

## REGULAR BOARD MEETING

### MINUTES

February 13, 2013

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on February 13, 2013, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

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

Also Present: Peter M. Burke, Executive Director, Stephen N. Dirksen, General Counsel, Patricia Hayes and Larry Stegall with North Carolina Funeral Directors Association, Dorman Caudle with Carolina Donor Services. Dan Funchess, Corrine Culbreth, William Joyner, Carl Shytle, Funeral Licensees, Thomas Stroud and Jeff Gray, attorneys, John D. Bevell and Lyn Cochrane.

Mr. High called the meeting to order at 9:17 a.m., led the Pledge of Allegiance, had the invocation and read the Ethics Awareness & Conflict of Interest statement. Ms. Wiseman and Mr. Willoughby stated they had attended the Board Meeting for the FD&MA of NC, Inc. in Durham.

At this time Attorney Gary Ballance entered the meeting and requested a continuance for the Thursday hearing on behalf of Nathaniel G. Yarbrough. Mr. Byrd made the motion to approve the continuance and Ms. Wiseman seconded. The motion carried. Mr. Ballance then departed the meeting.

Mr. Stainback presented the January 9, 2013, minutes. Mr. Combs made the motion to approve the minutes and Mr. Byrd seconded. The motion carried.

Preneed Committee: Mr. High stated the Committee met via teleference on Friday, February 8, and discussed the interest to be paid on the 2013 recovery fund claims. Committee was recommending the interest be set at 0.250637%. Discussion ensued. Mr. Stainback made the motion to accept the recommendation. Mr. Byrd seconded and the motion carried.

There are 169,278 active contracts as of February 12, 2013; 658 licensed preneed funeral establishments; and 1,640 individuals licensed to sell preneed as of February 11, 2013. Discussion ensued.

Mr. High stated this report was for information only.

Traineeship Committee: Ms. Wiseman stated the Committee had met prior to the Board meeting presented the following recommendations. Trainee #1 missed two reports and will lose credit for December and January and will have to start traineeship again. Trainee #2 missed two reports and did not show up. This will be turned over to Disciplinary. Ms Wiseman submitted this for information

Disciplinary Committee: Ms. Wiseman stated the Committee had met by teleconference on Thursday, February 7 and presented the report with an addendum. Ms. Wiseman made the motion to accept the recommendations for V12-059, V12-074, V12-079, C13-003, V12-058, V12-078, V12-056, V12-060, V12-080, M13-001, M13-004, M-13-003, M13-005, M13-006, and M13-007. Mr. Willoughby seconded and the motion carried. Ms. Wiseman made the motion to accept the recommendation for M12-019 and M13-002. Mr. Byrd seconded and the motion carried.

Finance/Personnel Committee Mr. Willoughby stated the Committee had not met since November 13, 2012. After reviewing the financials, Mr. Willoughby made the motion to accept the report and Mr. Byrd seconded. The motion carried.

Laws & Rules Committee: Mr. Stainback stated the Committee had met by teleconference on January 29, 30 and February 1 to discuss statute changes. Mr. High recused himself from discussion and asked Mr. Willoughby to take over. Discussion ensued. Mr. Stainback made the motion to accept the staff review and to accept public comments from interested parties through February 28. Mr. Combs seconded and the motion carried. The Board will follow Committee suggestions after public comments are received. The changes will be posted to the Board website.

At this time Ms. Wiseman made the motion to go into closed session on a personnel matter. Mr. Byrd seconded and the motion carried.

During the closed session Ms. Culbreth, Mr. Bevell, Mr. Shytle, Mr. Joyner and Mr. Stroud departed the meeting.

Upon proper motion, the Board returned to open session. Mr. High apologized for not having the guests introduce themselves. Mr. Jeff Gray entered the meeting.

Attorney Report: Mr. Dirksen presented his report. There are two hearings scheduled for 10:00 a.m. and one at 1:00 p.m. today. The Thursday hearings were continued and settled by consent order. Mr. Dirksen stated the report was for information only.

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

New Funeral Home: Williams Funeral & Cremation Services, Burlington

Change of Ownership: Cumby Family Funeral Service, Archdale & High Point

New Crematory: Williams Funeral & Cremation Services, Burlington; Life Tribute Center of Cumby Funeral Service (change of ownership)

New Funeral Service Licensees: Kathleen Alexander, Phillip Beard II, Eugene Fahey, Wendy Holt, Benjamin Jenkins

New Funeral Director Licensees: Betty Faust

New Trainees: Ted Biggers, Jr., Glenn Fox, Christopher Goforth, Justin Lindsay, John Lineberger, Marci Mendoza, Ryan Messer, Austin Smith, Edgar Whittington, Chauntelle Wright, Cassidy Yates

New Transport/Removal: Edward Lambert, Mooresville; Michael Smith, Charlotte

Exam Notes: Seven applications took Laws & Rules; six passed, one failed.

Status of 2013 Renewals: Active Licensees-94.7%; Inactive licensees-39.5%; Funeral Homes - 98.5%, Crematories - 100%; Transport/Removals - 75.2%; Unaffiliated - 80%.

Staff has been involved with State Auditors for several weeks.

NC Vital Records Work Group will meet January 28.

Board Members are reminded that Statement of Economic Interest with Ethics Commission is due by April 15.

Mr. Burke cited proposed legislation on the General Assembly's website.

Monthly inspector meetings have now been scheduled. Inspectors will also be present at the May and October Board meetings.

A supplement for part time staff has been approved by the Board but should be made into a motion and noted in the minutes.

The Crematory Authority met Tuesday, February 12 and officers were elected. At this time they will meet quarterly and will have a work session at the April meeting.

For information only: Former Board Member Jack Briggs was awarded the Order of the Long-Leaf Pine in October. The Vietnam Vets were in the office last week and discussed the NC Chapter Vietnam Veterans of America. Mr. Burke was presented with and discussed proposed pamphlet to guide the Vets and families on matters related to final benefits. The Governor's portrait has been ordered.

Mr. Burke discussed getting credentials for inspection in case of an emergency situation with the current inspectors. Discussion ensued. Mr. Stainback made the motion to amend the Executive Director job description to include inspections. Mr. Combs seconded and the motion carried.

Mr. Willoughby made the motion to allow supplements to the part-time employees. Mr. Aldridge seconded and the motion carried.

Ms. Wiseman asked Ms. Cochrane about the portrait for the former Executive Director. Ms. Cochrane stated the company that had done prior portraits no longer provided that service but would do some research.

Old Business: Mr. Stainback discussed security at Board Meetings. After discussion Mr. Aldridge made the motion to have a Raleigh Police Officer present at hearings on a six-month trial basis. Mr. Byrd seconded. Ms. Wiseman and Mr. Combs voted no. The motion carried.

Discussion ensued regarding the status of the cremation manuals and electronic renewals.

Mr. Byrd thanked the Board and staff for the thoughts and prayers, cards and flowers he had received upon the death of his grandmother.

Mr. High presented Ms. Wiseman with the President's Gavel. Ms. Wiseman offered her sincere thanks.

New Business: There was none.

Mr. High asked if there were any public comments.

Mr. Aldridge made a motion to recess until the 1:00 hearings. Mr. Jackson seconded and the motion carried.

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Harris High, President

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Ken Stainback, Secretary