

BOARD MEETING

MINUTES

January 13, 2016

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

Present: Valdus Lockhart, President; Kelly Byrd, Vice President; Charles Graves, Secretary; Elizabeth Williams-Smith, Joe Clay, Broadus Combs, Kelly Byrd, Craig Olive and Stephen Aldridge via teleconference.

Also Present: Peter M. Burke, Executive Director; Christina Cress, General Counsel; Staff members Lyn Cochrane and Dara Warner; Dorman Caudle with Carolina Donor Services, and Fred Jordan with Miracles in Sight; Dan Funchess, Funeral Service Licensee, Delores Ramos with Neptune Society and Mary Rose Browder with SCI.

Mr. Lockhart called the meeting to order at 9:00 a.m. and read the Ethics Statement. No one recused themselves.

Mr. Lockhart led the Pledge of Allegiance and had the invocation.

Mr. Lockhart then welcomed the guests and asked them to introduce themselves.

Mr. Graves made the motion to approve the minutes of the December 9, 2015 meeting and Mr. Byrd seconded. The motion carried.

Preneed Committee: Mr. Graves stated the committee met via e-mail on January 7 to discuss a request from a preneed establishment to waive their surety bond. The committee recommends denying the request. Mr. Byrd made the motion to accept the recommendation and Mr. Olive seconded. The motion carried.

There are 651 licensed preneed funeral establishments and 1,588 individuals licensed to sell preneed as of January 12, 2016. There are 175,228 active contracts as of January 12, 2016 and approximately 1,395 Certificates of Performance have been processed since the December meeting.

Finance & Personnel Committee: The committee met December 8 via conference call. Mr. Combs presented the reports and made a motion to accept them. Mr. Graves seconded and the motion carried.

Disciplinary Committee: The committee met via conference call on January 8. Mr. Clay made the motion to accept the recommendations for C14-053; C15-028 and concurrent cases M-15-001, M15-030; C15-038; C15-048; C15-072 and concurrent cases V09-065, V11-005, M15-052, C15-005, C15-065, C15-102; C15-005 and concurrent cases V09-065, V11-005, M15-052, C15-065, C15-072, C15-102; C15-054 and concurrent cases C14-056, C15-017, M14-015, M15-051, M15-053; C15-063 and concurrent cases C15-085, C15-103; M15-041; M15-053 and concurrent cases C14-056, C15-017, C15-054, M14-015, M15-051. Mr. Combs seconded and the motion carried.

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

New Establishments: Majestic Funeral Home & Cremations, Elizabethtown, Smith Family Cremation Services, Hampstead.

New Funeral Service Licensee: Tyquan Best, Erin Gregory, Michael Owens.

New Funeral Director Licensees: Ashley Jones, James Phillips.

New Trainees: Jacqueline Chase, Dionne Davis, Erica Greene, Richard Hanna III, Kenisha Holloway, James Miller, James Odham III, Davonta Pearsall, Carl Ramsey, Donald Terry, Salena Worley.

New Transporters: William Hill, Timothy Huntley, Gerald Myrick, Stewart Roten.

Mr. Burke has been notified by Vital Records that their phone system is being updated and will not be available from 4 to 12 on January 14.

Mr. Burke presented the Cremation and Preneed graphs and new graphs for Inspections and Preneed Audits.

The Henderson County Appellate Court has reversed the decision for Wilson Family Funeral Services. The establishment and individual licenses are revoked.

Online renewal update: 2,013 license have been renewed and 521 of those were renewed online.

2016 Renewal update: 71% of funeral director/funeral service licenses; 42% of the establishments; 69% of crematories; 51% of transporters; 56% of chapels; 63% of unaffiliated.

Mr. Burke stated a reporter from the Times-News in Hendersonville had contacted him regarding the Appellate Court's decision to rule in favor of the Board in the matter involving Wilson Funeral Directors, Inc.

Mr. Burke said the interviews for the inspector vacancy are completed, and Darrell Cagle has accepted the Board's offer. He will begin on February 1, 2016.

Mr. Burke and Ms. Cress will attend a meeting at the Office of Administrative Hearings on January 19 regarding §150B-21.

Mr. Burke has not been notified of any action taken by the governor's office concerning Board vacancies.

Board members were reminded that Statement of Economic interest is available online and must be filed with the Ethics Commission by April 15, 2016.

Mr. Burke attended a meeting of the Commission of Anatomy on December 22, 2015 at the Office of the Chief Medical Examiner. The commission is reviewing it's rules as required by §150B-21.

Questions ensued regarding the review of licensing Boards, mailing of licensing certificates, online renewals, and CPR classes for funeral licensees and continuing education credit for such.

Mr. Burke stated former Board member Jack Briggs was having some health issues.

Attorney's Report: Ms. Cress presented the report for information only. Monthly compliance opinions statistics are now included in the report. There were five hearings scheduled for today and tomorrow. One was continued, one signed a consent order, two will be heard today and one is scheduled for tomorrow.

The Campbell Law student extern has started and will be at the next meeting. A Technology Meeting teleconference will be held at 10:00 this morning regarding a software presentation for the legal department.

Ms. Cress requested a closed session be held to discuss a matter of attorney-client privilege. Mr. Combs made a motion to go into closed session and Mr. Graves seconded. The motion carried. Upon proper motion by Mr. Graves and second by Mr. Olive, the Board returned to open session. Mr. Lockhart stated two matters of attorney-client privilege had been discussed.

At this time the Board recessed. At 10:00, representatives from Abacus Software presented a demonstration of one of their products via the web. At 11:20 the representatives ended their presentation and Ms. Cress summarized the teleconference and answered questions.

Old Business: None.

New Business: Mr. Burke noted that effective February 1, 2016, the Board's outside counsel will be the law firm of Nichols, Choi & Lee, PLLC.

Public Comment: Mr. Rulison made comments.

At this time Mr. Graves made a motion to go into closed session to discuss a personnel matter. Mr. Combs second and the motion carried. Upon proper motion by Mr. Graves and second by Mr. Combs, the Board returned to open session and recessed for lunch and hearings.

At 4:45 Mr. Byrd made the motion to reconvene and Mr. Graves seconded. Mr. Graves made the motion for the meeting to recess until Thursday morning and Mr. Byrd seconded.

Board reconvened at 9:00 AM on Thursday, January 14 for a hearing. At the conclusion of the hearing, Mr. Byrd made a motion to adjourn at 10:10 and Mr. Combs seconded.

Valdus T. Lockhart, President

Charles Graves, Secretary