dandrell D'ante Williams (hereinafter "Respondent Individual" or collectively with Respondent Funeral Home as "Respondents") is licensed by the Board as Funeral Director No. 4225 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code.
3. For all times relevant to this Notice of Hearing, Respondent Individual has been the licensed manager, President, and a shareholder of Respondent Funeral Home.

C21-0067

1. On May 3, 2021, Mr. Edward Harmon (the "Decedent") died in an emergency room while visiting North Carolina from his place of residence in Virginia.
2. The Decedent's death fell under the jurisdiction of the Wayne County Medical Examiner, pursuant to N.C. Gen. Stat. § 130A-383.
3. Respondents were hired to file and obtain the Decedent's death certificate and to complete the Decedent's burial-transit permit, so that the Decedent could be legally removed to Virginia for his funeral services.

4. On May 4, 2021, the Decedent's body was released into the care of a transport service of a funeral home located in Virginia. That same day, Respondent Individual signed a Burial-Transit Permit as a Deputy Registrar for the Decedent's removal to Virginia.
5. On the Burial-Transit Permit, Respondent Individual listed the Jessica Taylor, Wayne County Medical Examiner, as the Decedent's attending physician on the Burial-Transit Permit. However, Ms. Taylor did not serve as Decedent's attending physician.
6. Respondents did not contact Ms. Taylor to request her signature on the Decedent's death certificate until approximately 22 days following the Decedent's death.
7. On May 25, 2021, Respondents requested that Ms. Taylor sign the Decedent's death certificate. Upon obtaining authorization from the Office of the Medical Examiner to complete the Decedent's death certificate, Ms. Taylor did so.

M21-0089

4. On or about August 18, 2021, Inspector Davis-Brunson conducted an examination of trust and insurance-funded preneed contracts and records of Respondent Funeral Home (the "2021 Examination"), pursuant to N.C. Gen. Stat. § 90-210.68(a).
5. During the 2021 Examination, Inspector Davis-Brunson found evidence tending to show that Respondents had failed to maintain a preneed receipt journal or book, as required by N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(2).
6. On or about August 18, 2021, Inspector Davis-Brunson also conducted a routine establishment inspection of Respondent Funeral Home (the "2021 Inspection"), pursuant to N.C. Gen. Stat. § 90-210.34(d).
7. During the 2021 Inspection, Inspector Davis-Brunson found evidence tending to show that Respondent Funeral Home's General Price List contained inaccurate price information for its Traditional Funeral Service Fee, its Cardboard Container for Direct Cremation pricing; and its price range for direct cremation.
8. During the 2021 Inspection, Inspector Davis-Brunson also found evidence tending to show that Respondent owed the family of decedent [REDACTED] a refund of \$385.00.
9. Respondent Funeral Home has held Preneed Establishment Permit No. 1025 since April 2021. Since that time, Respondent Funeral Home has filed multiple deficient preneed contracts with the Board, requiring Board staff to return the contracts for complete and accurate completion. For instance:
 - a. Respondents submitted to the Board a preneed contract for [REDACTED] that failed to disclose the amount of the preneed funeral funds paid by the purchaser;

- b. Respondents submitted to the Board a preneed contract for [REDACTED] that failed to list the amount of four (4) funding insurance policies; and
- c. Respondents submitted to the Board preneed contracts for [REDACTED] and [REDACTED] that were missing the required signatures by the contract purchasers.

CONCLUSIONS OF LAW

1. Respondents are 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. Respondents are subject to jurisdiction before the Board.
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 Individual, described in Paragraphs 1-9, 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 practice of funeral service or operation of a licensee's business.
5. The acts and omissions of Respondents described in Paragraphs 1-9 constitute a failure to properly maintain accurate and complete preneed records and forms, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 N.C. Admin. Code 34D .0301(c)(2).
6. The acts and omissions of Respondents described in Paragraphs 1-9 constitute a failure to provide accurate price information on its General Price List, in violation of 16 C.F.R. §§ 453.2(a), 453.2(b)(4)(ii)(C).
7. The acts and omissions of Respondents described in Paragraphs 1-9 constitute a failure to provide a refund for the price of goods and services paid for, but not fulfilled, in violation of N.C. Gen. Stat. § 90-210.25(e)(1)(q).
8. The acts and omissions of Respondents described in Paragraphs 1-9 constitute a failure to fully complete and execute preneed contracts as required by N.C. Gen. Stat. § 90-210.62 and 21 N.C. Admin. Code 34D .0101.
9. The acts and omissions of Respondents described in Paragraphs 1-9 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.
10. The acts and omissions of Respondents described in Paragraphs 1-9 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.

11. The Board concludes that one or more of the violations described above 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 of Respondent Funeral Home, to place Respondent Funeral Homes on probation, and to assess a civil penalty not to exceed \$5,000.00.
12. The Board concludes that Respondent Individual committed one or more of the violations described above but remains fit to practice. Pursuant to N.C. Gen. Stat. § 90-210.25(e)(1)j., the Board has the authority to place Respondent Individual on probation and to assess a civil penalty not to exceed \$5,000.00.
13. The Board concludes that Respondent Funeral Home committed one or more of the violations described above. Pursuant to N.C. Gen. Stat. § 90-210.69(c), the Board has the authority to revoke, suspend, or refuse to issue or renew the preneed establishment permit and all ancillary preneed sales licenses of Respondent Funeral Home, or to place Respondent Funeral Home on probation, and to assess a civil penalty not to exceed \$5,000.00.
14. The Board concludes that Respondent Individual committed one or more of the violations described above. Pursuant to N.C. Gen. Stat. § 90-210.69(c), the Board has the authority to revoke, suspend, or refuse to issue or renew the preneed sales license of Respondent Individual, or to place Respondent Individual 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;

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. The at-need establishment permit, preneed establishment permit and all ancillary preneed sales licenses of Respondent Funeral Home is hereby suspended for at least two (2) years from the effective date of this Consent Order, except that said suspension is stayed. However, the stay of the suspension shall be automatically lifted upon failure to comply with the following terms and conditions:
 - a. The at-need establishment permit, the preneed establishment permit and the ancillary preneed sales licenses of Respondent Funeral Home shall remain on a probationary period for at least two (2) years from the effective date of this Consent Order, and until such time as Respondent Funeral Home submits to and passes without substantial deficiency a preneed examination and an at-need inspection conducted by a Board Staff Inspector, which should be conducted on or before February 2024;
 - b. All preneed sales licensees of Respondent Funeral Home shall take a Board-sponsored continuing education course on preneed statutes and rules on or before June 30, 2022;
 - c. Within thirty (30) days following the effective date of this Consent Order, Respondent Establishment shall pay a civil 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.
 - d. During the period of stayed suspension as set forth above, the licensure of Respondent Establishment shall be on probationary status and it must comply with all statutes and rules governing the practice of funeral service.
2. The Funeral Director License of Respondent Individual shall be suspended for a period of two (2) years, beginning on the date that this Final Agency Decision takes effect, provided that said suspension shall be stayed. However, the stay of the suspension shall be automatically lifted upon failure to comply with the following terms and conditions:
 - a. During the period of stayed suspension as set forth above, the licensure of Respondent Individual shall be on probationary status and he must comply with all statutes and rules governing the practice of funeral service.
 - b. Within thirty (30) days following the effective date of this Consent Order, Respondent Individual shall submit proof to the Board staff that he has taken

remedial training on North Carolina's Electric Death Registration System, offered through the NC Department of Health and Human Services.

3. 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.
4. This Consent Order shall take effect immediately upon its execution by the Board and Respondents 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.
5. 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.
6. 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.
7. Respondents hereby waive any requirement under any law or rule that this Consent Order be served upon them.
8. 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.

[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK]

In the Matter of Williams & Ashford Funeral Directors and Cremations LLC and Dandrell D'ante Williams
North Carolina Board of Funeral Service Case No. C21-0067/M21-0089
Consent Order
Page | 7

CONSENTED TO:

Williams & Ashford Funeral Directors and Cremations LLC

By: Dandrell D. Williams Date: Feb. 7, 2022
Dandrell D'ante Williams
Manager

Dandrell D. Williams Date: Feb. 7, 2022
Dandrell D'ante Williams

By Order of the North Carolina Board of Funeral Service, this the 9th day of February, 2022.

By: Christian E. Watson
Christian E. Watson
Board President