

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. M15-043

In the matter of:)
)
Faiger Megrea Blackwell)
)
Respondent.)

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 stipulate and agree to entry of the following Consent Order:

FINDINGS OF FACT

1. Respondent Funeral Home is licensed as Funeral Establishment No. 691 and Preneed Establishment No. 784 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. Prior to January 1, 2017, Respondent Faiger Megrea Blackwell (hereinafter "Respondent Blackwell") was licensed as Funeral Director No. 3723, held a preneed sales license on behalf of Blackwell Funeral Home, Inc. (the "Funeral Home") and, therefore, was subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. Respondent Blackwell did not timely renew his funeral director license or ancillary preneed sales licenses for 2017 and they remain expired. Respondent Blackwell now wishes to reinstate his funeral directing license and resolve the above-captioned matter.
3. As of June 10, 2016, Faiger Megrea Blackwell, II became the licensed manager of the Funeral Home and Carl L. Blackwell, Jr. was elected by the Board of Directors to serve as the president of the Funeral Home. Carl Blackwell, Jr. owns one-third and Faiger Megrea Blackwell owns two-thirds of the shares of the Funeral Home. Faiger Megrea Blackwell, II is licensed as Funeral Director 4119 and holds a preneed sales license on behalf of the Funeral Home. Carl Lavelle Blackwell, Jr. is licensed as Funeral Director No. 3532.
4. Between approximately January 2010 and June 6, 2016, Respondent Blackwell served as the licensed manager and president of the Funeral Home.
5. On or about March 30, 2007, Respondent Blackwell caused the Funeral Home to file a Chapter 11 bankruptcy petition with the U.S. Bankruptcy Court for the Middle District of North Carolina (see Bankr. Case No. 07-10467).

6. Respondent Blackwell subsequently created a new limited liability company on behalf of the Funeral Home and opened new bank accounts under the different corporate entity name.
7. On October 28, 2015, Respondent Blackwell entered into a plea agreement to resolve certain criminal charges, in part resulting from Respondent Blackwell's actions on behalf of the Funeral Home as referenced in Paras. 6 & 7, *supra*. Specifically, Respondent Blackwell was charged with corrupt endeavor to obstruct or impede the due administration of the internal revenue laws and concealment of assets of a bankruptcy estate, which the United States Department of Justice filed against him on behalf of the United States of America (see Case No. 1:15CR342-1, U.S. District Court for the Middle District of North Carolina).
8. In said plea agreement, Respondent Blackwell agreed to plead guilty to corrupt endeavor to obstruct or impede the due administration of the internal revenue laws, in violation of 25 U.S.C. § 7212(a), and concealment of assets of a bankruptcy estate in violation of 18 U.S.C. § 152(1).

CONCLUSIONS OF LAW

1. The acts and omissions of Respondent Blackwell described in Paragraphs 1-8 constitute conviction of felonies and crimes of fraud and moral turpitude.
2. The acts and omissions of Respondent Blackwell described in Paragraphs 1-8 violate N.C. Gen. Stat. § 90-210.25(e)(1)j., which prohibits violating or cooperating with others to violate any of the provisions of Articles 13D, 13E, or 13F of Chapter 90 of the North Carolina General Statutes, any rules or 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.
3. Pursuant to N.C. Gen. Stat. §§ 90-210.25(e)(1)a., g., and j., the Board has the authority to suspend, revoke, or refuse to issue or renew the funeral director license of Respondent Blackwell. If the Board concludes that Respondent Blackwell remains fit to practice, pursuant to N.C. Gen. Stat. § 90-210.25(e)(2), the Board has the authority to place Respondent Blackwell on probation and to assess a civil penalty not to exceed \$5,000.00.
4. Pursuant to N.C. Gen. Stat. § 90-210.69(c)(6), the Board has the authority to revoke, suspend, or refuse to issue or renew the preneed sales license of Respondent Blackwell, to place Respondent Blackwell 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 pursuant to 21 NCAC 34A .0100, Respondent 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 Respondent acknowledge that he has read this entire document and understands it;

Whereas Respondent acknowledges that he has entered into this Consent Order freely and voluntarily;

Whereas Respondent acknowledges that he has had full and adequate opportunity to confer with legal counsel in connection with this matter;

Whereas Respondent understands that this Consent Order must be presented to the Board for approval and that Respondent hereby waives any argument that any Board members considering this Consent Order are disqualified from participating in a hearing of this matter;

Whereas Respondent and the Board agree this Consent Order and the Findings of Fact and Conclusions of Law set forth herein are for the purposes of this Consent Order only and shall not be construed as an admission of liability or guilt on the part of Respondent in any other action or proceeding; 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 Respondent, it is ORDERED that:


1. Respondent Blackwell may apply to reinstate his lapsed funeral directing license, subject to the provisions of N.C. Gen. Stat. § 90-210.25(a)(5)b. and upon payment of the \$150.00 renewal fee for 2017 and 2018; \$50.00 reinstatement fee; and a Compromise Penalty of \$500.00.
2. The funeral director license of Respondent Blackwell is hereby actively suspended for a period of four (4) months, beginning upon the conclusion of Respondent Blackwell's active sentence of incarceration with the federal Bureau of Prisons (said active sentence of incarceration concluded on March 6, 2018). During the period of active suspension, Respondent Blackwell shall not practice funeral directing nor make any representations of practicing funeral directing in any capacity. Upon the expiration of the active suspension, Respondent Blackwell's funeral director license shall be placed on a stayed suspension for a period of thirty-six (36) months.
3. For at least a period of two (2) years, beginning upon the conclusion of Respondent Blackwell's active sentence of incarceration with the federal Bureau of Prisons, the Board shall refuse to license Respondent Blackwell for preneed sales in the event that Respondent Blackwell applies for said licensure, and subject to whether the Funeral Home holds a preneed sales license at the time of said application.

4. During the period of suspension, Respondent Blackwell must remain current with continuing education requirements with which he must comply to retain active licensure. Upon conclusion of the active suspension, Respondent Blackwell must remit payment within thirty (30) days for the total amount of renewal payments that he would have paid to the Board had the licenses/permits not been suspended. Should Respondent Blackwell fail to meet the requirements or allow the licensure to expire, the licensure will not be renewed and may be publicly reported as noncompliance with a Board order. In that event, any future application for licensure must meet the licensure requirements in place at the time of application, in addition to the requirements specified in this Consent Order.
5. During the terms of the suspension, Respondent Blackwell must comply with the following provisions:
 - a. Respondent Blackwell shall not be involved with receiving or disbursing monies to consumers or with the financial management of preneed contracts of any funeral establishment; provided, however, that Respondent Blackwell may continue to handle financial matters as they relate to bankruptcy proceedings and/or loans of Blackwell Funeral Home, Inc.;
 - b. Respondent Blackwell shall comply with all provisions of Articles 13A, 13D, 13E, and 13F of Chapter 90 of the North Carolina General Statutes and their promulgated rules;
 - c. Respondent Blackwell must retrieve any mail sent by the Board at least weekly from his residential address on file with the Board, presently [REDACTED];
 - d. In the event Respondent Blackwell no longer resides at the [REDACTED] address listed herein, Respondent Blackwell shall immediately notify the Board in writing of his new residential address and shall retrieve any mail sent by the Board to said address at least weekly;
 - e. Respondent Blackwell must respond to the Board's written requests within one week of receipt, unless otherwise specified;
 - f. Respondent Blackwell must ensure that all correspondence relevant to compliance with this Consent Order is sent via U.S. Mail; and
 - g. Any interruption or period of noncompliance with this Consent Order will not accrue toward fulfillment of the period of active suspension. Should any circumstances arise that affect his ability to remain in compliance, Respondent Blackwell shall immediately notify the Board in writing by certified mail, fully describing the situation along with any attendant request for Board consideration.

6. All evidence of licensure of Respondent Blackwell shall be surrendered to the Board within ten (10) days following the execution of this Consent Order. Respondent Blackwell shall remove all advertising, written materials, and signage in his possession using the name or photograph of Respondent Blackwell within ten (10) days following the issuance of this Consent Order. Upon the termination of the active suspension period, all evidence of licensure shall be returned to Respondent Blackwell.
7. If Respondent Blackwell fulfills all requirements contained in this Consent Order, Respondent Blackwell may make a written request to the Board to restore his license and permit to good standing upon the completion of the stayed suspension period. At the time Respondent Blackwell requests restoration of his license and permit, Respondent Blackwell must not be on probation or serving an active criminal sentence with the federal Bureau of Prisons.
8. 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 Blackwell has violated any term of this Consent Order, 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.
9. This Consent Order shall take effect immediately upon its execution by all parties and reflects the entire agreement between Respondent Blackwell and the Board, there being no agreement of any kind, verbal or otherwise, which varies, alters, or modifies this Consent Order.
10. 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.
11. Both the Board and counsel for Respondent Blackwell 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.
12. Respondent Blackwell hereby waives any requirement under any law or rule that this Consent Order be served upon them.
13. Upon its execution by the Board and Respondent Blackwell, 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:

By: 
Faiger Megrea Blackwell

Date: April 2, 2018

By Order of the North Carolina Board of Funeral Service, this the 11 day of
April, 2018.

By: 
Matt Staton
Board President

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Order was served upon the following person by email and by depositing a copy with the U.S. Postal Service, via First Class Mail and postage prepaid, addressed to the party to be served as follows:

Faiger Megrea Blackwell
c/o W. Allan Blackwell
W. Allan Blackwell Law, PLLC
313 South Greene Street, Suite 303
Greensboro, NC 27401
Wablacklaw@gmail.com

Counsel for Respondent

This the 12 day of April, 2018.



Catherine E. Lee
General Counsel