

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. C23-0095

In the matter of:)
)
Akridge Services, LLC d/b/a)
Akridge Family Funeral Care and)
Brandon Tyrone Akridge,)
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 January 10, 2024 and at the time the Board made this decision on January 10, 2024. The record further reflects that Board members Dr. Stephen Lyons and Mr. Richard Hinchler 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 Jeffrey Gray appeared as administrative law counsel for the Board. Respondents appeared *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 Dr. Lyons and Mr. Hinchler, stated that they had a conflict of interest or the appearance of a conflict of interest.

PETITIONER’S LIST OF EXHIBITS

1. iGov Profile for Respondent Akridge Services, LLC d/b/a Akridge Family Funeral Care
2. iGov Profile for Respondent Brandon Tyrone Akridge
3. Notice of Hearing
5. C23-0095 Complaint
6. C23-0095 Response
7. C23-0095 Rebuttal
8. Summary of Death Certificates Filed by Respondents in 2023, as prepared by Petitioner

RESPONDENTS’ LIST OF EXHIBITS

1. Summary of Death Certificates Filed by Respondents in 2023, as prepared by Respondents

FINDINGS OF FACT

1. Akridge Services, LLC d/b/a Akridge Family Funeral Care (hereinafter “Respondent Establishment”) is licensed by the Board as Funeral Establishment Permit (“FE Permit”) No. 1053 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 1053 since January 28, 2022. Respondent Establishment is located in Jacksonville, North Carolina.
2. Brandon Tyrone Akridge (hereinafter “Respondent Individual” and collectively with Respondent Establishment, the “Respondents”) is licensed by the Board as Funeral Director License No. 4144 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 matter, Respondent Individual has served as the licensed manager and sole member of Respondent Establishment.
4. On or about September 29, 2023, Board staff received a complaint from Christie Gumble (the “Complainant”) against Respondent Establishment. Complainant is the Deputy Registrar for Onslow County. In that role, Complainant oversees the filing of death certificates by licensees of the Board in accordance with N.C. Gen. Stat. § 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 (5) days of the death.
5. Between January and September 2023, Respondent Establishment filed approximately 49 death certificates in Onslow County. Of these death certificates, Respondents filed only three (3) death certificates within five (5) days of death. Respondents’ average filing time of death certificates in Onslow County in 2023, to date, is approximately 19 days.

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 Respondents described above violate N.C. Gen. Stat. § 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 (5) days of the death.
6. The acts and omissions of the Respondents described above 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.
7. The Board concludes that one or more of the violations described above were committed by an owner, officer, operator, manager, member, or partner of Respondent Establishment, or by any agent or employee of Respondent Establishment 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 Establishment, or to place Respondent Establishment on probation, and to assess a civil penalty not to exceed \$5,000.00.
8. 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)(2), the Board has the authority to place Respondent Individual 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 at-need establishment permit of Respondent Establishment is hereby suspended for twelve (12) months from the effective date of this Final Agency Decision, except that said suspension is stayed. The stay of the suspension shall be automatically lifted upon failure to comply with the following terms and conditions:
 - a. During the period of suspension, Respondents must submit in writing to the Board, no later than the tenth business day of each month, a log containing the following information for each decedent for whom Respondents has taken custody during the preceding month: (i) the decedent's name; (ii) the decedent's date of death; (iii) the date on which Respondents took custody of the decedent; (iv) the date on which Respondents filed the decedent's completed death certificate with the local county register; and (v) any extenuating circumstances surrounding the filing of said death certificate.

- b. During the period of suspension, Respondents shall file death certificates with the local registrar for all decedents taken into their custody within five days following the decedent's death, as required by N.C. Gen. Stat. § 130A -115(b). Respondents' failure to maintain 100% compliance with N.C. Gen. Stat. § 130A -115(b) at all times during the period of suspension shall result in a lifting of the stay of suspension without further disciplinary proceedings, unless extenuating circumstances beyond the control of Respondents contribute to said failure, as determined in Board staff's sole discretion.
2. 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.
3. Pursuant to N.C. Gen. Stat. § 150B-45(a), 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 that 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.
4. 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 29th day of January, 2024

By: 
Thomas T. Hilderbrand, President
N.C. Board of Funeral Service