

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. C21-0131

In the matter of:)
)
Susanne Blair and Susanne Blair d/b/a) **CONSENT ORDER**
Memorial Funeral Service,)
Respondents.)

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. Susanne Blair d/b/a Memorial Funeral Service (hereinafter "Respondent Funeral Home") holds Funeral Establishment Permit No. 0731 and Preneed Establishment Permit No. 0922 issued by the Board 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. Susanne Blair (hereinafter "Respondent Individual") holds Funeral Service License No. 2386 issued by the Board 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. On or about Friday, December 07, 2021, the Board received a complaint from Piotr Zakamarek (hereinafter "Complainant"), who alleged that the odor of decomposing dead human bodies could be detected in businesses in close proximity to Respondent Funeral Home. Complainant further alleged that dead human bodies in the possession of Respondent Funeral Home were not being properly refrigerated or timely cremated, because the crematory used by Respondent Funeral Home was not currently operational.
4. On Monday, December 10, 2021, Board Inspector Darrell Cagle served Respondents with notice of Complainant's complaint and conducted an investigation at Respondent Funeral Home's facilities. In the course of the investigation, Respondent Individual informed Inspector Cagle that, in early December 2021, at least one dead human body had been stored at Respondent Funeral Home for a period of 2-3 days without embalming or refrigeration, while Respondents waited for the retort to be fixed at the crematory she owns.

CONCLUSIONS OF LAW

1. Respondents are subject to jurisdiction before the Board.

2. The acts and omissions of Respondents described in Paragraphs 1-4 violate N.C. Gen. Stat. § 90-210.27A(1), in that Respondents failed to refrigerate an unembalmed dead human body in its custody for more than 24 hours.
3. One or more of the violations described above were committed by an owner, partner, manager, member, operator, or officer of Respondent Funeral Home. 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, or to place Respondent Funeral Home on probation, and to assess a civil penalty not to exceed \$5,000.00.
4. 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)(2), the Board has the authority 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 Funeral Service License of Respondent Individual and the Funeral Establishment Permit of Respondent Funeral Home are suspended for twelve (12) months, but said suspension is stayed on the following conditions:
 - a. Respondents admit to the violations herein;

- b. Respondents shall be placed on probation during the period of stayed suspension;
 - c. Respondents shall not violate any law or rule of the Board during the period of suspension;
 - d. Respondents shall timely respond to any and all Board and/or Board staff correspondence;
 - e. Respondents shall comply with all terms of this Consent Order; and
 - f. Within thirty (30) days from the date this Consent Order takes effect, Respondents shall pay a compromise penalty of One Thousand Five Hundred (\$1,500.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
2. 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 has 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.
 3. 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.
 4. 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.
 5. 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.
 6. Respondent hereby waives any requirement under any law or rule that this Consent Order be served upon them.
 7. 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.

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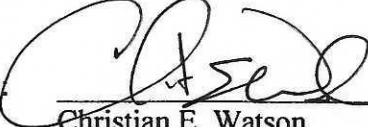
CONSENTED TO:

Susanne Blair d/b/a Memorial Funeral Service

By: Susanne Blair Date: 5/26/2022
Susanne Blair
Licensed Manager and Owner

Susanne Blair Date: 5/26/2022
Susanne Blair

By Order of the North Carolina Board of Funeral Service, this the 8th day of June,
2022.

By: 
Christian E. Watson
Board President