

REGULAR BOARD MEETING

MINUTES

September 10, 2014

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on September 10, 2014, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Kelly Byrd, President; Ken Stainback, Vice President; Broadus Combs, Secretary, John Shields, Charles Graves, Elizabeth Williams-Smith, Tryphina Wiseman, and Stephen Aldridge III. Absent: Lawrence Jackson III.

Also Present: Peter M. Burke, Executive Director; Stephen N. Dirksen, General Counsel; Daniel Armstrong and Patricia Hayes with North Carolina Funeral Directors Association; Dorman Caudle with Carolina Donor Services; Fred Jordan with Miracles in Sight; Dan Funchess, Funeral Service Licensee; Clarence Boston with Triad Cremation, and Lyn Cochrane.

Mr. Byrd called the meeting to order at 9:05 a.m. and led the Pledge of Allegiance.

Mr. Shields had the prayer and Mr. Byrd read the Ethics Statement. No one recused themselves.

Mr. Byrd asked the guests to introduce themselves and moved the Public Comment from the end of the meeting to the beginning.

Public Comment: There was none.

Mr. Combs presented the August 13, 2014, minutes and moved for its approval. Mr. Aldridge seconded and the motion carried.

Preneed Committee: Mr. Byrd stated the Committee had met by e-mail on September 5 to review a request from a consumer that has relocated to South Carolina. They were requesting their preneed contract be revoked and the funds transferred to a specified provider in South Carolina. The Committee was recommending approval. Mr. Graves made the motion accept the recommendation. Mr. Combs seconded and the motion carried.

Mr. Byrd then presented the report. There are 656 licensed preneed funeral establishments, 1,685 individuals licensed to sell preneed and 172,299 active contracts as of September 8, 2014.

Continuing Education: In Mr. Jackson's absence, Mr. Graves presented the report. A licensee has requested an exemption from continuing education for 2014 due to a medical hardship. Physician documentation was received. Committee was recommending approval. Discussion ensued. Mr. Graves made the motion to allow the exemption but licensee must make up the hours in 2015. Mr. Stainback seconded and the motion carried.

Mr. Stainback stated he had attended the 6th District NCFDA meeting last night and there was discussion regarding the "grandfather" clause for continuing education. Discussion ensued. Mr.

Dirksen stated that under the law change in 2003, you must be over 60 with 25 years of practice before you can be “grandfathered.” It was suggested Mr. Jackson and the CE Committee take a look at other states and their CE programs and bring the recommendations back to the Board.

Disciplinary Committee: Ms. Wiseman stated there was an addendum. Cases had been settled, continued and consent orders signed. Ms. Wiseman made the motion to accept the recommendations for C14-038, C14-050, C14032, C14-039, and M14-017. Mr. Stainback seconded and the motion carried.

Ms. Wiseman made the motion to accept the addendum recommendations for V12-076 and M14-001. Mr. Graves seconded and the motion carried.

Finance & Personnel Committee: Mr. Combs stated he was moving the personnel section to the end of the meeting because of a closed session. Mr. Combs reviewed the report. Questions and discussion ensued. Mr. Stainback made the motion to pay off the note on the condominium if there is no penalty involved. Mr. Graves seconded and the motion carried. Mr. Aldridge made the motion to move forward with the online renewals. Mr. Stainback seconded and the motion carried. Mr. Combs asked Mr. Burke to add a line item for that in the 2015 budget. Mr. Graves made the motion to approve the financials and Ms. Smith seconded. The motion carried.

Attorney Report: Mr. Dirksen presented his report and discussed two matters. With regards to the Pennsylvania case that was discussed in a previous meeting, it has been appealed and sent to the US Supreme Court and the judge for the Hendersonville case has not made a ruling.

Executive Director’s Report: Mr. Burke presented the following information.

New Funeral Establishments: Monroe Funeral Home, Murfreesboro.

New Crematory: Stamey-Tysinger FH & Cremation Center, Fallston.

New Funeral Service Licensees: Alan Anson, Lindsey Baxter, James Carper, Calvin Gladden, Doris Jackson, Michael Solitto.

New Funeral Director Licensee: Scott Groce, Julie Harrell, Howard Terry III, Shawn Woody.

New Trainees: Andrea Earnhardt, Kandace Faw, Richard Harmon, Jessica Harper, Michael Kilpatrick, Shelesceyah McConnell.

New Transport Registrations: Aquichia Brown, Dean Campbell, Charles Crump.

H1170 was not ratified by Legislature; therefore, according to 21 NCAC34A.201, it became law August 20 and the fee change has been updated on the website.

Mr. Burke and Mr. Byrd attended the ICFSEB Model Practice Act Committee meeting August 25-28 in Newport Beach, California.

Mr. Burke has received twelve applications for the inspector position and will try to start setting up interviews next week.

Mr. Burke will attend the ICFSEB Board of Directors meeting in Branson, Missouri, September 22-25.

Crematory Authority applications from two candidates have been received for the position and ballots will go out next week. They will be opened and counted at the October Board Meeting.

Trainee Committee: Ms. Wiseman presented the report. Four trainees were scheduled to appear and none appeared.

Trainee #1 has refused to meet with the Committee since March 2014. Recommendation is to terminate traineeship. Trainee #2 had not renewed nor responded to Board's letters regarding renewal. Trainee will be allowed to renew when renewal fee is received. Trainee #3 was a second appearance before the Committee and was a "no show." Recommendation is to terminate traineeship. Trainee #4 was due to a staff error; they have the necessary cases to certify and recommendation is to allow them to do so. Ms. Wiseman made a motion to approve the recommendations and Mr. Combs seconded. The motion carried.

Committee was recommending that a supervisor must have a one hour CE class in order to have a trainee.

Discussion ensued regarding letters sent for late or missing reports. Recommendation is to send the warning letter and second notice as is policy but with a ten day window to respond. The supervisor will receive the same letter and if there is no response, the supervisor must attend a one hour class if the trainee does not respond. This will take a legislative change so it will not be an immediate change.

Mr. Graves made the motion to approve the report and Ms. Wiseman seconded. The motion carried.

Mr. Byrd called for a five-minute recess.

Old Business: There was none.

New Business: Mr. Byrd presented documentation regarding a Board member that had not submitted the required Statement of Economic Interest to the Ethics Commission and missed a number of meetings. Questions ensued.

Mr. Graves made a motion to remove Lawrence Jackson III from the Board. Mr. Stainback seconded. Discussion ensued. Mr. Byrd called for the vote and the motion carried. Discussion ensued. Staff will inform the Governor's office of this immediately.

Mr. Burke discussed the fee increase. Staff was suggesting a grace period for any licensees with a lapsed license who had already applied for reactivation. Mr. Combs made a motion to allow a grace period of ten days. Mr. Graves seconded and the motion carried.

Mr. Combs made a motion to go into closed session to discuss a personnel matter. Mr. Stainback seconded and the motion carried.

Mr. Aldridge made a motion to return to return to open session and Mr. Combs seconded. The motion carried. There was no action taken during the closed session.

Mr. Aldridge made the motion to adjourn the meeting and Mr. Stainback seconded. The motion carried

M. Kelly Byrd, President

J. Broadus Combs, Secretary