

BOARD MEETING

MINUTES

October 12, 2016

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on October 12, 2016, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Valdus Lockhart, President; Charles Graves, Secretary; Craig Olive, Mark Blake, Elizabeth Williams-Smith; Stephen Aldridge and Kelly Byrd, Vice President via teleconference. Absent: Matt Staton.

Also Present: David Shehdan, Executive Director; Christina Cress, General Counsel; Staff members Lyn Cochrane, Brett Lisenbee, Mary Elizabeth Lennon and Peter LaPiana; Dorman Caudle with Carolina Donor Services; Fred Jordan with Miracles in Sight; Bill Forsberg, Executive Director of NC Funeral Directors Association; and Jeff Gray, the Board's Administrative Law Counsel.

Mr. Lockhart called the meeting to order at 9:15 a.m. and led the Pledge of Allegiance. Mr. Graves had the invocation.

Mr. Lockhart read the Ethics Statement and no one recused themselves at this time. A reminder that at the October meeting, the Board voted that the November meeting be moved to November 16 and 17, and will be for disciplinary hearings only.

Mr. Lockhart reminded everyone to turn off their cell phone ringers and the guests introduced themselves.

Mr. Graves stated the October minutes had been previously mailed to all Board members and then made the motion to approve the minutes. Mr. Olive seconded and the motion carried.

Public Comment: There was none.

Preneed Committee: Mr. Graves stated the Committee makes the following recommendations.

The Committee reviewed Preneed Recovery Fund Claim Number P15-014 in the amount of \$813.00, and recommended approval of the claim in the amount of \$813.00.

The Committee reviewed Preneed Recovery Fund Claim Number P15-031 in the amount of \$2,020.00, and recommended approval of the claim in the amount of \$2,020.00.

The Committee reviewed Preneed Recovery Fund Claim Number P15-032 in the amount of \$4,780.70, and recommended denial of the claim.

The Committee reviewed Preneed Recovery Fund Claim Number P16-003 in the amount of \$2,400.00, and recommended approval of the claim in the amount of \$2,400.00.

The Committee reviewed Preneed Recovery Fund Claim Number P16-009 in the amount of \$7,759.68, and recommended approval of the claim in the partial amount of \$5,328.68.

The Committee reviewed Preneed Recovery Fund Claim Number P16-014 in the amount of \$15,098.83, and recommended approval of the claim in the partial amount of \$6,884.63.

The Committee reviewed Preneed Recovery Fund Claim Number P16-015 in the amount of \$299.47 representing the 10% withheld by original contract purchase price, and recommended approval of the claim in the amount of \$299.47.

The Committee reviewed Preneed Recovery Fund Claim Number P16-016 in the amount of \$309.00 representing the 10% withheld by original contract purchase price, and recommended approval of the claim in the amount of \$309.00.

The Committee reviewed Preneed Recovery Fund Claim Number P16-021 in the amount of \$349.00 representing the 10% withheld by original contract purchase price and recommended approval of the claim in the amount of 349.00.

The Committee reviewed Preneed Recovery Fund Claim Number P16-026 in the amount of \$1,500.00, and recommended denial of the claim.

The Committee reviewed Preneed Recovery Fund Claim Number P16-027 in the amount of \$483.71 representing the 10% withheld by original contract purchase price, and recommended approval of the claim in the amount of \$483.71.

The Committee reviewed Preneed Recovery Fund Claim Number P16-029 in the amount of \$896.22 representing the 10% withheld by original contract purchase price, and recommended approval of the claim in the amount of \$896.22.

The Committee reviewed Preneed Recovery Fund Claim Number P16-030 in the amount of \$15,400.00, and recommended approval of the claim in the amount of \$15,400.00.

The Committee reviewed Preneed Recovery Fund Claim Number P16-040 in the amount of \$3,542.21, and recommended denial of the claim.

Recommendation to continue processing and approving substantiated Preneed Recovery Fund Claims received on or before October 12, 2016, that seek reimbursement of the 10% withheld by the original contract funeral establishment; however, do not process or approve such claims received after October 12, 2016. Discussion ensued.

Mr. Blake made the motion to accept the recommendations of the Committee for all matters. Mr. Graves seconded and the motion carried.

Disciplinary Committee: Dr. Aldridge presented the following case numbers and made the motion to accept the Committee recommendation: Summary Dismissals—C16-085; C16-086; C16-092; Dismissals—C16-041, Concurrent Cases M15-026, C16-075; C16-060; C16-073; C16-075, Concurrent Cases C16-041, M15-026; C16-079; C16-081; Letters of Caution—C16-076; C16-082; Consent Orders—C13-048; C15-005/C16-026; C16-037; M14-017; M16-026; M16-038; Notices of Hearing—C16-070; C16-071; C16-074; C16-080; C16-083, Concurrent Cases C15-011, C14-036, C15-033, C15-079, C14-051, C15-036; M16-016, M16-045; M16-046; M16-047; M16-048 and Concurrent Cases C16-029, C16-090; P16-035. Mr. Olive made the motion to accept the recommendations. Mr. Graves seconded and the motion carried.

Dr. Aldridge stated there was an Addendum and Committee recommends dismissal of C16-087. Ms. Williams-Smith did not participate in the discussion of this case. Mr. Graves made the motion to accept the recommendation. Mr. Olive seconded and the motion carried.

Trainee Committee: Mr. Lockhart reported the Committee met prior to the Board meeting regarding five trainees. Trainee #1 missed two reports and Committee recommends the loss of credit for both months and to resume traineeship November 1, 2016. Trainee #2 missed one and was late on two reports. Committee recommends loss of credit for one report and resume traineeship on November 1, 2016. Trainee #3 missed two reports. Recommendation is to lose credit for both months and resume traineeship November 1, 2016. Trainee #4 missed two reports (one not received and one was late). Recommendation is to lose credit for one month and resume traineeship November 1, 2016. Trainee #5 missed two reports. Recommendation is to lose credit for two months and resume traineeship November 1, 2016 (trainee has changed funeral homes). Mr. Olive made the motion to accept the recommendations and Mr. Blake seconded. The motion carried.

Continuing Education Committee: Ms. Williams-Smith stated the Committee met on September 27 to reconsider a continuing education course application to increase the number of CE credits from 2 to 5 CE. Discussion ensued. Course is currently approved for 2 hours. Following an earlier discussion between Mr. Shehdan and the presenter, the presenter has chosen to make no modifications at this time. Mr. Olive made the motion to approve the recommendation. Mr. Blake seconded and the motion carried.

Finance/Personnel Committee: Mr. Lockhart stated the Committee met via teleconference on Thursday, October 6 for a closed session to discuss personnel matters and again on October 10 to continue the closed session discussion. There are no recommendations at this time. Mr. Lockhart presented the financials and Mr. Graves made the motion to accept them. Mr. Blake seconded and the motion carried.

Laws & Rules Committee: Mr. Lockhart stated the Committee met October 11, 2016.

Committee reviewed and discussed recently revised draft legislation and recommends that additional edits be made to the draft legislation prior to dissemination to various constitutions and/or vote for approval by the full Board.

Committee recommends that the Board delegate to it the authority to act as it deems appropriate in the interim between now and December when the Board next meets.

Committee recommends changing the Legislative Liaison from Mr. Lisenbee to Ms. Cress so Mr. Shehdan and Ms. Cress would be the two Legislative Liaisons.

Mr. Olive made the motion to approve the recommendations and Mr. Graves seconded. The motion carried.

Executive Director's Report: Mr. Shehdan began his report by introducing Mr. LaPiana who discussed the Board's IT progress—where we were, where we are now and where we are going. Questions ensued.

At this time Mr. LaPiana departed the meeting.

Mr. Shehdan stated Mr. Olive's brother in law had passed away last night and former Executive Director Paul Harris's father had passed away. Sympathy was offered to both families.

The Board Christmas Dinner is scheduled for 6:00 p.m., December 13th at Caffé Luna in downtown Raleigh. More information will be provided.

Crematory Authority has three seats available. Ballots were mailed September 26 and will be received thru November 1. Currently Mr. Graves and Mr. Byrd are the Board members seated on the Authority. Staff recommends allowing Board staff to open ballots within a controlled setting (an observer/witness). Mr. Graves made the motion to allow staff to open and count ballots. Ms. Williams-Smith seconded and the motion carried.

The International Conference of Funeral Service Examining Boards (The Conference) Board of Directors have sent notice that their fee structure effective January 1, 2017, will change from \$200 to \$250 for both State Board Arts exam and Science exam.

Mr. Shehdan and Ms. Cress attended the October 4 Joint Legislative Procedure Oversight Committee meeting.

At this time Mr. Gray entered the meeting.

Attorney's Report: Ms. Cress stated the report was for information only. Tentative hearings were scheduled for Wednesday and Thursday. Seven were settled (six were approved with the Disciplinary Committee report and one will be presented in the new business) one will be re-noticed due to lack of service and two cases will be heard today.

Ms. Cress thanked the Disciplinary Committee and the Preeed Committee. There are 40 cases pending which will be 27 hearings once consolidated by licensee/firm. The November hearing dates will hopefully take care of a significant number of cases pending a hearing.

Ms. Cress requested a closed session to discuss several matters protected by attorney-client privilege later in the meeting.

Compliance: Mr. Lisenbee presented the following information.

There have been 2,300 preneed contracts recorded since the last Board report; approximately 1,467 Certificates of Performance have been processed. There are 177,696 active contracts as of October 4, 2016 and preneed contracts have been enter through October 4, 2016. There are 659 licensed preneed funeral establishments and 1,726 individuals licensed to sell preneed as of October 4 2016. There is one change of ownership since September 14—Wilmington Funeral & Cremation Service, Hampstead. There are two new preneed establishments—T. H. Robertson Funeral & Cremation Service, Charlotte, and Davie Burial & Cremation Service of Lexington, Lexington.

Mr. Lisenbee reported that, for the month ending September 30, 2016, 29 funeral establishments were inspected, 19 preneed examinations were conducted, 2 crematories were inspected, no chapels were inspected and no unaffiliated practitioner was inspected. Inspectors fielded 208 compliance phone calls and, responded to 7 compliance opinions via email. Individual inspector reports were provided for the Board to review.

New Funeral Home: B. G. Barrett Funeral Home, Greenville; Davie Burial & Cremation Service of Lexington; Dignity Funeral Service, Inc. DBA Wilmington Funeral & Cremation, Hampstead; Joyce-Brady Chapel, Bennett; Strickland and Jones Memorial Funeral Service, LLC, Roxboro

New Crematories: Cool Springs Crematory, Forest City; Columbus Cremation, Whiteville.

New Transporter: William C. Darnell, North Wilkesboro.

New Funeral Service Licensees: Joshua Allen Carter, Troy Edward Mercer, Samuel Ray Smith III, Kimberly L. Walthall, Terry Lane Whittington, Peyton Gwen Willey

New Funeral Director Licensees: Walton Kenneth Herring III, Michael Stevens Elmore, Amy Bumgartner, Matthew Gibbs Mason, Wanda L. Smith-Butcher

New Trainees: Isaiah Alston, Charles Arthur, Keisha Caldwell, Felix Colon, Jr., Julian Edwards II, Marie Thompson, John Hunter II, Kara Poovey, Kameron Roberts, Stephen Trent, Dana Trull.

Old Business: There was none.

New Business: Mr. Shehdan presented the proposed 2017 Board meeting and holiday calendar. Mr. Graves made the motion to accept the proposed schedule. Mr. Olive seconded and the motion carried.

Mr. Lockhart suggested delegating authority to the Committees should any business come during the month of November. Mr. Graves made the motion to approve and Mr. Blake seconded. The motion carried.

Ms. Cress presented one Consent Order to the Board for their review and vote.

- 1) In the matter of King's Funeral Home Establishment No. 311 and Preneed Establishment No. 591, Patricia King and Edward King. This matter is in regard to violations in preneed record keeping. Mr. Graves made the motion to accept the terms of the consent order. Ms. Williams-Smith seconded and the motion carried.

Mr. Graves made a motion to go into closed session to discuss a personnel matter and a matter of attorney-client privilege. Mr. Olive seconded and the motion carried. Upon motion by Mr. Graves and second by Mr. Olive, the Board returned to open session.

Mr. Lockhart stated that a few corrections to the Finance and Personnel Committee Report, including that when the Finance/Personnel Committee met on October 6 at 9:00 a.m. and at 4:00 p.m. on October 10 by teleconference, the Committee discussed the 2017 budget in open session but do not have any formal recommendations to the full Board at this time.

Mr. Graves made the motion to go forward with the item discussed in closed session. Mr. Olive seconded and the motion carried.


The Board recessed until 12:00 noon at which time the hearing would proceed.

Following the hearing, with Mr. Lockhart, Mr. Blake and Mr. Olive in attendance, Mr. Blake made the motion to approve the Consent Order of Delrika McManus, Board Case M16-024. Mr. Olive seconded and the motion carried.

Mr. Olive moved the meeting be adjourned. Mr. Blake seconded and the motion passed.



Valdes T. Lockhart, President



Charles Graves, Secretary