

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
BOARD OF FUNERAL SERVICE  
CASE NOS. C21-0083/M21-0094

In the matter of:

Carron's Funeral Home, LLC and  
Carla King Horne,  
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. Respondent Carron's Funeral Home, LLC (hereinafter "Respondent Funeral Home"), is licensed by the Board as Funeral Establishment Permit No. 0136 and Preneed Establishment Permit No. 0201 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 Carla King Horne (hereinafter "Respondent Individual" or collectively with Respondent Funeral Home as "Respondents") is licensed by the Board as Funeral Director No. 3559 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 and a member of Respondent Funeral Home.

C21-0083

4. On or about August 12, 2021, Board staff received a complaint from Shaye Collier, who is the Wilson County Deputy Registrar (the "Complainant"). Board staff provided Respondents with an opportunity to respond to Ms. Collier's allegations, and Respondents did so on or about September 8, 2021. Thereafter, Complainant submitted a rebuttal to the Board. Evidence obtained in this matter tends to show the following:
  - a. On or about March 18, 2021, Willie Ray Blackwell died, and Respondents were contracted to provide his funeral services. Respondents filed two different death certificates for Decedent Blackwell, each containing different physician signatures.
  - b. On or about May 19, 2021, Robert Earl Williams died, and Respondents were contracted to provide his funeral services. As of August 23, 2021, Respondents had not filed Decedent's Williams' death certificate.

- c. On or about June 20, 2021, Brandy Wallace died, and Respondents were contracted to provide her funeral services. Decedent Wallace's death certificate was signed by the Medical Examiner on or about June 28, 2021. Respondents did not file her death certificate until on or about July 13, 2021.
- d. On or about June 22, 2021, Gregory Bridges died, and Respondents were contracted to provide his funeral services. Decedent Bridges' physician signed his death certificate on or about June 23, 2021. Respondents did not file his death certificate until on or about August 18, 2021.
- e. On or about July 22, 2021, Gladys Olivia Adams died, and Respondents were contracted to provide her funeral services. Respondents did not file Decedent Adams' death certificate until November 8, 2021.
- f. On August 17, 2021, Loniell Armstrong, Jr. died, and Respondents were contracted to provide his funeral services. Decedent Armstrong's physician signed his death certificate on or about September 13, 2021. Respondents did not file Decedent Armstrong's death certificate until on or about September 14, 2021.
- g. On or about September 11, 2021, Vernell Williams died, and Respondents were contracted to provide his funeral services. On or about September 30, 2021, Respondents filed a death certificate for Decedent Williams that listed the incorrect county of death. Upon being made aware of the error by the local health department, Respondents filed a second death certificate for Decedent Williams on or about October 4, 2021, which still contained erroneous information related to Decedent Williams' place of death.

M21-0094

- 5. On or about August 23, 2021, Inspector Terri Robinson 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).
- 6. During the 2021 Examination, Inspector Robinson found evidence tending to show the following violations of statutes and rules regulating the practice of preneed funeral service:
  - a. Respondents had failed to maintain a preneed receipt journal or book dedicated solely to preneed payments received, as required by N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(2);
  - b. Respondents commingled preneed payments with its general operating account for consumer [REDACTED] in violation of N.C. Gen. Stat. § 90-210.61(e);

- c. Respondents failed to retain all trust deposit slips or certificate of deposit records for the following contracts, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 34D.0301(c)(4):

i.  
ii.  
iii.  
iv.

- d. Respondents failed to maintain all receipts for preneed payments for the following contracts, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 34D .0301(c):

i.  
ii.  
iii.  
iv.  
v.  
vi.  
vii.  
viii.  
ix.

- e. Respondents failed to timely file a certificate of performance for consumer [REDACTED] within ten (10) days of payment, in violation of N.C. Gen. Stat. § 90-210.64(a) and 21 NCAC 34D .0303(b).

- f. Respondents failed to properly calculate the inflation-proof credits for non-guaranteed cash advance/tax items for the following closed contracts, in violation of N.C. Gen. Stat. § 90-210.62(a):

i.  
ii.  
iii.  
iv.  
v.

- g. Respondents accepted preneed payments from the following consumers prior to executing preneed contracts, in violation of N.C. Gen. Stat. § 90-210.62:

i.  
ii.

**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 Respondents described in Paragraphs 1-6 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).
5. The acts and omissions of Respondents described in Paragraphs 1-6 constitute a failure to fully complete and execute preneed contracts at the time preneed money is received, as required by N.C. Gen. Stat. § 90-210.62 and 21 N.C. Admin. Code 34D .0101.
6. The acts and omissions of Respondents described in Paragraphs 1-6 violate N.C. Gen. Stat. § 90-210.62(a) for failing to properly calculate the inflation-proof credits for non-guaranteed cash advance/tax items for the closed preneed contracts.
7. The acts and omissions of Respondents described in Paragraph 1-6 violate N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(2), for failing to maintain a preneed receipt journal or book dedicated solely to preneed payments received.
8. The acts and omissions of Respondents described in Paragraph 1-6 violate N.C. Gen. Stat. § 90-210.61(e) for commingling preneed payments with its general operating account.
9. The acts and omissions of Respondents described in Paragraphs 1-6 constitute a failure to timely complete and/or file with the Board certificates of performance for performed preneed contracts, in violation of N.C. Gen. Stat. § 90-210.64(a) and 21 N.C. Admin. Code 34D .0303(b).
10. The acts and omissions of Respondents described in Paragraphs 1-6 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.
11. The acts and omissions of Respondents described in Paragraphs 1-6 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.
12. The acts and omissions of Respondents described in Paragraphs 1-6, violate N.C. Gen. Stat. § 90-210.25(e)(1)m., which prohibits violations of provisions of Article 4 or 16 of Chapter 130A

of the General Statutes or any rules or regulations promulgated under those Articles. Specifically:

- a. Respondents failed to file death certificates for deaths occurring in North Carolina with the local registrar of the county in which the death occurred within five (5) days after death, in violation of N.C. Gen. Stat. § 130A-115.
13. One or more of the violations described above were committed by any officer, director, manager, partner, operator, or member of Respondent Establishment 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 Funeral Home, to place Respondent Funeral Home on probation, and/or to assess a civil penalty not to exceed \$5,000.00.
  14. Respondent Individual committed one or more of the violations described above. Pursuant to N.C. Gen. Stat. §§ 210.25(e)(1), the Board has the authority to suspend, revoke, or refuse to issue or renew the funeral service license of Respondent Individual. However, this Board finds that Respondent Individual remains fit to practice. Therefore, pursuant to N.C. Gen. Stat. § 90-210.25(e)(2), the Board has the authority to place Respondent Individual on probation, to require satisfactory completion of remedial or education training, 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 Establishment 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 Establishment 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 Establishment 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 2023;
  - b. Within thirty (30) days following the effective date of this Consent Order, Respondent Establishment shall pay a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) to the Civil Penalty and Forfeiture Fund, in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
  - c. 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. Within thirty (30) days following the effective date of this Consent Order, Respondent Individual shall pay a civil penalty of Five Hundred Dollars (\$500.00) to the Civil Penalty and Forfeiture Fund, in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
  - b. During the period of stayed suspension as set forth above, the licensure of Respondent Individual shall be on probationary status and she must comply with all statutes and rules governing the practice of funeral service.
  - c. Within thirty (30) days following the effective date of this Consent Order, Respondent Individual shall submit proof to the Board staff that she 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.

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CONSENTED TO:

Carron's Funeral Home, LLC

By: Carla King Horne Date: 2/7/2022  
Carla King Horne  
Manager

Carla King Horne Date: 2/7/2022  
Carla King Horne

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

By:



Christian E. Watson  
Board President