

BOARD MEETING

MINUTES

August 12, 2015

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on August 12, 2015, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Ken Stainback, President; Stephen Aldridge, Vice President; Elizabeth Williams-Smith, Secretary; Charles Graves, Joe Clay, Valdus Lockhart, John Shields and Broadus Combs.

Also Present: Peter M. Burke, Executive Director; Catherine Lee, Interim Counsel; Dan Funchess, Funeral Service Licensee, Dorman Caudle with Carolina Donor Services, Michael Rulison with Funeral Consumers Alliance of the Triangle and Board staff members Lyn Cochrane and Dara Warner.

Mr. Stainback called the meeting to order at 9:07 a.m. and read the Ethics Statement. Mr. Stainback stated he would recuse himself from the 10:00 a.m. hearing. Mr. Lockhart stated he had attended the National Convention of the National Funeral Directors & Morticians Association in St. Louis.

Mr. Stainback led the Pledge of Allegiance and asked for a moment of silence.

The guests introduced themselves. Mr. Stainback noted that Fred Jordan with Miracles in Sight who normally attends the meeting is on vacation and since today is his birthday, he wanted to wish him a happy birthday.

Ms. Smith stated the minutes for the July meeting had been previously submitted to Board members. Mr. Combs made the motion to approve them. Mr. Graves seconded and the motion carried.

Preneed Committee: In Mr. Byrd's absence, Mr. Clay stated the committee met via e-mail on July 13 and August 4 and 5 to discuss the following:

Two preneed establishments had made a request to waive their surety bond. Committee recommends denying one request and approving the other request. Two families had made a request to transfer their trust-funded preneed accounts. One from Hendersonville to South Carolina and one from Asheville to Texas. Committee recommends allowing the transfers. Mr. Aldridge made the motion to accept all recommendations. Mr. Graves seconded and the motion carried.

There are 654 licensed preneed funeral establishments and 1,712 individuals licensed to sell preneed as of August 11, 2015. There are 171,803 active contracts as of August 10, 2015.

Disciplinary Committee: Ms. Smith stated the committee had not met and made the motion to accept the recommendations for M15-018 and M15-001. Mr. Graves seconded and the motion carried.

Finance/Personnel Committee: Mr. Aldridge stated the committee met on Tuesday, August 11, 2015, to interview candidates for the General Counsel vacancy. This would be discussed later in the meeting in closed session.

Mr. Aldridge reviewed the financials and made the motion to approve the report. Mr. Lockhart seconded and the motion carried.

Trainee Committee: Mr. Combs stated the committee met prior to the Board meeting to discuss two trainees.

Trainee #1 was sent a letter on May 8, 2015, requesting information on their military status and there has been no response. Recommendation is for them to stay on suspension until information is received.

Trainee #2 did not record monthly hours for September 2014 and wanted credit. A letter dated July 17, 2015 was received signed and notarized by the supervisor stating 73.5 hours had been worked. Recommendation is to accept the letter and this will complete the hours.

Mr. Combs deferred to Mr. Burke for discussion on the Trainee Forum. Mr. Burke stated there were 17 attendees and almost four hours of discussion and questions. There has been positive feedback from the Forum and additional meetings will be planned in other areas of the state.

Mr. Combs made the motion to accept the Trainee Committee recommendations and Mr. Graves seconded. The motion carried.

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

New Funeral Establishment: Genesis Funeral Home of Salisbury, Salisbury; Holland Funeral Service, Monroe; The Next Generation Funeral Home, Greenville.

New Crematory: Wheeler & Woodlief, Rocky Mount.

New Funeral Service Licensees: Anthony Bracy, Jr., Trinetta Cherry-Whittaker, Whitney Everhart, Ralph Fuller, Deana Kelly, Adam Kenny, Lucus Widenhouse.

New Funeral Director Licensees: Roland Whitted, Jr.,

New Trainees: Anna Berry, William Cassell, Charles Gaddy, Lauren Willis.

The Cremation and Preneed Contract Fee graphs were reviewed.

The 2015 Internal Controls Certification – State Controller was due July 31 and was submitted July 8.

Only one Crematory Candidate request has been received and there are two positions. Mr. Burke will research what needs to be done with only one application.

Mr. Burke attended a Mass Fatality Program several weeks ago. A training class by Office of Emergency Management was scheduled for yesterday and today. Since the Board was meeting, staff member Beth Anne Prindiville is attending in lieu of Mr. Burke.

Mr. Burke has received 30 applications for the General Counsel vacancy.

Old Business: Mr. Burke commented on the Russell-Marks/Larry Russell disciplinary matter. Final sentencing for Mr. Russell is scheduled for September 14, 2015.

New Business: None

Public Comment: Mr. Rulison had a preneed question and Mr. Burke responded.

Mr. Burke stated there was an addendum to the Disciplinary Report and reviewed it. Staff recommendation is for Summary Suspension. Discussion ensued and Inspector Brett Lisenbee enter the meeting and responded to questions by the Board members.

Mr. Aldridge made a motion to approve the recommendation. Mr. Graves seconded. Mr. Aldridge read the Order for Summary Suspension. Mr. Stainback called for the vote and the motion carried. Mr. Lisenbee will deliver the Order Thursday with an officer of the law.

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

Upon motion by Mr. Lockhart and seconded by Mr. Clay, the Board returned to open session. Mr. Aldridge stated the Board had discussed a personnel issue and made a motion to adopt the recommendation of the Personnel Committee. Mr. Lockhart seconded and the motion carried.

The Board recessed at 10:28 to prepare for the hearing.

At 12:55 Mr. Lockhart made the motion to re-open the meeting. Mr. Graves seconded and the motion carried.

Ms. Lee stated in regards to the second hearing that the Board had received a letter from the caregiver about the inability of a respondent to attend the hearing for health reasons. Mr. Stainback agreed to a continuance. Mr. Lockhart made a motion to approve the continuance and Mr. Aldridge seconded. The motion carried.

Mr. Stainback stated that he has received various calls from funeral directors that should be directed to Board Staff and not a Board member. As a reminder to all Board Members, refer all calls pertaining to Board actions or such to the Board staff.

Mr. Aldridge made the motion to adjourn at 1:01 and Mr. Graves seconded. The motion carried.

Kenneth D. Stainback, President

Elizabeth Williams-Smith, Secretary