

REGULAR BOARD MEETING

MINUTES

October 12, 2011

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on October 12, 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, J. T. Willoughby III, Jack Briggs, Harris High, Ken Stainback and Lawrence Jackson III

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel, Herbert Reichlin with Funeral Consumers Alliance, Fred Jordan with NC Eye Bank, Pat Hayes with the North Carolina Funeral Directors Association, and Court Reporter Jackie Castellow, Attorney Charles McDarris and Lyn Cochrane.

Mr. Parrott called the meeting to order at 9:15 and he led the Pledge of Allegiance. Mr. Willoughby had the invocation.

Mr. Parrott read the Ethics Awareness & Conflict of Interest statement. Ms. Wiseman and Mr. Willoughby attended a Board of Directors meeting for the National Funeral Director and Morticians Association in Atlanta. Mr. High attended an NCFDA District Meeting.

There was no public comment.

Mrs. Webber presented the minutes from the September meeting. Mr. High made the motion to approve the minutes and Ms. Wiseman seconded. The motion carried.

Finance and Personnel Committee: Mr. Briggs presented the report and recognized Mr. Harris to discuss line item 5070 Accounting. Mr. Harris stated that the expenses from the accounting service were suppose to be placed under line item 5025 Contract Services as discussed in the previous meeting when the Board approved retention of the accounting service. Mr. Briggs made the motion to accept the report. Mr. Lea seconded and the motion carried.

Laws and Rules Committee: Mr. Briggs presented the report. The Committee reviewed the annual licensing activities report required by NCGS 93B. Mr. Briggs made the motion to accept the recommendation and Ms. Webber seconded. The motion carried.

At this time Mr. McDarris entered the meeting.

An individual has requested consideration from the Board to allow them to apply for examination for a funeral directors license even though the funeral service program in which they are enrolled does not offer a separate funeral director only curriculum. After review of all the facts involved, Committee was recommending denial of the request. Discussion ensued. Mr. Briggs made the motion to accept the recommendation. Mr. High seconded and the motion carried.

Mr. Briggs stated staff requested changes to the renewal forms for 2012 and deferred to Mr. Harris for explanation. When Mr. Harris finished, Mr. Briggs stated the Committee recommended approval and moved to accept the recommendations. Mr. Willoughby seconded and the motion carried.

Traineeship Committee: Ms. Wiseman stated the committee was scheduled to meet with two trainees this morning. Trainee WLH mailed reports to the NC Department of Labor apprentice program coordinator, not the Board due to an insert in the trainee registration mailing. The DOL coordinator confirmed to staff that the reports were received before the 10th of the month. Suspension was effective September 28. Committee was recommending lifting of the suspension retroactively to October 1 and the trainee will not lose any credit. Trainee TDM filed two reports last within the registered year and was suspended effective September 20. TDM did not attend the meeting and committee was recommending that the suspension remain in effect. Committee was recommending the memo about the voluntary apprenticeship co-op program with the NC Department of Labor no longer be included in the trainee registration mailing. Discussion ensued regarding the recommendations. Ms. Wiseman made the motion to accept the committee recommendations. Mr. Harris seconded and the motion carried.

Preneed Committee: Mr. Willoughby presented the report.

A preneed establishment has requested to discontinue the bond. Committee and staff reviewed the financials and found the firm solvent. Their recommendation is to approve the request. Mr. Willoughby made the motion and Ms. Wiseman seconded. The motion carried.

A consumer has requested revocation of her preneed contract in order to transfer to a firm in New Jersey. Committee was recommending approval of the request conditioned on the receipt of a contract form signed by the consumer and a representative of the NJ firm. Discussion ensued. Mr. Willoughby made the motion to accept the recommendation. Mr. Stainback seconded and the motion carried.

Committee reviewed the annual report of preneed activities required by NCGS 90-210.70. Mr. Willoughby deferred to Mr. Harris. Discussion ensued. Mr. Willoughby made the motion to accept the recommendation. Mr. Lea seconded and the motion carried.

Mr. Willoughby made the motion to accept the Preneed Activity Report and Mr. Briggs seconded. The motion carried.

Disciplinary Committee: Mr. Lea presented the report. Discussion ensued. Mr. Briggs made the motion to remove V11-029, V11-044 and M11-027 from consideration. Ms. Webber seconded and the motion carried. Mr. Willoughby made the motion to approve V11-062, V11-063, V11-065, M11-017, V11-057, V11-061, M09-028, and M11-028. Mr. Briggs seconded and the motion carried.

Mr. Briggs made the motion to accept V11-029 and V11-044. Mr. Stainback seconded and the motion carried. Ms. Wiseman recused herself and did not participate in the vote.

Mr. Willoughby made the motion to approve M11-027. Mr. High seconded and the motion carried. Mr. Lea recused himself and did not participate in the vote.

Executive Directors Report: Mr. Harris presented the Inspectors' reports.

Mr. Harris stated since the September meeting fourteen reports have been filed and reviewed.

New Establishments: Jamaat Ibad Ar - Rahman Funeral Home, LLC in Durham; Four Seasons Funeral Service, Inc. in Hendersonville; Brooks & Davis Funerals & Cremations in Charlotte.

Ownership Change: Garrett-Jones Funeral Home, Ahoskie

Location Change: Barnes Funeral Home, Wilson; David B. Lawson Mortuary, Burlington

New Chapel: Toney's, Spring Hope

New Crematory: Wilkerson Funeral Home Crematory, Reidsville

New Funeral Service Licensees: Heidi Dodson

New Funeral Director Licensees: Lee Dixon, Louis Long, Dean Vinson

New Trainees: Myron Davis, Amanda Kilby, Derek Wilson, Tiffany Huffman

Staff Ethics report: Mr. Harris was guest speaker at two district meetings and has had contact with funeral licensees.

Mr. Harris and Mr. Dirksen have an interview scheduled on Friday regarding the paralegal position.

Allen and Pinnix are working on a contract for the Board's interior construction work.

Preneed, FTC and Cremation Law reviews were held at the Board's office since the September Board meeting.

Mr. Harris has started preparing the 2012 budget and will present it to Finance and Personnel.

A Preneed and FTC Review will be scheduled for November.

Mr. Harris stated there was one matter omitted from the Laws and Rules report. A chapel is open but will convert to a funeral home in the future. They had requested permission to erect a sign stating the funeral home was "coming soon." Discussion ensued. Mr. Briggs made the motion not to allow the "coming soon" funeral home sign on the property. Mr. Stainback seconded and the motion carried.

New Business: Mr. Harris stated an educational therapist had qualified an applicant with a learning disability for taking the laws and rules exam. A reader must be present for the test.

Old Business: Mr. Parrott stated he had purposely waited until the old business to mention that Mr. Harris would become an old person on Monday. Members congratulated him on his upcoming birthday.

Public Comment: There was none.

Mr. Dirksen stated the 1:00 hearing was resolved in the Disciplinary Committee report. The 9:30 and 11:00 hearings were still scheduled.

With no further business, Mr. Parrott recessed the meeting at 10:12 a.m. to prepare for the hearing.

Following a return to open session to announce the final agency decision in V09-016 Plenty Funeral Home and Larry Plenty, Mr. Parrott declared the Board meeting reconvened. Mr. Dirksen distributed an addendum to the Disciplinary Committee Report. The Committee recommended adoption of a consent order agreement for Case M11-013. Discussion ensued.

Mr. Willoughby made the motion to accept the recommendation for M11-013. Mr. Stainback seconded and the motion carried.

Mr. Parrott then declared the meeting was adjourned.

George S. Parrott, President

Elizabeth S. Webber, Secretary