

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NOS. C22-0081, C22-0091, C22-0093

In the matter of:)
)
Mills Funeral Home, Inc., Craig)
Randolph Mills, Haskins Memorial)
Services, Inc., and Leander Robert)
Morgan, Jr.)
Respondents.)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL AGENCY DECISION

In accordance with N.C. Gen. Stat. § 150B-40(d), the North Carolina Board of Funeral Service (hereinafter the “Board”) issues the following Findings of Fact, Conclusions of Law, and Final Agency Decision in this matter.

The record reflects that a quorum of the Board was present at the hearing held on April 12, 2023 and at the time the Board made this decision on April 12, 2023. The record further reflects that Board members Christian E. Watson and J. Stephen Herndon did not participate in the hearing or deliberations of this case because they served on the Board’s Disciplinary Committee at the time this particular matter was reviewed. At the hearing, Catherine E. Lee, General Counsel, appeared for Board staff and Charles McDarris appeared as administrative law counsel for the Board. All Respondents appeared at the hearing *pro se*.

Before the hearing, the following inquiry was read aloud in accordance with state ethics laws: “[d]oes any board member have any known conflict of interest with respect to this matter coming before the Board today? If so, please identify the conflict or appearance of conflict and refrain from any undue or inappropriate participation in the particular matter involved.” No Board members, other than Mr. Watson and Mr. Herndon, stated that they had a conflict of interest or the appearance of a conflict of interest.

PETITIONER’S LIST OF EXHIBITS

1. Notice of Hearing
2. iGov Profile for Respondent Mills Funeral Home
3. iGov Profile for Respondent Craig Randolph Mills
4. iGov Profile for Haskins Memorial Services, Inc.
5. iGov Profile for Leander Robert Morgan, Jr.
6. Initial Establishment Permit Application for Haskins Memorial Services, Inc.
7. 2022 Renewal Application for Haskins Memorial Services, Inc.
8. 2023 Renewal Application for Haskins Memorial Services, Inc.
9. Consent Order for Board Case Nos. C20-0067 against Mills Funeral Home, Inc. and G. Nobles (Feb. 10, 2021)

10. Consent Order for Board Case Nos. C20-0067, M21-0058, C21-0050 against Mills Funeral Home, Inc and Craig Randolph Mills (Oct. 14, 2021)
11. Letter from Board Staff to Mills Funeral Home, Inc. re Board-Sponsored Preneed Review Continuing Education Course (October 6, 2022)
12. C22-0081 Complaint
13. C22-0081 Response
14. C22-0081 Investigation Report
15. C22-0081 Board Subpoena to Complainant
16. C22-0091 Complaint
17. C22-0091 Documents in Support of Complaint
18. C22-0091 Response
19. C22-0091 Investigation Report
20. C22-0091 Inspector's Review of Complainant's Rebuttal
21. C22-0091 Board Subpoena to Complainant
22. C22-0093 Complaint
23. C22-0093 Response
24. C22-0093 Investigation Report
25. C22-0093 Board Subpoena to Complainant
26. M23-0019 Notice of Preneed Bond Cancellation for Mills Funeral Home, Inc.
27. M23-0019 Email from P. Richardson to Mill Funeral Home, Inc. re Notice of Preneed Bond Cancellation
28. Alston Preneed Contract
29. Confirmation of Bond Cancellation, dated April 11, 2023

RESPONDENTS' LIST OF EXHIBITS

1. Letter from Attorney Hale re Change of Ownership of Haskins Memorial Services, Inc., dated April 6, 2023
2. Summary of Transaction re Decedent Claudette Dunn by Respondent Morgan
3. Summary of Efforts to Obtain Certified Death Certificate re Decedent Claudette Dunn by Respondent Morgan
4. Funeral Purchase Contract for Claudette Dunn, signed by Respondent Mills, undated
5. Statement of Funeral Goods and Services Selected, signed by Respondent Morgan, dated July 1, 2022
6. Text Messages from and to Respondent Morgan
7. Draft Certificate of Death for Claudette Dunn
8. Summary of Transactions re Decedent Luis Miguel Mazariegos Escalante ("Decedent Escalante") by Respondent Morgan
9. Funeral Purchase Contract for Decedent Escalante
10. Handwritten Notes re Shipping of Decedent Escalante
11. Shipping Invoice from Inman Shipping Worldwide for Decedent Escalante
12. Purchase Summary from Haskins Memorial Services, Inc. from Aug. 1, 2021 through Sept. 1, 2022

13. Text Messages to and from Respondent Morgan re Decedent Escalante
14. Credit Cards mailed to Respondent Mills on behalf of Haskins Memorial Services

FINDINGS OF FACT

1. Mills Funeral Home, Inc. (hereinafter “Respondent Mills FH”), is licensed by the Board as Funeral Establishment Permit (“FE Permit”) No. 1048 and Preneed Establishment Permit (“PN Permit”) No. 1048 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 Mills FH has held FE Permit 1048 since December 13, 2021, and PN Permit 1048 since January 13, 2022.
2. Prior to December 13, 2021, Respondent Mills FH held FE Permit No. 0391 and PN Permit No. 0225. Said permits were surrendered on or about December 13, 2021, following the death of Ms. Shirley Mills on or about June 17, 2021, who was the sole shareholder of Respondent Mills FH prior to her death.
3. Craig Randolph Mills (hereinafter “Respondent Mills” and collectively with Respondent Mills FH, the “Mills Respondents”) is licensed by the Board as Funeral Service License No. 1837 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. For all times relevant to this matter, Respondent Mills served as the licensed manager and corporate officer of Respondent Mills FH. Respondent Mills holds a preneed sales license on behalf of Respondent Mills FH.
4. Haskins Memorial Services, Inc. (hereinafter “Respondent Haskins Memorial”), is licensed by the Board as FE Permit No. 1034 and PN Permit No. 1047 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 Haskins Memorial has held FE Permit 1034 since August 10, 2021, and PN Permit 1047 since January 13, 2022.
5. In its 2021 Initial FE Permit Application and its 2022 FE Permit Renewal Application, Respondent Haskins Memorial identified Respondent Mills as its corporate president and full-time funeral service licensee.
6. Prior to approximately August 22, 2022, Respondent Mills owned a minority of the shares of Respondent Haskins Memorial. On or about August 22, 2022, the majority shareholder of Respondent Haskins Memorial purchased Respondent Mills’ shares. In approximately September 2022, Respondent Haskins Memorial terminated Respondent Mills’ involvement in the operations and oversight of Respondent Haskins Memorial.
7. Leander R. Morgan (hereinafter “Respondent Morgan,” and collectively with Respondent Haskins Memorial, the “Haskins Respondents”) is licensed by the Board as Funeral Service

License No. 1898 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. For all times relevant to this matter, Respondent Morgan served as the licensed manager of Respondent Haskins Memorial. Respondent Morgan holds a preneed sales license on behalf of Respondent Haskins Memorial.

8. As licensed manager of Respondent Haskins Memorial for all times relevant to this matter, Respondent Morgan was responsible for oversight of its daily operations, in accordance with N.C. Gen. Stat. § 90-210.25(d)(2)(a).

Prior Consent Orders between the Mills Respondents and the Board

9. Respondent Mills FH entered into a Consent Order with the Board, effective February 14, 2018, to resolve violations of the Board's statutes and rules related to the administration of preneed contracts as set forth in Board Case No. M17-0031 (the "2018 Consent Order"). Pursuant to the terms of the 2018 Consent Order, Respondent Mills FH was placed on probation until February 14, 2021.
10. On or about September 14, 2020, Board staff received a complaint from Linda Eure. Board staff provided Respondent Mills FH with an opportunity to respond to Ms. Eure's allegations, and Respondent Mills FH did so on or about September 28, 2020. The Board assigned the complaint as Board Case No. C20-0067. Evidence obtained in this matter tends to show the following:
 - a. On or about June 20, 2020, Ms. Eure's husband died. Ms. Eure selected Respondent Mills FH for the decedent's funeral services, which included cremation. Ms. Eure completed a standard cremation authorization form that directed the decedent's cremains be returned to her.
 - b. Following the cremation, Respondent Mills FH failed to comply with the standard cremation authorization signed by Ms. Eure, in that it returned the decedent's cremains to the third party on or about July 11, 2020.
 - c. Ms. Eure repeatedly contacted Respondent Mills FH in June and July 2020 to ascertain when she could pick up the decedent's remains but was told that the cremains were not yet available. Complainant ultimately was told in September 2020 that Respondent Mills FH had released the decedent's cremains to a third party.
11. On or about February 10, 2021, Respondent Mills FH entered into a Consent Order with the Board to resolve Board Case No. C20-0067 (the "Feb. 2021 Consent Order"). Pursuant to the terms of the Feb. 2021 Consent Order, the Funeral Establishment Permit of Respondent Mills FH was placed on a two-year suspension to be stayed contingent upon

Respondent Mills FH's compliance with all laws and rules of the Board during the period of suspension.

12. On or about May 12, 2021, Board staff received a complaint from Valerie Howell. Board staff provided Respondent Mills FH and Respondent Mills with an opportunity to respond to Ms. Howell's allegations, and they did so on or about May 21, 2021. The Board assigned the complaint as Board Case No. C21-0050. Evidence obtained in this matter tends to show the following:

- a. On or about April 29, 2021, Ms. Howell's mother, Ms. Bertha Cannon, died. Ms. Howell selected Respondent Mills FH for the decedent's funeral services, which were to be earth burial.
- b. The Mills Respondents removed the decedent from her residence to Respondent Mills FH on April 29, 2021. Upon information and belief, Ms. Howell gave permission to the Mills Respondents for the embalming of decedent on April 29, 2021.
- c. The Mills Respondents failed to place the decedent's unembalmed remains in a refrigeration unit following the removal. The Mills Respondents did not begin embalming the decedent until May 2, 2021, more than 24 hours after the decedent's death.
- d. The decedent's family were unable to have an open casket funeral service for the decedent, as the decedent's remains were too decomposed following the Mills Respondents' failure to timely refrigerate or embalm the remains.

13. On or about October 14, 2021, the Mills Respondents entered into a Consent Order with the Board to resolve Board Case No. C21-0050, as well as Board Case No. M21-0058 for the Mills Respondents' failure to timely file the 2019 and 2022 preneed annual reports (the "Oct. 2021 Consent Order"). Pursuant to the terms of the Oct. 2021 Consent Order:

- a. The funeral service license of Respondent Mills is hereby placed on a three (3) year suspension. Said suspension was to be stayed upon certain terms and conditions, including but not limited to Respondent Mills FH's compliance with all statutory and regulatory provisions governing the practice of funeral service during the period of suspension.
- b. Respondent Mills FH's pending application for a new funeral establishment permit was granted but placed on a three-year suspension. Said suspension was to be stayed upon certain terms and conditions, including but not limited to Respondent Mills FH's compliance with all statutory and regulatory provisions governing the practice of funeral service during the period of suspension.

- c. Respondent Mills FH was held eligible to apply for a preneed establishment permit in the future, provided that any such preneed establishment permit to be issued would be placed on a three (3) year suspension that would be stayed upon the condition that employees of Respondent Mills FH take a Board-sponsored course on preneed statutes and rules within six (6) months of the issuance of the preneed establishment permit and that Respondent Mills FH comply with laws governing the practice of funeral service during the period of probation.
14. Neither Respondent Mills, nor any other employee of Respondent Mills FH, has taken a Board-sponsored course on preneed statutes and rules since the issuance of Respondent Mills FH's preneed establishment permit on or about January 13, 2022.
15. At hearing, Respondent Mills testified credibly that he and Respondent Mills FH have violated the February 2021 Consent Order and the October 2021 Consent Order.

BOARD CASE NO. C22-0081

16. In late July 2022, Camelia Rodriguez's family contracted with Respondent Mills on behalf of Respondent Haskins Memorial to ship the remains of their deceased family member, Luis Miguel Mazariegos Escalante ("Decedent Escalante"), to Guatemala.
17. The decedent died in Florida on or about July 24, 2022. The decedent was taken into the custody of the Mills Respondents on or about July 29, 2022. The decedent remained at Respondent Mills FH for a period of time prior to being removed to Respondent Haskins Memorial for a funeral service occurring on or about August 7, 2022.
18. Between late July and late August 2022, Ms. Rodriguez made multiple attempts to ascertain the status of the shipment from representatives with Respondent Haskins Memorial.
19. Ultimately, on or about September 16, 2022, the family arranged for another funeral home to take custody of the decedent and to ship his remains to Guatemala.
20. On or about September 23, 2022, Board staff received a complaint from Camelia Rodriguez against Respondent Haskins Memorial.
21. Respondent Morgan on behalf of Respondent Haskins Memorial responded to Ms. Rodriguez's complaint on or about October 7, 2022.
22. At hearing, Respondent Morgan testified credibly that he was unaware until approximately August 26, 2022, that Mr. Mills on behalf of Respondent Haskins Memorial had contracted with the family of Decedent Escalante to provide Decedent Escalante with funeral services.

23. At hearing, Respondent Morgan testified credibly that, not until August 26, 2022, did he learn that the Decedent Escalante had been housed at Respondent Haskins Memorial, awaiting shipment to Guatemala.
24. At hearing, Respondent Morgan testified credibly that, upon learning that Decedent Escalante was housed at Respondent Haskins Memorial, he immediately began to make efforts to arrange for Decedent Escalante's shipment to Guatemala.
25. In the response submitted by Respondent Morgan to the Board on October 7, 2022, Respondent Morgan credibly provided that, on or about August 26, 2022, he called the funeral home in Florida that had embalmed Decedent Escalante and arranged for Decedent Escalante's shipment to North Carolina. Respondent Morgan credibly explained that the Florida funeral home "knew nothing of the final disposition being Guatemala until weeks" after the Florida funeral home had shipped Decedent Escalante to North Carolina. Upon being so notified by Respondent Morgan, the Florida funeral home was able to provide Respondent Haskins Memorial within ten (10) days the necessary documentation to ship Decedent Escalante to Guatemala.
26. The Board finds that the shipment of Decedent Escalante to Florida was unnecessarily delayed because Respondent Haskins Memorial — through its representative, Respondent Mills — failed to take the appropriate steps to request the necessary paperwork from the Florida funeral home related to Decedent Escalante prior to August 26, 2022.
27. At hearing, Respondent Mills testified that, in July 2022, he contacted the company with which he contracted to perform international shipping —Inman Shipping Worldwide—for services and that he expected Inman Shipping Worldwide to request the necessary paperwork from the Florida funeral home in order to ship Decedent Escalante to Guatemala. However, at hearing, Respondent Morgan presented an invoice showing that Respondent Mills did not contract with Inman Shipping Worldwide for Decedent Escalante's shipment until August 22, 2022. The Board does not find Respondent Mills' testimony on this issue to be credible. The Board finds that no reasonable efforts were taken by Respondent Haskins Memorial or Respondent Mills to initiate Decedent Escalante's shipment to Guatemala prior to August 26, 2022—approximately one month following the date on which the family paid Respondent Mills on behalf of Respondent Haskins Memorial in cash for said services.

BOARD CASE NO. C22-0091

28. On or about June 17, 2022, Ramenda Jones' mother, Claudette Dunn, died.
29. On or about June 19, 2022, Ms. Jones contracted with Respondent Mills on behalf of Respondent Haskins Memorial for the decedent's funeral services. In so contracting, Ms.

Jones paid forty dollars (\$40.00) to obtain four (4) certified copies of the decedent's death certificate.

30. On or about July 11, 2022, Ms. Jones contacted Respondent Mills to ascertain when she would receive the decedent's death certificates. Respondent Mills did not respond to Ms. Jones' inquiry.
31. Between August 2022 and November 2022, Ms. Jones contacted Respondent Morgan multiple times to ascertain when she would receive the decedent's death certificates. Respondent Morgan gave Ms. Jones various reasons as to why the decedent's death certificates had not been provided or filed.
32. At hearing, Ms. Jones testified credibly that, to date, she still has not received copies of the certified death certificate for her deceased mother and that she has not been refunded the amounts that she paid for copies of said certified death certificate.
33. At hearing, Ms. Jones testified credibly that none of the Respondents has informed her whether the certified death certificate, to date, has been filed for her deceased mother.
34. At hearing, Ms. Jones testified credibly that her family has suffered significant financial harm because of not receiving the certified death certificate for her deceased mother, including but not limited to having a car impounded.
35. At hearing, Respondent Mills testified credibly that he had failed to file the death certificate for Claudette Dunn within five (5) days following her death, as required by N.C. Gen. Stat. § 130A-115.

BOARD CASE NO. C22-0093

36. On or about September 9, 2021, Kimberly Moore's grandmother, Esther Williams, died.
37. On or about September 9, 2021, Ms. Moore contracted with Respondent Mills FH for the decedent's funeral services. In so contracting, Ms. Moore paid \$795 for the decedent's headstone.
38. Between September 2021 and November 2022, Ms. Moore attempted to contact Respondents Mills to ascertain the status of the decedent's headstone but was unable to obtain any information.
39. On November 14, 2022, Board Inspector Stoessner made the Mills Respondents aware of Ms. Moore's complaint to the Board. In response, Respondent Mills admitted the failure to provide the headstone for which Ms. Moore had paid and told Inspector Stoessner that he would provide a refund to Ms. Moore.

40. On or about November 8, 2022, Board staff received a complaint from Kimberly Moore against Respondent Mills Funeral Home.
41. Board Inspector Christopher Stoessner investigated the allegations set forth in Ms. Moore's complaint. At hearing, Inspector Stoessner testified about his findings and his conclusions in the course of his investigation.
42. At hearing, Inspector Stoessner testified credibly that he interviewed Respondent Mills about Ms. Moore's allegations on Monday, November 14, 2022. During that interview, Respondent Mills told Inspector Stoessner that he had spoken to Ms. Moore on Saturday, November 12, 2022 to offer a full refund for the headstone and to provide the headstone at no cost. Respondent Mills told Inspector Stoessner that he had not yet ordered the headstone that Ms. Moore had purchased in September 2022. Respondent Mills suggested to Inspector Stoessner that the refund would be provided to Ms. Moore within several days.
43. At hearing, Inspector Stoessner testified credibly that, on December 7, 2022, he contacted Ms. Moore about her complaint. Ms. Moore told Inspector Stoessner that, as of December 7, 2022, Respondent Mills had not refunded her for the cost of the headstone.
44. At hearing, Ms. Moore testified credibly that, in mid-December 2022, Respondent Mills provided her with a check for the amount that she had paid him for the headstone. Ms. Moore testified credibly that, when she attempted to negotiate the check, the bank refused to do so. Ms. Moore testified credibly that, thereafter, Respondent Mills gave her cash as a refund for the headstone.

BOARD CASE NO. M23-0019

45. N.C. Gen. Stat. § 90-210.67(b) provides, in pertinent part, that:

If, after January 1, 2008, a funeral establishment receiving a new preneed establishment license or if a preneed establishment license has lapsed or has been terminated for any reason, other than for failure to timely renew the license, the funeral establishment shall obtain a surety bond in an amount not less than fifty thousand dollars (\$50,000) for a period of at least two years; provided, however, that the Board, in its discretion, may require the term of the surety bond to be for five years.

46. Respondent Mills FH is required to maintain a surety bond pursuant to N.C. Gen. Stat. § 90-210.67(b) until at least January 13, 2024.

47. On February 6, 2023, Board staff became aware that the surety bond for Respondent Mills FH was set for cancellation because of non-payment of premiums, effective March 14, 2023.
48. Thereafter, Board staff made repeated efforts to notify the Mills Respondents of the need to maintain the surety bond. Specifically, at hearing, the Board's Preneed Program Manager, Paul Richardson, testified credibly that he spoke with Respondent Mills about the upcoming bond cancellation and made efforts to facilitate their retention of a preneed bond.
49. The Mills Respondents failed to comply with Board staff's directions and the surety bond for Respondent Mills FH lapsed on or about March 14, 2023.
50. At hearing, Respondent Mills testified credibly that Respondent Mills FH currently does not have, and has not had since March 14, 2023, a preneed bond as required by N.C. Gen. Stat. § 90-210.67(b).
51. On or about March 14, 2023, Respondent Mills FH sold a preneed contract to Paulette B. Alston. Thereafter, Mills FH filed said preneed contract with the Board. Respondent Mills FH failed to obtain the signature of the purchaser on the first page of said preneed contract.

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. To the extent that the Findings of Fact contain conclusions of law, or that the Conclusions of Law are findings of fact, they should be so considered without regard to their given labels. Charlotte v. Heath, 226 N.C. 750, 755, 40 S.E.2d 600, 604 (1946); Peters v. Pennington, 210 N.C. App. 1, 15, 707 S.E.2d 724, 735 (2011).
5. The acts and omissions of the Mills Respondents described in Findings of Fact Nos. 1-51 violate the terms of the Feb. 2021 and Oct. 2021 Consent Orders.
6. The acts and omissions of the Mills Respondents and the Haskins Respondents described in Findings of Fact No. 1-51 violate N.C. Gen. Stat. § 90-210.25(p), which prohibits

licensees from failing to provide, within a reasonable time, either the goods and services contracted for, or a refund for the price of goods and services paid for but not fulfilled.

7. The acts and omissions of the Mills Respondents described in Findings of Fact Nos. 1-51 violate N.C. Gen. Stat. § 90-210.67(b), which requires Respondent Mills FH to maintain a surety bond in an amount not less than fifty thousand dollars (\$50,000) for a period of at least two years following issuance of its preneed establishment permit.
8. The acts and omissions of the Mills Respondents described in Findings of Fact Nos. 1-51 violate N.C. Gen. Stat. § 90-210.62(b) and 21 NCAC 34D .0101, for failing to obtain and maintain a preneed contract that is fully executed by the purchaser.
9. The Board concludes that one or more of the violations described in Conclusions of Law Nos. 1-8 above were committed by an owner, officer, operator, manager, member, or partner of Respondent Mills FH or by an agent or employee of Respondent Mills FH 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 Mills FH, or to place Respondent Mills FH on probation, and to assess a civil penalty not to exceed \$5,000.00.
10. The Board concludes that Respondent Mills committed one or more of the violations described in Conclusions of Law Nos. 1-8 and is no longer fit to practice. Pursuant to N.C. Gen. Stat. § 90-210.25(e)(1), the Board has the authority to suspend, revoke, or refuse to issue or renew the funeral service license of Respondent Mills.
11. The Board concludes that Respondent Mills FH committed one or more of the violations described in Conclusions of Law Nos. 1-8. 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 Mills FH, or to place Respondent Mills FH on probation, and to assess a civil penalty not to exceed \$5,000.00.
12. The Board concludes that Respondent Mills committed one or more of the violations described in Conclusions of Law Nos. 1-8. 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 Mills, or to place Respondent Mills on probation, and to assess a civil penalty not to exceed \$5,000.00.
13. The Board concludes that one or more of the violations described in Conclusions of Law Nos. 1-8 above were committed by an owner, officer, operator, manager, member, or partner of Respondent Haskins Memorial or by an agent or employee of Respondent Haskins Memorial 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 Haskins Memorial, or to place Respondent Haskins Memorial on probation, and to assess a civil penalty not to exceed \$5,000.00.

14. The Board concludes that Respondent Morgan committed one or more of the violations described in Conclusions of Law Nos. 1-8 and that Respondent Morgan remains fit to practice. Pursuant to N.C. Gen. Stat. § 90-210.25(e)(2), the Board has the authority to place Respondent Morgan on probation and to assess a civil penalty not to exceed \$5,000.00.

FINAL AGENCY DECISION

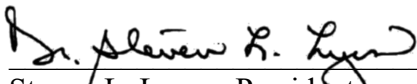
The North Carolina Board of Funeral Service hereby issues the following decision:

1. The Funeral Service License of Respondent Morgan shall be placed on probation for a period of three (3) years, beginning on the Effective Date of the Final Agency Decision. During the period of probation, Respondent Morgan must comply with all statutes and rules governing the practice of funeral service. Respondent Morgan is ordered to pay to the Board a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) within thirty (30) days of this Final Agency Decision, which the Board shall remit the Civil Penalty and Forfeiture Fund, in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
2. The Funeral Service License of Respondent Mills shall be actively suspended for a period of thirty (30) days following the Effective Date of this Final Agency Decision. If the terms set forth in Paragraph 3(c) through 3(e) below are not met, the Board shall issue a show cause hearing against Respondent Mills, in accordance with Paragraph 6 below.
3. The At-Need Establishment Permit of Respondent Haskins Memorial Services, Inc. shall be placed on probation for a period of three (3) years, beginning on the Effective Date of this Final Agency Decision. If the terms set forth in Paragraph 3(a) through 3(e) below are not met, the Board shall issue a show cause hearing against Respondent Haskins Memorial Services, Inc., in accordance with Paragraph 6 below.
 - a. Within thirty (30) days following the Effective Date of this Final Agency Decision, Respondent Haskins Memorial Services, Inc. shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00), which the Board shall remit 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 probation as set forth above, the licensure of Respondent Haskins Memorial Services, Inc. shall be on probationary status and it must comply with all statutes and rules governing the practice of funeral service.

- c. Haskins Memorial Services, Inc. and Craig Mills have joint and several responsibility to submit written proof to the Board within thirty (30) days following the Effective Date of this Final Agency Decision that a refund has been issued to the Escalante family for the amounts that they paid to Craig Mills on behalf of Haskins Memorial Services, Inc. for funeral services that they did not receive, in an amount to be determined by a Board Inspector.
 - d. Haskins Memorial Services, Inc. and Craig Mills have joint and several responsibility to submit written proof to the Board within thirty (30) days following the Effective Date of this Final Agency Decision that a refund of \$40 has been paid to Ramenda Jones.
 - e. Haskins Memorial Services, Inc. and Craig Mills have joint and several responsibility to submit written proof to the Board within twenty-four (24) hours following the Effective Date of this Final Agency Decision that they have provided to Ramenda Jones a certified copy of the death certificate for Claudette Dunn.
4. The At-Need Establishment Permit of Respondent Mills Funeral Home, Inc. shall be suspended for a period of three (3) years, beginning on the Effective Date of this Final Agency Decision, provided that said suspension shall be stayed. However, the stay of the suspension shall be automatically lifted upon its failure to comply with the following terms and conditions:
 - a. Within thirty (30) days following the effective date of this Final Agency Decision, Respondent Mills Funeral Home, Inc. shall pay a civil penalty of Five Thousand Dollars (\$5,000.00) 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 Mills Funeral Home, Inc. shall be on probationary status and it must comply with all statutes and rules governing the practice of funeral service.
 - c. Respondent Mills shall not serve as the manager of Respondent Mills Funeral Home, Inc. during the period of stayed suspension. Mills Funeral Home, Inc. must submit in writing to the Board within 30 days the name of its new licensed manager, who cannot be Gary Nobles.
 - d. Within thirty (30) days following the effective date of this Final Agency Decision, Respondent Mills Funeral Home, Inc. shall provide to the Board written proof that the headstone purchased by Ms. Moore for the gravesite of Esther Williams has been ordered.

5. The Pre-Need Establishment Permit of Respondent Mills Funeral Home, Inc. is hereby actively suspended for thirty (30) days following the Effective Date of this Consent Order. Board staff shall stay the suspension upon receipt of written proof that a preneed establishment bond that is compliant with N.C. Gen. Stat. § 90-210.67(b) has been issued to Respondent Mills Funeral Home, Inc.
6. The Board shall retain jurisdiction under Article 3A, Chapter 150B for all administrative hearings held in connection with, or pursuant to, this Final Agency Decision. If the Board receives evidence of any violations of the Board's statutes and rules identified during the period of stayed suspension, or any violation of the terms and conditions of this Final Agency Decision, 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.
7. Pursuant to N.C. Gen. Stat. § 150B-45(a)(2), Respondents have thirty (30) days from the date that they receive this Final Agency Decision to file a Petition for Judicial Review. The Petition for Judicial Review must be filed in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. Since this is an administrative appeal, no additional evidence will be taken. If a Petition is filed, a Superior Court Judge will review the Final Agency Decision to determine whether there were any legal errors in the Final Agency Decision.
8. This Final Agency Decision shall take effect upon service of Respondents, in a manner consistent with N.C. Gen. Stat. § 150B-42(a).

By order of the North Carolina Board of Funeral Service, this, the 30th day of April, 2023.

By: 
Steven L. Lyons, President
N.C. Board of Funeral Service