

REGULAR BOARD MEETING

MINUTES

November 9, 2011

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on November 9, 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, Harris High, Ken Stainback and Lawrence Jackson III. Jack Briggs was absent.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel, Fred Jordan with NC Eye Bank, Trainee Edward Cosmos, and Lyn Cochrane.

Mr. Parrott called the meeting to order at 9:25 and he led the Pledge of Allegiance. Mr. Willoughby had the invocation.

Mr. Parrott read the Ethics Awareness & Conflict of Interest statement

Guests introduced themselves and there was no public comment.

Mr. Parrott presented staff employee Marty Mills, employed with the Board ten years on November 19, 2011, a token of their appreciation.

Mrs. Webber presented the minutes from the October meeting. Mr. High made the motion to approve the minutes and Mr. Willoughby seconded. The motion carried.

At this time Mr. Stainback entered the meeting.

Exam Committee: Ms. Webber stated Pearson Vue's pathology exam analysis would be \$2500. Staff has included that under the miscellaneous line for the 2012 budget. (Subject to budget approval.)

Since the October meeting, seven applicants took the laws and rules examination with one failing.

Finance and Personnel Committee: Mr. Harris presented the report in Mr. Briggs absence. The Committee met by teleconference on November 3 to consider and make the following recommendation. Adjust reserves to reflect the litigation reserve fund is returned to one hundred thousand dollars. Mr. Willoughby made the motion and Ms. Wiseman seconded. The motion carried.

The Committee recommended that based on discussions at an earlier Board meeting, change the "by class" breakdown from monthly to twice per year in June and December. Ms. Webber made the motion to accept the recommendation and Mr. Jackson seconded. The motion carried.

Mr. Harris is researching a possible change to the 401K plan. Results will be reported through the finance and personnel committee at a later date.

Mr. Harris has completed interviewing for an MBA auditor. The daily contract rate will be higher than the current rate and will be part of the 2012 budget.

The committee received the first budget draft and will work with Mr. Harris to finalize that for the December meeting.

After Mr. Harris reviewed the financials, Mr. Stainback suggested the financials be presented quarterly instead of monthly. Mr. Willoughby made the motion to accept the financials as presented and that Mr. Harris take Mr. Stainback's suggestion to Finance and Personnel for discussion. Mr. Lea seconded and the motion carried.

Traineeship Committee: Ms. Wiseman reported the Committee had met this morning. Trainee RD filed two late reports within the registered year and was suspended effective October 14. The Committee recommended lifting the suspension effective December 1. Ms. Wiseman made the motion to accept the recommendation and Mr. Willoughby seconded. The motion carried.

Trainee TDM filed two reports late within the registered year and was suspended effective September 20. TDM did not attend the meeting this morning or the meeting last month. Committee was recommending a hearing for termination. Ms. Wiseman made the motion to accept the recommendation and Mr. Lea seconded. The motion carried.

Trainee JPW filed the report for August 2011 late, failed to file a September 2011 report and was suspended effective October 18. Trainee contacted staff and acknowledges responsibility but asked to defer meeting with the committee until December due to a medical appointment was conflicted with the meeting today. Committee was recommending defer the meeting and suspension remains in effect pending a committee recommendation at the December meeting. Ms. Wiseman made the motion to accept the recommendation and Mr. Jackson seconded. The motion carried.

Preneed Committee: Mr. Willoughby stated two consumers have requested transfer of their preneed contracts out of state and they have met the requirements. Committee recommended approval. Mr. Willoughby made the motion to allow the transfer. Mr. Stainback seconded and the motion carried.

The owner of a recently opened casket store submitted questions for clarification. These questions relate to selling of a casket prior to the death of the person for whom the casket will be used. Discussion ensued. Committee recommended responding with the following information. In order not to violate preneed laws, entities or persons selling only caskets and not otherwise licensed by the Board accepting payment for a casket prior to death must immediately delivery the casket. Any transaction that includes a down payment or extended payments must be limited to caskets in stock that must be delivered to the purchaser immediately. If a casket is special ordered, the store must wait until the casket is delivered to the purchaser to accept funds. Ms. Wiseman made the motion to accept the recommendation. Mr. Lea seconded and the motion carried.

Disciplinary Committee: Mr. Lea presented the report and addendum. Discussion ensued regarding V07-043. Mr. Harris departed the meeting to respond to a request regarding the current license of the transport company. Mr. Willoughby made the motion to accept the

recommendations for V10-021, V11-066, M11-030, V11-028, V09-021, V10-061, V11-067, M09-011, M11-021, M05-008, M09-002, M11-029. Ms. Webber seconded the motion. Mr. Dirksen stated that V11-038 should be included in the motion and Mr. Willoughby amended the motion to also include V11-038. Mr. Parrot called for the vote and the motion carried.

Mr. Harris returned to the meeting and stated the transport company was currently licensed but was on probation. Mr. Willoughby made the motion to accept the recommendation for V07-043. Mr. High seconded and the motion carried.

Mr. High made the motion to accept the addendum V10-026. Mr. Jackson seconded. Mr. Dirksen mentioned there was a small discrepancy between the version that was agreed upon and the version the licensee submitted. The discrepancy does not affect the terms of the order but needs to be corrected and requested that staff have authority to make the corrections with the licensee. Mr. High amended his motion to include Mr. Dirksen's request. The motion carried.

Mr. Parrott recessed the meeting at 10:05 to prepare for the hearing.

Following the hearings conclusion, Mr. Parrott called the meeting to order and then convened the Board of Funeral Service Elections to canvas the ballots for the Crematory Authority election. Mr. Harris provided instructions for the opening of the ballots. Forty-two ballots were received and all were in proper order. Jason Benton and Cecil Burton were the two candidates. The ballots were counted and Mr. Burton had 26 votes and Mr. Benton had 16 votes. Cecil Burton was declared the winner

Mr. Parrott adjourned the Board of Funeral Service Elections.

Attorney Report: Mr. Dirksen presented his report and stated there were no Thursday hearings but there would be a 1:00 hearing today.

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

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

Establishments Ownership Change: Walson Funeral Home, Elizabeth City; Wilmington Funeral & Cremation, Leland (formerly Village Road Memorial Chapel of Leland)

Location Change: Mercedes Funeral Mansion & Cremation Services, Inc., Williamston

New Funeral Service Licensees: Javoke Terrell, Amanda Kaluzny

New Funeral Director Licensees: Daniel Harrell, Kyle Emerich, Makeba Gregg

New Trainees: Miranda Haskins, Heather Burton, Devin Winburn, Chad Tugman, Lisa Williams, Christopher Wertman, Edward Spencer, Jr.

Staff Ethics report: Mr. Harris has had several conversations with the NCFDA regarding their nominees for the Board and one presentation for FTC Training to the Central District for FD&MA of NC, Inc.

Two people have been interviewed for the paralegal position and one is coming back next week for the writing sample.

Mr. Harris stated he was reviewing information from Mr. Nichols for the interior construction work.

Mr. Harris discussed the article in the Wilmington Star News as it was related to transport and removal permit holders and those used by the medical examiner.

Stephen Aldridge III and Kelly Byrd are the NCFDA nominees for the Board positions being vacated by Mr. Lea and Mr. Briggs.

There is an FTC presentation for the Eastern District FD&MA of NC, Inc. on November 28. There is a Preneed/FTC Review scheduled for December 1 in the Board office.

The Board Christmas party is schedule for December 13 at the Kanki.

New Business: None.

Old Business: None.

Informational Items: Included were Board appointment letters for Reverend John Shields from the President Pro Tem of the Senate and James B. Combs from the Speaker of the House for the positions being vacated by Mr. Parrott and Ms. Webber. Also included was a thank you letter from David Twiford regarding the Policy Letter from the October meeting.

Public Comment: Mr. Jordan made comments regarding the Board's direction about the casket store. Mr. Harris responded to them.

With no further business, Mr. Parrott recessed the meeting at 12:05 p.m. and noted there was a 1:00 p.m. hearing.

Following the hearing, Mr. Parrott declared the meeting was adjourned.

George S. Parrott, President

Elizabeth S. Webber, Secretary