

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
BOARD OF FUNERAL SERVICE  
CASE NO. R24-0007

In the matter of: )  
 )  
Thompson’s Funeral Home, Inc. )      CONSENT ORDER

Respondent

THIS CAUSE, coming before the North Carolina Board of Funeral Service (hereinafter, the “Board”) at its offices at 1033 Wade Avenue in Raleigh, North Carolina, with a quorum present. The Board and Respondent stipulate and agree to entry of the following Consent Order:

FINDINGS OF FACT

1. Thompson’s Funeral Home, Inc. (hereinafter “Respondent Establishment”) is licensed by the Board as Funeral Establishment Permit (“FE Permit”) No. 0649 and Preneed Establishment Permit (“PN Permit”) No. 0569 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. Respondent Establishment has held FE Permit 0649 since June 23, 1988, and has held PN Permit 0569 since August 13, 1992. Respondent Establishment is located in Pembroke, North Carolina.
2. Amiria Thompson-Prather is licensed by the Board as Funeral Service License No. 2777 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. For all times relevant to this matter, Amiria Thompson-Prather has served as the licensed manager and holds a preneed sales license on behalf of Respondent Establishment.
3. Gary Phillip Thompson is licensed by the Board as Funeral Service License No. 1590 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. For all times relevant to this matter, Gary Phillip Thompson has served as the President and 50% owner of Respondent Establishment.
4. Patsy L. Thompson is licensed by the Board as Funeral Director License No. 3604 and, therefore, is subject to Chapter 90 of the North Carolina General Statutes and Title 21, Chapter 34 of the North Carolina Administrative Code. For all times relevant to this matter, Patsy L. Thompson has served as the 50% owner of Respondent Establishment.
5. On or about September 28, 2023, Board Inspector Karen Davis-Brunson conducted a funeral establishment inspection of Respondent Establishment and found evidence tending to show that Respondent Establishment had been administrative dissolved by the North Carolina Secretary of State on February 17, 2023. Inspector Davis-Brunson informed Amiria Thompson-Prather that Respondent Establishment would not be eligible to renew its permits

in 2024 until such time that Respondent Establishment's active status with the North Carolina Secretary of State had been reinstated.

6. On January 11, 2024, Respondent Establishment submitted its 2024 Funeral Establishment Renewal Application to the Board. In the Application, only Amiria Thompson-Prather, Gary Phillip Thompson, and Patsy L. Thompson are listed as the funeral directors, embalmers, and funeral service licensees employed by Respondent Establishment.
7. On January 11, 2024, Board Compliance Officer Brett Lisenbee reminded Respondent Establishment that the Board would not process any 2024 renewal applications for Respondent Establishment until its status with the NC Secretary of State had been reinstated as current-active.
8. On February 1, 2024, Respondent Establishment submitted its 2024 Preneed Funeral Establishment Renewal Application to the Board.
9. On February 1, 2024, Compliance Officer Lisenbee again notified Respondent Establishment of its need to reinstate their corporate status with the North Carolina Secretary of State before any licensure renewal applications could be approved by the Board.
10. Pursuant to N.C. Gen. Stat. § 90-210.25(a)(5), all licenses issued by the Board that are not renewed on or before February 1 of each calendar year are considered forfeited and surrendered.
11. On February 15, 2024, Board staff informed Respondent Establishment that its 2024 renewal applications had been denied, as Respondent Establishment still was designated as administratively dissolved by the North Carolina Secretary of State.
12. Since December 31, 2023, Respondent Establishment has performed funeral services while unlicensed, including but not limited to services for the following decedents:
  - a. Marcell Locklear – Date of death, Jan. 7, 2024
  - b. Shirley Locklear – Date of death, January 8, 2024
  - c. Hariah Bullard – Date of death, January 10, 2024
  - d. Less Locklear – Date of death, January 13, 2024
  - e. Eleanor Woods – Date of death, February 4, 2024
13. On or about February 27, 2024, Board Inspector Debbie L. Hamm conducted a funeral establishment inspection of Respondent Establishment. During the inspection, neither Amiria Thompson-Prather, Gary Phillip Thompson, nor Patsy L. Thompson were present on the premises. According to Respondent Establishment's unlicensed employee, Ashleigh Prather, no licensees were present on the premises because Amiria Thompson-Prather was in the hospital with Gary Phillip Thompson.
14. On March 6, 2024, Amiria Thompson-Prather contacted Mr. Richardson for advice on how to assist a family with the transfer of a preneed contract.

15. On March 11, 2024, Board staff reminded Respondent Establishment that its permits were expired and advised Respondent Establishment that the Board’s Disciplinary Committee had directed the Board staff to uphold the denial of the 2024 renewal applications.
16. Respondent Establishment timely appealed the denial of the 2024 renewal applications.
17. On May 16, 2024, Respondent Establishment underwent a change of ownership, pursuant to N.C. Gen. Stat. § 90-210.25(d)(5), whereby Gary Phillip Thompson and Patsy L. Thompson no longer are owners of Respondent Establishment. Following the change of ownership, Amiria Thompson-Prather now holds eighty percent (80%) and Ashleigh Prather now holds twenty percent (20%) of Respondent Establishment’s stock.
18. Pursuant to N.C. Gen. Stat. § 90-210.25(d)(5), “[f]uneral establishment permits are not transferable. A new application for a permit shall be made to the Board within 30 days of a change of ownership of a funeral establishment.”
19. On or about June 6, 2024, the new owners of Respondent Establishment submitted a new funeral establishment permit application and preneed establishment permit application (the “Applications”) to the Board on behalf of Respondent Establishment.

#### CONCLUSIONS OF LAW

1. Respondent 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. Respondent is subject to jurisdiction before the Board.
3. The Board is authorized under Article 3A, Chapter 150B of the North Carolina General Statutes to hear this matter.
4. The acts and omissions of the Respondent described in Paragraphs 1-19 violate N.C. Gen. Stat. § 90-210.25(e)(1)(h), which prohibits the aiding and abetting of an unlicensed person to perform services under Article 13A of Chapter 90.
5. The acts and omissions of the Respondent described in Paragraphs 1-19 violate N.C. Gen. Stat. § 90-210.25(e)(1)(j), which prohibits licensees from violating or cooperating with others to violate any of the provisions of this Article or Articles 13D, 13E, or 13F of this Chapter, any rules and regulations of the Board, or the standards set forth in Funeral Industry Practices, 16 C.F.R. 453 (1984), as amended from time to time.
6. The acts and omissions of the Respondents described in Paragraphs 1-19 violate N.C. Gen. Stat. § 90-210.27A(e), which requires a funeral establishment owned by a corporation to have

a president, vice-president, or chairman of the board of directors who is licensed by the Board that is actively engaged in the operations of the funeral establishment.

7. One or more of the violations described above were committed by any officer, director, manager, partner, operator, or member of Respondent Establishment or by any person, employee, or agent with the consent of any person, firm, or corporation operating it. 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 permits of Respondent Funeral Home, to place Respondent Funeral Home on probation, and/or 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.

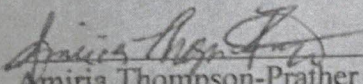
THEREFORE, Respondent and the Board stipulate and agree as follows:

1. Funeral Establishment Permit (“FE Permit”) No. 0649 and Preneed Establishment Permit (“PN Permit”) No. 0569 of Respondent Establishment are hereby deemed surrendered by operation of law. Respondent Establishment shall not engage in the practice of funeral service until its Applications are approved by Board staff.
2. Within thirty (30) days following the date of this Consent Order, Respondent Establishment shall pay to the Board a Five Hundred Dollar (\$500.00) compromise penalty.
3. Respondent Establishment, and its owners, managers, operators, or officers are hereby cautioned to maintain, at all times, a president, vice-president, or chairman of the board of directors who is licensed by the Board and who is actively engaged in the operations of Respondent Establishment, in accordance with N.C. Gen. Stat. § 90-210.27A(e).

4. Respondent Establishment, and its owners, managers, operators, or officers are hereby cautioned of their obligation not to allow an unlicensed person to perform services under Article 13A of Chapter 90 on behalf of Respondent Establishment, in accordance with N.C. Gen. Stat. § 90-210.25(e)(1)(h).
5. This Consent Order shall take effect immediately upon its execution by both Respondent and the Board.
6. Respondent hereby waives any requirements for service of process that may be required by any applicable law or rule for this Consent Order.
7. Upon execution by Respondent and the Board, 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 provisions thereof.

CONSENTED TO:

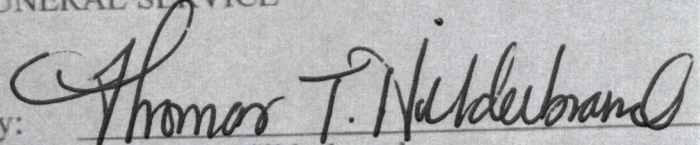
Thompson's Funeral Home, Inc.

  
Amiria Thompson-Prather  
Manager and Shareholder

Date: 6/6/24

By order of the North Carolina Board of Funeral Service, this 12 day of June, 2024. [This line for Board use only.]

THE NORTH CAROLINA BOARD OF  
FUNERAL SERVICE

By:   
Thomas T. Hilderbrand  
President