

REGULAR BOARD MEETING

MINUTES

December 9, 2009

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on December 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, Pat Hayes with North Carolina Funeral Directors Association, Beth Hodges and Hasten Wall from Elkin and Lyn Cochrane.

Mr. Andrews called the meeting to order at 9:05 a.m. and led the Pledge of Allegiance. Mr. Blake had the invocation.

Mr. Andrews read the Ethics Awareness & Conflict of Interest statement and no one recused themselves at that time. Mr. Blake stated he was absent at the November meeting but had attended in October the National Funeral Directors Association convention.

Mr. Andrews asked the guests to identify themselves. There were no public comments.

Mr. Parrott presented the November minutes for approval. Mr. Dirksen stated there was one error under Exam Committee, first sentence. The word filed should be corrected to read failed. Mr. Willoughby made the motion to approve the minutes with the correction. Mr. Lea seconded and the motion carried.

Exam Committee: Mr. Parrott stated in November four applicants took laws and rules. Three first time and one retake. The two first time applicants failed.

Finance/Personnel: Mr. Briggs stated the Committee was presenting a proposal for the 2010 budget and a recommendation to hire a part time employee to assist with renewals and then yielded to Mr. Harris. Mr. Harris explained the recommendation to hire a part time employee to begin Thursday, December 12. Mr. Briggs made the motion to approve and Mr. Parrott seconded. The motion carried.

Mr. Harris discussed the 2010 budget revenues and expenditure and returned the meeting back to Mr. Briggs who presented the financials and made the motion to approve them. Mr. Blake seconded and the motion carried. Mr. Briggs stated

further action on the 2010 budget would be deferred until following a closed session at the end of the meeting to discuss staff performance.

Laws, Rules & Legislation: Mr. Briggs stated staff continues to work on rule making matters for licensees on active military deployment, reporting under the provisions of Chapter 93B of the General Statutes and the preneed surety bond.

Preneed Committee: Mr. Andrews presented the report for information only. Mr. Andrews stated the Committee had met and yielded to Mr. Harris. The Committee recommended approval of revocation of irrevocable contracts for out of state transfer. All requirements are met. Mr. Willoughby made the motion to approve the revocation and Ms. Wiseman seconded. The motion carried.

The Committee recommended that the Preneed Annual Report that is designated as PN-11, use the following form designations: PN-11 for the main page and PN-11a, PN-11b and PN-11c for the other pages. Mr. Briggs made the motion to approve and Mr. Lea seconded. The motion carried.

The Committee recommended to revise the preneed manual to remove the draft court order template and references to the draft order that occur in the text. Mr. Willoughby made the motion to approve. Mr. Parrott seconded and the motion carried.

Disciplinary Committee: Mr. Lea presented the report and stated there was an addendum. Discussion ensued. Mr. Blake made the motion to accept the recommendations of the Disciplinary Committee with the exception of the Addendum and Ms. Wiseman seconded. Discussion ensued. Mr. Andrews called for the vote and the motion carried. Discussion ensued regarding the Addendum. Ms. Wiseman made the motion to approve M09-02. Mr. Lea seconded and the motion carried. Mr. Willoughby made the motion to approve M09-030 and Mr. Blake seconded. The motion carried.

Clinics: Ms. Wiseman reported fifty people attended the November 20 clinic. Sixteen were present in the funeral directors session and thirty-four were present for the embalming session. Discussion ensued. Ms. Wiseman stated the report was for information only.

Traineeship: Mr. Blake stated staff had issued a suspension letter to a trainee whose October report was received November 25. This is the second late report in 2009. The letter notified the trainee that the suspension was effective December 1 for a period of at least 30 days and until the trainee meets with the traineeship committee in January. This report was for information only. Mr. Blake asked Mr. Harris about the number of licensees requiring trainee supervisor certification. Mr. Harris answered two licensees required a certification and one licensee requested certification so they would be prepared when and if they were a trainee supervisor.

Other Committee Reports: There were none.

Attorney Report: Mr. Dirksen presented his report for information only.

Executive Director's Report: Since the November 4 Board Meeting 26 reports have been filed. New Funeral Homes—Clay-Barnette Funeral Home of Kings Mountain and Holloway Memorial Funeral Home, Durham.

New funeral director licensees: Stanley H. McClamb

New trainees: Keith Cox and Minerva Labrador

Staff Ethics report: The usual contact with FD&MA of NC, Inc., NCFDA and Crematory Association. Jay Roberts, Chairman of the Crematory Authority was asked to be president of the Crematory Association. Mr. Harris is going to request a written opinion from the State Ethics Commission. Questions and discussion ensued. Mr. Harris will inform the Board of the Commission's opinion.

The new law books are scheduled to run next week. They will be mailed by the publisher to the licensees.

A Preneed Review will be held from 9-12 and an FTC Review from 1-3 on December 17. The Preneed Review is full but there is space in the FTC Review. Judge Michael Morgan has accepted staff's request to administer Oaths of Office at the January meeting. At that meeting the interest rate for recovery funds claims will be set and discussion of restoring the litigation reserve fund back to \$100,000.

New Business: Mr. Andrews opened the floor for nomination of 2010 Board officers. Mr. Briggs nominated Mr. Willoughby for President. Mr. Parrott seconded and the motion carried. Mr. Lea made the motion to close the nomination. Mr. Parrott seconded and the motion carried. Mr. Willoughby was named President.

Mr. Blake nominated Mr. Parrott for Vice President. Mr. Briggs made the motion the nominations be closed and Mr. Parrott elected by acclamation. Ms. Wiseman seconded and the motion carried.

Mr. Lea nominated Ms. Wiseman for Secretary. Mr. Willoughby seconded. Mr. Briggs made the motion to close the nominations and Ms. Wiseman be elected by acclamation. Mr. Parrott seconded and the motion carried.

At this time Mr. Andrews called for a five-minute recess. Upon reconvening Mr. Harris stated the dates being recommended for the Board to meet for the first two months of the year were January 13th with hearings on January 14th and February 10th with hearings on February 11th. Mr. Parrott made the motion to approve the meeting dates and Mr. Lea seconded. The motion carried.

Old Business: There was none.

Informational Items: Mr. Harris stated the 2010 Committee sheet was included and it should be returned to him or to Mr. Willoughby. Also included was a letter from NCFDA Executive Director Larry Stegall.

Public Comment: There was none.

The meeting was recessed at 10:25. The meeting was reconvened and Mr. Willoughby made the motion to enter closed session to discuss staff performance and Mr. Parrott seconded. The motion carried. Mr. Briggs made the motion to return to open session and seconded by Mr. Willoughby. The motion carried. Mr. Briggs moved to approve the 2010 Budget. Mr. Willoughby seconded and the motion carried.

The regular meeting was recessed at 11:01 until the hearing.

Larry Andrews, President

George Parrott, Secretary