

REGULAR BOARD MEETING

MINUTES

September 9, 2009

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on September 9, 2009 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Larry Andrews, President; J. T. Willoughby III, Vice President; George Parrott, Secretary; Rudy Lea, Frank McCree, Tryphina Wiseman, Mark Blake, Elizabeth Webber and Jack Briggs.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel; Fred Jordan with the N. C. Eye Bank, Herb Reichlin with the Funeral Consumers Alliance, Pat Hayes with North Carolina Funeral Directors Association, Dan Funchess, funeral director, Henry Davis with Evergreen Corporation, Joanne Marotta with Cremation Society of the Carolinas and Meredyth Partridge with Regulatory Support Services, Larry West and Litz Adams with Johnson Funeral Home in Elkin, Brett Lisenbee and Lyn Cochrane.

Mr. Andrews called the meeting to order at 9:15 a.m. and led the Pledge of Allegiance. Ms. Wiseman had the invocation.

Mr. Andrews read the Ethics Awareness & Conflict of Interest statement and no one recused themselves at that time.

Mr. Andrews asked the guests to identify themselves and make any comments. Mr. Adams made comments regarding the former Hodges Funeral Home now Elkin Funeral Service and his concerns.

Mr. Parrott presented the August minutes for approval. Mr. Blake made the motion to approval the minutes. Mr. McCree seconded and the motion carried.

Exam Committee: Mr. Parrott stated six applicants took laws and rules, all first time. Five passed and one failed. This report was presented for information only.

Finance/Personnel: Mr. Briggs presented the financials and yielded to Mr. Harris for further discussion. Mr. Briggs made the motion to accept them and Mr. Parrott seconded. The motion carried.

Laws, Rules & Legislation: Mr. Briggs stated House Bill 1166 is now law (SL2009-566). This enacted legislation contains the provisions that allow insurance companies to release certain policy information. Those provisions are effective October 1, 2010. Thomson West the law book publishers has copies of the rules drafts and H1166 to incorporate in their proof. Mr. Briggs stated the Committee

had met by teleconference and made the motion to adopt the proposed draft of the crematory form BFS-56G. Ms. Wiseman seconded and the motion carried. Mr. Blake stated this form was developed because of suggestions made to the Board by licensees of this State.

Preneed Committee: Mr. Andrews presented the report for information only.

Disciplinary Committee: Mr. Lea presented the report. Questions ensued. Mr. Parrott made the motion to accept the recommendations and Mr. Willoughby seconded. The motion carried.

Traineeship Committee: Mr. Blake stated the committee met prior to the Board meeting with a trainee for explanation on late reports. He has been informed that his traineeship will end if future reports are turned in late. Mr. Blake yielded the floor to Mr. Harris to discuss the Committee's recommendation regarding suspension of trainees for late or unfiled reports. Current policy states for a second late report or if a report remains unfiled the trainee is suspended automatically until they can meet with the Committee. The Committee is recommending revision to that policy to suspend the trainee for a period of thirty days and until they meet with the traineeship committee. Discussion ensued. Mr. Blake made the motion to accept this revision. Mr. Lea seconded and the motion carried.

Other Committee Reports: There were none.

Attorney Report: Mr. Dirksen presented his report. Mr. Dirksen had several matters to discuss. The first is recommendation for modification of the continuance policy for newly continued cases to allow two months or the next available hearing date. Mr. Willoughby made the motion to accept this recommendation. Mr. Parrott seconded. Discussion ensued. Mr. Andrews called for the vote and the motion carried. The next matter concerns five cases for hearing. The first case concerns an out of state licensee that has not practiced while unlicensed for a bad check but has overnighted the replacement check and late fees to the Board. Staff was requesting a dismissal of the case. This will be discussed later in the meeting if it is not received during the meeting. The next two matters are cases that have requested a continuance and have met the required guidelines. Mr. Briggs made the motion to grant the continuance. Mr. Parrott seconded and the motion carried. There is one hearing scheduled for 11:00 a.m. and one for 1:00 p.m. today. The last matter is in regards to Howell Funeral Home, Gastonia, and the approval of three more Recovery Fund Claims. Mr. Willoughby made the motion to approve the three claims. Mr. Blake seconded. Discussion ensued. Mr. Andrews called for the vote and the motion carried.

Executive Director's Report: Since the August 12 Board Meeting 27 reports have been filed. New Funeral Homes—Roberts Funeral Service, Lexington; Change of Ownership—Paye Funeral Home and Memorial Chapel, Fayetteville, and Strickland Funeral Home, Wendell; New Transport/Removal Licensees—Kimberly Ann Mbiya, Charlotte.

New funeral service licensees: Joseph Trippodo III, Adam B. Williamson.

New trainees: Dana Griffin, Felicia Reid.

Mr. Harris presented his ethics report and stated he had telephone inquiries with staff of NCFDA. He made follow-up contact with the State Auditor and is waiting for a response. Mr. Harris will incorporate provisions of HB1166 into future CE classes. Mr. Andrews received a letter from Brooks & White Funeral Home regarding their trainee, Merle Terry, commending him on his handling of a funeral in Roxboro for a serviceman killed in action and Mr. Andrews wanted to share it with Board members.

As the Board requested at the August meeting, Mr. Harris stated his research regarding the travel to Anaheim, California to moderate a meeting for the International Conference of State Examining Boards in February 2010 would be approximately \$1200. This includes hotel, airfare, and registration. Mr. Parrott made the motion to approve the travel and Ms. Wiseman seconded. Discussion ensued. Mr. Andrews called for the vote and the motion carried.

Mr. Harris stated he will schedule two preneed reviews—one at the end of October and one after the December Board meeting—and one FTC/Cremation review.

Mr. Harris stated that he and Mr. Dirksen were recommending a meeting only day in October with no hearings. Mr. Parrott made the motion to have a Board meeting only with no scheduled hearings. Mr. Blake seconded. Discussion ensued. Mr. Andrews called for the vote and the motion carried. At this time Mr. Lisenbee entered the meeting to respond to questions and report on his inspection activities and then departed.

Mr. Andrews called for a ten-minute recess at 10:20.

New Business: Mr. Harris introduced Meredyth Partridge who on behalf of Evergreen Corporation will be speaking on the request for chapel clarification in order to allow them to sell preneed. Mr. Briggs made the motion to table the discussion until Mr. Dirksen has time to review and research the information provided by Ms. Partridge. Mr. Willoughby seconded. Mr. Lea, Mr. McCree, Mr. Willoughby, Mr. Andrews, Mr. Parrott, Mr. Briggs, Ms. Wiseman and Ms. Webber voted yes. Mr. Blake voted no and the motion carried.

Old Business: There was none.

Informational Items: There was none. Mr. Dirksen stated the overnight package from the licensee had been received. Mr. Briggs made the motion to accept the dismissal. Mr. Parrott seconded and the motion carried. Mr. Dirksen stated the second 11:00 case had faxed a copy of the money order for the license fee and late fee for the renewal fee. Mr. Willoughby made a motion to continue the case until staff receives the fee. Mr. Parrott seconded. Mr. Lea, Mr. McCree, Mr. Willoughby,

Mr. Andrews, Mr. Parrott, Mr. Briggs, Ms. Wiseman and Ms. Webber voted yes. Mr. Blake voted no and the motion carried.

Public Comment: Mr. Adams made additional comments regarding the Elkin Funeral Service. Mr. Andrews asked Mr. Adams to put his concerns in writing to the Board.

The Board recessed for lunch until the 1:00 hearing.

Larry Andrews, President

George Parrott, Secretary