



North Carolina Board of Funeral Service

The Complaint Resolution Process:

What to Expect as a Consumer Filing a Complaint against a Funeral Establishment or Individual Licensee

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The Role and Responsibility of the NC Board of Funeral Service in Resolving Consumer Complaints

One of the roles of the North Carolina Board of Funeral Service is to protect the public by investigating and resolving allegations that a violation of one of the Board's laws and rules has been committed by those under its jurisdiction. This is a regulatory function that differs from that of public advocacy groups or professional associations. The Board staff is available to clarify procedural questions or concerns you may have about filing a complaint and can be reached at the telephone number in this brochure.

Every effort is made to expedite the resolution of a complaint. The time needed to resolve a complaint depends on its unique characteristics. **A complex matter may take over a year to resolve, while a more simple matter may still take several months as the Board is still required to thoroughly investigate the complaint and comply with the procedural notice requirements as outlined in the Board's laws and rules.** Disciplinary procedures are conducted pursuant Chapter 150B of the North Carolina General Statutes (N.C.G.S. § 150B). The licensee may elect to retain counsel at any time in this process, at his or her expense.

Matters of complaint are confidential unless and until there is a public record, such as a Notice of Hearing, Consent Order, Hearing, or Final Agency Decision. Open complaints and unsubstantiated complaints are confidential and not public record.

All disciplinary actions are:

- a. A result of a violation***
- b. A matter of public record, and***
- c. Available for public inspection by request at the Board's office and are also referenced in the Board's newsletter.***

**Procedures:
21 NCAC 34A .0126**

- A complaint must be written and signed by the complainant. Anonymous complaints cannot be accepted by Board staff.
- Board staff may initiate a complaint when it becomes aware of a possible violation of its statutes or rules.
- Next, Board staff is required to notify the licensee about whom a complaint was filed by mailing a copy of the complaint, any supporting documentation, and a request for a written response to the allegations contained within the complaint.
- The licensee's response is due to the Board within ten (10) days of receipt by the licensee.
- Once the response is received, the Board mails a copy to the complainant and gives the complainant fifteen (15) days to respond with a rebuttal statement.
- If the rebuttal contains new or different allegations than what was contained in the initial complaint submitted to Board staff, Board staff may provide the licensee with another opportunity to respond to the new or differing allegations in the interest of affording the licensee with the requisite level of due process rights.
- The complaint materials are then assessed by the Board's Disciplinary Committee to determine if the matter raises concerns over which the Board has authority to act. If it does not, both the complainant and the licensee will be notified by mail that the matter is being dismissed.
- If there appears to be sufficient evidence that one of the Board's laws and rules has been violated, the Board's disciplinary committee will review the file and may request additional information from the complainant and/or licensee.

**Possible Dispositions:
G.S. 90-210.25(e)(1)&(2),
90-210.25(g), 90-210.69(c); and /or
21 NCAC 34A.0126**

1. Dismiss the complaint. The complaint will be closed if the Board does not find sufficient evidence to conclude that a violation of the Board's laws and rules may have occurred. A dismissal does not impact any right a consumer may have to pursue recourse against the licensee through other legal avenues.
2. Letter of Caution. When a minor violation occurs and/or evidence of poor practice does not rise to the level of a violation, the Board may issue a Letter of Caution. The complaint is closed, and a Letter of Caution is issued to the licensee noting the areas of poor practice with suggestions for improvement. Letters of Caution are to be placed in the licensee's licensure file, which is subject to public inspection.

Dispositions 1 and 2 above have no effect on the licensure of the licensee.

3. Consent Order. The Board may enter into a Consent Order with the licensee. A Consent Order is a public, voluntary agreement (order) between the Board and the licensee. The Consent Order will specify the facts of the matter, the findings, and the disposition.
4. Hearing. The matter may go to hearing before the Board. The licensee and complainant will be sent a Notice of Hearing. Hearings are conducted as prescribed by N.C.G.S. § 150B-40.

Dispositions 3 and 4 above are public documents.

Dispositions 1-4 do not impact the rights, if any, of a consumer to pursue legal action against the licensee(s) involved in the general courts.