

REGULAR BOARD MEETING

MINUTES

May 8, 2013

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on May 8, 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; Kelly Byrd, Stephen Aldridge III, John Shields, Tryphina Wiseman and Broadus Combs. Absent: Mr. Lawrence Jackson III.

Also Present: Peter M. Burke, Executive Director, Stephen N. Dirksen, General Counsel, Patricia Hayes with North Carolina Funeral Directors Association, Fred Jordan with NC Eye Bank, Dan Funchess, Funeral Service Licensee, and Lyn Cochrane.

Mr. High called the meeting to order at 9:13 a.m., led the Pledge of Allegiance, had the invocation and read the Ethics Awareness & Conflict of Interest statement. Ms. Wiseman stated she had attended the National Funeral Directors & Morticians Association Board meeting in Birmingham, Alabama.

Mr. High asked the guests to introduce themselves.

Mr. Stainback presented the April 10, 2013, minutes. Mr. High stated there was one correction under Traineeship Committee. An "and" should be added in first sentence so it would read Ms. Wiseman and the Committee. Mr. Combs made the motion to approve the minutes with the correction and Mr. Byrd seconded. The motion carried.

Preneed Committee: Mr. High stated the Committee last met by teleconference on May 6 and 7 to review documentation of solvency submitted by a preneed establishment supporting a request to discontinue their bond requirement. The firm was licensed in March 2012. The Committee was recommending the request be approved. Mr. High made the motion to approve the request and Ms. Wiseman seconded. Mr. Willoughby called for the vote and the motion carried.

There are 170,520 active contracts as of May 6, 2013; 662 licensed preneed funeral establishments; and 1,675 individuals licensed to sell preneed as of May 6, 2013. Mr. High stated this report was for information only.

Traineeship Committee: Committee met prior to the Board Meeting. Trainee #1 had sent in reports when the funeral home was closed. Trainee did not show up and the recommendation was to suspend trainee until the matter is resolved. The name of Trainee #1's supervisor has been given to Mr. Dirksen. Trainee #2 was late with the February report. Recommendation is to lose February report credit and restart in June. Trainee #3 missed two reports and did not show up for the meeting. Traineeship is terminated until they meet with the Committee. Discussion ensued regarding supervisors attending the meeting with their trainee effective August 1. Ms. Wiseman made the motion to accept the recommendations. Mr. Byrd seconded and the motion carried.

At this time Trainee Robert Raczynski entered the meeting with Supervisor Tommy Southern. Mr. Raczynski addressed concerns regarding his traineeship and licensing by the Board. Questions ensued. Marty Mills entered the meeting to respond to questions from the Board on procedures after which she departed the meeting. Questions and discussion ensued. Mr. Willoughby made the motion to deny the request under Section 90-210.25(4)d to restart his traineeship. Mr. Combs seconded and the motion carried. Mr. Raczynski and Mr. Southern departed the meeting.

At this time Mr. High called for a five-minute recess.

Laws & Rules: Mr. Stainback stated the Committee met by teleconference on April 29 to discuss Senate Bill 403, "An Act to Amend the Uniform Prudent Investor Act and to Make Conforming Changes to the Laws Regulating Cemeteries and the Practice of Funeral Service as Related To Trust Funds." Committee recommends that in the absence of a better defined set of rules related to the application of the Prudent Investor Act to preneed in North Carolina, that the Board not did support SB 403. Discussion ensued. Mr. Aldridge made the motion to accept the recommendation and Mr. Byrd seconded. The motion carried.

Disciplinary Committee: Ms. Wiseman stated the Committee met by teleconference on May 2 and presented the recommendations. There was an addendum. Discussion ensued regarding the release of a body and compensation for work performed. Ms. Wiseman made the motion to accept the recommendation for V11-074, V12-082, C13-009, C13-019, C13-020, C13-037, C13-008, V12-084, C13-017, M11-018, and M13-004. Mr. Byrd seconded and the motion carried. Ms. Wiseman made the motion to accept the recommendations for the Addendum V10-036 to include V12-056 and M12-023 and M-13-001. Mr. Byrd seconded and the motion carried.

Finance/Personnel Committee Mr. Willoughby stated the Committee had not met since on April 9 and presented the financials for information only.

Attorney Report: Mr. Dirksen presented his report and stated the report was for information only.

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

New Ownership: Mackie Funeral Home, Granite Falls

New Funeral Service Licensees: Scott Aldridge, Rodney Craig, Adam Fisher

New Funeral Director Licensees: Michael Hardin

New Trainees: Jermaine Alson, Kenneth Arrington, Patrick Best, Ernest Simmons III, John Tinker, Sherwood Wilkerson

New Transport/Removal: Charles Childress, Paul Cooke, Myron Davis, John Ferrell, Jimmy Frederick, Shawn Ruff, Saran White, Toby Williams

Exam Notes: 10 applicants took Laws & Rules. Three passed. No data on other seven as of 5-7-13.

Mr. Burke stated the State of NC Audit was completed but no official results. FBI will audit security of fingerprint cards on Thursday.

Continuing education for in-house class on Preened and FTC is scheduled for May 21. Mr. Burke attended NCFDA district meetings in Durham and Greenville.

Updates were provided on Legislation Matters of H19 Fallen Heroes, H460 Deceased Voters, H660 Funeral processions, H662 Board membership, H808 Merger of NCBFS and Cemetery Commission, H811 Amend funeral service laws and S403 Prudent Investor Act and preneed.

Discussion ensued regarding Fayetteville Technical Community College proposal regarding inspection of off-campus instruction sites. Mr. Burke will communicate with staff at FTCC with questions proposed by Board members.

Informational Items: Mr. Burke will attend the DMORT-FEMORS June 4 in Orlando; NCFDA Conference is May 13 in Research Triangle Park and FD&MA of NC is June 24 in Wilmington.

Discussion ensued regarding inspector reports.

Old Business: Mr. High presented Mr. Dirksen with a ten-year anniversary gift. Mr. Dirksen thanked the Board members.

New Business: There was none.

At this time Mr. High called for a recess.

Mr. Willoughby made the motion to go into closed session to discuss a matter involving attorney client privilege. Mr. Byrd seconded and the motion carried.

Upon motion by Mr. Aldridge and second by Mr. Stainback, the Board returned to open session. Mr. High stated members had discussed First Choice, Grace MBA, Morris Funeral Home, Ella Morris and the Bevill case during closed session. Mr. Aldridge made the motion to have Mr. Dirksen settle the Morris case. Mr. Willoughby seconded and the motion carried.

Mr. High stated he had been asked when the Board staff would publish the next newsletter. Mr. Burke stated an electronic version is sent out approximately once a month to all that had requested a copy and he did not know when the next published one would be ready.

Discussion ensued regarding the electronic death registration.

Mr. High adjourned the meeting at 12:25 p.m.

Harris High, President

Ken Stainback, Secretary