

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
BOARD OF FUNERAL SERVICE  
CASE NO. C23-0082

In the matter of: )  
)  
Harvesting Hope Inc. d/b/a Hope Valley )  
Hawkins Funeral Service & Cremation )  
and Paul Thomas Ayers Hawkins,  
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 Respondent Establishment stipulate and agree to entry of the following Consent Order:

1. Harvesting Hope Inc. d/b/a Hope Valley Hawkins Funeral Service & Cremation (hereinafter “Respondent Establishment”) is licensed by the Board as Funeral Establishment Permit (“FE Permit”) No. 0722 and Preneed Establishment Permit (“PN Permit”) No. 0186 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 Establishment has held FE Permit 0722 since January 9, 2009, and has held PN Permit 0186 since July 16, 2018. Respondent Establishment is located in Clinton, North Carolina.
2. Paul Thomas Ayers Hawkins (hereinafter “Respondent Individual” and collectively with Respondent Establishment, the “Respondents”) is licensed by the Board as Funeral Director License No. 3736 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 Individual has served as the licensed manager and officer of Respondent Establishment and holds a preneed sales license on behalf of Respondent Establishment.
3. On August 10, 2023, the Complainant’s mother, Ms. Helen Patricia Lane (the “Decedent”), passed away.
4. On August 14, 2023, Respondents took possession the Decedent’s body and met with the Complainant to make arrangements for the Decedent’s funeral services. During the arrangements conference, the Complainant paid Respondents in full for the Decedent’s funeral services, which included cremation. Complainant provided Respondents with a completed cremation authorization form and the Decedent’s social security number.
5. On August 18, 2023, Complainant contacted Respondents to ascertain the status of the Decedent’s cremated remains. Respondent informed Complainant that he had made a mistake with the social security number on Decedent’s death certificate,

- which was rejected. Complainant again gave Respondent the Decedent's correct social security number.
6. On August 23, 2023, Complainant again contacted Respondents to ascertain the status of the Decedent's cremated remains but received no immediate response.
  7. On August 24, 2023, Respondents informed Complainant that the Decedent's death certificate had been ordered and that Respondents would contact Complainant when the Decedent's cremated remains were available for pick up.
  8. On August 29, 2023—after receiving no further communications from Respondents—Complainant contacted the Cumberland County Register to Deeds to inquire about the Decedent's death certificates. Complainant was informed that the death certificate was filed on August 22 and certified on August 23.
  9. On August 29, 2023, Complainant contacted Respondents to advise them that she knew the death certificates had been filed on August 22, 2023, and again sought the Decedent's cremated remains. Complainant received no response from Respondents until August 30, 2023.
  10. Respondents did not return the Decedent's cremated remains nor the Decedent's death certificate to the Complainant until August 30, 2023, and only at the Complainant's insistence.
  11. The Decedent's health provider certified the Decedent's death certificate on August 11, 2023, and Respondents are without legal excuse or justification for their failure to file the Decedent's death certificate within five days following the Decedent's death.
  12. Respondents received two letters of caution from the Board in 2022, reminding them of their obligation under N.C. Gen. Stat. § 90-210.25(e)(1)(p) to provide within a reasonable time the goods and services for which consumers contract.

### **CONCLUSIONS OF LAW**

13. 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).
14. Respondents are subject to the jurisdiction of the Board.
15. The Board is authorized under Article 3A, Chapter 150B of the North Carolina General Statutes to hear this matter.

16. The acts and omissions of the Respondents described in Paragraphs 1-12 violate N.C. Gen. Stat. § 90-210.25(e)(1)(p), which requires licensees to provide, within a reasonable time, either the goods and services for which consumers contracted or a refund for the price of goods and services for which consumers paid but were not fulfilled.
17. The acts and omissions of the Respondents described in Paragraphs 1-12 violate N.C. Gen. Stat. § 90-130A.115(b), which requires that a licensee who first assumes custody of a dead body shall file the death certificate with the local registrar within five days of the death.
18. The acts and omissions of the Respondents described in Paragraphs 1-12 violate N.C. Gen. Stat. § 90-210.25(e)(1)(j), which prohibits licensees from violating or cooperating with others to violate any of the provisions of this Article or Articles 13D, 13E, or 13F of this Chapter, any 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.
19. The acts and omissions of the Respondents described in Paragraphs 1-12 violate N.C. Gen. Stat. § 90-210.25(e)(1)(m), which prohibits licensees from violating or cooperating with others to violate any provision of Article 4 or 16 of Chapter 130A of the General Statutes or any rules or regulations promulgated under those Articles as amended from time to time.
20. Respondent Individual committed one or more of the violations described in Paragraphs 16-19 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.
21. Respondent Individual committed one or more of the violations described in Paragraphs 16-19. 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.
22. One or more of the violations described in Paragraphs 16-19 were committed by an owner, officer, operator, manager, member, or partner of Respondent Establishment. 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 Establishment, to place Respondent Establishment on probation, and to assess a civil penalty not to exceed \$5,000.00.

23. Respondent Establishment committed one or more of the violations described in Paragraphs 16-19. 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 Establishment, or to place Respondent Establishment 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 wishes 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 acknowledges 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 director license of Respondent Individual shall be suspended for a period of two (2) years, beginning on the Effective Date of this Consent Order, provided however that said suspension shall be stayed upon the following terms and conditions:
  - a. During the period of probation, Respondent Individual shall comply with all statutory and regulatory provisions governing the practice of funeral service; and
  - b. Within thirty (30) days following the entry of this Consent Order, Respondents shall remit a compromise penalty to the Board in the amount of Five Hundred Dollars (\$500.00), which the Board shall remit to the Civil

Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

- c. If the terms set forth in Paragraph 1(a) and (b) above are not met, the Board shall issue a show cause hearing against Respondent Individual, in accordance with Paragraph 6 below.
2. The At-Need and Preneed Establishment Permits of Respondent Establishment shall be suspended for a period of two (2) years, beginning on the Effective Date of this Consent Order, provided however that said suspension shall be stayed upon the following terms and conditions:
  - a. During the period of probation, Respondent Establishment shall comply with all statutory and regulatory provisions governing the practice of funeral service; and
  - b. Within thirty (30) days following the entry of this Consent Order, Respondents shall remit a compromise penalty to the Board in the amount of Two Thousand Dollars (\$2,000.00), which the Board shall remit to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
  - c. If the terms set forth in Paragraph 2(a) and (b) above are not met, the Board shall issue a show cause hearing against Respondent Establishment, in accordance with Paragraph 6 below.
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 reflect 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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North Carolina Board of Funeral Service

In the Matter of: Harvesting Hope Inc. d/b/a Hope Valley Hawkins Funeral Service & Cremation  
and Paul Thomas Ayers Hawkins

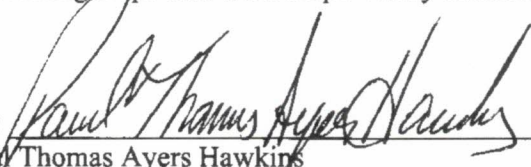
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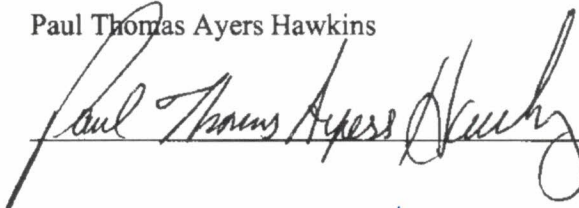
CONSENTED TO:

Harvesting Hope Inc. d/b/a Hope Valley Hawkins Funeral Service & Cremation

By:   
Paul Thomas Ayers Hawkins  
Manager

Date: 12-06-2023

Paul Thomas Ayers Hawkins



Date: 12-06-2023

By Order of the North Carolina Board of Funeral Service, this the 6<sup>th</sup> day of Dec.,  
2023.

By:

  
Dr. Steven L. Lyons  
Board President