

## REGULAR BOARD MEETING

### MINUTES

December 8, 2010

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on December 8, 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, Larry Andrews and Jack Briggs.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel; Dorman Caudle with Carolina Donor Services, Fred Jordan with NC Eye Bank, Herb Reichlin with Funeral Consumers Alliance of the Triangle, Ben Brewington, Attorney and Lyn Cochrane.

Mr. Willoughby called the meeting to order at 9:10 a.m., led the Pledge of Allegiance and had the invocation.

Mr. Willoughby read the Ethics Awareness & Conflict of Interest statement. Mr. Briggs stated he had recused himself because of a conflict of interest from a part of the Laws and Rules Teleconference and possibly will during the Laws and Rules Report.

Mr. Willoughby asked the guest to identify themselves and there was no public comment.

The November minutes were presented for approval and questions ensued. Mr. Dirksen stated the case numbers listed under the Disciplinary Committee next to last line should be corrected. Ms. Wiseman made the motion to adopt the minutes with the corrections. Mr. Lea seconded and the motion carried.

Exam Committee: Mr. Willoughby reported 15 people had applied for laws and rules exam since the October meeting. Eight have taken the exam with seven passing and one failing. This report was for information only.

Finance and Personnel Committee: Mr. Briggs presented the report and made the motion to adopt the report. Mr. Blake seconded and the motion carried. Mr. Briggs stated the budget would be discussed later in the meeting after closed session.

Laws and Rules: Mr. Briggs recused himself from discussion and voting on the matter of the non-guaranteed funds for inflation proof contracts and deferred the report to Mr. Harris. Mr. Lea and Mr. Blake also recused themselves from discussion and voting of this matter. Mr. Harris stated the Committee met and Mr. Briggs had also recused himself from that meeting. The recommendation regarding a look-back period for audit purposes is as follows: for contracts written since January 1, 2000 and performed by the original contracting funeral home, during audits the Board will examine those contracts back to January 1, 2006 (when the new sales tax computation on funeral expense went into effect) or to the last audit date whichever is later. Mr. Parrott made to motion to accept the recommendation and Ms. Webber seconded. The motion carried. Mr. Blake, Mr. Briggs and Mr. Lea did not participate in discussion or the vote.

Mr. Briggs then returned to the report and stated the Committee was recommending the following regarding the preneed bond. If a firm has held a bond and that bond coverage is discontinued for reasons other than provided by law, the firm would have 60 days from the date of termination to secure another bond in accordance with GS 90-210.67(b) or the Board will commence action to transfer existing contracts. If an existing firm is sold, the new ownership shall have 60 days to obtain the bond in accordance with GS 90-210.67(b). Alternatively, the Board will commence action to transfer the existing contracts. Mr. Briggs made the motion to accept the recommendation and Mr. Parrott seconded. The motion carried.

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

Disciplinary Committee: Mr. Lea deferred the report to Mr. Blake since he was unable to attend the Committee meeting. Mr. Blake stated there was an addendum to be considered separately. Questions ensued. Mr. Parrott made the motion to accept the recommendation for V10-019, V10-057, V10-059, V10-060, V10-064, V10-071, V10-058, V10-063, M10-028, M10-029, M10-030. Ms. Wiseman seconded and the motion carried. Questions ensued regarding the addendum. Ms. Wiseman made the motion to accept the recommendation for M0-010 and M10-027. Mr. Lea seconded and the motion carried.

Traineeship Committee: Mr. Blake stated the Committee had met prior to the Board meeting with two trainees on suspension. Trainee One did not respond within five days to staff letter when a report was not filed. Report was filed with the next months' report. Committee was recommending to allow Trainee One to resume traineeship January 1 but only get credit for one month and the cases as reported. Trainee Two had two late reports within the registered year and Committee was recommending allowing Trainee Two to resume January 1. Committee also discussed a trainee who was going on vacation the last week of November and filed the November report on November 19 including work after that date that was planned. Committee was recommending a staff letter to trainee and supervisor, disallowing the work that occurred after the filing date in November. Mr. Webber made the motion to accept the recommendations. Mr. Andrews seconded and the motion carried.

Attorney Report: Mr. Dirksen presented his report. The 11:00 hearing had requested a continuance and there was one hearing at 1:00. Mr. Willoughby had granted a continuance at his discretion for the Thursday hearing. Mr. Parrott made the motion to approve the 11:00 continuance. Mr. Lea seconded and the motion carried. Thursday hearings were also continued. Discussion ensued. Mr. Parrott approved the Attorney Report. Mr. Andrews seconded and the motion carried.

Executive Director's Report: Mr. Harris apologized for the Board mailing that had not reached Board members promptly.

Forty inspection reports have been filed since the October Board meeting.

New Funeral Home: Smith-Holloway Memorial Funeral Services, LLC, Goldsboro.

Closed Funeral Home: Sykes Funeral Home, Scotland Neck

New Chapel: Wilder's Chapel, Scotland Neck (former Sykes location)

New Transport/Removal: Norbert Tadych II, Charlotte; John Eddie Sigmon, Jr., Durham; Brian Palmieri, Durham; Corey Matthews, Charlotte; Beatrice Fair, Charlotte; Dwain Hudson, Charlotte.

New FS Licensees: Forrest Rogers, Marvin Marsh III, Margaret Lusk, Rosalyn Aycock, Henry Burmester, Jonathon Greene, Candace Eddins, Robert Abaunza

New FD Licenses: Eula Jones, Lula Thomas

New Unaffiliated Licensees: Joseph B. Paul, Jr. Funeral Director Licensee, Washington; Samuel S. James Funeral Service Licensee, Huntersville

New Trainees: Shiron Bigelow, Stephanie Kuykendall, Grant Siegal, Gassie Locklear, Jr., Nelda Davis, Direce McIntyre, Alison Robinette

Staff Ethics Report: Mr. Harris stated the November 18 meeting with NCFDA, Funeral Consumers Alliance of Triangle, Homesteaders representative was very productive. The FD&MA of NC, Inc. representative was unable to attend but sent comments that were considered during the meeting.

Representative Dale Folwell hosted a meeting with freshman members of Legislature and invited Legislative Liaisons on December 7<sup>th</sup>. Mr. Harris attended.

The report on Internal Review of Rules has been filed with Office of State Budget and Management by the November 22<sup>nd</sup> deadline.

The engineer retained for the interior office construction will submit plans on Thursday and then schedule the meeting for the fast track approval with the City of Raleigh.

The Preneed/FTC Review on November 30<sup>th</sup> was full for both classes.

Mr. Harris will have a Crematory Law review in January 2011. He will also participate in a Crematory Law panel discussion at the NCFDA convention in 2011. 2011 interest for recovery funds claims will be discussed at the January 2011 meeting. New Board member orientation will be presented in 2011. Also for discussion in January is an old MBA that was dissolved years ago with funds in a bank that are being used by interest fees. The Board is trustee of those funds and there is no way to determine members since the funeral home is also out of business. Staff will determine if these funds can be escheated.

At this time discussion ensued regarding the Health Care Power of Attorney document. Ms. Wiseman also had questions regarding the inspector reports. Ms. Wiseman made the motion to accept the Executive Director's Report for information only. Mr. Andrews seconded and the motion carried.

New Business: Mr. Willoughby called for nominations regarding the election of officers for 2011. Mr. Briggs nominated Mr. Parrott for President. Mr. Blake seconded. Mr. Briggs made the motion to close the nominations and elect Mr. Parrott by acclamation. Mr. Blake seconded and the motion carried.

Mr. Andrews made the motion to nominate Ms. Wiseman for Vice President. Mr. Parrott seconded. Mr. Briggs made the motion to close the nominations and elect Ms. Wiseman by acclamation. Mr. Parrott seconded and the motion carried.

Mr. Blake made the motion to nominate Ms. Webber for Secretary. Mr. Lea seconded. Mr. Briggs made the motion to close the nominations and elect Ms. Webber by acclamation. Mr. Andrews seconded and the motion carried.

Mr. Harris presented the Order of Liquidation for W. F. Kelsey Mutual Burial Association in Albemarle. Mr. Briggs made the motion to accept the Order. Mr. Andrews seconded. The motion carried.

Mr. Willoughby called for a five-minute recess. Mr. Reichlin departed the meeting. At 10:25 Mr. Willoughby reconvened and continued the Board's New Business.

Mr. Blake discussed the death of a person that had occurred while they were visiting in North Carolina and the handling of the death certificate.

At this time Mr. Brewington entered the meeting. Discussion ensued regarding the out of state death, issuance of death certificate and medical examiner.

Old Business: Mr. Harris stated a former licensee with a consent order was requesting to return to work at the funeral home. The consent order stated that this person could not be involved with the funeral home without Board permission. Discussion ensued. Mr. Blake made the motion that this person appear before the Board to make the request. Ms. Webber seconded and the motion carried.

At this time Mr. Willoughby stated the Board needed to go into closed session to discuss staff performance in relation to the 2011 budget. Ms. Wiseman made the motion to go into closed session to discuss and consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. Mr. Parrott seconded and the motion carried.

Mr. Briggs made the motion to return to open session and Mr. Andrews seconded. The motion carried. Mr. Briggs made the motion to adopt the 2011 budget. Mr. Lea seconded. Mr. Andrews thanked Mr. Harris, the Finance Committee and staff for the work on the budget for next year. Mr. Willoughby called for the vote and the motion carried.

Informational Items: Mr. Harris stated the 2011 Holiday calendar was the only information item. At the January meeting he will have the color-coded calendar with dates for future meetings.

Public Comment: There was none. Mr. Willoughby thanked the Board for the pleasure and opportunity to serve as the President for 2010.

Mr. Willoughby asked if there was any further business. There was none and the meeting was recessed until the 1:00 hearing.

---

George S. Parrott, President

---

Elizabeth S. Webber, Secretary