

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. M23-0034

In the matter of:

Beach River Funeral Home, LLC
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 Respondent Funeral Home stipulate and agree to entry of the following Consent Order:

1. Beach River Funeral Home, LLC (hereinafter "Respondent") is licensed by the Board as Funeral Establishment Permit No. 1019 and Preneed Establishment Permit No. 1026 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 April 14, 2021, Respondent entered into a consent order (the "Consent Order") with the Board to resolve certain violations of statutes and rules governing the practice of preneed funeral service.
3. Under the terms of the Consent Order, the preneed establishment permit and all ancillary preneed sales licenses of Respondent were placed on a suspension until at least November 24, 2023, except that said suspension was to stay upon certain terms and conditions, including the condition that Respondent obtain and maintain a surety bond in an amount not less than Fifty Thousand Dollars (\$50,000.00) and shall maintain said bond until at least April 14, 2026.
4. On or about April 13, 2023, Board staff received notice that the surety bond for Respondent was set for cancellation effective May 11, 2023.
5. On or about April 13, 2023, Board staff informed Respondent of its legal obligation to prove that the surety bond had been reinstated or that another bond is in place on or before May 11, 2023.
6. On May 10, 2023, Respondent informed Board staff that the surety bond has not been reinstated or otherwise put into place and sought an extension of time by which to satisfy their legal requirements.
7. On May 10, 2023, Board staff informed Respondent that the request for an extension of time could not be granted and instead offered to place Respondent's preneed establishment permit and ancillary preneed sales licenses on temporary suspension by consent, until such bond could be reinstated. Respondent did not respond to the Board's offer.

8. On May 16, 2023, Respondent was served with an Order for Summary Suspension of its preneed establishment permit and ancillary preneed sales licenses, for failure to maintain the Board-required preneed surety bond.
9. On June 14, 2023, a summary suspension was conducted by the Board, for which Respondent failed to appear. Following the hearing, the Board upheld the summary suspension, pending adjudication on the full merits of the above-captioned disciplinary matter.
10. On July 7, 2023, Respondent informed Board staff that a preneed surety bond was reinstated, effective June 13, 2023.
11. Notwithstanding the reinstatement, Respondent failed to maintain a preneed surety bond from approximately May 10, 2023, through June 12, 2023, as required by Board order.

CONCLUSIONS OF LAW

12. The acts and omission of Respondent described in Paragraphs 1-11 constitute a violation of the 2021 Consent Order.
13. The acts and omissions of Respondent described in Paragraphs 1-11 violated N.C. Gen. Stat. § 90-210.67(b) and 21 NCAC 34D .0203, for failing to maintain a preneed surety bond.
14. Respondent committed one or more of the violations described in Paragraphs 1-13. 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 establishment permit and all ancillary preneed sales licenses of Respondent, or to place Respondent 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 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 Respondent acknowledges that it has read this entire document and understands it;

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

Whereas Respondent acknowledges that it 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:

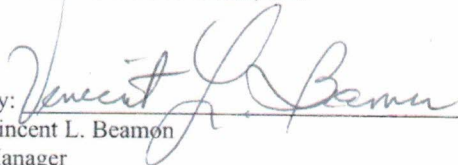
1. The terms of the Consent Order shall remain in effect and are hereby incorporated into this Order.
2. Within thirty (30) days from the date that this Consent Order takes effect, Respondent shall remit a compromise penalty of Two Thousand Five Hundred Dollars (\$2,500.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
3. Within thirty (30) days from the date that this Consent Order takes effect, Respondent shall remit costs in the amount of Five Hundred Dollars (\$500.00) to the Board, as reimbursement for costs expended toward the prosecution of the above-captioned disciplinary proceeding.
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 Respondent has 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 the Board and Respondent and reflect 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.
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 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.
8. Respondent hereby waives any requirement under any law or rule that this Consent Order be served upon them.

9. 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.

CONSENTED TO:

Beach River Funeral Home, LLC

By:

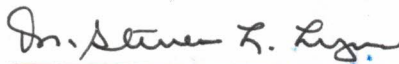

Vincent L. Beamon
Manager

Date:

7/25/23

By Order of the North Carolina Board of Funeral Service, this the 10th day of August, 2023.

By:



Steven L. Lyons
Board President

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Order was served upon the following persons by mailing a copy via US Mail, First Class, Postage Prepaid, and addressed as follows:

Vincent L. Beamon, Manager
Beach River Funeral Home, LLC
310 E. Grice Street
Elizabeth City, NC 27909

This, the 11 day of August, 2023



Catherine E. Lee
General Counsel