

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NOS. M21-0001

In the matter of:

Rachels Family Funeral Home, LLC
and Melissa Lenore Rachels,
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:

FINDINGS OF FACT

1. Rachels Family Funeral Home, LLC ("Respondent Establishment") is licensed as Funeral Establishment No. 0987 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. Melissa Lenore Rachels ("Respondent Individual or, collectively with Respondent Establishment, "Respondents") is licensed as Funeral Director No. 4215 on or about May 24, 2018 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. Prior to becoming licensed as a Funeral Director, Respondent Individual was registered with the Board as a Funeral Director Trainee from October 1, 2015 until on or about May 24, 2018. Respondent Individual performed her Funeral Director Traineeship at the now-closed funeral establishment Williford Funeral Home, Inc., which previously held Funeral Establishment Permit No. 0572 and Preneed Establishment Permit No. 0076.
4. Alvis Thomas Williford, Jr. previously was licensed as Funeral Director 3823 and was the sole shareholder of Williford Funeral Home, Inc. He served as Respondent Individual's Supervisor during her Traineeship.
5. On November 14, 2018, by Consent Order to resolve Board Case No. M18-0036, Mr. Williford surrendered his funeral director license; the preneed establishment permit and all ancillary preneed sales licenses of Rachels Family Funeral Home, Inc. f/k/a Williford Funeral Homes, Inc. were revoked; and Respondent Individual agreed that all active preneed contracts in possession of Rachels Family Funeral Home, Inc. would be

transferred by the Board to a substitute preneed licensee in good standing, other than Rachels Family Funeral Home, Inc.

6. On or about July 8, 2019, Respondent Individual surrendered the establishment permit of Rachels Family Funeral Home, Inc. f/k/a Williford Funeral Homes, Inc.
7. On or about July 15, 2019, Respondent Individual sent a correspondence to at least some of the consumer with whom she made preneed arrangements on behalf of Williford Funeral Homes, Inc., informing said consumers that "any prearrangements made with the funeral home will continue to be honored at Rachels Family Funeral Home and are in safe keeping."
8. Between July 8, 2019 and February 28, 2020, Respondent Individual held an Unaffiliated Practice Permit.
9. On February 28, 2020, Respondent Establishment was issued a funeral establishment permit by the Board. Since February 28, 2020 Respondent Individual has served as its licensed manager and member. According to Respondent Establishment's 2021 Renewal Application, Respondent Individual is the sole member of Respondent Establishment.
10. On or about March 1, 2021, a warrant for arrest was issued to Respondent Individual by the Fuquay Varina Police Department, alleging that probable cause exists to believe that Respondent Individual fraudulently, or knowingly and willfully, misapplied or converted preneed funeral funds to her own use.
11. On or about March 5, 2021, the Board issued an Order summarily suspending Respondents' respective license and permit.

CONCLUSIONS OF LAW

1. Respondents are subject to jurisdiction before the Board.
2. 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 Individual.
3. 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 Establishment, or to place Respondent Establishment on probation, and to assess a civil penalty not to exceed \$5,000.00.
4. Respondents wish to voluntarily surrender all licenses and permits issued to them by the Board.

BASED upon the foregoing Findings of Fact and Conclusions of Law, and in lieu of further proceedings, Respondents wish 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 At-Need Establishment Permit of Respondent Establishment is hereby permanently surrendered.
2. The Funeral Director License of Respondent Individual is hereby permanently surrendered. Respondent Individual agrees not to apply for licensure with the Board in the future. Moreover, Respondent Individual agrees not to be involved in the operations, management, or ownership of an entity licensed by the Board in the future.
3. The Board expressly reserves its right to pursue legal action against Respondents for subrogation to its Preneed Recovery Fund for any reimbursements that have or that may be made in the future as a result of Respondent Rachels' acts and/or omissions, pursuant to N.C. Gen. Stat. § 90-210.66.
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 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.

5. 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.
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 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.
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 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:

Rachels Family Funeral Home, LLC

By: Melissa Lenore Rachels Date: 4/12/21
Melissa Lenore Rachels
Manager

Melissa Lenore Rachels

Melissa Lenore Rachels Date: 4/12/21

By Order of the North Carolina Board of Funeral Service, this the 14 day of April, 2021.

By: Don D. Brown
Don D. Brown
Board President