

## REGULAR BOARD MEETING

### MINUTES

March 10, 2010

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on March 10, 2010 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

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

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, Herb Reichlin with the Funeral Consumers Alliance, Dan Funchess and Schirra Clark, funeral service licensees, and Lyn Cochrane.

Mr. Willoughby called the meeting to order at 9:03 a.m., led the Pledge of Allegiance and had the invocation.

Mr. Willoughby read the Ethics Awareness & Conflict of Interest statement. Mr. Andrews stated he had attended the funeral for the father of NCFDA District Director 4 Duane Howlett. Mr. Lea and Mr. Briggs will recuse themselves at the proper time during the Disciplinary Committee Report.

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

Ms. Wiseman presented the February minutes for approval. Ms. Wiseman made the motion to approve the minutes with that correction and Mr. Andrews seconded. The motion carried.

Clinics Committee: Ms. Wiseman stated the committee had met by teleconference on Monday and have decided on Greensboro for the October clinic and will narrow the location. Casualty Affairs at Ft. Bragg agreed to participate in the clinic. The Carson Mortuary Center at Dover acknowledged staff request for a speaker but has not replied. Vernie Fountain is available and has agreed to provide all five hours of the embalmers part of the clinic. Due to Mr. Fountain's prominence and potential for high attendance, it is the recommendation of the committee to require pre-registration for the embalming session. This is for information only.

Exam Committee: Mr. Willoughby reported ten applicants took the exam. Three were retakes. All of those retaking and five of the first timers passed.

Staff is scheduled to take the computer based laws and rules exam March 12. There are nine applicants scheduled to take the computer based exam March 17 or after. This is for information only.

Finance/Personnel: Mr. Briggs presented the report for review and made the motion to receive the report. Mr. Lea seconded and the motion carried.

The committee met by teleconference on Monday and was recommending designation of \$24,234.27 from the reserves to restore the litigation reserve fund to \$100,000. Mr. Briggs made the motion and Mr. Andrews seconded. The motion carried. Also discussed was establishment of a business contingency and continuity reserve fund; paying additional principal on the current mortgage; and staff research into additional and alternative resources to assist in scheduling hearings and resolving cases in a more efficient way. Questions ensued.

Laws and Rules Committee: Mr. Briggs stated an individual graduated from an approved funeral directors program and passed the state funeral directors and the laws & rules examinations in 2003. This was before the law changed to require the pathology examination for a funeral directors license. They registered as a trainee in 2007 and were informed in early 2008 that they would have to obtain a passing grade on the pathology exam in order to meet licensing requirements. After several attempts they passed the exam in January. However, the provisions of 21 NCAC 34B. 0213 is affecting the applicant. The Committee recommends that pursuant to the rule, applicant must take the funeral directors and laws and rules examination again. Discussion ensued. Mr. Briggs made the motion to accept the recommendation by the Laws & Rules Committee. Mr. Parrott seconded and the motion carried.

Preneed Committee: Mr. Andrews presented the Activity Report for information. Mr. Andrews stated the preneed committee had met by teleconference. Staff contact with some insurance agents regarding the surety bonds reveals some bond companies are under the impression they are liable to cover all preneed contracts written by their clients until contract fulfillment. This is not the intent of requiring the bond. The committee recommends staff send letters to bond companies or insurance agents. Discussion ensued. Mr. Andrews made the motion to accept the recommendation. Mr. Lea seconded and the motion carried.

Mr. Andrews reported a consumer wishes to transfer an irrevocable preneed contract out of state and have met all the requirements. Mr. Parrott made the motion to accept the recommendation. Mr. McCree seconded and the motion carried.

Questions ensued regarding the inspectors' reports.

Disciplinary Committee: Mr. Lea recused himself from V09-073. Mr. Briggs recused himself from M09-001. Mr. Parrott made the motion to withhold M09-073 and M09-001 from the report and vote on them separately. Mr. Blake seconded and the motion carried. Mr. Briggs made the motion to approve V10-003 and V09-074. Mr. Blake seconded and the motion carried. Mr. Parrott made the motion to approve V09-073 and Mr. Blake seconded. The motion carried. Mr. Lea did not participate in the vote and Mr. Harris stated he also did not participate in the Disciplinary Committee discussion regarding V09-073. Mr. Parrott made the motion to accept M09-001. Mr. McCree seconded and the motion carried. Mr. Briggs did not participate in the vote.

Questions ensued regarding M09-014. Mr. Blake made the motion to recess until staff could review file for 2010 renewals. Mr. Parrott seconded and the motion carried. The meeting reconvened at 9:50. Mr. Harris stated the funeral home did renew the establishment in a timely manner but the preneed was late. Discussion ensued. Mr. Blake made the motion to withdraw M09-014 from the Disciplinary Report and refer it back to committee. Mr. Briggs seconded and the motion carried.

Mr. Lea read for the record the following cases that were voted upon: V09-073, V10-003, V09-074 and M09-001.

Traineeship: The committee met this morning with a trainee who had a late work report for the second time in a registered year. Mr. Andrews made the motion to lift the suspension effective April 1. Ms. Wiseman seconded and the motion carried. The trainee was advised that any reports filed late would result in termination of the traineeship and require them to start over.

Other Committee Reports: There were none.

Attorney Report: Mr. Dirksen presented his report for information only. Mr. Dirksen stated a licensee was present to request a continuance for his Thursday hearing at 9:00 am. Mr. Clark then requested a first continuance for medical reasons. Mr. Parrott made the motion to accept the request. Ms. Wiseman seconded and the motion carried. Mr. Clark then departed the meeting.

Executive Director's Report: Since the January Board Meeting 14 inspection/audit reports have been filed.

New Establishments: Miller & VanEssendelft Funeral & Cremation Providers, Hertford; Powell Funeral & Cremation Services, LLC, Jamestown; Maitland Funeral Home, Plymouth

Walker Funeral Home-Horner Chapel, Plymouth converted from chapel to an establishment

New Chapel: Ward Memorial Chapel, Aurora

New Funeral Service Licensees: Howard Sherrill, Gordon Ballard, Rafaelina Ford

New Trainees: Karen Jenkins, Robert Raczynski, Curtis Fullwood, Michael Coffey, Nicole Lund, Atravis Powell, Michael Davis, Joshua Rich, Thomas Johnson, Jonathan Davis

New Transport/Removal: Valaire Norman

Staff Ethics report: Mr. Harris reported telephone and e-mail contact with both associations.

The Ethics Commission has not replied to the request for an opinion regarding the possible conflict of interest between the Chair of the Crematory Authority also serving as President of NC Crematory Association.

The complaint to the Medical Board regarding a physician attempting to impose a fee schedule in order to sign death certificates has been filed as requested.

Mr. Harris reported on the International Conference of Funeral Service Examining Boards meeting. The Executive Committee of Mr. Willoughby, Mr. Parrott and Ms. Wiseman were also in attendance.

Mr. Harris will participate in a CE program in Greensboro on March 17 at the CANC meeting. There will be a Preneed and FTC review in the Board's office on March 25. A Cremation law review will be at the Board's office on March 30. The 2010 MBA assessments need to be discussed and voted on at the April meeting.

New Business: There was none.

Old Business: There was none.

Informational Items: Mr. Harris presented an updated 2010 Board calendar for review in order to set the future Board meetings. Mr. Briggs made the motion to approve the dates as listed. Mr. Andrews seconded and the motion carried. Included was the reminder from the Ethics Commission regarding the SEI filing deadline. Discussion ensued.

Public Comment: There was none.

Mr. Willoughby recessed the meeting at 10:14 a.m.

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J. T. Willoughby III, President

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Tryphina Wiseman, Secretary