

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
BOARD OF FUNERAL SERVICE  
CASE NOS. R21-0025, M21-0014,  
C20-0064, M21-0103

In the matter of: )  
)  
Carolina Cremation Services, LLC d/b/a )  
Carolina Cremation Center, )  
Respondent )

**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 July 13, 2022, and at the time the Board made this decision on July 13, 2022. The record further reflects that Board members Dr. Steven Lyons and Mr. Stephen Herndon 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, Esq. appeared as administrative law counsel for the Board. Respondent was represented by Robert O. Crawford, III, Esq.

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.”

**PETITIONER’S LIST OF EXHIBITS**

1. Notice of Hearing to Show Cause
2. Proof of Service for Notice of Hearing to Show Cause
3. iGov Licensure Profile
4. Consent Order for Case Nos. R21-0025, M21-0014, C20-0064 (effective May 12, 2021)
5. Monthly Cremation Report (June 2021)
6. Crematory Inspection (October 2021)
7. Letter of Resignation from Crematory Manager, effective September 7, 2021 (dated October 2021)
8. Board Staff Compliance Opinion (dated October 2019)
9. Price Lists
10. Brannock Application for Crematory Manager Permit and iGov Licensure Profile

## 11. Pictures of Damaged Retort

### RESPONDENT'S LIST OF EXHIBITS

1. General Price List, with effective date of March 1, 2022
2. Invoices from Bryant Crematory Services for November 11, 2021 inspection of both retort
3. Undated letter of character from Joe Clay, Manager, Huff Funeral Home

### FINDINGS OF FACT

1. Carolina Cremation Services, LLC d/b/a Carolina Cremation Center (hereinafter "Respondent Crematory") holds Crematory Permit No. 0081 issued 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. On May 12, 2021, Respondent Crematory entered into a Consent Order with the Board to resolve Board Case Nos. R21-0025, M21-0014, and C20-0064 (the "May 2021 Consent Order").
3. The May 2021 Consent Order ordered, in part, that:
  1. The Crematory Permit of Respondent Crematory is renewed for 2021; provided, however, that the Crematory Permit of Respondent Crematory is suspended for two (2) years, but said suspension is stayed on the following conditions:
    - a. Respondent Crematory shall maintain a crematory manager for all times in accordance with N.C. Gen. Stat. § 90-210.121(13). Furthermore, Respondent Crematory shall keep the Board informed at all times of the names and addresses of the crematory manager and all crematory technicians, in accordance with N.C. Gen. Stat. § 90-210.123(d). Failure to comply with this provision shall result in the lifting of the stay of the suspension until such time that a show cause hearing can be held;
    - b. Respondent Crematory admits to the violations herein;
    - c. Respondent Crematory shall be placed on probation during the period of stayed suspension;
    - d. Respondent Crematory shall not violate any law or rule of the Board during the period of suspension;

- e. Respondent Crematory shall timely respond to any and all Board and/or Board staff correspondence;
  - f. Respondent Crematory shall comply with all terms of this Consent Order;
  - g. Within thirty (30) days from the date this Consent Order takes effect, Respondent Crematory shall pay a compromise penalty of Two Thousand Five Hundred (\$2,5000.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes; and
  - h. All licensed employees and crematory technicians of Respondent Crematory shall complete a Board-sponsored continuing education course on cremation on or before December 31, 2021.
4. Respondent failed to submit its June 2021 cremation report to the Board until August 9, 2021, in violation of 21 NCAC 34C .0305.
  5. On or about September 7, 2021, Jordan Kim Key resigned as the crematory manager of Respondent Crematory. Between September 7, 2021 and October 15, 2021, Respondent Crematory failed to employ a crematory manager and did not timely notify Board staff of Mr. Key's resignation from employment, in violation of the May 2021 Consent Order.
  6. On or about October 26, 2021, Board Inspector Debbie Hamm conducted a crematory inspection of Respondent Crematory. During the inspection, Inspector Hamm found evidence tending to show the following violations of statute and/or rule governing the practice of funeral service:
    - a. The second unit of Respondent Crematory's retort had suffered an explosion, causing damage to the walls, ceiling, and door. Respondent Crematory was unable to make maintenance records available to Inspector Hamm, at the time of the inspection;
    - b. Respondent Crematory—in offering services directly to the general public—did not maintain a General Price List containing accurate price information, in violation of 16 CFR § 453.2(a) and N.C. Gen. Stat. § 90-210.123(d1);
    - c. Respondent Crematory—in offering services directly to the general public—did not include on its General Price List the price of direct cremation with container(s) purchased from funeral home, in violation of 16 CFR § 453.2(b)(4)(ii)(C)(2) and N.C. Gen. Stat. § 90-210.123(d1); and

- d. Respondent Crematory—in offering services directly to the general public—did not maintain on its General Price List casket price ranges or disclosures, in violation of 16 CFR § 453.2(b)(4)(iii)(A)(1)-(2) and N.C. Gen. Stat. § 90-210.123(d1); and
  - e. Respondent Crematory—in offering services directly to the general public—did not maintain a Casket Price List that offered any alternative containers offered for direct cremation, in violation of 16 CFR § 453.2(b) and N.C. Gen. Stat. § 90-210.123(d1).
7. In the May 2021 Consent Order, Respondent was sanctioned, in part, for the same violations of law identified in Paragraph 6(b) – (e) above.
  8. At hearing, Respondent’s current manager, Ms. Wendy Brannock, testified credibly that the Respondent’s failure to employ a manager between September 7, 2021 and October 15, 2021 was unintentional. Ms. Brannock testified credibly that the Respondent’s former office assistant had failed to mail Ms. Brannock’s application for crematory manager to the Board, as instructed.
  9. At hearing, Ms. Brannock testified credibly that Respondent’s staff inadvertently provided Inspector Hamm with incorrect price lists, which were not the versions currently used by Respondent.
  10. At hearing, Ms. Brannock testified credibly that Respondent’s failure to timely submit its June 2021 cremation report to the Board was caused by the omissions of Respondent’s former manager, who Respondent fired in September 2021.

#### CONCLUSIONS OF LAW

11. The acts and omissions of Respondent described in Paragraphs 1-10 violate the May 2021 Consent Order.
12. The acts and omissions of Respondent described in Paragraphs 1-10 violate N.C. Gen. Stat. § 90-210.123(g)(10), which prohibits violations of Article 13F of Chapter 90, rules of the Board, and/or the FTC Rule, as follows:
  - a. Practicing funeral service and cremation, as defined in N.C. Gen. Stat. §§ 90-210.20(k) and 90-210.121(7), without a crematory manager registered with the Board, in violation of N.C. Gen. Stat. §§ 90-210.121(13) and 90-210.123(d); and
  - b. Failing to submit accurate monthly cremation reports to the Board no later than the tenth day of each month, in violation of 21 NCAC 34C .0305.

FINAL AGENCY DECISION

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

1. The stay of the suspension set forth in the Consent Order for Board Case Nos. R21-0025, M21-0014, and C20-0064 is hereby lifted; provided, however, that the Board re-imposes the stay of said suspension on the following terms and conditions:
  - a. Respondent Crematory shall maintain a crematory manager for all times in accordance with N.C. Gen. Stat. § 90-210.121(13). Furthermore, Respondent Crematory shall keep the Board informed at all times of the names and addresses of the crematory manager and all crematory technicians, in accordance with N.C. Gen. Stat. § 90-210.123(d). Failure to comply with this provision shall result in the lifting of the stay of the suspension until such time that a show cause hearing can be held;
  - b. Respondent Crematory shall submit to, and pass without substantial deficiency, a crematory inspection to be conducted by a Board staff inspector in accordance with the Board staff inspector's standard operating procedures;
  - c. Respondent Crematory shall be placed on probation during the period of stayed suspension;
  - d. Respondent Crematory shall not violate any law or rule of the Board during the period of suspension;
  - e. Respondent Crematory shall timely respond to any and all Board and/or Board staff correspondence;
  - f. Respondent Crematory shall comply with all terms of this Consent Order; and
  - g. Within thirty (30) days from the date this Consent Order takes effect, Respondent Crematory shall pay a compromise penalty of One Thousand Five Hundred (\$1,500.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
2. This Final Agency Decision shall take effect upon service of Respondent, in a manner consistent with N.C. Gen. Stat. § 150B-42(a).
3. Pursuant to N.C. Gen. Stat. § 150B-45(a)(2), Respondent has thirty (30) days from the date that she receives 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.

4. This Final Agency Decision shall take effect upon service of Respondent, 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<sup>th</sup> day of July, 2022

By:

  
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Christian E. Watson  
N.C. Board of Funeral Service