

## REGULAR BOARD MEETING

### MINUTES

December 11, 2013

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on November 11, 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; Stephen Aldridge III, Tryphina Wiseman, John Shields, Kelly Byrd, Lawrence Jackson III and Broadus Combs.

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, Dorman Caudle with Carolina Donor Services, Eric Willoughby, licensee, Jack Nichols, attorney, Lyn Cochrane and Angela Rubbo.

Mr. High called the meeting to order at 9:07 a.m., led the Pledge of Allegiance, had a generic prayer and read the Ethics Statement. No one recused themselves at this time.

Mr. Stainback presented the November 12, 2013, minutes. Ms. Wiseman made the motion to accept the minutes. Mr. Byrd seconded and the motion carried.

Mr. High asked then asked the guests to introduce themselves.

Mr. High stated officers for 2014 should be nominated at this meeting. Mr. Aldridge made the motion to elect a slate of officers as follows: President, Mr. Byrd; Vice President, Mr. Stainback; Secretary, Mr. Combs. Mr. Willoughby seconded and the motion carried.

Preneed Committee: Mr. High stated the Committee reviewed documentation of solvency submitted by a preneed establishment supporting a request to discontinue their bond requirement. The firm was established in 1994 and had a change of ownership in January 2011. The preneed license was issued at the change of ownership. Committee has a question regarding the supporting documentation and it will be returned to the establishment for review and adjustment if necessary.

Mr. High presented the Activity Report for information only. There are 171,056 active contracts as of December 6, 2013; 660 licensed preneed funeral establishments; 1,723 individuals licensed to sell preneed as of December 10. One new funeral home has opened: Heritage Oaks Funeral & Cremation Services in Rocky Mount.

Mr. Burke submitted a graph of preneed contracts sales from 2011 to 2013 and responded to questions regarding the online preneed annual report.

Mr. High stated this was for information only.

Disciplinary Committee: Ms. Wiseman yielded to Mr. Byrd and recused herself from C13-076. Mr. Byrd stated the Committee met by teleconference on December 9, 2013 and presented the recommendations. Mr. Byrd made the motion to accept the recommendations for C13-058, C13-074, C13-076, M13-023, M13-024, M13-025, M13-019, and M13-020. Mr. Combs seconded. Ms. Wiseman did not participate in the vote.

At this time Mr. Eric Willoughby entered the meeting.

Finance/Personnel Committee Mr. Willoughby reviewed the monthly financials and submitted them for information only. Discussion ensued.

Mr. Willoughby yielded to Mr. Burke to discuss the 2014 budget. The meeting recessed to allow Mr. Burke to get his computer set up.

Upon return to open session Mr. Burke reviewed the budget and responded to questions.

Mr. Byrd made the motion to go into closed session to discuss personnel performance. Mr. Jackson seconded and the motion carried.

Upon motion by Mr. Byrd and second by Mr. Willoughby the Board returned to open session. At this time Mr. Nichols entered the meeting. Mr. Harris stated personnel matters were discussed. Mr. Willoughby made the motion to approve the 2014 budget and the personnel matter. Mr. Stainback seconded and the motion carried.

At this time Mr. Byrd made the motion to go into closed session to discuss a matter involving attorney-client privilege. Mr. Jackson seconded and the motion carried.

Upon motion by Mr. Willoughby and second by Mr. Aldridge the Board returned to open session. At this time Mr. Nichols departed the meeting. Mr. High stated an attorney-client matter and a personnel matter were discussed and they had met meeting with an inspector.

Attorney Report: Mr. Dirksen presented his report and stated the report was for information only. A hearing was scheduled for 1:00 p.m. today and two for Thursday beginning at 9:00 a.m.

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

New Funeral Establishments: First Cremation Society, Louisburg; Heritage Funeral & Cremation Service.

New Funeral Service Licensees: Robyn Bolton, Emma Gosa.

New Funeral Director Licensees: Shawn Worthington.

New Trainees: Joseph Hildreth, Dionne Miller, Michael Owens, Kimberly Schwartz, Robert Shaw III.

New Transport Registration: Bradley Pope, Knightdale

Exam Notes: Nine applicants were eligible to take Laws & Rules Exam. Two passed and have been licensed. Results for the remaining candidates are unavailable as of December 9, 2013.

Mr. Burke and Mr. Dirksen attended the Joint Legislative Administrative Procedure Oversight Committee meeting last week regarding the fee increases. Additional information requested by the Committee will be sent to them.

Mr. Burke and Mr. Byrd attended the ICFSEB Model Practice Act Subcommittee meeting in San Diego last week.

The Setoff Debt Collection Program report is due but the Board was never notified that it was required. Mr. Burke does not think we are required to complete it but has sent it in today.

The International Conference of Funeral Service Examining Boards Annual Meeting is scheduled for February 26-27, 2014, in Orlando. Executive Officers and the Executive Director usually attend this meeting.

Discussion ensued regarding the November 2014 Board Meeting and the conflict with Veteran's Day holiday.

Mr. Burke stated that 370 licensees have renewed as of December 9.

Traineeship Committee: Ms. Wiseman stated the Committee had met prior to the Board meeting. Trainee 1 has cancelled several meetings with the Committee, worked nine months and only produced 581 hours of required work. Committee does not accept the calendar of hours worked and recommendation is for a check stub or tax return statement be presented for confirmation of hours.

Trainee 2 has completed two years of work—280 hours recorded for the first year with five months of 0 hours. Second year recorded 180 hours with seven months of 0 hours. With a total of 460 of the required 2000 hours, it is unlikely trainee will complete the difference in the third year. Committee recommending that the trainee start over or will likely need to work full-time to complete the requirements.

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

Ms. Wiseman stated that beginning in 2014 staff will develop a form to go along with the trainee packet requiring the supervisor to be more accountable in the trainee process. This form will have to be signed and returned by the supervisor to the Board. Discussion ensued.

Old Business: None.

New Business: Mr. Burke presented an Order of Liquidation for the Burke Mutual Burial Association in Morganton. Ms. Wiseman made the motion to allow the liquidation. Mr. Byrd seconded and the motion carried.

At this time Mr. High asked Mr. Burke to invite staff into the meeting. Mr. High presented Jimmy Featherston, who will retire December 31, 2013, with a plaque in appreciation of his 19 years of service to the Board.

Public Comment: Mr. High recognized Eric Willoughby, brother of J. T. Willoughby. Mr. Willoughby presented a Letter of Recognition to J. T. Willoughby from the Eastern District of the FD&MA of NC, Inc. in appreciation of his seven years of service to the Board. Mr. Willoughby made comments regarding this.

Mr. Stainback presented a gift of appreciation to Mr. High for his leadership during 2013 and his tenure on the Board.

Mr. High presented a gift of appreciation to Mr. Willoughby for his tenure on the Board. Mr. High thanked the Board for their support during 2013 and the friendship he had developed during his Board service.

The Board recessed at 12:50 for hearings.

The Board adjourned at 3:58 on motion from Mr. Willoughby and second by Ms. Wiseman.

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Harris High, President

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Ken Stainback, Secretary