

BOARD MEETING

MINUTES

February 10, 2016

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on February 10, 2016, 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 and Craig Olive; Stephen Aldridge via teleconference

Also Present: Peter M. Burke, Executive Director; Christina Cress, General Counsel; Staff members Lyn Cochrane, Dara Warner and Darrell Cagle; Dorman Caudle with Carolina Donor Services, Fred Jordan with Miracles in Sight, Catherine Lee with Nichols, Choi & Lee, and Michael Rulison with Funeral Consumers Alliance of the Triangle.

Mr. Lockhart called the meeting to order at 9:01 a.m. and read the Ethics Statement. No one recused themselves. Mr. Lockhart stated since the January Board Meeting he had attended the Leadership and Advocacy Summit of the National Funeral Directors & Morticians Association and attended a Board of Directors meeting for the Funeral Directors and Morticians Association of N. C., Inc.

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

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

Mr. Graves stated the minutes of January 13 and February 2 had been e-mailed to all Board members and made the motion to approve them. Mr. Byrd seconded and the motion carried.

Preneed Committee: Mr. Graves stated the report was for information only. Committee had met via conference call on January 26 to discuss two recovery fund claims. The first matter, related to P15-022, committee recommends approving \$3,000 of the claim. The additional \$2,960 is denied for insufficient evidence to support reimbursement from an insurance policy.

The second matter, related to P15-025, committee recommends denying the claim. Claimant has failed to submit sufficient evidence of a reimbursable claim, nor is there sufficient documentation to support the claimant's standing in the matter. Mr. Graves made the motion to accept the recommendation and Mr. Byrd seconded. The motion carried.

There are 654 licensed preneed funeral establishments and 1,670 individuals licensed to sell preneed as of January 9, 2016. There are 175,636 active contracts as of February 9, 2016, and approximately 846 Certificates of Performance have been processed since the January meeting.

Crematory Authority: Mr. Byrd stated the Crematory Authority met via teleconference on Wednesday, January 27. They approved the December 29, 2015, meeting minutes and elected officers for 2016: Chris Headley, Chair; Michael Fulwood, Vice Chair; Harris High, Secretary. This is for information only.

At this time Mr. Cagle entered the meeting.

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

At this time Mr. Rulison entered the meeting.

Disciplinary Committee: The committee met via conference call on February 4, 2016. Mr. Graves presented the following cases: V12-054; V12-075; C13-027; C13-082; C15-107 and concurrent cases C14-056, C15-054, C15-111, M14-015, M15-051, M15-053; C15-039 and concurrent case V12-054; V12-043 and concurrent case C15-075; C15-032; M15-047; V12-017 and concurrent case V12-057; V12-057 and concurrent case V12-017; C14-061 and concurrent cases V11-059, M15-001; C15-079 and concurrent cases C14-036, C14-051, C15-011, C15-033, C15-036; M15-003 and concurrent cases C15-071, C15-078; M16-004, M15-001, M16-005, M16-006 and concurrent case M15-050.

Ms. Cress stated Mr. Burke was prepared to answer questions regarding two of the cases. After Ms. Warner had sworn in Mr. Burke, Ms. Cress questioned him on M16-005 and M16-006. Questions ensued from the Board. Mr. Byrd made the motion to issue Summary Suspensions for M16-005 and M16-006. Mr. Olive seconded and the motion carried.

Ms. Cress stated another case had been added this morning that was not on the report and Mr. Burke was prepared to respond. Mr. Burke proceeded to provide testimony for M16-007.

At this time Mr. Lockhart stated he would not participate in the discussion or vote of M16-007. Mr. Byrd took over the meeting and Mr. Graves made the motion to issue a Summary Suspension in regard to M16-007. Ms. Smith seconded and the motion carried. Mr. Lockhart did not participate in the vote.

Mr. Graves continued with the case numbers for Addendum Items M15-001 and concurrent case M-14-001; M15-021, R16-001 et al.

Mr. Byrd made the motion to accept the recommendations for the read cases and Mr. Olive seconded. The motion carried.

Executive Director Report: At this time Mr. Burke introduced Inspector Darrell Cagle to the Board and continued with following information:

New Establishments: Boles-Biggs Funeral Home, Lumberton; Gilmore Memorial Funeral Service, Winston-Salem.

New Unaffiliated Registration: Chad Lee Beam FS Licensee, Nebo

New Funeral Service Licensees: Carol Bailey, Danny Gilliam, Michael Jean, Jasmine Lingle, Quintin McGinnis.

New Funeral Director Licensees: Darius Horton, Teshuna Dubose.

New Embalmer Licensee: Kimberly Williams

New Trainee: Lewis Strickland.

New Transporters: Mohammed Elammari, Chad Wagoner

Mr. Burke presented the graphs for Cremation and Preneed contract and Inspections and Preneed Audits. Also presented was a list by county of cremations performed in 2015.

Online renewal update: 595 renewed online or 23.96% of licensees. Staff has worked approximately 150 hours of overtime for the renewal season.

Preneed Annual Reports have gone out and, of the approximately 650 funeral homes, only 130 paper copies were requested. To date 21 have been submitted online and 16 have been completed.

A representative from GL Solutions will present and demonstrate their software later via remote meeting. Mr. Burke met with him last week at the Federation of Association of Regulatory Boards (FARB) Forum.

Mr. Burke updated the Board on the FARB Forum he and Ms. Cress attended last week.

Mr. Burke attended the Legislative Occupational Licensing Board Subcommittee meeting two weeks ago. Attorney for the North Carolina Funeral Directors Association Jon Carr contacted Mr. Burke about a meeting at the Legislature on February 18. This meeting may include discussion regarding H905 the merger of this Board and the Cemetery Commission. A representative from this Board may need to be there to speak in opposition of the bill. The Cemetery Commission, NCFDA and FD & MA or N. C., Inc. are still in opposition.

Mr. Burke will attend the Annual Meeting of the ICFSEB next week with four Board members.

The two Board vacancies have not yet been filled. Mr. Burke has been in regular communication with Governor McCrory's office about the 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 discussed and included a copy of the State fees reporting requirements for NC Occupational Licensing Boards. Staff was advised of the due date 14 days late, but submitted the report two days early.

The Department of Revenue will require individual information about all licensees by July 1 to support their efforts to prevent tax fraud.

Mr. Burke stated he wanted to publically thank Valencia Brown for her hard work. All preneed contracts have been entered as of January 31, 2016.

The hearing docket for March will be full so there will be two days of hearings. Questions ensued regarding a quorum.

At this time Ms. Lee entered the meeting.

Attorney's Report: Ms. Cress asked Mr. Aldridge to confirm his vote on M16-007 and he stated he did vote yes. Board Members asked Mr. Burke to contact the Representative that introduced H905 to come before the Board and discuss it. He will try to get that arranged.

Ms. Cress stated the report for information only. Format changes are still being made to the report and Ms. Cress thanked Ms. Warner for her help and the Board for allowing her to have a month without hearing so she could work on late renewals.

Old Business: Mr. Lockhart asked the Board to take a 2016 vote in opposition of H905. Mr. Graves made the motion to oppose H905. Mr. Byrd seconded and the motion carried.

New Business: None.

Public Comment: Mr. Rulison made comments.

At this time Mr. Graves made a motion to go into closed session to discuss a personnel matter and a matter of attorney-client privilege. Mr. Byrd second and the motion carried. Upon proper motion, the Board returned to open session. Mr. Lockhart stated a matter of attorney client privilege and a personnel matter were discussed in closed session. Mr. Byrd made the motion to accept the Legal Counsel Service agreement with Nichols, Choi, & Lee, PLLC. Mr. Graves seconded and the motion carried. Mr. Graves made the motion to move forward with the personnel issue mentioned in closed session. Mr. Byrd seconded and the motion carried.

The Board recessed for lunch and Board Member training.

At 2:00 Mr. Byrd made the motion to adjourn. Mr. Graves seconded and the motion carried.

Valdus T. Lockhart, President

Charles Graves, Secretary