

REGULAR BOARD MEETING

MINUTES

March 14, 2012

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on March 14, 2012 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Tryphina Wiseman, President; J. T. Willoughby III, Vice President; Harris High, Secretary; Ken Stainback, John Shields, Stephen Aldridge III, Kelly Byrd, Broadus Combs, and Lawrence Jackson III.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel, Dan Funchess, Funeral Service Licensee, Herb Reichlin with Funeral Consumers Alliance, Fred Jordan with NC Eye Bank, Pat Hayes with North Carolina Funeral Directors Association, Dorman Caudle with Carolina Donor Services and Lyn Cochrane.

Ms. Wiseman called the meeting to order at 9:05 and led the Pledge of Allegiance. Ms. Wiseman had the invocation and read the Ethics Awareness & Conflict of Interest statement. Mr. Willoughby recused himself from the discussion and vote on M11-032. Mr. High stated he had attended the NCFDA meeting last week.

Guests introduced themselves and there was no public comment.

Mr. High presented the February and March 6th minutes. Ms. Wiseman noted one correction on Page 2, under Exam Committee, the next to last sentence. Know should be changed to known. Mr. Combs made the motion to approve the February minutes with the correction and Mr. Jackson seconded. The motion carried.

Mr. Byrd noted one correction in the March minutes. Paragraph 4 should have the time as 10:00 instead of 1:00. Another correction was noted in Paragraph 1. The date should be March instead of February. Mr. Byrd made the motion to accept the March 6, 2012 minutes with corrections and Mr. Jackson seconded. The motion carried.

Preneed Committee: Mr. High stated the committee met last Tuesday to discuss the interest paid on 2012 recovery fund claims and a request to discontinue bond coverage for a preneed establishment.

Committee was recommending the 2012 interest on the recovery fund claims remain at ½ of 1%. Mr. High made the motion to accept the recommendation and Mr. Willoughby seconded. The motion carried.

The firm requesting to discontinue the bond coverage was licensed in 2008 and had submitted a balance sheet showing solvency. Committee was recommending the approval of the request. Mr. Jackson made the motion to accept the recommendation. Mr. High stated he had recused himself from discussion when the committee met last

week and recused himself from the vote. Mr. Stainback seconded the motion and the motion carried. Mr. High did not participate in the vote.

Mr. High reported 168,858 active contracts, 662 preneed funeral establishments and 1628 individuals licensed to sell preneed as of March 12, 2012. Mr. High made the motion to approve the report and Mr. Combs seconded. The motion carried.

Traineeship Committee: Ms. Wiseman stated the committee had met this morning. One trainee was suspended for late reports. The supervisor contacted staff to advise that the trainee has stopped his traineeship and entered Fayetteville Technical Community College to complete education requirements. Committee was recommending requiring trainee to meet with the committee prior to restart.

One trainee who has not submitted the affidavit to certify his work and has not responded to staff communications. Committee was recommending deny certification in the event they submit the affidavit and offer hearing if requested.

A trainee who was to deliver an affidavit February 27 did not deliver the document. Board has already approved a hearing if the deadline was not met.

A trainee who has been working part-time but reported hours as 20 hours per month, rather than per week has submitted timesheets showing correct hours. Committee was recommending amending the Board records to show the correct time and send letters to the trainee and supervisor to review monthly reports more closely before filing with the Board.

Ms. Wiseman made the motion to accept the committee recommendations. Mr. Jackson seconded and the motion carried.

Disciplinary Committee: Ms. Wiseman presented the report with one addendum. Discussion ensued. Mr. High made the motion to accept the recommendations for V11-071, V12-005, V12-006, V11-078, V12-002, M12-003, M09-017 and M09-028. Mr. Willoughby seconded and the motion carried. Mr. High made the motion to accept M11-032 and Mr. Byrd seconded. The motion carried and Mr. Willoughby did not vote. Mr. High made the motion to accept the recommendations for the addendum that included M10-017, M12-001 and M11-034. Mr. Jackson seconded and the motion carried.

Finance/Personnel Committee: Mr. Willoughby stated the committee had met by teleconference Monday afternoon to discuss the 2012 MBA assessments and to finalize the revised employee handbook.

Committee was recommending the MBA assessment be set at \$100 per association and 30 cents per member. Mr. Willoughby made the motion to accept the recommendation. Mr. High seconded and the motion carried.

The committee was recommending approval of the revised employee handbook. Mr. Willoughby deferred to Mr. Harris for discussion. Mr. Willoughby made the motion to approve the revised employee handbook. Mr. Jackson seconded and the motion carried.

Mr. Willoughby continued and stated advertisement for the executive director position has been placed as directed by the Board. State Personnel would not accept the posting for its publications. Three resumes have been received.

Mr. Harris is working on a task distribution list for the staff until the position is filled.

The contractor will not be able to start the construction project until April 9. Discussion ensued. The work should take two to three weeks. Mr. Harris will contact the contractor and request an April 12 start date so the April 11 Board meeting will not be affected by the construction.

Mr. Willoughby presented the financials and discussion ensued. Mr. Willoughby made the motion to accept the financials as presented. Mr. High seconded and the motion carried.

Exam Committee: Mr. Stainback stated the committee had met by teleconference on Tuesday afternoon to discuss the pathology exam and changes to the Conference exams. Pearson Vue charges to change the pathology test form will be \$5700 for one change or substantial changes. Committee recommends deferring any changes until the new Executive Director is hired and committee can review the exam item bank for other changes that may need to be made.

The Conference is moving to change subject area designations on its exam. The content will remain the same, only the number of questions in each content area will be shifted. Committee recommends rulemaking to harmonize the changes with NC law. The rule should incorporate language that states the subject designations as currently used by the Conference and those that may be used in the future so long as the designations contain the subject areas as defined in GS 90-210.25(a)(1)e 1; (a)(2)e 1; and (a)(3)e 1&2.

Thirteen applicants have taken the laws and rules exam since the February meeting with two failing.

Mr. Willoughby made the motion to accept the report. Mr. Byrd seconded and the motion carried.

Laws & Rules Committee: The Notice of Text for the rules repeal was filed with OAH and will be published in the North Carolina Register on March 15.

Mr. Stainback stated the Committee had met by teleconference Tuesday morning to discuss a recommendation on legislation Rep. Justice proposes to prohibit those convicted of certain felonies from ever receiving a license and to prohibit someone whose license has been revoked in another jurisdiction from being licensed. Committee recommends that Board staff and legal counsel draft some proposed language for presentation to Rep. Justice. The committee supports the prohibition for certain felony convictions but has some concerns that denying a license simply due to revocation by another jurisdiction could be overly broad. Committee recommends the prohibition be limited to those felony convictions while retaining Board discretion to determine an individual's fitness to practice for other revocations. Mr. Stainback deferred to Mr. Harris and discussion ensued.

Mr. Stainback stated staff recently met with Tony Rand and Senator Tom Apadoca concerning their interest in legislation to allow alkaline hydrolysis in North Carolina. Committee recommends supporting this effort and asking for an additional change in the cremation law related to the requirement for death certificate. Mr. Stainback deferred to Mr. Harris and discussion ensued.

Mr. Stainback made the motion to move forward with the alkaline hydrolysis study. Mr. Combs seconded and the motion carried.

Further discussion ensued regarding the legislation Rep. Justice was proposing. Mr. Willoughby made the motion to allow staff to work with Laws & Rules Committee to make recommendations to Rep. Justice before the scheduled April 2 meeting. Mr. Stainback seconded and the motion carried.

Attorney Report: Mr. Dirksen presented his report and stated the Board had approved continuance for the 1:00 p.m. hearing and Thursday hearing had been settled by consent order. Questions ensued. Mr. Aldridge made the motion to accept the 1:00 p.m. continuance. Mr. Combs seconded and the motion carried.

Executive Directors Report: Mr. Harris reviewed the inspector reports. Mr. Harris stated 21 reports were filed and reviewed since the February meeting.

Establishments: New–Western Carolina Mortuary Service, LLC; One Application Pending

Change of Ownership–Sykes Funeral Service, Rich Square; Penland Family Funeral Home, Swannanoa; One Application Pending

Closed–Seagraves Funeral Home, Raleigh

Crematories: New–North State Cremation Service, Garner

Crematories: Change of ownership–Cremations Services, Winston-Salem

New Removal/Transport–Charles Phillip Mann, Connelly Springs

New Unaffiliated Licensee–Samuel Seagraves Funeral Service Licensee

New Funeral Service Licensees: Presley Luther Eley IV, Jeffrey Garrett, Gregory Houston, Chandler Olsen

New Funeral Director Licensees: Jeremiah Whitt, Christopher May, James Stroud

New Trainees: Roland Whitted, Jr., Luther Montague, Jr., Erin Harden, Tandra Keith, Nancy Swain, Richard Kelly, Catherine Godwin, David Carter, Samuel Smith III, Edward Stevens, Jonathan Ball, Robert Torry, Jr., Charles Gibbs, Teshis Toney

Staff Ethics report: Mr. Harris was invited to an NCFDA Board meeting last week. Met with Tony Rand and Senator Apadoca.

Mr. Harris reminded Board members that their Statements of Economic Interest were due on April 15, 2012.

Mr. Harris reported on the International Conference of Funeral Service Examining Boards meeting in Little Rock, Arkansas.

Mr. Harris met with Ms. Lee Tuesday regarding the Crematory Manual. Questions ensued.

Mr. High made the motion to accept the report for information only. Mr. Jackson seconded and the motion carried.

Other Committee Reports: There were none.

New Business: Mr. Harris presented an Order of Liquidation for Harris MBA, Inc. Monroe. All requirements have been met. Mr. Aldridge made the motion to accept the Order. Mr. Combs seconded and the motion carried.

Old Business: Mr. Harris presented the latest letter from a person questioning the Board exam. Discussion ensued. Mr. Willoughby made the motion to allow Mr. Dirksen to have her request a Declaratory Ruling. Mr. Jackson seconded and the motion carried.

Informational Items: Ms. Wiseman stated that since Mr. Harris will be leaving on March 27, she had approved the three days left in the month to be included in his salary. Mr. Harris thanked the Board.

Mr. Willoughby made the motion to go into closed session to employee performance. Mr. Combs seconded and the motion carried.

Upon motion by Mr. Aldridge and second by Mr. Combs, the Board returned to open session. Ms. Wiseman stated they had discussed the job performance of Mr. Harris and wanted to honor him with a dinner on April 10 that includes Board members, staff and Mr. Harris and his family. This has been discussed with the Finance and Personnel Committee and will be covered by the single payment increase Mr. Harris declined at the February 6, 2012 meeting that was approved in the 2012 budget.

Public Comment: Mr. Harris made comments to the Board about his tenure as Executive Director and thanked them.

With no further business to come before the Board, the meeting was recessed until the 1:00 p.m. hearing.

Tryphina Wiseman, President

Harris High, Secretary