

## REGULAR BOARD MEETING

### MINUTES

June 13, 2012

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on June 13, 2012 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

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

Also Present: Stephen N. Dirksen, General Counsel, Herb Reichlin with Funeral Consumers Alliance, Dan Funchess, Funeral Service Licensee, Tina Smith with Furr & Newell, and Lyn Cochrane.

Mr. Willoughby called the meeting to order at 9:07 and led the Pledge of Allegiance. Mr. Shields had the invocation. Mr. Willoughby read the Ethics Awareness & Conflict of Interest statement. No one recused themselves at this time.

Guests introduced themselves and there was no public comment.

Mr. High presented the May 9<sup>th</sup> minutes. Mr. Aldridge stated in the 6<sup>th</sup> paragraph it would read clearer if the word report was added behind Traineeship Committee and Personnel Committee. Mr. Aldridge made the motion to accept the minutes with the changes and Mr. Jackson seconded. The motion carried.

Finance Committee: Mr. Willoughby introduced Ms. Smith with the auditor's office and stated she was in the meeting to answer any questions regarding the Board's 2011 audit. Questions ensued. Mr. High made the motion to accept the Financial Statement for the fiscal year ended December 31, 2011. Mr. Jackson seconded and the motion carried. At this time Ms. Smith departed the meeting.

Mr. Willoughby reviewed the May financials. Mr. Combs made the motion to accept the report and Mr. High seconded. The motion carried.

At this time Mr. Willoughby made the motion to go into closed session to consider the qualifications, competence, performance, character, fitness, conditions of initial employment of an individual, public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual, public officer or employee. Mr. High seconded and the motion carried. Mr. Willoughby asked Mr. Dirksen to remain in the closed session.

Upon proper motion by Mr. High and second by Mr. Byrd, the Board returned to open session. Mr. Willoughby stated they had discussed the Executive Director position and the paralegal position. Mr. Aldridge made the motion to offer the Executive Director position to applicant Peter Burke. Mr. Combs seconded and the motion carried.

Preneed Committee: Mr. High stated a contract transfer request had been made regarding a preneed contract that was purchased using funds from a joint checking account for the guardian and the preneed contract beneficiary. The guardian signed the preneed contract. A different relative is now the guardian and wants to transfer the contract out of state. The recommendation is to deny the request since a preneed contract can only be transferred by the contract purchaser. The new guardian will have to obtain a court order to revoke the contract. A second contract

transfer request was received and that request does meet all the requirements. Committee is recommending approval of the transfer.

Mr. High then reviewed the report. There are 170,023 active contracts as of June 11, 2012; 656 licensed preneed funeral establishments; and 1,650 individuals licensed to sell preneed as of June 11, 2012. Mr. High made the motion to accept the preneed report as presented. Mr. Aldridge seconded and the motion carried.

Traineeship Committee: There was no report.

Disciplinary Committee: Mr. Byrd presented the report and Mr. Dirksen stated there was one addendum. Mr. High made the motion to accept the recommendations for V10-041, V10-053, V11-034, V11-036, V11-070, V12-026, V12-027, V12-028, V12-035, M12-010, V10-073, M10-012, V12-031, V10-020, V10-042, M12-013, M12-014, M12-015, M12-016, V06-060, V07-057, V09-011, M09-028, V10-005, V11-001 and V12-013. Mr. Aldridge seconded and the motion carried. Mr. High made the motion to accept the recommendations for the addendum that includes M12-001 and M12-003. Mr. Combs seconded and the motion carried.

Exam Committee: Mr. Stainback stated four applicants were eligible to take the exam but there were no results posted as of Friday, June 8th. This report was for information only.

Laws & Rules Committee: Mr. Stainback stated the Board has received a request for declaratory ruling. Committee was recommending adoption of the ruling. The second item was approval of rules repeal. No public comments were submitted. The Board was recommending adoption of rules and to send them to Rules Review Commission. Staff also requests authority to make any non-substantive changes if requested by Rules Review Commission to minimize delay in the repeal process. Mr. Willoughby requested Mr. Dirksen to review the Declaratory Ruling. Mr. Stainback made the motion to accept the recommendations. Mr. Jackson seconded and the motion carried.

Other Committee Reports: There were no reports.

Attorney Report: Mr. Dirksen presented his report. There were four hearings scheduled. The 1:00 p.m. hearing requested a continuance and had met the criteria for first continuance. Mr. High made the motion to approve the continuance of Florence Progressive Mutual Burial Association. Mr. Jackson seconded. The motion carried. The other three would be heard today. Mr. Jackson made the motion to accept the Attorney Report and Mr. Shields seconded. The motion carried.

Executive Director's Report: Mr. Dirksen presented the report.

Change of Ownership: Manson Mortuary, Inc., Williamston

New Funeral Service Licensees: Doug Robson, Fronie Jackson, Dionne Evans, Ryan Brown, Hannah Ollis, Richard Kelley, Carl Boldt

New Funeral Director Licensees: Tommy Harris, John Vogler, Jr., Ronnie Byrd

New Trainees: Kristin Hiers, Jacqueline Jernigan, Robert Dixon, Joseph Haskins, Terrell McMillan, Alan turner, Benjamin Windsor, Frank Repole, David Sutphin, Clarina Thompson-Smith

New Transport/Removal Registrations: Brian McJunkin, Kenneth Smith

Staff Ethics Report: Two staff members attended the North Carolina Funeral Directors Association conference in May.

Mr. Dirksen stated the following two items were new business and presented the Crematory Authority Nominations form. Mr. Aldridge made the motion to accept the Petition for Nomination of Candidate for North Carolina Crematory Authority form. Mr. High seconded and the motion carried.

Mr. Dirksen presented an Order of Liquidation for Banner Mutual Funeral Association, Inc., Benson. Mr. Stainback made the motion to accept the Order. Mr. Byrd seconded and the motion carried.

New Business: Included with Executive Director's Report.

Old Business: There was none.

Informational Items: Included an acknowledgement from the family of Charles Phillips, a notice from the City of Raleigh regarding zoning across from the building, a copy of the Crematory Authority Oath to Support Constitutions and Oath of Office for Cecil M. Burton.

Mr. Willoughby, Mr. High and Mr. Stainback stated they had attended the NCFDA conference in May.

Mr. Aldridge thanked Mr. Dirksen for his hard work on the disciplinary committee cases. Mr. Willoughby stated Mr. Burke would begin his duties as Executive Director on July 16<sup>th</sup>. Mr. Willoughby thanked Mr. Dirksen and Ms. Cochrane for their assistance.

Mr. Dirksen stated the he had spoken with Ms. Wiseman and the July meeting would also be a one day meeting with hearings scheduled as they were this month.

Public Comment: There was none.

The Board recessed at this time to prepare for the 10:00 hearings.

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Tryphina Wiseman, President

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Harris High, Secretary