

REGULAR BOARD MEETING

MINUTES

July 13, 2011

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on July 13, 2011 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: George Parrott, President; Tryphina Wiseman, Vice President; Elizabeth Webber, Secretary; Rudy Lea, Frank McCree, Jack Briggs, Harris High and Ken Stainback. J. T. Willoughby III was absent.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel; Dan Funchess, funeral service licensee, Herbert Reichlin with Funeral Consumers Alliance, and Lyn Cochrane.

Mr. Parrott called the meeting to order at 9:20 and led the Pledge of Allegiance. Mr. Stainback had the invocation.

Mr. Parrott read the Ethics Awareness & Conflict of Interest statement. Ms. Wiseman will recuse herself from three Disciplinary matters at the proper time.

There was no public comment.

Mrs. Webber presented the minutes from the June meeting and stated there had been one correction made since they were mailed to Board members but the ones presented incorporated the correction. Ms. Wiseman made the motion to approve the minutes and Mr. High seconded. The motion carried.

Preneed Committee: The Preneed Committee met by teleconference Tuesday afternoon. Three recommendations were presented. Mr. Stainback made the motion to approve a request from a preneed firm to drop the preneed bond since staff had reviewed their financials and they appeared to be solvent. Mr. Lea seconded and the motion carried.

Ms. Webber made the motion to approve a consumer transfer for an irrevocable preneed to Delaware since all Board requirements had been met. Mr. Stainback seconded and the motion carried.

A preneed establishment has petitioned the Board to be relieved from responsibility or involvement in some insurance funded preneed contracts due to the difficulty in obtaining year-end policy information for the Preneed Annual Report. Committee was recommending that disciplinary action not be taken when the firm has performed its due diligence by writing to insurance companies to obtain this information for reporting purposes. The firm can also direct the insurance company to remove the firm as assignee or beneficiary of the policy, which will revoke and cancel the preneed contract. Ms. Wiseman made the motion to accept the Committee recommendation. Mr. High seconded and the motion carried. Discussion ensued.

At this time Mr. Briggs entered the meeting.

Disciplinary Committee: Mr. Lea stated there was an addendum. Ms. Wiseman will recuse herself from V10-036, V10-050 and V10-066. Mr. Briggs apologized for being late due to traffic conditions.

Mr. Lea stated the addendum would be addressed first. Mr. High made the motion to accept the terms and conditions under V10-048 and V11-011. Mr. Lea seconded and the motion carried.

Mr. Lea presented the report and discussion ensued. Discussion ensued. Ms. Webber made the motion to table upon further investigation V11-036. Mr. Lea seconded and the motion carried.

Mr. Briggs made the motion to remove V10-036, V10-050 and V10-066 from the report and vote on these separately. Mr. High seconded and the motion carried.

Mr. Lea made the motion to accept V11-010, V11-014, V11-022, V11-033, V11-035, V11-049, V11-051, M11-019, V10-042, V10-062, M11-108, M11-020, M11-021, M11-022, M11-023, M11-024 and M09-028. Mr. High seconded and the motion carried.

Mr. Briggs made the motion to accept V10-036, V10-050, V10-066 and Ms. Webber seconded. The motion carried. Ms Wiseman did not participate in the vote.

Continuing Education: NFDA submitted a request regarding the use of a different method to monitor attendance for CE programs at conventions. Committee was recommending approval of the request. Ms. Webber made the motion to accept the recommendation and Mr. High seconded. Motion carried.

Finance and Personnel: Mr. Briggs yielded to Mr. Harris. The Mutual Burial Association contract inspector has requested a daily rate increase to \$150. This is the only increase request in eight years. This will not adversely affect the budget and Committee was recommending approval retroactively to July 1, 2011. Mr. Briggs made the motion to approve the recommendation. Ms. Webber seconded and the motion carried.

Mr. Harris gave an update on the status of hiring a paralegal.

Executive Directors Report: Mr. Harris gave a status report on several House and Senate bills that may affect the Board. Mr. Parrott and Mr. Harris attended the FD&MA of NC, Inc. meeting in Winston-Salem. The Crematory Authority met July 12 and a full report will be presented at the August meeting. There will be a follow-up meeting on the Electronic Death Certificates on July 26 with the NC Medical Board. Mr. Harris would like representatives from the Funeral Consumers Alliance of the Triangle, North Carolina Funeral Directors Association and Funeral Directors and Morticians Association of NC, Inc. to attend. Preneed and FTC reviews will be presented on July 28 and a Cremation law review will be scheduled for late August. The August Board meeting will have full reports from all committees.

New Business: There was none.

Old Business: Staff has a Consent Order from S&L to be considered in closed session at the end of this meeting.

Informational Items: There was none.

Public Comment: There was none.

With no further business, Ms. Wiseman made the motion to enter closed session in order to preserve attorney/client privilege and discuss possible settlement with S&L Funeral Home. Mr. Stainback seconded and the motion carried. Mr. McCree will not participate in the closed session, discussion or voting.

Ms. Wiseman made a motion to return to open session. Mr. Lea seconded and the motion carried. Ms. Webber made a motion to accept the proposed settlement terms in the matters of the Board versus S&L Funeral Home, Kelvin McGeachy and Dennis Cromartie. Mr. High seconded and the motion carried.

With no further business, Mr. Parrott declared the meeting in recess for the hearings.

At the conclusion of the last hearing and with no further business, Mr. Parrott declared the meeting adjourned

George S. Parrott, President

Elizabeth S. Webber, Secretary