

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. M18-036

In the matter of:

Williford Funeral Home and
Alvis Thomas Williford, Jr.
Respondents.

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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 Williford Funeral Home stipulate and agree to entry of the following Consent Order:

FINDINGS OF FACT

1. Respondent Williford Funeral Homes, Inc. (hereinafter "Respondent Funeral Home") is licensed as Preneed Establishment No. 076 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 Funeral Home previously held Funeral Establishment No. 572, prior to surrendering said license on August 28, 2018 and undergoing a change in ownership to become Rachels Family Funeral Home, Inc.
2. On or about July 31, 2018, Respondent Funeral Home underwent a change of ownership, such that all issued shares of stock were purchased by Ms. Melissa Lenore Rachels, and Respondent Funeral Home changed its name to Rachels Family Funeral Home, Inc.
3. Respondent Alvis Thomas Williford, Jr. (hereinafter "Respondent Williford") is licensed as Funeral Director No. 3823 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code.
4. Respondent Williford served as the licensed manager of Respondent Funeral Home prior to August 28, 2018.
5. Respondent Williford holds an ancillary preneed sales licenses on behalf of Respondent Funeral Home.
6. On or about November 30, 2017, Respondents completed a certificate of performance for [REDACTED] and withdrew the entrusted preneed funds from her preneed account with Fidelity Bank, in the amount of \$7,534.60.00. According to the certificate of performance, Respondents allege that they filed a death certificate for [REDACTED] in Prince William County, Virginia. However, no such death certificate was filed for [REDACTED]. Moreover, Respondents did not submit the certificate of performance to the Board.

7. On or about December 20, 2017, Respondents completed a certificate of performance for [REDACTED] and withdrew the entrusted preneed funds from her preneed account with Fidelity Bank, in the amount of \$7,811.24. According to the certificate of performance, Respondents allege that they filed a death certificate for [REDACTED] in Harnett County, North Carolina. However, no such death certificate was filed for M [REDACTED]. Moreover, Respondents did not submit the certificate of performance to the Board.

CONCLUSIONS OF LAW

1. Respondents are subject to jurisdiction before the Board.
2. The acts and omissions of Respondents, described in Paragraphs 1-7, violate N.C. Gen. Stat. § 90-210.25(e)b., which prohibits fraud and misrepresentation in the practice of funeral service.
3. The acts and omissions of Respondents, described in Paragraphs 1-7, 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.
4. The acts and omissions of Respondents described in Paragraphs 1-7, violate N.C. Gen. Stat. § 90-210.23(d) by failing to furnish all information required by the Board reasonably relevant to the practice of the profession or business for which the person is a licensee.
5. The acts and omissions of Respondents described in Paragraphs 1-7, violate N.C. Gen. Stat. § 90-210.64(a) and (e) and 21 NCAC 34D .0303(b) by failing to timely file certificates of performance.
6. The acts and omissions of Respondents described in Paragraphs 1-7 violate N.C. Gen. Stat. § 90-210.69(c)(4), which prohibits fraud and misrepresentation in the practice of preneed funeral planning.
7. The acts and omissions of Respondents described in Paragraphs 1-6 violate N.C. Gen. Stat. § 90-210.69(c)(6), which prohibits violating preneed provisions of the Board's laws and rules.
8. 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.

BASED upon the foregoing Findings of Fact and Conclusions of Law, and in lieu of further proceedings, Respondent Funeral Home wishes to resolve this matter by consent and

agrees 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 Funeral Home acknowledges that it has read this entire document and understands it;

Whereas Respondent Funeral Home acknowledges that it enters into this Consent Order freely and voluntarily;

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

Whereas Respondent Funeral Home understands that this Consent Order must be presented to the Board for approval and that Respondent Funeral Home hereby waives 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 Respondent Funeral Home, it is ORDERED that:

1. The Preneed Establishment Permit of Respondent Funeral Home, No. 76, and all ancillary preneed sales licenses are hereby revoked.
2. Rachels Family Funeral Home, Inc. agrees to terminate all employment with Alvis Thomas Williford, Jr., FD License No. 3823, within fifteen (15) days from the effective date of this Consent Order. Rachels Family Funeral Home, Inc. further agrees not to offer or transfer any management and/or employment interests with Rachels Family Funeral Home, Inc. to Mr. Alvis Thomas Williford, Jr., without prior written approval from the Board.
3. The active preneed contracts currently associated with the Preneed Establishment Permit of Respondent Funeral Home, No. 76, shall be transferred by the Board to a substitute preneed licensee in good standing in close geographical proximity to Respondent Funeral Home, other than Rachels Family Funeral Home, Inc.
4. 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 Funeral Home has 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.

5. This Consent Order shall take effect immediately upon its execution by all parties and reflects the entire agreement between Respondent Funeral Home and the Board, there being no agreement of any kind, verbal or otherwise, which varies, alters, or modifies this Consent Order.
6. 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.
7. Both the Board and Respondent Funeral Home 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.
8. Respondents hereby waive any requirement under any law or rule that this Consent Order be served upon them.
9. Upon its execution by the Board and Respondent Funeral Home, 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:

RACHELS FAMILY FUNERAL HOME, INC., FORMERLY KNOWN AS WILLIFORD FUNERAL HOME

Melissa Lenore Rachels

Date: 11/01/18

Melissa Lenore Rachels,
Manager

By Order of the North Carolina Board of Funeral Service, this the 14th day of November, 2018.

By: Charles J. Graves
Matt Staton
Board President **CHARLES J. GRAVES**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Order was served upon the following persons by mailing a copy, by U.S. Mail, First Class, postage prepaid, addressed as follows:

Williford Funeral Homes, Inc.
201 East Academy Street
Fuquay-Varina, NC 27526

This, the 19th day of November, 2018.



Catherine E. Lee
General Counsel