

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
BOARD OF FUNERAL SERVICE  
CASE NOS. M24-0011 / M24-0012

In the matter of:

Walker's Funeral Home of Hillsborough, Inc. and )  
Walker's Funeral Home of Mebane, Inc. )  
Respondents. )

**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. Respondent Walker's Funeral Home of Hillsborough, Inc. (hereinafter "Respondent WFH of Hillsborough"), is licensed by the Board as Funeral Establishment Permit No. 0603 and Preneed Establishment Permit No. 0046 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 Walker's Funeral Home of Mebane, Inc. d/b/a Walker's Funeral Home and Crematory of Mebane (hereinafter "Respondent WFH of Mebane"), is licensed by the Board as Funeral Establishment Permit No. 0604 and Preneed Establishment Permit No. 0704 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. Respondents are under the common ownership of Mrs. Elizabeth Walker, who serves as their President and owner.
4. Prior to March 14, 2024, Mr. Joshua Bugajski, who holds Funeral Service License No. 3532 issued by the Board, served as the licensed manager of Respondents WFH of Mebane and WFH of Hillsborough.
5. On March 14, 2024, Mr. Bugajski resigned from his positions as licensed manager of Respondent WFH of Hillsborough and Respondent WFH of Mebane.
6. On March 15, 2024, Board staff notified Mrs. Walker of the legal obligation of both Respondent WFH of Hillsborough and Respondent WFH of Mebane to obtain and notify the Board of a new licensed manager on or before April 15, 2024, pursuant to N.C. Gen. Stat. § 90-210.25(d)(2).
7. Neither Respondent WFH of Hillsborough nor Respondent WFH of Mebane obtained or notified the Board of a new licensed manager by April 15, 2024.

8. On May 30, 2024, Mr. Cody Thomas Williams, who holds Funeral Service License No. 3615 issued by the Board, notified the Board that he had accepted the position of licensed manager of both Respondent WFH of Hillsborough and Respondent WFH of Mebane.

### **CONCLUSIONS OF LAW**

1. Respondents are subject to jurisdiction before the Board.
2. The acts and omissions of Respondents described in Paragraphs 1-8 constitute a violation of N.C. Gen. Stat. §90-210.25(d)(1), which requires a funeral establishment to register with the Board the identity of its licensed manger without thirty (30) days after its licensed manager resigns from employment as licensed manager.
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 Respondents, to place Respondents on probation, and to assess Respondents a civil penalty not to exceed \$5,000.00.
4. Pursuant to N.C. Gen. Stat. §§ 90-210.69(c)(6) and (d) 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 Respondents, or to place Respondents on probation, and to assess Respondents 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, 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 Board hereby places on probation for twelve (12) months Respondents' at-need establishment permits, on the following conditions:

a. During the period of probation, Respondents shall comply with all statutes and rules governing the practice of funeral service;

b. Respondents shall timely respond to any and all Board and/or Board staff correspondence;

c. Within thirty (30) days from the date this Consent Order takes effect, Respondents, jointly and severally, shall pay a compromise penalty of One Thousand Dollars <sup>(CW)</sup> (~~\$1,000.00~~) (~~\$100.00~~) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

2. Respondents and their owners, managers, operators, or officers are hereby cautioned to maintain, at all times, a licensed manager who is charged with overseeing the daily operations of the funeral establishment, in accordance with N.C. Gen. Stat. § 90-210.25(d)(2).

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, collectively or individually, 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 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.

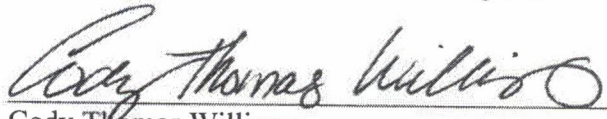
5. No modification or waiver of any provision of this Consent Order shall be effective unless it is in writing, adopted and approved by the Board, and signed by the parties affected.

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.

CONSENTED TO:

Walker's Funeral Home of Hillsborough, Inc.



Cody Thomas Williams  
Manager

Date: 6/19/24

Walker's Funeral Home of Mebane, Inc.

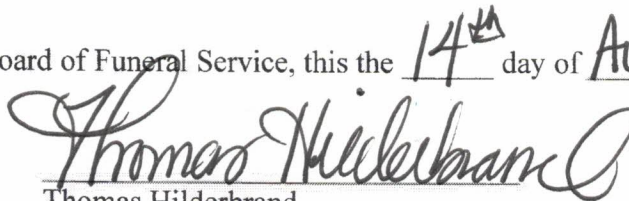


Cody Thomas Williams  
Manager

Date: 6/19/24

By Order of the North Carolina Board of Funeral Service, this the 14<sup>th</sup> day of August, 2024.

By:



Thomas Hilderbrand  
Board President