

REGULAR BOARD MEETING

MINUTES

December 14, 2011

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on December 14, 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, Lawrence Jackson III and Jack Briggs.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel, Patricia Hayes, NCFDA, Broadus Combs, Rev. John Shields, and Lyn Cochrane.

Mr. Parrott called the meeting to order at 9:07 and he led the Pledge of Allegiance. Mr. Willoughby had the invocation.

Mr. Parrott read the Ethics Awareness & Conflict of Interest statement. Mr. Willoughby recused himself from Disciplinary Matter V11-058 and Ms. Wiseman recused herself from M09-027. Mr. Briggs, Mr. Lea and Mr. Stainback stated they had attended the NCFDA District 6 and 8 Christmas Party. Mr. High stated he had attended the NCFDA District 9 Christmas Party.

Guests introduced themselves and there was no public comment.

Mr. Harris introduced Mr. Combs and Rev. Shields as the new public members to begin their term January 1, 2012.

Ms. Webber presented the minutes from the November meeting. Mr. High stated there was one change on Page 2, Preneed Committee report, second paragraph. The word purchase should be purchaser. He then made the motion to approve the minutes with the correction and Ms. Wiseman seconded. The motion carried.

Exam Committee: Ms. Webber stated since the November meeting, two applicants took the laws and rules exam and both passed. This was for information only.

Finance and Personnel Committee: Mr. Briggs presented the report and moved they be accepted as presented. Mr. Lea seconded and the motion carried.

Mr. Briggs yielded to Mr. Harris for discussion of the 2012 budget. Mr. Harris reviewed the budget and specifically stated that the one bid received for the interior construction project exceeded the construction budget by several thousand dollars. Mr. Harris suggested requesting additional bids and an additional transfer from reserves for the budgeted amount for the 2012 budget. This would change the total budget from \$1,152,158 to \$1,166,658. Questions ensued. Mr. Briggs made the motion to include the suggested transfer from reserves be included in the 2012 Budget. Ms. Weber seconded and the motion carried. Approval of the entire budget would be deferred until following the closed session to discuss staff performance.

Traineeship Committee: Ms. Wiseman reported the Committee was scheduled to meet this morning with a trainee on suspension for one late report and one that has not been filed. The trainee did not attend. Committee recommended holding a hearing for termination.

Another trainee on suspension contacted staff to inform them the funeral establishment they were working for was going to close. Trainee requested to be placed on hold. Committee recommends to certify the work performed and reported, place the trainee on hold and for the trainee to meet with the Committee prior to approval of an application for a new traineeship. Ms. Wiseman made the motion to accept the recommendations and Mr. Stainback seconded. The motion carried.

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

Committee had received a request for an out of state transfer and all qualifications had been met and approved. Mr. Willoughby made the motion to accept the recommendation. Mr. High seconded and the motion carried.

At this time the Board recessed to prepare for the hearing of David B. Lawson Mortuary Service and David B. Lawson. Ms. Wiseman, Mr. Stainback and Mr. Lea recused themselves from the hearing.

Mr. Parrott reconvened the meeting at 10:35 a.m.

Disciplinary Committee: Mr. Parrott noted that Mr. Willoughby had recused himself from matter V11-058 and Ms. Wiseman from M09-027. Mr. Lea presented the report and noted there was no addendum this month. Discussion ensued. Mr. Willoughby made the motion to accept the recommendations for V11-053, V11-069, V11-075, V11-068, V11-058, V11-064, V11-073, M11-033, and M11-034. Mr. Jackson seconded and the motion carried. Ms. Wiseman made the motion to accept the recommendation for V11-058 and Mr. High seconded. The motion carried and Mr. Parrott noted Mr. Willoughby had moved from the table and did not participate in the vote. Ms. Webber made the motion to accept the recommendation for M09-027. Mr. Willoughby seconded and the motion carried. Mr. Parrott noted Ms. Wiseman had moved from the table and did not participate in the vote.

Attorney Report: Mr. Dirksen presented his report. He stated one of the 1:00 matters had been continued by Mr. Parrott and the other matter was pending the arrival of the signed consent order prior to the 1:00 hearing.

Six hearings had been scheduled for Thursday beginning at 9:00. One had been satisfied with a consent order and two had requested continuances. Ms. Wiseman made the motion to approve the two continuances under matter M11-001. Mr. Willoughby seconded and the motion carried. All that was needed to satisfy one matter was the first page of the application. Mr. Briggs made the motion to give staff authority to continue and approve the matter if the first page is received. Mr. Lea seconded and the motion carried.

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

Mr. Harris stated since the October meeting nine reports have been filed and reviewed.

New Establishments: W. V. Russell Funeral Service in Charlotte.

Closed: Moody Funeral Service, Sylva and Crown Funeral Service, Charlotte

Closed Crematories: Moody Funeral Service Crematory, Sylva

2012 Renewals as of 12/12/11: 500 licensees, 79 funeral homes, 1 chapel, 2 unaffiliated and 17 transport/removals

New Funeral Service Licensees: Robert Prindiville, Jr., Chase Hendrick, Kelly Harvey, Michael Lerate, Ross Cody, Anthony Brown (converted)

New Funeral Director Licensees: Sean Dougherty, Arlene Brokaw

New Trainees: Bradley Mulkey, Wendell Haselden, Patrician Branham, Michael Davis, Dustin Turner, Jarvin Holder.

Staff Ethics report: Mr. Harris has had conversations with the NCFDA and FD&MA of NC, Inc. regarding various regulatory matters.

Mr. Harris has been invited to join the Advisory Group for Electronic Death Registration on January 19, 2012. A preneed/FTC review was held in the Board office on December 1. An FTC review was conducted on November 28 for the Eastern District of FD & MA. Legislative Research has contacted Mr. Harris regarding transport/removal permits. The Board's website is being updated by Mr. Miranda to make it more user friendly.

An FTC Review will be presented to the Western District of FD&MA of NC, Inc. on January 10, 2012. The Annual report on agency review of existing rules is due February 15, 2012. Further information will be provided to the Board on the IRS direction regarding refunds to estates/clerk of court. Discussion ensued.

New Business: Mr. Parrott asked for nominations for the 2012 officers. Mr. Briggs nominated a slate of officers consisting of Ms. Wiseman, President, Mr. Willoughby, Vice President and Mr. High as Secretary. Mr. Lea made the motion to close the nominations on said name with Ms. Wiseman, President, Mr. Willoughby, Vice President and Mr. High, Secretary. Mr. Jackson seconded and the motion carried.

Old Business: There was none but Mr. Parrott and Mr. Briggs made comments regarding their tenure on the Board. Ms. Wiseman presented Mr. Parrott a gift of appreciation for his service as President for 2011.

Informational Items: There were none.

Public Comment: Mr. Harris made comments and remembered former deceased Board members T. E. White and Wendell Daniels. He recognized departing members Jack Briggs, Rudy Lea, George Parrott and Elizabeth Webber and their contributions to the Board.

Ms. Wiseman thanked members for the confidence in their vote for her as President for 2012.

At this time Mr. High made the motion to enter closed session to discuss staff performance and qualifications of employment. Mr. Willoughby seconded and the motion carried.

Upon proper motion the Board returned to open session. Mr. Briggs made the motion to adopt the 2012 Budget. Mr. Jackson seconded and the motion carried.

At this time Mr. Dirksen distributed an addendum to the Board. Mr. Willoughby made the motion to accept the recommendation for M11-001 and M11-031. Mr. Jackson seconded and the motion carried.

Discussion ensued. Since the prior motion settled two of the Thursday hearings, Mr. Briggs made the motion to postpone the final hearing scheduled for Thursday until the January meeting. Ms. Wiseman seconded and the motion carried. Mr. Dirksen stated the 1:00 hearing for today was still scheduled.

At this time Mr. Harris informed the Board of the death of Bill Culbreth. Mr. Harris introduced Angela Rubbo, Mr. Dirksen's paralegal, to the Board.

With no further business, Mr. Parrott recessed the meeting until the 1:00 p.m. hearing.

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

Tryphina Wiseman, President

Harris High, Secretary