

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
BOARD OF FUNERAL SERVICE  
CASE NO. M20-0057

In the matter of:

Bridgers Funeral Home, Incorporated and  
Robert Lewis Bridgers,  
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 Respondents stipulate and agree to entry of the following Consent Order:

1. Respondent Bridgers Funeral Home, Incorporated (hereinafter "Respondent Funeral Home"), is licensed by the Board as Funeral Establishment Permit No. 0042 and Preneed Establishment Permit No. 0085 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 Robert Lewis Bridgers (hereinafter "Respondent Bridgers" or collectively with Respondent Funeral Home as "Respondents") is licensed by the Board as Funeral Service Licensee No. 824 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 Notice of Hearing, Respondent Bridgers has been the licensed manager and sole shareholder of Respondent Funeral Home.

2020 Preneed Examination

4. On or about February 17, 2020, Board Inspector Karen Davis-Brunson (hereinafter "Inspector Davis-Brunson") conducted a preneed examination and audit (hereinafter "2020 Examination").
5. During the 2020 Examination, Inspector Davis-Brunson found evidence tending to show that Respondents have violated statutes and rules governing the practice of preneed funeral services, including the following:
  - a. Respondents failed to maintain and make available a copy of its past annual reports to the Board, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC

34B .0301(a)(3).

- b. Respondents failed to make available its Form PN-6 or its equivalent cash journal or receipt book showing all preneed payments collected, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(c)(2).
- c. Respondents failed to make available two active trust-funded preneed contract files for the following consumers, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(c)(4):
  - i. [REDACTED]
  - ii. [REDACTED]
- d. Respondents failed to maintain copies of the preneed contract in the following closed preneed contract files, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(b):
  - i. [REDACTED]
  - ii. [REDACTED]
  - iii. [REDACTED]
  - iv. [REDACTED]
  - v. [REDACTED]
  - vi. [REDACTED]
- e. Respondents failed to maintain closeout documents for the following closed trust-funded preneed contracts, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(c)(4):
  - i. [REDACTED]
  - ii. [REDACTED]
  - iii. [REDACTED]
  - iv. [REDACTED]
  - v. [REDACTED]
- f. Respondents failed to maintain closeout documents and the at-need Statement of Funeral Goods and Services Selected for the following closed insurance-funded preneed contract, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(c)(5):
  - i. [REDACTED]

2021 Preneed Examination

6. In 2021, Board Inspector Christopher Stoessner (hereinafter "Inspector Stoessner") conducted a follow-up preneed examination and audit (hereinafter "2021 Examination").
7. During the 2021 Examination, Inspector Stoessner found evidence tending to show that Respondents have violated statutes and rules governing the practice of preneed funeral services, including the following:
  - a. Respondents displayed only a permit showing a Preneed Establishment Wall Certificate that expired on December 31, 2017, and failed to conspicuously display a current license certificate, in violation of N.C. Gen. Stat. § 90-210.69(a) and 21 NCAC 34D .0201(f).
  - b. Respondents failed to submit a copy of the 2019 preneed annual report to the Board, in violation of N.C. Gen. Stat. § 90-210.68(a1) and 21 NCAC 34D .0301(a)(3).
  - c. Respondent failed to retain and make available a copy of the 2019 and 2020 preneed annual reports, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34D .0301(a)(3).
  - d. Respondents failed to maintain and make available three active trust-funded preneed contract files for the following consumers, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(c)(4):
    - i. [REDACTED]
    - ii. [REDACTED]
    - iii. [REDACTED]
  - e. Respondents failed to maintain and make available three closed trust-funded preneed contract files for the following consumers, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(b):
    - i. [REDACTED]
    - ii. [REDACTED]
    - iii. [REDACTED]
  - f. Respondents failed to retain an at-need Statement of Funeral Goods and Services Selected and a Certificate of Performance in the closed preneed contract for [REDACTED] in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(b).

- g. Respondents failed to timely file a Certificate of Performance with the Board and failed to retain or make available documents showing that a refund of excess preneed were made on behalf of consumer [REDACTED] in the amount of \$13,529.67, in violation of N.C. Gen. Stat. §§ 90-210.64(d), 90-210.68(a) and 21 NCAC 34B .0301(b). Respondents failed to make said refund on behalf of [REDACTED] in violation of N.C. Gen. Stat. § 90-210.25(e)(1)(p).

### **CONCLUSIONS OF LAW**

8. The acts and omissions of Respondents described in Paragraphs 1-7 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).
9. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to conspicuously display a preneed permit wall certificate in the funeral establishment, in violation of N.C. Gen. Stat. § 90-210.69(a1) and 21 NCAC 34D .0201(f).
10. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to file a 2019 preneed annual report with the Board, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(a)(3).
11. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to maintain and make available a copy of past preneed annual reports to the Board, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(a)(3).
12. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to make available its Form PN-6 or its equivalent cash journal or receipt book showing all preneed payments collected, in violation of N.C. Gen. Stat. § 90-210.68(a) and 21 NCAC 34B .0301(c)(2).
13. The acts and omissions of Respondents described in Paragraphs 1-7 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).
14. The acts and omissions of Respondents described in Paragraphs 1-7 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).
15. The acts and omissions of Respondents described in Paragraphs 1-7 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).
  16. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to retain an at-need Statement of Funeral Goods and Services Selected 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).
  17. The acts and omissions of Respondents described in Paragraphs 1-7 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).
  18. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to retain or make available documents showing that a refund of excess preneed funeral funds, in violation of N.C. Gen. Stat. §§ 90-210.64(d), 90-210.68(a) and 21 NCAC 34B .0301(b).
  19. The acts and omissions of Respondents described in Paragraphs 1-7 constitute a failure to refund the price of goods and services paid but not fulfilled, in violation of N.C. Gen. Stat. § 90-210.25(e)(1)(p).
  20. The acts and omissions of Respondents described in Paragraphs 1-7 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.
  21. 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 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.

BASED upon the foregoing Findings of Fact and Conclusions of Law, and in lieu of further proceedings, Respondents 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 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 preneed establishment permit and all ancillary preneed sales licenses of Respondent Funeral Home is hereby deemed voluntarily and permanently surrendered. Respondents agree not to re-apply for a preneed establishment permit in the future.
2. The funeral service license of Respondent Bridgers is hereby placed on probation for twelve (12) months, on the following terms and conditions:
  - a. Within thirty (30) days following the effective date of this Final Agency Decision, Respondent Bridgers shall provide evidence to the Board that Respondents have refunded excess preneed funds either to the Estate of [REDACTED] or to the clerk of superior court of Northampton County.
  - b. During the period of probation, Respondent Bridgers shall comply with all statutes and rules governing the practice of funeral service.
3. 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 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.

4. This Consent Order shall take effect immediately upon its execution by the Board and Respondents 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.
5. 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.
6. 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.
7. Respondents hereby waive any requirement under any law or rule that this Consent Order be served upon them.
8. 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.

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CONSENTED TO:

Bridgers Funeral Home, Incorporated

By: Robert Lewis Bridgers Date: 09-2-2021  
Robert Lewis Bridgers  
Owner

Robert Lewis Bridgers Date: 09-2-2021  
Robert Lewis Bridgers

By Order of the North Carolina Board of Funeral Service, this the 8 day of  
August, 2021.  
September

By:

Don D. Brown

Don D. Brown  
Board President