

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
BOARD OF FUNERAL SERVICE  
CASE NO. M21-0078

In the matter of:

Patricia Burrus Williams

Respondent.

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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. Patricia Burrus Williams ("Respondent Individual") has been licensed as Funeral Director No. 3752 since on or about March 26, 2001 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). Respondent Individual has held a preneed sales license on behalf of her current employer, Congleton Funeral Home and Cremations, Inc. (PN Permit No. 0381), since April 25, 2017.
2. Essie Mae McCarter d/b/a Whitfield and Whitley Funeral Home ("Whitfield and Whitley") previously was licensed by the Board as Funeral Establishment No. 0622 and Preneed Funeral Establishment No. 0417.
3. For all times relevant to this Notice of Hearing, Respondent Individual was employed with Whitfield and Whitley.
4. That in addition to the Respondent Individual, Whitfield and Whitley employed at least two other employees who were not licensed by the Board who were responsible for making deposits for Whitfield and Whitley.
5. On or about May 27, 2015, [REDACTED] (the "Purchaser") purchased a Standard Irrevocable Trust Preneed Funeral Contract (the "Contract") for her mother, [REDACTED] (the "Beneficiary") through Respondent Individual on behalf of Whitfield and Whitley.
6. On May 27, 2015, Purchaser paid \$450.00 toward the Contract. Thereafter, Purchaser made additional preneed payments toward the Contract, for which she received receipts from Respondent Individual and other representatives of Whitfield and Whitley.

7. Essie Mae McCarter died on March 2, 2019 and, as a result, Whitfield and Whitley closed.
8. On or about July 31, 2019, Board staff administratively transferred the preneed contract for which Whitfield and Whitley had served as trustee to a neighboring preneed funeral establishment, Mildred Randolph, Inc. d/b/a Leon Randolph Funeral Home (PN Permit No. 0478).
9. On or about May 27, 2021, Purchaser filed with the Board a Preneed Recovery Fund Application for Reimbursement, alleging that preneed funds paid toward the Contract had been misappropriated.
10. Board Inspector Christopher Stoessner conducted an investigation and found evidence tending to show that \$2,800.00 in preneed payments given to Respondent Individual by Purchaser toward the Contract between December 1, 2015 and February 23, 2016 were not placed into a trust account or preneed insurance policy for the Beneficiary, in violation of N.C. Gen. Stat. § 90-210.61(a)(1), in that the Respondent Individual did not verify that the aforesaid deposits were made into Whitfield and Whitley's trust account or preneed insurance policy for the Beneficiary..
11. Respondent Individual admits that allegations set forth in Paragraph 10 above. However, Respondent Individual denies that she misappropriated said preneed payments for her own personal gain.

### **CONCLUSIONS OF LAW**

1. Respondent is subject to jurisdiction before the Board.
2. The acts and omissions of Respondent Individual, described in Paragraphs 1-10, violate N.C. Gen. Stat. §§ 90-210.25(e)(1)(j) and 90-210.69(c)(6), which prohibits violating any provision of Articles 13A, 13D, 13E, and/or 13F of Chapter 90 of the North Carolina General Statutes and all rules and regulations of the Board. Specifically, Respondent Individual failed to ensure that deposit preneed funds paid toward a preneed contract were deposited into a trust account with a financial institution within five (5) business days from the date of receipt, in violation of N.C. Gen. Stat. § 90-210.61(a)(1).
3. The Board concludes that Respondent Individual committed one or more of the violations described in Paragraphs 1-10 but remains fit to practice. Pursuant to N.C. Gen. Stat. § 90-210.25(e)(2), the Board has the authority to place Respondent Individual on probation and to assess a civil penalty not to exceed \$5,000.00.
4. The Board concludes that Respondent Individual committed one or more of the violations described in Paragraphs 1-10. Pursuant to N.C. Gen. Stat. § 90-210.69(c), the Board has the authority to revoke, suspend, or refuse to issue or renew the preneed sales license of

Respondent Individual, or to place Respondent Individual 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 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 acknowledges that she has read this entire document and understands it;

Whereas Respondent acknowledges that she enters into this Consent Order freely and voluntarily;

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

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

1. The funeral director license of Respondent Individual is hereby placed on a two (2) year probation upon the following terms and conditions:
  - a. Within thirty (30) days following the effective date of this Consent Order, Respondent Individual shall reimburse the Board's Preneed Recovery Fund in the amount of \$2,800.00.
  - b. During the period of probation, Respondent Individual shall comply with all statutes and rules governing the practice of funeral service.
2. 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 has violated any term of this Consent Order, 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.

3. This Consent Order shall take effect immediately upon its execution by all parties and reflects the entire agreement between Respondent and the Board, there being no agreement of any kind, verbal or otherwise, which varies, alters, or modifies this Consent Order.
4. 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.
5. Both the Board and counsel for Respondent 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.
6. Respondent hereby waives any requirement under any law or rule that this Consent Order be served upon them.
7. Upon its execution by the Board and Respondent, 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:

By: Patricia Burrus Williams  
Patricia Burrus Williams

Date: Oct. 12, 2021

By Order of the North Carolina Board of Funeral Service, this the 13 day of OCT, 2021.

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