

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. M20-0041

In the matter of:)
)
A.E. Grier & Sons Funeral &)
Cremation, LLC, Arthur E. Grier, III,)
and Arthur Eugene Grier, Jr.,)
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 September 10, 2020, and at the time the Board made this decision on October 15, 2020. The record further reflects that Board members Valdus Lockhart and Chris Watson 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; Jeffrey Gray appeared as administrative law counsel for the Board; and Regina M. Taylor, Esq., appeared for Respondents.

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 Mr. Lockhart and Mr. Watson, stated that they had a conflict of interest or the appearance of a conflict of interest.

PETITIONER’S LIST OF EXHIBITS

1. Notice of Hearing and Order for Continuance
2. Proof of Service
3. iGov Profile for A.E. Grier & Sons Funeral & Cremation, LLC
4. iGov Profile for Arthur E. Grier III
5. iGov Profile for Arthur Eugene Grier Jr
6. Examination of Trust and Insurance Funded Preneed Contracts (October 6, 2016)
7. Preneed Cash Receipts Nos. 1103-1116
8. Preneed Contract Listings (September 21, 2016)
9. Establishment Inspection Report (March 27, 2019)
10. Detailed Preneed Examination Report and Addenda (May 25, 2019)
11. Examination of Trust and Insurance Funded Preneed Contracts (February 25, 2020)

RESPONDENTS' LIST OF EXHIBITS

None

FINDINGS OF FACT

1. Respondent A.E. Grier & Sons Funeral and Cremation, LLC (hereinafter “Respondent Funeral Home”), is licensed by the Board as Funeral Establishment (hereinafter “FE”) No. 878 and Preneed Establishment (hereinafter “PNFE”) No. 901 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. Respondent Arthur E. Grier, III (hereinafter “Respondent Grier III” or collectively with Respondent Funeral Home as “Respondents”) is licensed by the Board as Funeral Service Licensee No. 2098 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 Grier III also holds an ancillary preneed sales license on behalf of Respondent Funeral Home.
3. For all times relevant to this proceeding, Respondent Arthur Eugene Grier, Jr. (hereinafter “Respondent Grier Jr.”) was licensed by the Board as Funeral Service Licensee No. 8 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 Grier Jr. also held an ancillary preneed sales license on behalf of Respondent Funeral Home. (Respondent Grier Jr. and Respondent Grier III collectively hereinafter “Respondent Individuals”). However, on September 22, 2020—following the close of the administrative hearing held in this matter—Respondent Grier Jr. passed away.
4. For all times relevant to this Notice of Hearing, Respondent Grier III has been the licensed manager of Respondent Funeral Home.

2016 Preneed Examination

5. PNFE No. 901 previously was held by A.E. Grier & Sons Funeral Ceremony of Choice (hereinafter the “Closed Funeral Establishment”), which was a sole proprietorship operated by Respondent Grier Jr.
6. In 2016, Board Inspector Brett Lisenbee (hereinafter “Inspector Lisenbee”) conducted a preneed examination and audit (hereinafter the “2016 Examination”) of the Closed Funeral Establishment.

7. During the 2016 Examination, Inspector Lisenbee determined that the Closed Funeral Establishment previously had undergone a change of ownership, thereby rendering its establishment and preneed permits de facto surrendered.
8. During the 2016 Examination, Inspector Lisenbee identified significant violations of the statutes and rules governing the practice of preneed funeral service, including the following:
 - a. Payments received by the Closed Funeral Establishment were sporadically posted to the preneed cash receipt book (hereinafter "Receipt Book") during times when Respondent Grier Jr. was the manager of, and, a preneed sales licensee on behalf of, the Closed Funeral Establishment; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D. 0301(c)(2);
 - b. Respondent Individuals represented themselves as holding a PNFE or preneed sales licenses, and, sold multiple preneed contracts (hereinafter "PNK(s)") during times when they held no such validly issued licenses; in violation of N.C. Gen. Stat. § § 90-210.67(a) and 90-210.68(e), and, 21 NCAC 34D .0201(a)(e);
 - c. Respondent Individuals failed to file multiple PNK(s), sold during times when they held no validly issued PNFE or preneed sales licenses; in violation of N.C. Gen. Stat. § 90-210.67(d), and, 21 NCAC 34D .0105;
 - d. Payments were sporadically posted to the Receipt Book during times when Respondent Individuals held no validly issued PNFE or preneed sales licenses; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(c)(2);
 - e. Respondent Individuals failed to retain physical files for multiple PNK(s), sold during times when Respondent Grier Jr. was the manager of, and, a preneed sales licensee on behalf of, the Closed Funeral Establishment; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(b);
 - f. Respondent Individuals failed to either execute or retain multiple applications for insurance, insurance policies, beneficiary designation documents, or instruments of assignment for insurance funded PNK(s) sold during times when Respondent Grier Jr. was the manager of, and, a preneed sales licensee on behalf of, the Closed Funeral Establishment; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(c)(5);
 - g. Respondent Individuals failed to either execute or retain multiple applications for insurance, insurance policies, beneficiary designation documents, and/or instruments of assignments for insurance funded PNK(s), sold during times when

they held no validly issued PNFE or preneed sales licenses; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(c)(5);

- h. Respondent Individuals failed to retain multiple physical files for PNK(s) performed or otherwise closed during times when Respondent Grier Jr. was the manager of, and, a preneed sales licensee on behalf of, the Closed Funeral Establishment; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(b), (c)(4), (c)(5), and (e);
 - i. Respondent Individuals failed to retain multiple physical files for PNK(s) performed or otherwise closed during times when they held no validly issued PNFE or preneed sales licenses; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(b), (c)(4), (c)(5), and (e);
 - j. For matured or cancelled PNK files, Respondent Individuals failed to retain an at-need statement of goods and services selected (hereinafter “SGSS{s}”) during times when Respondent Grier Jr. was the manager of, and, a preneed sales licensee on behalf of, the Closed Funeral Establishment; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(b) and (e);
 - k. For matured or cancelled PNK files, Respondent Individuals failed to retain an at-need SGSS and completed certificate of performance (hereinafter “COP{s}”), during times when they held no validly issued PNFE or preneed sales licenses; in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(b) and (e); and
 - l. The Licensees failed to complete and/or file multiple certificates of performance (hereinafter “COP(s)”) during times when they held no validly issued PNFE or preneed sales licenses; in violation of N.C. Gen. Stat. § 90-210.64(a), and, 21 NCAC 34D .0303(b).
9. On or about April 28, 2017, PNFE No. 901 was re-issued to Respondent Funeral Home.
 10. Thereafter, the preneed files and records previously housed with the Closed Funeral Establishment were transferred to Respondent Funeral Home.

2019 Preneed Examination

11. Between March and April 2019, Inspector Lisenbee conducted a funeral establishment inspection (hereinafter the “2019 Inspection”) and a preneed examination and audit (hereinafter the “2019 Examination”) of Respondent Funeral Home.

12. During the 2019 Inspection, Inspector Lisenbee obtained evidence that tends to show Respondents violated statutes and rules governing the practice of funeral service as follows:

- a. Respondents failed to complete and retain Board Form BFS 56D1 when returning/delivering cremated remains per the directive of the authorizing agent/cremation authorization form, as required by 21 NCAC 34C .0303(c).

13. During the 2019 Examination, Inspector Lisenbee obtained evidence that tends to show Respondents violated statutes and rules governing the practice of preneed funeral service as follows:

- a. Payments were sporadically posted to the Receipt Book during times when Respondent Grier III was the manager of, and, a preneed sales licensee on behalf of, the Funeral Establishment, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D. 0301(c)(2). Specifically, Inspector Lisenbee identified fifty-five (55) instances in which Respondents failed to post trust deposits to the Receipt Book as follows:

i.



xxii.



Respondents were instructed to update their Receipt Book, on or before October 30, 2019, by posting all preneed funeral funds received on or after April 18, 2017 to the Receipt Book.

- b. Of the preneed funeral funds documented by receipt or PNK, the following were found to be deposited in excess of five (5) business days, from the date received, in violation of N.C. Gen. Stat. § 90-210.61(a)(1):

- i. [REDACTED]
- c. Respondents could not produce financial statements from the financial institution that houses the preneed funds for the trust-funded PNK of [REDACTED] in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(4). This violation previously was cited in the 2016 Examination and had not been rectified since;
- d. Respondents failed to deposit preneed funds paid toward a preneed contract for [REDACTED] into a trust account with a financial institution, in violation of N.C. Gen. Stat. § 90-210.61(a)(1). This violation previously was cited in the 2016 Examination and had not been rectified since;
- e. Respondents failed to file with the Board the following trust-funded PNKs, which are supposed to be filed within ten (10) from the date that the contract was executed, in violation of N.C. Gen. Stat. § 90-210.67(d) and, 21 NCAC 34D .0105:
 - i. [REDACTED]
 - ii. [REDACTED]
- f. Respondents were unable to produce physical files for the following trust-funded PNK(s), in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (c)(4):

[REDACTED]

[REDACTED]

Each missing PNK file was, also, among the twenty-one (21) such files reported as missing in the 2016 Examination Report.

- g. Respondents reported to the Board that a trust-funded preneed contract for [REDACTED], was closed when in fact it was not, in violation of N.C. Gen. Stat. § 90-210.68(a);
- h. Respondents failed to complete and/or file multiple COP(s), in violation of N.C. Gen. Stat. § 90-210.64(a), and, 21 NCAC 34D .0303(b), for the following trust-funded PNK:

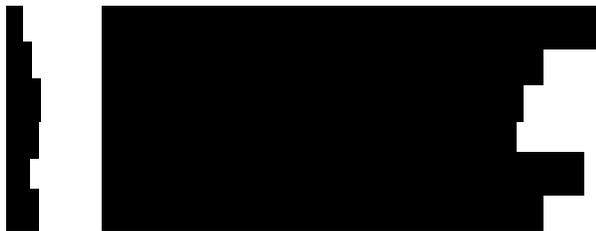
[REDACTED]

- i. Respondents failed to accurately complete their 2017 and 2018 preneed annual reports, as follows:
 - i. Respondents failed to properly report the closed trust-funded PNK of [REDACTED], in violation of N.C. Gen. Stat. § 90 210.68(a) and 21 NCAC 34D .0302.
 - ii. Respondents failed to properly report the following closed insurance funded PNK, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0302:

[REDACTED]



- iii. Respondents failed to request from the applicable financial institutions and insurance companies the financial reports necessary for its to accurately verify the balances of all trust-funded and insurance-funded preneed contracts for which it serves as trustee, in violation of N.C. Gen. Stat. § 90 210.68(a) and 21 NCAC 34D .0302.
- iv. Respondents reported an inaccurate policy number for the PNK of [REDACTED], in violation of N.C. Gen. Stat. § 90 210.68(a) and 21 NCAC 34D .0302.
- j. Respondents failed to maintain a copy of the preneed Statement of Funeral Goods and Services Selected in the preneed file for [REDACTED], in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b);
- k. Respondents were unable to produce physical files for the individual insurance-funded PNK(s) as follows, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (c)(5):



Each missing PNK file was, also, among the ten (10) such files reported as missing in the 2016 Examination Report.

- l. Respondents failed to maintain assignment or beneficiary designation documentation for the following insurance-funded PNK, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0303(c)(5):

[REDACTED]

Each of the preneed contracts identified in Para. 13(1)(i)-(vi) were cited for the same violation in the 2016 Examination report.

- m. Respondents failed to maintain a preneed statement of funeral goods and services selected for the trust-funded PNK file for [REDACTED], in violation of N.C. Gen. Stat. § 90-210.68(a) or 90-210.62(b) and 21 NCAC 34D .0301(b) or 21 NCAC 34D .0101(4).
 - n. Respondents failed to complete and/or file multiple COP(s), in violation of N.C. Gen. Stat. § 90-210.64(a), and, 21 NCAC 34D .0303(b), for the following insurance-funded PNK:

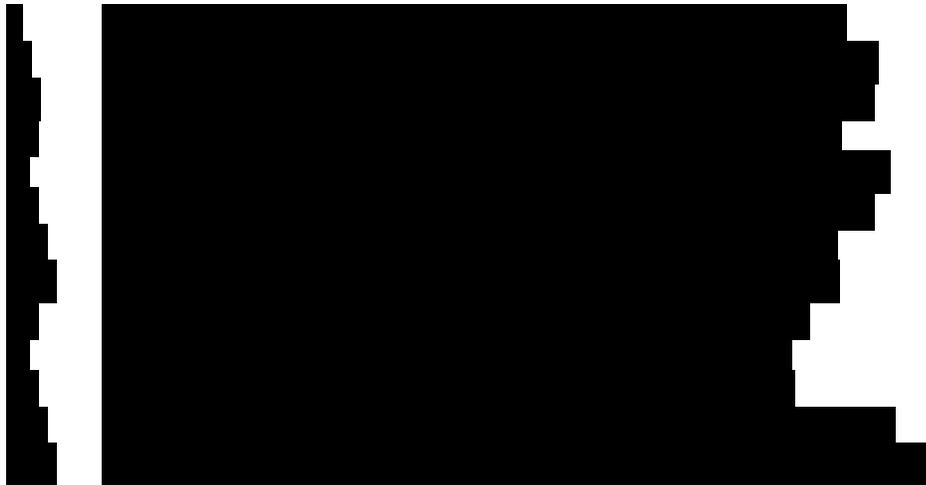
[REDACTED]
 - o. Respondents failed to provide a contract date on the insurance-funded PNK for [REDACTED], in violation of N.C. Gen. Stat. § 90-210.62(b) and 21 NCAC 34D .0101.
14. During the 2019 Examination, Inspector Lisenbee also obtained evidence that tends to show Respondents routinely have aided and abetted the unlicensed practice of preneed funeral service by selling preneed contracts on behalf of, or for the benefit of, W.H. Bryant, A.E. Grier & Sons Funeral Home, Inc. (hereinafter “Bryant-Grier”), which is located in Mooresville, NC and holds FE Permit No. 751. Bryant-Grier does not hold a preneed establishment permit.
 15. One example of a PNK that Respondents sold on behalf of, or for the benefit of, Bryant-Grier is that of [REDACTED] (the “[REDACTED]”). Upon

review, Respondents informed Inspector Lisenbee that they executed the [REDACTED] PNK on behalf of Bryant-Grier. Regarding the [REDACTED], Inspector Lisenbee identified the following violations of statute and rule:

- a. Respondents filed with the Board a standard insurance PNK for [REDACTED] that listed the following funding sources: (i) a payment of \$1,180.00; and (ii) a pre-existing insurance policy. However, no insurance product was purchased to fund the PNK. Respondents thereafter admitted that the preneed funds were intended for deposit in trust, but that they had failed to deposit said funds into trust.
 - b. Respondents failed to keep a copy of the underlying pre-existing insurance policy that was intended to fund the [REDACTED] PNK, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0303(c)(5).
 - c. Respondents failed to obtain a policy change form, naming the Respondent Funeral Home as the assignee or beneficiary of the pre-existing policy intended to fund the [REDACTED] PNK, thereby misleading the consumer as to whether a PNK, as defined by N.C. Gen. Stat. § 90-210.60(5) and 21 NCAC 34D .0103, was in fact created.
 - d. Respondents failed to make available at the Respondent Funeral Home a trust-funded preneed contract form or a preneed statement of funeral goods and services selected, in violation of N.C. Gen. Stat. § 90-210.68(a).
16. Following the 2019 Examination, Respondents filed with the Board a standard trust PNK on behalf of [REDACTED]). In reviewing the [REDACTED], Inspector Lisenbee identified the following violations of statute and rule:
- a. The purchaser's signature and initials did not appear to be consistent between the two (2) [REDACTED], which indicates a violation of N.C. Gen. Stat. § 90-210.62(b), and, 21 NCAC 34D .0101;
 - b. The [REDACTED] dated April 17, 2019, or, 13 business days from the date the Funds were received, and, in violation of N.C. Gen. Stat. § 90-210.61(a)(1);
 - c. The [REDACTED] was not received by First Citizens until April 29, 2019, meaning, the preneed funds were not deposited in trust until that date, in violation of N.C. Gen. Stat. § 90-210.61(a)(1); and
 - d. When the [REDACTED] was received by Board staff on May 3, 2019, it still lacked a preneed SGSS; in violation of N.C. Gen. Stat. § 90-210.62(b), and, 21 NCAC 34D .0101(4).

2020 Preneed Examination

17. On or about February 25, 2020, Board Inspector Darrell Cagle conducted a follow-up preneed examination and audit (hereinafter the “2020 Examination”) of Respondent Funeral Home.
18. During the 2020 Examination, Inspector Cagle obtained evidence that tends to show Respondents violated statutes and rules governing the practice of preneed funeral service as follows:
 - a. The license certificate of Respondents Grier Jr. was not displayed within Respondent Funeral Home, in violation of 21 NCAC 34D .0201(f); and
 - b. Since the 2019 Examination, Respondents had continued to only post payments sporadically to the Receipt Book, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D. 0301(c)(2). Specifically, Inspector Cagle identified thirteen (13) instances in which Respondents failed to post trust deposits to the Receipt Book since the 2019 Examination as follows:



Additionally, Respondents had failed to complete the corrective actions identified in the 2019 Examination, in that they failed to post all funds received on or after April 18, 2017, as directed by Inspector Lisenbee.

- c. Respondents still could not produce financial statements from the financial institution that houses the preneed funds for the trust-funded PNK of [REDACTED], in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(4). This violation previously was cited in the 2016 Examination and 2019 Examination.

- d. Of the preneed funeral funds documented by receipt or PNK, the following were found to be deposited in excess of five (5) business days, from the date received, in violation of N.C. Gen. Stat. § 90-210.61(a)(1):

[REDACTED]

- e. Respondents still had not corrected their failure to deposit preneed funds paid toward a preneed contract for [REDACTED] into a trust account with a financial institution, in violation of N.C. Gen. Stat. § 90-210.61(a)(1). This violation previously was cited in the 2016 Examination and 2019 Examination.
- f. Respondents still had not corrected their failure to file with the Board the following trust-funded PNKs, which are supposed to be filed within ten (10) from the date that the contract was executed, in violation of N.C. Gen. Stat. § 90-210.67(d) and, 21 NCAC 34D .0105:

[REDACTED]

These violations previously were cited in the 2016 Examination and 2019 Examination.

- g. Respondents still were unable to produce physical files for the fourteen trust-funded PNK(s) that were cited as missing in the 2016 and the 2019 Examination, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (c)(4).
- h. Respondents still had not corrected their failure to obtain and maintain assignment or beneficiary designation documentation for the following insurance-funded PNK, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0303(c)(5):

[REDACTED]

These violations previously were cited in the 2016 Examination and 2019 Examination.

- i. Respondents still were unable to produce physical files for the individual insurance-funded PNK(s) for the six (6) files cited in 2019 Examination, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (c)(5).
- j. Respondents still had not corrected their failure to provide a contract date on the insurance-funded PNK for [REDACTED], in violation of N.C. Gen. Stat. § 90-210.62(b) and 21 NCAC 34D .01010, as cited in the 2019 Examination.
- k. Respondents failed to retain a complete copy of the closed preneed contract files for [REDACTED]

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. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to complete and retain Board Form BFS 56D1 when returning/delivering cremated remains per the directive of the authorizing agent/cremation authorization form, as required by 21 NCAC 34C .0303(c).
5. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to properly maintain accurate and complete preneed records and forms, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 N.C. Admin. Code 34D .0301(a), (b), (c)(4), and (c)(5).
6. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to conspicuously display a license certificate in the funeral establishment, in violation of 21 NCAC 34D .0201(f).
7. The acts and omissions of Respondents described in Paragraphs 1-18 constitute the practice of preneed funeral service without being properly licensed to do so, in violation of N.C. Gen. Stat. §§ 90-210.67(a) and 90-210.68(e) and 21 NCAC 34D .0201(a),(e).

8. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to deposit preneed funeral funds into a trust account within five (5) business days from the date of receipt, in violation of N.C. Gen. Stat. § 90-210.61(a)(1).
9. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to retain financial statements from the financial institution that houses the preneed funds for all trust-funded preneed contracts, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(4).
10. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to timely complete and/or file with the Board certificates of performance for performed preneed contracts, in violation of N.C. Gen. Stat. § 90-210.64(a) and 21 N.C. Admin. Code 34D .0303(b).
11. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to maintain a separate cash journal or separate cash receipt book designated for preneed, showing all preneed payments collected, in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D. 0301(c)(2).
12. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to timely file multiple preneed contracts with the Board, in violation of N.C. Gen. Stat. § 90-210.67(d), and 21 NCAC 34D .0105.
13. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to retain the physical files for multiple preneed contracts sold, in violation of N.C. Gen. Stat. § 90-210.68(a), and, 21 NCAC 34D .0301(b), (c)(4).
14. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to either execute or retain multiple applications for insurance, insurance policies, beneficiary designation documents, or instruments of assignment for insurance funded preneed contracts sold, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(c)(5).
15. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to retain an at-need SGSS and completed certificate of performance for matured or cancelled preneed contract files, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b) and (e).
16. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to retain the physical files for multiple preneed contracts performed, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(b), (c)(4), (c)(5), and (e).

17. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to accurately complete their 2017 and 2018 preneed annual reports, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0302.
18. The acts and omissions of Respondents described in Paragraphs 1-18 constitute a failure to provide a date on a preneed contract, in violation of N.C. Gen. Stat. § 90-210.62(b) and 21 NCAC 34D .0101.
19. The acts and omissions of Respondents described in Paragraphs 1-18 constitute offering to engage or engaging in activities for which a preneed license is required but without having obtained such a license, in violation of N.C. Gen. Stat. § 90-210.69(c)(1).
20. The acts and omissions of Respondents described in Paragraphs 1-18 constitute aiding and abetting the unlicensed practice of preneed funeral service by selling preneed contracts on behalf of, or for the benefit of an individual and/or entity that licensed to practice preneed funeral service, in violation of N.C. Gen. Stat. § 90-210.69(c)(2).
21. The acts and omissions of Respondents described in Paragraphs 1-18 constitute fraud or misrepresentation in the operation of Respondents' business, in violation of N.C. Gen. Stat. §§ 90-210.25(e)(1)b. and 90-210.69(c)(4).
22. The acts and omissions of Respondents described in Paragraphs 1-18 violate N.C. Gen. Stat. § 90-210.69(c)(6), which prohibits violating or cooperating with others to violate the laws, 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.
23. The acts and omissions of Respondents described in Paragraphs 1-18 violate N.C. Gen. Stat. § 90-210.25(e)(1)j., which prohibits violating or cooperating with others to violate the laws, 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.
24. One or more of the violations described above were committed by any officer, director, manager, partner, operator, or member of Respondent Funeral Home or by any person, employee, or agent 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 permits of Respondent Funeral Home, to place Respondent Funeral Home on probation, and/or to assess a civil penalty not to exceed \$5,000.00.
25. Respondent Grier Jr. committed one or more of the violations described above. However, in light of the passing of Respondent Grier, Jr., disciplinary proceedings against his individual licensure are dismissed.

26. Respondent Grier III committed one or more of the violations described above. Pursuant to N.C. Gen. Stat. §§ 210.25(e)(1), the Board has the authority to suspend, revoke, or refuse to issue or renew the funeral service license of Respondent Grier III. However, this Board finds that Respondent Grier III remains fit to practice. Therefore, pursuant to N.C. Gen. Stat. § 90-210.25(e)(2), the Board has the authority to place Respondent Grier III on probation, to require satisfactory completion of remedial or education training, and to assess a civil penalty not to exceed \$5,000.00.

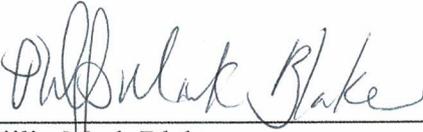
FINAL AGENCY DECISION

The North Carolina Board of Funeral Service hereby issues the following decision:

1. The Preneed Establishment Permit and all ancillary Preneed Sales Licenses of Respondent A.E. Grier & Sons Funeral & Cremation, LLC are revoked.
2. The At-Need Establishment Permit of Respondent A.E. Grier & Sons Funeral & Cremation, LLC shall be suspended for a period of two (2) years, beginning on the date that this Final Agency Decision takes effect, provided that said suspension shall be stayed. However, the stay of the suspension shall be automatically lifted upon failure to comply with the following terms and conditions:
 - a. Within thirty (30) days following the effective date of this Final Agency Decision, Respondent A.E. Grier & Sons Funeral & Cremation, LLC shall pay a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) to the Civil Penalty and Forfeiture Fund, in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
 - b. During the period of stayed suspension as set forth above, the licensure of Respondent A.E. Grier & Sons Funeral & Cremation, LLC shall be on probationary status and it must comply with all statutes and rules governing the practice of funeral service.
3. The Funeral Service License of Respondent A.E. Grier, III shall be suspended for a period of two (2) years, beginning on the date that this Final Agency Decision takes effect, provided that said suspension shall be stayed. However, the stay of the suspension shall be automatically lifted upon failure to comply with the following terms and conditions:
 - a. Within thirty (30) days following the effective date of this Final Agency Decision, Respondent A.E. Grier, III shall pay a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) to the Civil Penalty and Forfeiture Fund, in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

- b. During the period of stayed suspension as set forth above, the licensure of Respondent A.E. Grier, III shall be on probationary status and he must comply with all statutes and rules governing the practice of funeral service.
4. 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.
5. Pursuant to N.C. Gen. Stat. § 150B-45(a)(2), 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 which 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.
6. 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 27 day of October, 2020.

By: 
Phillip Mark Blake
N.C. Board of Funeral Service

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Findings of Fact, Conclusions of Law, and Final Agency Decision was served upon the Respondents by email and US Mail, First Class, Postage Prepaid and addressed as follows:

Regina M. Taylor, Esq.
Law Offices of Regina M. Taylor, P.C.
PO Box 944
Gastonia, NC 28053
Email: regina@attorneyreginataylor.com

This, the 29 day of October, 2020



Catherine E. Lee
General Counsel