

NORTH CAROLINA
WAKE COUNTY
CASE NOS. M16-0047, M18-0010

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE

In the matter of:

Stallings Funeral Home, Stallings Memorial Chapel,
and Darryl Stallings,
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 Respondents stipulate and agree to the entry of the following Consent Order:

FINDINGS OF FACT

1. Stallings Funeral Home, located in Elizabeth City, North Carolina, (hereinafter "Respondent Funeral Home") is licensed as Funeral Establishment No. 854 and Preneed Funeral Establishment No. 512 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. Stallings Memorial Chapel, located in Hertford, North Carolina, (hereinafter "Respondent Memorial Chapel") is licensed as Funeral Establishment No. 565 and Preneed Funeral Establishment No. 657 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. Darryl Kater Stallings (hereinafter "Respondent Stallings" or, collectively with Respondent Funeral Home and Respondent Memorial Chapel, "Respondents") is licensed as Funeral Director No. 3210 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). Respondent Stallings holds a preneed sales license on behalf of both Respondent Funeral Home and Respondent Memorial Chapel.
4. Respondent Stallings is the licensed manager of both Respondent Funeral Home and Respondent Memorial Chapel.
5. On or about May 2 and May 3, 2012, Inspector Brett Lisenbee conducted preneed examinations for both Respondent Funeral Home and Respondent Memorial Chapel (the "2012 Examinations"). During the 2012 Examinations, Inspector Lisenbee noted violations of the Board's statutes and rules regarding the following preneed contracts:

- a. Olivia Combs, BFS #437629: Required insurance assignment documentation was missing from active preneed contact (“PNK”) file, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(5);
 - b. Eva Harris, BFS #160756: contract missing from active PNK file in violation of NC Gen. Stat 90-210.68(a) and 21 NCAC 34D .0301(b) and (c), and required insurance assignment documentation was missing from the active PNK file in violation of NC Gen. Stat. 90-210.68(a) and 21 NCAC 34D. 0301(c)(5);
 - c. Wendell Johnson, BFS #112561: contract missing from active PNK file in violation of NC Gen. Stat. 90-210.68(a) and 21 NCAC 34D .0301 (b) and (c);
 - d. Alice Howell, BFS #421404: required insurance assignment documentation missing in violation of NC Gen. Stat. 90-210.68(a), and 21 NCAC 34D .0301 (c)(5);
 - e. Brian Jones, BFS #406043: required insurance assignment documentation missing in violation of NC Gen. Stat. 90-210.68(a) and 21 NCAC 34D .0301 (c)(5);
 - f. George Lightfoot, BFS #426767: required insurance assignment documentation missing in violation of NC Gen. Stat. 90-210.68(a) and 21 NCAC 34D .0301 (c)(5);
 - g. Lillian Lightfoot, BFS #426766: required insurance assignment documentation missing in violation of NC Gen. Stat. 90-210.68(a) and 212 NCAC 34D .0301 (c)(5);
 - h. Marion Murden, BFS #251080: required insurance assignment documentation missing in violation of NC Gen. Stat. 90-210.68(a) and 212 NCAC 34D .0301 (c)(5); and
 - i. Thomas Saunders, BFS #409306: required insurance assignment documentation missing in violation of NC Gen. Stat. 90-210.68(a) and 212 NCAC 34D .0301 (c)(5).
6. On or about May 17 and July 13, 2016, former Board Inspector Inez Green conducted preneed examinations for both Respondent Funeral Home and Respondent Memorial Chapel (the “2016 Examinations”). During the 2016 Examinations, Inspector Green noted violations of the Board’s statutes and rules regarding the following preneed contracts:
- a. Melvin Riddick, BFS #151463: contract missing from active PNK file in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e);
 - b. Jollifer Harris, BFS # 93322: contract missing from active PNK file in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e);
 - c. Pecolia Harris, BFS #93321: contract missing from active PNK file in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e);

- d. Mary Sharpe, BFS #155285: contract missing from active PNK file in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e);
 - e. Alease Sylvester, BFS #157406: contract missing from active PNK file in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e); and
 - f. Edward Wise, BFS #167640: contract missing from active PNK file in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e).
7. Moreover, during the 2016 Examinations, Inspector Green noted that the violations identified in the 2012 Preneed Examinations, as set forth above in Paragraph 5, had not been corrected.
 8. Included within the Inspector Green's 2016 Examinations were a detailed explanation of what specific documents are required to be retained as a part of each closed/matured preneed contract file.
 9. Due to the nature of the repeat violations cited in the 2016 Examinations and new violations cited by Inspector Green, the matter was referred to the Board's Disciplinary Committee and a Notice of Hearing was issued for Board Case Number M16-047.
 10. On February 8, 2017, Respondents and the Board entered into a Consent Order resolving the terms of Board Case No. M16-047 (the "Consent Order"). The terms of said Consent Order provided, in part, the following:
 1. The Board hereby places the funeral establishment permit and the preneed establishment permit of [Respondent Funeral Home] on probation, subject to the following terms and conditions:
 - a. Respondents admit to the violations herein;
 - b. [Respondent Funeral Home] shall remain on probation for at least one (1) year from the date this Consent Order is fully executed;
 - c. [Respondent Funeral Home] must submit to, and pass, an audit conducted by a Board staff inspector before the probation period shall be lifted;

 - e. [Respondent Funeral Home] shall not violate any law or rule of the Board during the period of probation; and
 - f. [Respondent Funeral Home] shall comply with all terms of this Consent Order.

2. The Board hereby places the funeral establishment permit and the preneed establishment permit of [Respondent Memorial Chapel] on probation, subject to the following terms and conditions:

- a. Respondents admit to the violations herein;
- b. [Respondent Memorial Chapel] shall remain on probation for at least one (1) year from the date this Consent Order is fully executed;
- c. [Respondent Memorial Chapel] must submit to, and pass, an audit conducted by a Board staff inspector before the probation period shall be lifted;

- e. [Respondent Memorial Chapel] shall not violate any law or rule of the Board during the period of probation; and
- f. [Respondent Memorial Chapel] shall comply with all terms of this Consent Order.

11. On or about January 23 and 24, 2018, Inspector Lisenbee and Inspector Christopher Stoessner conducted preneed examinations for both Respondent Funeral Home and Respondent Memorial Chapel (the "2018 Preneed Examinations"). During the 2018 Preneed Examinations, Inspectors Lisenbee and Stoessner noted violations of the Board's statutes and rules regarding the following preneed contracts:

- a. The 2016 preneed establishment permit, rather than a more recent preneed establishment permit, was found to be displayed, in violation of NC Gen. Stat. 90-210.69(a) and 21 NCAC 34D .0201 (f);
- b. A copy of the 2012 and 2016 Preneed Examinations had not been retained, in violation of NC Gen. Stat. 90-210.68 (a) and 21 NCAC 34D .0301 (a) (2);
- c. Bank statements were not made available when requested from all banking institutions, in violation of NC Gen. Stat. 90-210.68(a) and 21 NCAC 34D. 0301 (c) (4);
- d. Statements were not made available when requested from all insurance companies from policies sold by and not sold by the licensee, in violation of NC Gen. Stat. 90-210.68 (a) and 21 NCAC 34D. 0301 (c) (5). Specifically, when a request was made for the most recent statement from Assurant, Respondent Stallings was unable to produce it.
- e. Olivia Combs, BFS #437629: Closed PNK file was found to contain no at-need documents, such as the certificate of performance ("COP"), at-need statement of

funeral goods and services selected (“AN-SFGSS”), and other close out documentation, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (c) (5);

- f. Willie Dildy, BFS #352089: Closed PNK file was found to contain no at-need documents, such as the COP or AN-SFGSS, in violation of NC Gen. Stat 90-210.68(a) and 21 NCAC 34D .0301(b), .0301 (c) (4);
- g. Thomas Cali, BFS #525206: Closed PNK file was found to contain the COP but no AN-SGFSS, in violation of NC Gen. Stat. 90-210.68(a) and 21 NCAC 34D .0301(b), .0301 (c) (4);
- h. The following files were not available for review and could not be located during the 2018 Preneed Examinations:
 - i. Emma Green,
 - ii. Barbara James,
 - iii. Karlos Poole,
 - iv. Issac Respass,
 - v. LaFayette Rogers,
 - vi. Jennie Walker, and
 - vii. Willie Walker.

12. During the 2018 Examinations, Inspectors Lisenbee and Inspector Stoessner noted that the violations identified in the 2012 Preneed Examinations, as set forth above in Paragraph 5, still had not been corrected.

13. During the 2018 Examinations, Inspectors Lisenbee and Inspector Stoessner also noted that the violations identified in the 2016 Preneed Examinations, as set forth above in Paragraph 6, still had not been corrected.

14. On or about January 23 and 24, 2018, Inspector Lisenbee and Inspector Christopher Stoessner conducted an inspection of the at-need establishment permits for both Respondent Funeral Home and Respondent Memorial Chapel (the “2018 Inspections”). During the 2018 Inspections, Inspector Lisenbee and Inspector Stoessner found violations of the Board’s statutes and rules, as follows:

- a. The General Price List (“GPL”) for Respondent Funeral Home and Respondent Memorial Chapel violated 16 C.F.R. 453.2 (b)(4)(ii)(D)(1) & (3) in that the price for immediate burial with container provided by the purchaser was listed as \$600 more than the option when the consumer purchased a casket from the funeral home;
- b. The Casket Price List (“CPL”) for Respondent Funeral Home and Respondent Memorial Chapel violated 16 C.F.R. § 453.2(b)(2)(i) in that the CPL did not contain at least the retail prices of all caskets and alternative containers offered which do no

require special ordering or enough information to identify each such casket and alternative container;

- c. The At-Need Statement of Funeral Goods and Services Selected (“AN-SFGSS”) was pre-printed to include the word “None” in the section required by the Funeral Rule to disclose this State’s requirement that all human remains be enclosed in a cremation container prior to cremation, in violation of 16 C.F.R. § 453.3(d)(2). Moreover, the AN-SFGSS provided to the Inspectors was illegible, in violation of 16 C.F.R. § 453.2(b)(5)(i) and N.C. Gen. Stat. § 90-210.25(e)(2).

15. Moreover, during the 2018 Inspections, Inspector Lisenbee and Inspector Stoessner found violations of the Board’s statutes and rules in the following closed consumer files:

- a. Lisa Faye Turner (date of death 09.11.2017):

- i. Form 56D (Delivery of Cremated Remains from Funeral Provider) was signed by the next-of-kin but not fully completed, in violation of 21 NCAC 34C .0303 (c); Section G. of the cremation authorization form was not completed, in violation of NC Gen Stat. 90-210.125 (a) (9).
- ii. As final disposition was cremation, the pre-printed AN-SFGSS violated 16 C.F.R. § 453.3(d)(2), as the SGFSS stated NONE in section where crematory requirement for suitable cremation container would be required to be disclosed/written.

- b. Sabrina Marie Rowles (Zieger) (date of death 09.07.2017):

- i. Form 56D (Delivery of Cremated Remains from Funeral Provider) was signed by the next-of-kin but not fully completed, in violation of 21 NCAC 34C .0303 (c); Section G. of the cremation authorization form was not completed, in violation of NC Gen Stat. 90-210.125 (a) (9).
- ii. As final disposition was cremation, the pre-printed AN-SFGSS violated 16 C.F.R. § 453.3(d)(2), as the SGFSS stated NONE in section where crematory requirement for suitable cremation container would be required to be disclosed/written.

- c. Harold Lloyd Spry, Jr., (date of death 11.06.2017):

- i. Form 56D (Delivery of Cremated Remains from Funeral Provider) was signed by the next-of-kin but not fully completed, in violation of 21 NCAC 34C .0303 (c); Section G. of the cremation authorization was not completed in violation of NC Gen Stat. 90-210.125 (a) (9).

- ii. As final disposition was cremation, the pre-printed AN-SFGSS violated 16 C.F.R. § 453.3(d)(2), as the SGFSS stated NONE in section where crematory requirement for suitable cremation container would be required to be disclosed/written.
- d. Bryan Snead (date of death 02.27.2017)
- i. Form 56D (Delivery of Cremated Remains from Funeral Provider) was signed by the NOK but not fully completed, in violation of 21 NCAC 34C .0303 (c); Section G. of the cremation authorization was not completed in violation of NC Gen Stat. 90-210.125 (a) (9).
 - ii. As final disposition was cremation, the pre-printed AN-SFGSS violated 16 C.F.R. § 453.3(d)(2), as the SGFSS stated NONE in section where crematory requirement for suitable cremation container would be required to be disclosed/written. Furthermore, the AN-SGFSS was not signed by the licensee.

CONCLUSIONS OF LAW

1. The acts and omissions of Respondents, described in Paragraphs 1-15, violate the terms of the Consent Order.
2. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.25(e)(1)j., which prohibits violating any provision of Articles 13A, 13D, 13E, and/or 13F of Chapter 90 of the North Carolina General Statutes, all rules and regulations of the Board, and the standards set forth in 16 C.F.R. § 453 (1984), as amended from time to time.
3. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.69(c)(6), which prohibits violating preneed provisions of the Board's laws and rules.
4. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(5), which requires every preneed licensee to keep for examination by the Board accurate accounts, books, and records in this State of all preneed funeral contract and prearrangement insurance policy transactions, copies of all agreements, insurance policies, instruments of assignment, the dates and amounts of payments made and accepted thereon, the names and addresses of the contracting parties, the persons for whose benefit funds are accepted, and the names of the financial institutions holding preneed funeral trust funds and insurance companies issuing prearrangement insurance policies.
5. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e), which requires every preneed licensee to keep a copy of the preneed contract in each active preneed contract file.

6. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e), which requires every preneed licensee to keep a copy of each preneed contract, together with a copy of the certificate of performance, the preneed statement of funeral goods and services and the at-need statement of funeral goods and services, for each closed preneed contract file.
7. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.69(a) and 21 NCAC 34D .0201(f), which requires every preneed licensee to conspicuously display its preneed license certificate in the funeral establishment at the address to which it is issued.
8. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(a)(2), which requires every preneed licensee to maintain a file containing copies of all preneed examination reports.
9. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(4), which requires every preneed licensee to maintain copies of bank statements and deposit slips from financial institutions in which trust funds are deposited, certificate of deposit records, including both principal and interest transactions and trust accountings.
10. The acts and omissions of Respondents, described in Paragraphs 1-15, violate 16 C.F.R. § 453.2 (b)(4)(ii)(D)(1) & (3), which requires the licensee to include on the price list, the price range for the immediate burials offered by the funeral provider, together with a separate price for an immediate burial where the purchaser provides a casket and a description of the services and container included in that price.
11. The acts and omissions of Respondents, described in Paragraphs 1-15, violate 16 C.F.R. § 453.2(b)(2)(i), which requires the licensee to provide a price list that contains at least the retail prices of all caskets and alternative containers offered which do not require special ordering, enough information to identify each, and the effective date for the price list.
12. The acts and omissions of Respondents, described in Paragraphs 1-15, violate 16 C.F.R. § 453.3(d)(2), which requires licensees to identify and briefly describe in writing on the statement of funeral goods and services selected any legal, cemetery, or crematory requirement which the licensee represents to persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging.
13. The acts and omissions of Respondents, described in Paragraphs 1-15, violate N.C. Gen. Stat. § 90-210.25(e)(2) and 16 C.F.R. § 453.2(b)(5)(i), which requires a licensee to give a consumer making arrangements a written statement duly signed by a licensee of said funeral establishment showing the price of the service as selected and what services are included therein, the price of each of the supplemental items of services or merchandise requested, and the amounts involved for each of the items for which the funeral establishment will advance

moneys as an accommodation to the person making arrangements, insofar as any of the above items can be specified at that time.

14. The acts and omissions of Respondents, described in Paragraphs 1-15, violate NC Gen Stat. § 90-210.125 (a) (9) by failing to complete Section G of the cremation authorization forms for all consumers.
15. The acts and omissions of Respondents, described in Paragraphs 1-15, violate 21 NCAC 34C .0303 (c) by failing to fully complete Form 56D (Delivery of Cremated Remains from Funeral Provider) for all consumers.
16. Pursuant to N.C. Gen. Stat. §§ 90-210.25(e)(1)j., the Board has the authority to suspend, revoke, or refuse to issue or renew the funeral director's license of Respondent Stallings. If the Board concludes that Respondent Stallings committed any of the aforementioned violations, but remains fit to practice, pursuant to N.C. Gen. Stat. § 90-210.25(e)(2), the Board has the authority to place Respondent Stallings on probation and to assess a civil penalty not to exceed \$5,000.00.
17. 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.
18. 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 Memorial, or to place Respondent Memorial Chapel on probation, and to assess a civil penalty not to exceed \$5,000.00.
19. Pursuant to N.C. Gen. Stat. §§ 90-210.69(c) and (f), 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 Funeral Home, or to place Respondent Funeral Home on probation, and to assess a civil penalty not to exceed \$5,000.00.
20. Pursuant to N.C. Gen. Stat. §§ 90-210.69(c) and (f), 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 Memorial Chapel, or to place Respondent Memorial Chapel on probation, and to assess a civil penalty not to exceed \$5,000.00.

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 Board hereby suspends the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Funeral Home for eighteen (18) months, but stays the suspension on the following conditions:
 - a. Respondents admit to the violations;
 - b. Respondent Funeral Home shall be placed on probation during the period of suspension. Respondent Funeral Home must submit to, and pass, an inspection and audit conducted by a Board staff inspector before any probation period shall be lifted;
 - c. During the period of stayed suspension, Respondent Funeral Home shall not sell any new preneed contracts until all violations identified in the 2018 Inspections are corrected to the satisfaction of the Board staff;
 - d. If Respondent Funeral Home fails to correct all violations identified in the 2018 Inspection within eighteen (18) months to the satisfaction of the Board following the effective date of this Consent Order, the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Funeral Home shall be automatically revoked without any further disciplinary proceeding;
 - e. Respondent Funeral Home shall not violate any law or rule of the Board during the period of suspension;
 - f. Respondent Funeral Home shall timely respond to any and all Board and/or Board staff correspondence;
 - g. Respondent Funeral Home shall comply with all terms of this Consent Order; and
 - h. Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of One Thousand Dollars

(\$1,000.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

2. The Board hereby suspends the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Memorial Chapel for eighteen (18) months, but stays the suspension on the following conditions:
 - a. Respondents admit to the violations;
 - b. Respondent Memorial Chapel shall be placed on probation during the period of suspension. Respondent Memorial Chapel must submit to, and pass, an inspection and audit conducted by a Board staff inspector before any probation period shall be lifted;
 - c. During the period of stayed suspension, Respondent Memorial Chapel shall not sell any new preneed contracts until all violations identified in the 2018 Inspections are corrected to the satisfaction of the Board staff;
 - d. If Respondent Memorial Chapel fails to correct all violations identified in the 2018 Inspection within eighteen (18) months to the satisfaction of the Board following the effective date of this Consent Order, the preneed establishment permit and any and all ancillary preneed sales licenses of Respondent Memorial Chapel shall be automatically revoked without any further disciplinary proceeding;
 - e. Respondent Memorial Chapel shall not violate any law or rule of the Board during the period of suspension;
 - f. Respondent Memorial Chapel shall timely respond to any and all Board and/or Board staff correspondence;
 - g. Respondent Memorial Chapel shall comply with all terms of this Consent Order; and
 - h. Within thirty (30) days from the date this Consent Order takes effect, Respondent Memorial Chapel shall pay a compromise penalty of One Thousand Dollars (\$1,000.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
3. The Board hereby suspends the Funeral Director license of Respondent Stallings for eighteen (18) months, but the Board stays the suspension on the following conditions:
 - a. Respondent Stallings admits to the violations;

- b. Respondent Stallings shall be placed on probation for eighteen (18) months, beginning from the date this Consent Order takes effect;
 - c. Respondent Stallings shall not violate any law or rule of the Board during the period of probation;
 - d. Respondent Stallings shall timely respond to any and all Board and/or Board staff correspondence; and
 - e. Respondent Stallings shall comply with all terms of this Consent Order.
4. Respondents agree that the Board staff shall transfer the following preneed contracts to a successor funeral home in good standing with the Board within ninety (90) days following the effective date of this Consent Order:
 - a. Brian Jones
 - b. George Lightfoot
 - c. Lillian Lightfoot
 - d. Thomas Saunders
 - e. Alice Howell
5. 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, collectively or individually, 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.
6. This Consent Order shall take effect immediately upon its execution by all parties and reflects 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.
7. 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.
8. 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.
9. Respondents hereby waive any requirement under any law or rule that this Consent Order be served upon them.

Jan 08 2019 10:35:11 Via Fax

->

Stallings Funeral Ho Page 014 Of 014

In the Matter of: Stallings Funeral Home, Stallings Memorial Chapel
and Darryl Stallings
North Carolina Board of Funeral Service Board Case Nos. M16-047, M18-010
Consent Order
Page | 13

10. 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.

CONSENTED TO:

Stallings Funeral Home

Darryl K Stallings Date: Jan. 8, 2019
Darryl Stallings
Manager

Stallings Memorial Chapel

Darryl K Stallings Date: Jan. 8, 2019
Darryl Stallings
Manager

Darryl K Stallings Date: Jan 8, 2019
Darryl Stallings

By Order of the North Carolina Board of Funeral Service, this the 9th day of 2019, 2019.

By: Steve Herndon
Steve Herndon
Board President

1- 919 647 4985

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Consent Order was sent by United States Postal Service, First Class, postage prepaid, and addressed to:

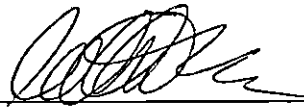
Darryl Stallings, Manager
Stallings Memorial Chapel
401 S. Dyer Street
Elizabeth City, NC 27909

Darryl Stallings, Manager
Stallings Funeral Home
401 S. Dyer Street
Elizabeth City, NC 27909

Darryl Stallings, Manager
Stallings Memorial Chapel
307 S. Church Street
Hertford, NC 27944

Darryl Kater Stallings
305 Roanoke Avenue
Elizabeth City, NC 27909

This the 9th day of January, 2019.



Catherine E. Lee