

BOARD MEETING

MINUTES

October 11, 2017

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on October 11, 2017, at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Charles Graves, President; Craig Olive, Secretary; Valdus Lockhart; Steve Herndon; Mark Blake; Don Brown; Mike Stone. Absent: Kelly Byrd; Matt Staton, Vice President.

Also Present: Catherine Lee, Executive Director; Christina Cress McLaurin, General Counsel; Staff members Amy Mauldin and Brett Lisenbee; Dorman Caudle with Carolina Donor Services; Bill Forsberg, Executive Director of the North Carolina Funeral Directors Association; Fred Jordan with Miracles in Sight; Paul Harris with Regulatory Support Services; Peter Burke, District 5 NCFDA representative.

Mr. Graves called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance. Mr. Lockhart had the invocation.

Mr. Graves read the Ethics Statement.

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

August Minutes:

Mr. Olive stated the draft August meeting minutes previously had been provided to all Board members and then made the motion to approve the minutes. Mr. Lockhart seconded and the motion carried.

September Minutes:

Mr. Olive stated the draft September meeting minutes were available in the Board members' materials and then made the motion to approve the minutes. Mr. Lockhart seconded and the motion carried.

Public Comment: Mr. Graves reminded everyone that this was not a question and answer session. There was none.

Mr. Stone entered the meeting at this time.

Crematory Authority Committee Report: All members of the Crematory Authority Committee met by teleconference on Monday, September 11 at 9:00 a.m. The Committee makes the following recommendation:

- Per the discretion of President Graves, the Crematory Authority Committee will going forward also serve in an advisory role for mutual burial associations. Board member Stephen Herndon will be appointed as the third committee member.

In addition, the Crematory Authority makes the following recommendations:

- 1) The Crematory Authority has one upcoming vacancy due to one member's term expiring on December 31, 2017. Board staff has received two nominations and, therefore, will need to hold an election pursuant to NCGS 90-210.122 and 21 NCAC 34C .0101. The Crematory Authority Committee recommends the following procedure for conducting the election:
 - a. Ballots will be mailed to every crematory operator with a current North Carolina license on October 12, 2017;
 - b. Ballots must be returned to the Board office on or before October 31, 2017; and
 - c. Ballots will be canvassed and counted at the November 8, 2017 Board meeting.
- 2) Board staff is aware of a number of defunct mutual burial associations due to a variety of reasons, including that the sponsoring funeral establishment is now closed and/or the Secretary-Treasurer is deceased or otherwise incapacitated (e.g. has had his or her license revoked). The Crematory Authority Committee recommends that Board staff attempt to locate a mutual burial association willing to receive the transferred assets of each such defunct mutual burial association, and that the Board issue Orders allowing the transfer of said assets.
- 3) The Committee discussed an issue posed by a recent request for a compliance opinion, specifically the issue of whether a death certificate is required for deaths occurring out-of-state when: 1) the decedent has been legally removed from the other jurisdiction; and 2) the North Carolina licensee has obtained the paperwork required to legally proceed with cremation in the jurisdiction in which the death occurred. Previously, Board staff has interpreted NCGS 90-210.129 to mean that a death certificate is required before cremation shall take place in any death, regardless of the jurisdiction in which the death occurred. The Committee recommends that the compliance opinion previously issued by Board staff be reversed and that, going forward, the compliance opinion be as follows: in deaths occurring out of state only, a licensee would be in compliance with the Board's governing statutes and rules if: 1) the decedent was legally removed from the other jurisdiction; and 2) the licensee has obtained all necessary paperwork which would have allowed the body to be cremated in the jurisdiction in which the death occurred.

- 4) Authorize Board staff to obtain a pre-review from Rules Review Commission staff counsel of the following proposed new rule content:

21 NCAC 34C .0307 CREMATION AUTHORIZATION FORM; CREMATION PROCEDURES

(a) In addition to the requirements set forth in G.S. 90-210.125 and 90-210.126(b), a cremation authorization form shall also contain at a minimum the following information:

- (1) place of death of the decedent;
- (2) a representation that the death of the decedent either did or did not occur while under the care of a licensed hospice; and
- (3) a representation by the licensee signing the cremation authorization form that a cremation authorization form signed by a medical examiner pursuant to G.S. 130A-388 either:
 - (A) has been obtained; or
 - (B) is not required.

(b) As used in G.S. 90-210.125(a)(9) and 90-210.129(d), “pacemaker” means a medical device placed in the chest of the decedent, which contains leads running to the decedent’s heart.

Authority G.S. 90-210.23(a); 90-210.125(a); 90-210.134;

Mr. Blake asked for clarification of the Crematory Authority Committee’s third recommendation. Mr. Lisenbee explained. Mr. Blake asked that this explanation be included in the next Board E-newsletter and on the Board’s website. Mr. Lockhart asked for further clarification of the Crematory Authority Committee’s third recommendation. Discussion ensued. The Board asked that the opinion be reworded to make the exception applicable only if a signed death certificate cannot be obtained quickly enough from the jurisdiction in which the death occurred to allow for timely disposition. Mr. Lockhart made a motion to accept the recommendations coming from the Crematory Authority Committee, with the slight revision to the third recommendation as referenced in the previous sentence. Mr. Brown seconded and the motion carried.

Preneed Committee Report: Mr. Blake stated that all members of the Preneed Committee met by teleconference at 8:00 a.m. on Friday, September 8, 2017. Mr. Blake stated the Preneed Committee makes the following recommendations:

- 1) The Committee reviewed two out-of-state requests for revocation of irrevocable preneed funeral contracts in North Carolina, and the Committee recommended approval of both requests.

Mr. Olive made a motion to accept this recommendation, Mr. Lockhart seconded and the motion carried.

- 2) The Committee reviewed Preneed Recovery Fund Claim Number P17-020, and recommends approval of the claim in the amount of \$6,000.00.
- 3) The Committee reviewed Preneed Recovery Fund Claim Number P17-033, and recommends denial of the claim.

- 4) The Committee reviewed Preneed Recovery Fund Claim Number P17-035, and recommends approval of the claim in the amount of \$1,000.00.
- 5) The Committee reviewed Preneed Recovery Fund Claim Number P17-037, and recommends denial of the claim.
- 6) The Committee reviewed Preneed Recovery Fund Claim Number P17-041, and recommends approval of the claim in the amount of \$8,000.00.

Mr. Blake made a motion to accept the recommendations from the Preneed Committee's September, 2017 committee meeting. Mr. Brown seconded and the motion carried.

Mr. Blake stated that all members of the Preneed Committee also met by teleconference at 8:00 a.m. on Thursday, October 5, 2017. The Committee makes the following recommendations:

- 1) Model Form to Share Individual Preneed Sales Licensees: The Committee reviewed a proposed model form, at the request of the Preneed Department, which would allow an individual preneed sales licensee to sell preneed funeral contracts for multiple funeral establishments not otherwise affiliated by common ownership, pursuant to NCGS 90-210.67(a).

RECOMMENDATION: The Preneed Committee recommends that the enclosed Model Form to Share Individual Preneed Sales Licensees be adopted as a model, but not mandated, form for the benefit of both licensees and Board staff.

Mr. Lockhart asked for clarification of the model form. Discussion ensued.

- 2) Subrogation against Ronnie Riddle and the former Melton-Riddle Funeral Home: The Committee discussed pursuit of a subrogation lawsuit against Ronnie Riddle and the former Melton-Riddle Funeral Home. To date, the Board has paid \$231,971.88 in approved Preneed Recovery Fund claims as a result of Mr. Riddle's actions or omissions.

RECOMMENDATION: Authorize outside counsel to file subrogation lawsuit against Ronnie Riddle and the former Melton-Riddle Funeral Home, in an attempt to recoup funds paid out by the Board's Preneed Recovery Fund.

Mr. Blake made a motion to accept the recommendations to approve the model form to share individual preneed sales licensees, and to authorize outside counsel to pursue a subrogation lawsuit against Ronnie Riddle and the former Melton-Riddle Funeral Home.

- 3) The Committee reviewed Preneed Recovery Fund Claim Number P17-039, and recommends partial approval of the claim in the amount of \$415.00.
- 4) The Committee reviewed Preneed Recovery Fund Claim Number P17-040, and recommends approval of the claim in the amount of \$1,500.00.

- 5) The Committee reviewed Preneed Recovery Fund Claim Number P17-042, and recommends denial of the claim.

Mr. Blake made a motion to accept the Preneed Committee's recommendations pertaining to matters P17-039, P17-040, and P17-042. Mr. Lockhart seconded, and the motion carried.

Mr. Brown asked a question regarding notification to the insurance companies of preneed sales persons who are selling for more than one funeral establishment. Discussion ensued.

Technology Committee Report: All members of the Technology Committee met via teleconference on August 25, 2017 at 9:00 AM. The Committee discussed the progress made since July on the following items:

1. Proposal for re-build of Preneed Annual Report Portal
2. Proposal for re-build of Inspector Portal
3. IT plans as they relate to 2018 renewals

No recommendations are brought from the Technology Committee at this time.

Finance and Personnel Committee Report: All members of the Finance & Personnel Committee met via teleconference on Friday, September 8, 2017 at 9:00 AM. The Committee discussed the following items:

- Discussion regarding cancellation of September Board meeting, in light of Hurricane Irma and Governor Cooper's declaration of a state of emergency. The Committee unanimously voted to cancel said meeting, and reschedule it for October 11;
- Status update on bank accounts owned by the Board, including steps taken to enhance fraud detection services;
- Status on Board's plans to begin accepting credit card payments through the Board's website;
- Discussion regarding an inquiry from the Office of the State Auditor regarding contract management arrangements;
- Discussion regarding statutory requirement to solicit proposals for private auditor services, and Board staff's efforts to do so;
- Discussion regarding advice from private auditor regarding:
 - tax classification of Board members' per diem amounts;
 - current status of preneed recovery fund balance; and
 - an auditor's perspective of the Board's current arrangement for contract management services.
- Discussion regarding Board staff's ongoing assessment of long-term options for a better regulatory management software and services vendor;
- Discussion of efforts to review existing vendor relationships to improve cost-savings;
- Discussion of steps taken to reduce the length of time it takes for Board staff to process licensure/traineeship applications;
- Discussion regarding changes to the administration of the Laws and Rules exam beginning in January 2018, whereby applicants will pay the testing fee directly to the testing vendor; and
- Review of current Balance and P/L statement.

No recommendations are brought from the Committee at this time.

Mr. Lockhart asked Ms. Lee to speak to the State Auditor's surprise visit about Ms. Lee's service to the Board as contract management. Ms. Lee stated that she provided the State Auditor's office with a copy of the retainer agreement between Nichols, Choi, and Lee, PLLC and the Board, and copies of the written opinions obtained regarding Ms. Lee's services as contract management, provided by the NC State Bar and NC Ethics Commission. Ms. Lee stated that the State Auditor's investigators seemed to consider the matter closed. Discussion ensued.

Mr. Lockhart explained the profit and loss statement and balance sheet, including the Board's recent decision to transfer funds from the unrestricted account at the State Treasury's office for the purpose of complying with an independent audit recommendation. Mr. Lockhart also highlighted the net loss status for 2017 of the Board's Preneed Recovery Fund. Mr. Stone asked for clarification of the Preneed Recovery Fund balance. Discussion ensued.

Mr. Lockhart made a motion to accept the profit and loss statement and balance sheet. Mr. Herndon seconded and the motion carried.

Exam Committee Report: All members of the Board's Exam Committee met by teleconference at 8:00 a.m. on Monday, September 11, 2017.

The Exam Committee reviewed two vendor proposals for third-party exam administration of the North Carolina Laws & Rules Examination required for licensure. The Exam Committee agreed with staff's recommendation to select the vendor which would result in the lower cost to the applicant for the exam registration fee. Staff also informed the Exam Committee that, in years past, the Board was subsidizing part of each applicant's examination fee, instead of requiring the applicant to pay the full examination registration fee to the testing provider, which is standard for other occupational licensing boards in North Carolina and around the country. Staff discussed with the Exam Committee that subsidizing these exam registration fees will not be the practice going forward.

Staff also asked whether the Exam Committee would be interested in changing existing eligibility requirements for examinations offered by the Board. Specifically, staff asked whether the Exam Committee preferred that an applicant have first graduated mortuary science college before being eligible to sit for any examination required for licensure. The Exam Committee asked staff to research the practice in other jurisdictions, and report back to them with the results.

Laws, Rules and Legislation Committee Report: All members of the Board's Laws, Rules & Legislation Committee met by teleconference on Tuesday, September 5 at 9:00 a.m.

The Laws, Rules & Legislation Committee reviewed a request for declaratory ruling (Board File # D17-002) from Robert Hardy Junior, Executive Vice President and General Counsel of Investors Heritage Life Insurance Company. The Committee recommends that request for declaratory ruling # D17-002 be granted.

In addition, the Committee makes the following recommendations:

Subchapter 34A Existing Rules Eligible for Readoption pursuant to the Board's periodic review report (Rules Review Commission's approval of NCBFS report become final on 8/18/2017):

- 1) 21 NCAC 34A .0101 – Agency Name and Address
Recommendation: Allow rule to be automatically readopted without substantive changes through periodic review process.
- 2) 21 NCAC 34A .0108 – Requests for Declaratory Ruling
Recommendation: Authorize Board staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
- 3) 21 NCAC 34A .0122 – Character Affidavit Form
Recommendation: Authorize staff to file a notice of intent to repeal rule with the Office of Administrative Hearings/Rules Review Commission.
- 4) 21 NCAC 34A .0123 – Consumer Complaint Form
Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
- 5) 21 NCAC 34A .0124 – Solicitation
Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
- 6) 21 NCAC 34A .0126 – Complaints; Preliminary Determinations
Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
- 7) 21 NCAC 34A .0127 – Filing of Documents
Recommendation: Authorize staff to file a notice of intent to repeal rule with the Office of Administrative Hearings/Rules Review Commission.
- 8) 21 NCAC 34A .0201 – Fees and Other Payments
Recommendation: Change proposed fee charged for preneed funeral establishment application such that it is consistent with proposed fee for funeral establishment application and, once this change is made, authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
SUPERSEDED BY COMMITTEE RECOMMENDATION ON OCT. 2, 2017
- 9) 21 NCAC 34A .0202 – Worthless Checks
Recommendation: Allow rule to be automatically readopted without substantive changes through periodic review process.

Proposed Revisions to Existing Rules drafted pursuant to Board vote at its August meeting:

- 10) 21 NCAC 34B .0102 – Traineeship
Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.

11) 21 NCAC 34B .0103 – Authorized Practice: Supervision

Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.

12) 21 NCAC 34B .0105 – Funeral Director Trainee Application Form

Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.

13) 21 NCAC 34B .0106 – Embalmer Trainee Application Form

Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.

14) 21 NCAC 34B .0107 – Funeral Service Trainee Application Form

Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.

The Committee recommends that the following Applications for Licensure and Renewal Applications for Licensure be approved for use by Board staff:

15) New Chapel Application

16) New Courtesy Card Application

17) New Crematory Application

18) New Crematory Manager Application

19) New Funeral Establishment Application

20) New Individual License Application

21) New Individual Reciprocal License Application

22) New Preneed Funeral Establishment Application

23) New Transporter Application

24) New Unaffiliated Practice Permit Renewal Application

25) Verification of Licensure for Reciprocity Applicants

26) 2018 Chapel Renewal Application

27) 2018 Courtesy Card Renewal Application

28) 2018 Crematory Establishment Renewal Application

29) 2018 Crematory Manager Renewal Application

30) 2018 Funeral Establishment Renewal Application

31) 2018 Individual Renewal Application

32) 2018 Preneed Funeral Establishment Renewal Application

33) 2018 Transporter Renewal Application

34) 2018 Unaffiliated Practice Permit Renewal Application

Ms. McLaurin and Ms. Lee explained some of the proposed changes to the various forms and asked that Board staff be delegated authority to make technical changes to the applications going forward, particularly as additional statutory requirements regarding employee misclassification notices may be imposed at a later date.

Mr. Blake made a motion to accept the recommendations coming from the Laws Rules & Legislation committee meeting on September 5, 2017, with the modification that Board staff be allowed to make technical changes to the applications to satisfy future statutory

requirements related to employee misclassification notices. Mr. Lockhart seconded and the motion carried.

A majority of the members of the Laws, Rules & Legislation Committee also met by teleconference at 9 a.m. on Monday, October 2, 2017.

The members attending Laws, Rules & Legislation Committee meeting unanimously make the following recommendations, unless otherwise noted:

- 1) The committee reviewed a proposed ruling on the merits in response to Declaratory Ruling Request # D17-002. If the Board votes to grant the request pursuant to the Committee's recommendation from its Sep. 5 meeting, the Committee recommends approval of the attached ruling on the merits.
- 2) The committee recommends that notarized signature requirement of at-need and preneed funeral establishment renewals no longer be required, for the purpose of facilitating the transition to an online renewal system for these permits.
- 3) 21 NCAC 34B .0104 – Change in Employment
Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission Counsel of proposed substantive changes to rule.
- 4) 21 NCAC 34B .0110 – Reports on Work
Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
- 5) 21 NCAC 34B .0120 – Trainee Final Affidavit Form
Recommendation: Authorize staff to file a notice of intent to repeal rule with the Office of Administrative Hearings/Rules Review Commission.
- 6) 21 NCAC 34B .0121 – Expiration Notice
Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
- 7) 21 NCAC 34B .0126 – Funeral Directing and Funeral Service Training
Recommendation: Authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
- 8) 21 NCAC 34A .0201 – Fees
Recommendation: Change proposed fee charged for preneed funeral establishment application such that it is consistent with proposed fee for funeral establishment application. Change proposed fee charged for individual preneed sales license renewals to \$30.00 and, once both of these changes are made, authorize staff to obtain a pre-review from Rules Review Commission staff counsel of proposed substantive changes to rule.
NOTE: Mr. Stone voted against this recommendation.
- 9) Approve proposed form upon which a licensee can apply for a temporary waiver pursuant to 21 NCAC 34B. 0617 – Practicing During Disasters.

Approve proposed form upon which a licensee can apply for a temporary waiver pursuant to 21 NCAC 34B .0618 – Practicing During Emergencies.

Mr. Herndon made a motion to accept the recommendations coming from the Laws, Rules & Legislation's October 2, 2017 committee meeting. Mr. Lockhart seconded and the motion carried.

Disciplinary Committee Report: Mr. Lockhart stated that the Disciplinary Committee met on September 7, 2017 and makes the following recommendations:

Dismissals – C17-045 and concurrent case C17-053; C17-051; C17-059
Letters of Caution – M17-021; M17-022; M17-023
Consent Orders – C17-041
Notice of Hearing – C14-056, et al.

Mr. Lockhart asked for question or concerns regarding the Sept 7, 2017 Disciplinary Committee report. Mr. Lockhart made a motion to accept the recommendations coming from the September 7, 2017 Disciplinary Committee meeting. Mr. Olive seconded and the motion carried.

Mr. Lockhart stated that the Disciplinary Committee also met on October 5, 2017 and makes the following recommendations:

Dismissals – C17-050; C17-054; C17-055; C17-056; C17-058; C17-061
Letters of Caution – C17-053; M17-028
Consent Orders – M17-015
Notice of Hearing – M17-025 (Mr. Lockhart recused himself from this matter); M17-026
Other Matters – M17-024

Mr. Lockhart made a motion to accept the recommendations, with the exception of M17-025, coming from the October 5, 2017 Disciplinary Committee meeting. Mr. Olive seconded and the motion carried.

Mr. Herndon made a motion to accept the recommendation for M17-025. Mr. Olive seconded and the motion carried. Mr. Lockhart did not participate in the deliberation or voting of this matter.

Mr. Blake commended the Board's inspectors for their diligence in looking at preneed violations during recent inspections.

Executive Director's Report: Ms. Lee offered the following information:

In September, the Board staff rolled out LiveScan as a faster and more efficient way for North Carolina citizens to obtain background checks that are required for licensure. Under the prior system, applicants would submit ink fingerprints to the Board office and the Board staff then would submit the fingerprints to the SBI. Now, applicants can go directly to their local law enforcement agencies to provide prints and have them submitted directly to the SBI. This

new option will save the Board approximately \$2 per background check and significantly reduce lag time in processing applications, as the Board will receive results much faster.

Since the last Board meeting, Board staff have continued to publish more information to the Board's website, so that applicants and licensees have ready access to forms, applications and information without having to call the Board office. Five significant improvements to the website have been made: 1) an online consumer complaint portal will be made available this month; 2) applicants and licensees now may pay fees with a credit card; 3) detailed written guidelines on frequently asked preneed topics are available; 4) a frequently-asked section for traineeship matters is available; and 5) the licensee directory has been improved so that a complete listing of active licensees of each type now can be obtained, without having to enter search criteria.

Google analytics regarding the Board's website traffic were discussed.

The September e-newsletter was distributed to over 2,000 licensees this month. Board staff have received favorable feedback from a number of licensees as to the content recently.

A summary of the 2017 exam passage rates was provided to Board members, for information purposes only. Also enclosed were materials related to the Job Task Analysis that the International Conference performs every 5-7 years to update and validate the exam specifications for the National and State Board Examination programs. Board members were advised that the 2017 NBE-SBE Blueprint should be kept confidential. More information on this process will be shared by the Conference at its annual meeting in New Orleans from February 28 through March 1, 2018.

Board staff currently are soliciting requests for proposals for auditor services, as the Board is required to do every three years. A copy of the solicitation that Board staff mailed to auditors who have experience with occupational licensing boards was provided. Board staff also posted the solicitation on the Board's homepage. Responses to the RFP are due by October 16, and will be reviewed by the Board's Finance and Personnel Committee. The Finance and Personnel Committee will plan to bring a recommendation to the full Board in November.

At the Board's request, Board staff reached out to the NC Medical Board to discuss the challenges that licensees have experienced in obtaining timely signatures from healthcare providers on death certificates. The NC Medical Board will engage in additional educational outreach to its licensees, in an effort to improve responsiveness. In the Board's most recent newsletter, Board staff shared a 2013 article written by the NC Medical Board staff, whereby healthcare providers were told expressly that "clinicians may not decline to sign a certificate because they are uncertain about the exact cause of death." The NC Medical Board encourages licensees to provide this article in their conversations with healthcare providers.

Mr. Blake asked for a copy of the article and asked for clarification on Medical Examiners refusing to sign death certificates and asked if the Medical Board was informed of these situations. Discussion ensued.

After the last Board meeting, Board staff reached out to members of the NC Conference of District Attorneys to offer educational outreach on the possible prosecution of preneed misappropriations. At their suggestion, Board staff will draft an article for the quarterly

magazine that is sent to every prosecutor and his/her administrative staff, encouraging criminal prosecution for the misappropriation of preneed funeral funds.

At the Board's request, Board staff conducted a survey of actively-licensed crematories to determine whether licensees tend to use the Board's model "long" form or "short" cremation authorization form regularly. Approximately 77% of crematories use the "long" form, while approximately 26% of crematories use the "short" form. 87% of crematories do not use a cremation authorization form other than the model forms provided by the Board. Upon receiving the survey, a number of crematories reached out to Board staff for a compliance review of their currently-used forms. Many thanks to Ms. McLaurin and Mr. Lisenbee for handling those reviews.

Board staff are preparing for renewal season, and plan to make renewal submissions available to licensees in various formats. Specifically, Board staff plan on emailing a fillable PDF renewal form to licensees, and making it available on our website. Individuals and establishments can email back to the Board the completed form, and pay the renewal fee through the secure portal on our website. Board staff also will send out the message to licensees in the October through December newsletters, to let them know about this option. For those that haven't submitted electronically by Thanksgiving, Board staff will mail out the renewal forms to the addresses on file. Board staff also are working to develop an on-line renewal option for individual licensees and funeral establishment permits, with the goal of having it available by Thanksgiving.

The training of our three newest inspectors is going well. Ms. Davis is conducting examinations and inspections independently in the field. Mr. Stoessner has made considerable progress in auditing preneed contracts in the Board's possession for formerly-licensed preneed establishments and transferring said files to other actively licensed establishments. Ms. McLean is currently training in the field with Mr. Cagle and Mr. Lisenbee, which is going very well. Many thanks are owed to Mr. Cagle and Mr. Lisenbee for all their efforts in the training process over the past few months.

Board staff was delighted to learn that the North Carolina Funeral Directors Association ("NCFDA") has recommended for appointment Mr. Herndon and Mr. Chris Watson to the Board, beginning January 1, 2018. Board staff will look forward to receiving formal notification from the Governor's Office of their appointment, as well as the appointment of Mr. Lockhart as the Funeral Directors and Morticians Association of North Carolina ("FDMANC").

In advance of this month's Board meeting, Board staff invited the NCFDA and the FDMANC to share with the Board any information that they wished to share with Board members and staff. NCFDA extends an invitation for your attendance at its annual State Convention, which will be held in Pinehurst, NC on May 21-22, 2018. Additionally, the National Funeral Directors Association ("NFDA") convention will be held in Boston from October 29 – November 2, 2017. NCFDA will be hosting a North Carolina Social Hour on October 30, from 5-6 PM. FDMANC likewise extends an invitation to Board members for their upcoming meetings:

Fall Board Meeting- Tuesday, October 10, 2017
Comfort Inn (Quality Inn)

1550 East Main Street
Lincolnton NC 28092
(704)732-0011

Mid-Winter Board Meeting- Tuesday, February 13, 2018
Courtyard by Marriott Chapel Hill
100 Marriott Way
Chapel Hill NC 27517
(919)-883-0700

Spring Board Meeting-Thursday, April 12, 2018
Pinehurst Resorts
80 Carolina Vista Drive
Pinehurst NC 28374-9251
(910) 235-8769

Funeral Directors & Morticians Association of North Carolina 91st Annual Convention-
June 18, 2018-June 21, 2018
Pinehurst Resorts
80 Carolina Vista Drive
Pinehurst NC 28374-9251

National Funeral Directors & Morticians Association, Inc. 81st Annual Convention
August 4-9, 2018
Gaylord Palms Resort & Convention Center
6000 W. Osceola Parkway
Kissimmee, FL 34746

Additionally, officers of FDMANC will be hosting a study session for their student and apprentice members during the Spring 2018. This session will be designed to provide information to those seeking to obtain their North Carolina funeral directors and/or funeral service license.

As a reminder, the International Conference of Funeral Service Examining Boards will hold its 2018 Annual Meeting from February 27 – March 1, 2018 in New Orleans, LA.

The North Carolina Office of the Chief Medical Examiner (“OCME”) invited stakeholders to attend a training session on October 16, 2017 regarding recent changes to the manner in which Brunswick County deaths are being handled by OCME.

Several kind emails that Board staff have received over the past several months were provided to the Board, thanking the Board staff for their assistance with various matters.

Sandy Newell and Tina Smith, the Board’s independent auditors with the firm of Bernard Robinson & Company, LLP, entered the meeting to discuss Preneed Recovery Fund account balance and the following options:

- 1) Increasing amount from Preneed contract fees that are added to the Preneed Recovery Fund account; or

2) Move money from the budget into the Preneed Recovery Fund.

Discussion ensued.

Ms. Newell and Ms. Smith also discussed Board member expense per diems being considered income were also discussed along with the following options:

- 1) file SS8 form with IRS;
- 2) Ask for Declaratory Ruling;
- 3) Continue using 1099, but document reasons for using them; or
- 4) Comply with OSC memo and reporting per diems on W-2, but then Board members become employees.

Discussion ensued.

Ms. Newell and Ms. Smith also opined on the contract management engagement of Ms. Lee and Nichols, Choi, and Lee, PLLC; both stated that they do not have any concerns about the arrangement from an independent audit standpoint.

Mr. Lockhart called for a 5-minute recess.

The meeting recess ended at 11:00 am.

New guests were introduced: Mohammed Hussein, Funeral Service Licensee; and John R. Griffin, Attorney for Antonio Toney.

Ms. Lee resumed the Executive Director's report and offered the following information:

Traineeship statistics:

- There are currently 185 active Trainees
- 17 Trainees were certified in August and 8 Trainees were certified in September
- 12 new Trainees started their traineeships on September 1 and 12 new Trainees started their traineeships on October 1
- 15 Trainee applications currently are pending
- 4 Trainees submitted late work reports for the month of July and 4 Trainees submitted late work reports for the month of August
- 0 Trainees failed to submit work reports for the month of July and 2 Trainees failed to submit work reports for the month of August
- 19 Trainees submitted deficient work reports for the month of July and 4 Trainees submitted deficient work reports for the month of August

- 0 Trainees failed to timely renew their Traineeship

Mr. Blake asked about traineeship committee meetings. Discussion ensued.

Ms. Lee also provided the following at-need licensure report:

CHAPELS

Biggs Chapel – 08/03/2017

CREMATORIES

None

TRANSPORTERS

Mark Allen Byrd - Charlotte – 08/10/2017

Carsha C. Stromas - Winterville – 08/25/2017

Corey Oneill Marshall - Fayetteville – 09/19/2017

UNAFFILIATED LICENSEES

None

FUNERAL ESTABLISHMENTS

Cumbo Funeral Home – Morehead City – 08/03/2017

Celebrations of Life by Leggett-Patterson Funeral Home, Inc. – Lumberton – 08/08/2017

Gordon Funeral Home of Mt. Pleasant, Inc. – Change of Ownership – 8/28/2017

Avery's Memorial Chapel, Inc. – Asheville – 08/30/2017

FUNERAL SERVICE LICENSEES

Carolyn Anderson Elmore – Alexis, NC – 08/01/2017

Dwain Martin Bell – St. Pauls, NC – 08/03/2017

Carla Brown Rumph – Winston-Salem – 08/17/2017 (converted from FD to FSL)

Janice Shantel Pledger – Boiling Springs – 08/23/2017

Jordyn West Faile – Lancaster, SC – 08/23/2017

Amanda Jean Leonhardt – Raleigh – 08/29/2017

Louis Winfrey Beard – Boone – 09/05/2017

Amber Bridges Marsden – Asheville – 09/07/2017 (converted from FD to FSL)

Walton Kenneth Herring, III – Fayetteville – 09/08/2017 (converted from FD to FSL)

Mark Adam Cunningham – Fayetteville – 09/14/2017

Megan Gibbs Smith – Columbus – 09/21/2017

Michael McEwen – Clarkton – 09/22/2017

FUNERAL DIRECTOR LICENSEES

Christopher Scott Halsey – Lake Wylie, SC – 08/02/2017
Jennifer Ledford Hood – Morganton – 08/15/2017
Stephanie Jean Pardee – Waxhaw – 09/14/2017
Haley Sink Truitt – Thomasville – 09/20/2017
Jenna Rose Gaskin – Monroe – 09/22/2017

TRAINEES

Stephen L. Boyd – Holloway Memorial Funeral Home – 09/01/2017
David S. Breece – Rogers & Breece Funeral Home – 09/01/2017
Russell J. Cullen – Jackson Funeral Services – 09/01/2017
John D. Griffin – Roberts Funeral Service - 9/01/2017
Noel T. Helms – Hayworth-Miller Funeral Home – 09/01/2017
Shaveas D. Love – Buie Funeral Home – 09/01/2017
Margaret A. Miatke – Boles Funeral Home – 09/01/2017
Ronald G. Murray – L. Harold Poole Funeral Service & Crematory – 09/01/2017
Amber T. Pearson – Knotts Funeral Home - 09/01/2017
Meredith P. Springs – Morris Funeral Home - 09/01/2017
Daniel W. Sullivan – Cabarrus Funeral & Cremation - 09/01/2017
Stephen E. Weade – Heritage Funeral & Cremation Service - 09/01/2017

Sonja K. Black – Boles Funeral Home & Crematory – 10/01/2017
Gregory Thomas Casper – Biggs Funeral Home – 10/01/2017
Chad Christian Cotton – O’Quinn-Peebles-Phillips Funeral Home – 10/01/2017
Silas Jon Denlinger – Seymour Funeral Home & Cremation Services, Inc. – 10/01/2017
Timothy Darin Dixon – Harrington Funeral Home and Crematory – 10/01/2017
Christopher Charles Fisher – Fisher Memorial Funeral Parlor – 10/01/2017
Daniel R. Goins – Moody Funeral Services – 10/1/2017
Megan Elizabeth Romanick – Forrest Lawn West – 10/01/2017
Josslyn Yvette Ruiz-Turcios – Davie Burial & Cremation of Lexington – 10/01/2017
Timothy Reid Sink – Davie Burial & Cremation of Lexington – 10/01/2017
Patrick Nelson Sprinkle – Jenkins Funeral Home – 10/01/2017
LaDonae Rayvon Wooten – Wayne Russell Funeral Service – 10/01/2017

Ms. Lee also provided the following Preneed Activity Report:

PRENEED CONTRACTS:

As of the last Report to the Board, 3,659 preneed contracts were recorded. Of that amount, 520 were trust-funded contracts and 3,139 were insurance-funded contracts.

Approximately 5,218 Certificate of Performances have been processed since the previous regular Board meeting. Ms. Lee thanked the Board staff for their hard work on processing these documents.

As of October 9, 2017, the Board has 181,060 active contracts on file.

As of October 9, 2017, all Preneed contracts received by the Board on or before October 4, 2017 have been entered.

PRENEED LICENSING:

As of October 9, 2017, 1,487 individuals are actively licensed to sell preneed contracts.

Since the last Board meeting, one preneed establishment underwent a change of ownership:

Scarborough & Hargett Celebration of Life Center, *Durham*

No new preneed establishments have been licensed since the last Board meeting.

Compliance Liaison / Lead Inspector's Report: Mr. Lisenbee gave additional clarification on some of the recommendations coming from the Crematory Authority Committee, and offered the following information for the month of September:

17 Funeral Establishments were inspected

15 Preneed Establishments were inspected

4 Crematories were inspected

3 Mutual Burial Associations were inspected

4 Investigations were completed

119 Compliance calls were received

3 Compliance emails were issued

Mr. Graves asked how long it takes an inspector to complete an inspection. Discussion ensued.

Attorney's Report: Ms. McLaurin requested a closed session at the appropriate time to protect the attorney-client privilege. Ms. McLaurin also offered the following for information only:

DISCIPLINARY MATTERS

Current Active Cases: 49

Projected Active Cases: 23

Pending Investigation: 10

Pending Review by Disciplinary Committee: 6

Pending Dispositive Action: 0

Pending Hearing: 3

Post-Hearing: 2

Other: 2 (one matter stayed per Board Order; one case being litigated at the Office of Admin. Hearings)

New files opened since August Board meeting: 27

Notices of Hearing sent since August Board meeting: 2

Consent Orders received since August Board meeting: 2

Cases reviewed by Disciplinary Committee since August Board meeting: 20

PRENEED RECOVERY FUND CLAIMS

Projected Active Preneed Recovery Fund Claims: 1

Preneed Recovery Fund Claims reviewed by Preneed Committee since August Board meeting: 8

Preneed Recovery Fund Claims received since August Board meeting: 2

Preneed Recovery Fund Claims re-opened since last Board meeting: 0

Recent Efforts to Recover Claims Paid by Board's Preneed Recovery Fund

In June 2017, the Legal staff wrote a demand letter to Stephen Carroll of the former McKinney-Landreth & Carroll Funeral Home requesting reimbursement to the Board's Preneed Recovery Fund in the amount of \$2,275.00. Mr. Carroll has since provided reimbursement to the Board in the amount of \$2,275.00, and said check was deposited into the Preneed Recovery Fund. As a reminder, outside counsel and the Legal staff previously obtained \$270,049.79 in restitution from Mr. Carroll to be paid directly to 54 preneed consumers in lieu of any claims against the Preneed Recovery Fund.

Also in June 2017, outside counsel obtained a judgment against Eric Mark Howell and the former Howell Funeral Home in the amount of \$283,304.66, in addition to costs in the amount of \$454.48 and attorney's fees in the amount of \$5,450.00. Outside counsel has recorded the judgment in Mr. Howell's current state of domicile, West Virginia.

On August 8, 2017, the Legal staff filed a claim in the amount of \$7,485.00 against the bond held by the former Wilson Family Funeral Services. On September 18, 2017, Board staff was notified that the claim was approved by the insurance company acting as surety. Accordingly, a check in the amount of \$7,465.00 was deposited into the Board's Preneed Recovery Fund. As a reminder, outside counsel was also previously successful in filing a claim against a different bond held by the former Wilson Family Funeral Services – as a result of that claim, a check in the amount of \$18,517.50 was deposited into the Board's Preneed Recovery Fund.

On August 18, 2017, the Legal staff wrote to Kimberly Overton, Executive Director of the North Carolina Conference of District Attorneys, expressing the Board's concern that, at the current rate of Preneed Recovery Funds being received and reimbursed – and without more aggressive prosecution by local district attorneys to obtain alternative sources of restitution –

the Preneed Recovery Fund could be soon depleted. Ms. Overton suggested that the Board staff draft a 1500 to 1750-word article for publication in a quarterly magazine distributed to every North Carolina prosecutor and member of their administrative staff. The Legal staff will draft this article for publication to all NC assistant district attorneys, and staff is told the magazine will be published in early 2018. At the request of the Preneed Committee, the Board will be provided a copy of the published article.

At the Board's directive, outside counsel has filed three subrogation lawsuits – against C. David Ward, Jr. and the former Ward Funeral Service in Gastonia; against Alton C. Hunnicutt, Jr. and the former Martin's Funeral Service in Gastonia; and against Edward McGimpsey and the former Ebony Funeral Service in Lenoir and Morganton – in an attempt to recoup, collectively, in excess of \$100,000.00 in reimbursable claims paid out of the Preneed Recovery Fund. Outside counsel and/or the Legal staff will continue to keep the Board apprised of the progress of those lawsuits in closed sessions, as appropriate, to preserve the attorney-client privilege.

At its August meeting, the Board directed the Legal staff to determine the total amount of money reimbursed by the Preneed Recovery Fund because of claims made against Ronnie Riddle and/or the former Melton-Riddle Funeral Home. The Legal staff determined that the Board's Preneed Recovery Fund has paid out a total of \$231,971.88 in claims against Ronnie Riddle and/or the former Melton-Riddle Funeral Home. As a reminder, the Preneed Committee recommended to the Board today that it authorize outside counsel to file a subrogation lawsuit against Ronnie Riddle and the former Melton-Riddle Funeral Home.

Miscellaneous Updates to the Board

Two cases were noticed for hearing today. Both remain scheduled to be heard by the Board following the conclusion of Board business.

The Legal staff has noticed an uptick in the volume of complaints being received by Board staff. More specifically, the Legal staff has opened 27 new disciplinary matters since the Board's August meeting. This may be due to the roll-out of online consumer complaint submissions and/or the new consumer complaint form which more clearly spells out the various ways which a consumer may submit a complaint to the Board. The current active case number is higher than usual because it encompasses disciplinary committee recommendations for three consecutive months – August's recommendations were carried over as old business, and the Board's September business meeting was cancelled. Despite the uptick in new complaints received, the projected active disciplinary cases following the Board's votes today has only increased by 12 since the Board's August meeting numbers.

Ms. McLaurin has been asked by the International Conference of Funeral Service Examining Boards to participate in a panel at the 114th Annual Meeting of the Conference. The panel topic is called "Scandals, Secrets, and Lies," and it will feature speakers who will speak about a disciplinary situation that occurred in his or her respective state.

The Legal staff has been working closely with a Records Management Analyst at the NC Department of Natural and Culture Resources to update the Board's existing Records Retention and Disposition Schedule. The Legal staff has invited the Analyst to speak at the

Board's November meeting, in advance of any vote being needed to amend the Board's existing records schedule.

On September 26, 2017, Board staff met with Allegra Collins, Assistant Clinical Professor and Externship Director for Campbell Law School. As you may recall, Board staff has twice previously participated as an externship placement for second and third-year law students at Campbell Law School, and has enjoyed the service of both externs for a full semester each – at no expense to the Board. For the Fall 2017 semester, the Board received only one externship application. Unfortunately, the extern decided to select another placement within state government that better suited her interest. The Legal staff worked with Professor Collins to explain what the Board does, what an extern would ideally do to help the Board, and brainstormed ways that both Campbell and the Board can make an externship placement with the Board more marketable in future semesters. Following the meeting, the Legal staff sent Professor Collins an externship posting advertisement for the Spring 2018 semester. The Legal staff will keep the Board apprised of its efforts to partner with a second or third-year law student to provide high quality legal assistance at no cost to the Board.

Rulemaking Updates

On September 1, 2017, the Board's two new rules – 21 NCAC 34B .0617 Practicing During Disasters and 21 NCAC 34B .0618 Practicing During Emergencies – became effective. The Board received positive feedback from the Rules Review Commission staff counsel for enacting new rules that responded directly to a need of the Board's regulated public.

On August 19, 2017, the Rules Review Commission's approval of the Board's Periodic Rule Review Report became effective. As part of this process, the Board classified all 108 of its existing rules into one of three categories – necessary with substantive public interest, necessary without substantive public interest, or unnecessary. The Board classified 23 of its existing 108 rules as unnecessary – these 23 rules will automatically expire from the NC Administrative Code, and Rules Review Commission staff is working to update the history notes on each of these rules accordingly. The Board classified 79 of its 108 rules as necessary without substantive public interest – these 79 rules will remain in the NC Administrative Code as written. Finally, the Board classified 6 of its 108 rules as necessary with substantive public interest – these 6 rules are required to go through the formal readoption process. Ms. McLaurin attended the September Rules Review Commission meeting and, at that meeting, the Rules Review Commission set a deadline of September 30, 2019 for the Board to have completed the readoption process for the six rules it classified as necessary with substantive public interest – 21 NCAC 34A .0201 Fees and Other Payments; 21 NCAC 34B .0310 Practice of Funeral Service or Funeral Directing Not as an Owner, Employee or Agent of a Licensed Funeral Establishment, 21 NCAC 34C .0305 Monthly Reports, 21 NCAC 34D .0105 Contract Copies to be Filed, 21 NCAC 34D .0203 Surety Bonds, and 21 NCAC 34D .0303 Certificate of Performance.

As a reminder, the Board's Executive Committee set permanent rulemaking – and a thorough review of all existing rules – as a priority for 2017. For all rules not automatically expiring from the NC Administrative Code due to a classification as “unnecessary,” the Legal staff is evaluating them – in subchapter and numerical order – and referring them to each respective committee for review and recommendation to the full Board. The Legal staff has conferred with Rules Review Commission counsel, who recommends waiting to refer one large,

complete package of rules to be pre-reviewed by RRC staff. Similarly, the Rules Review Commission counsel recommends waiting to notice at one time all rules for repeal, readoption, or adoption. Of the 85 necessary rules reviewed during this periodic review report, 18 of the 85 were reviewed by staff, Board committees, and were voted on by the Board in October; 34 of the 85 will be reviewed by staff, Board committees, and hopefully will be recommended for a Board vote in November; and the remaining 33 of the 85 rules will be reviewed by staff, Board committees, and hopefully will be recommended for a Board vote in December. Assuming we remain on track, a complete package of referrals will be sent to the Rules Review Commission for pre-reviews before the end of 2017. Enclosed with your materials is a spreadsheet showing the status of each existing Board rule, and current deadlines associated with each. Board staff will be continuously updating this spreadsheet as it continues to make progress on the Board's rulemaking endeavors. Ms. McLaurin thanked the laws and rules committee for their help in this process.

After the completion of the overhaul and exhaustive review of the Board's existing rules, the Legal staff will then turn to the adoption of new rules as necessary – whether by order of the General Assembly, or to address gaps in the existing regulatory framework.

Legislative Updates

Session Law 2017-211 amending NCGS 150B-20(a) becomes effective January 1, 2018. This law will require that “[a]n agency which receives a rule-making petition shall, within three business days of receipt of the petition, send the proposed text of the requested rule change and the statement of the effect of the requested rule change to the Office of Administrative Hearings. The Office of Administrative Hearings shall, within three business days of receipt of the proposed text of the requested rule change and the statement of the effect of the requested rule change, distribute the information via its mailing list and publish the information on its Web site.”

Mr. Nichols added additional commentary regarding the above.

H.R. 3446 – “Restoring Board Immunity Act” – was introduced in the U.S. House of Representatives on July 27, 2017. The most recent action taken with respect to this bill involves a referral by the Committee on the Judiciary to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law. At a meeting of this Subcommittee on September 12, 2017, a representative from the Federal Trade Commission testified following by a representative of the Virginia State Attorney General's Office. If enacted, the bill would allow individual Board members to be exempt from antitrust liability if and only if their respective state legislatures pass legislation establishing an Office of Supervision of Occupational Licensing Boards to review actions of such boards and ensure their compliance with state and federal regulation. Additionally, each respective state would have to pass judicial review legislation establishing a cause of action for injunctive relief against enforcement of an occupational licensing law. It remains to be seen whether this bill will gain traction during this session of the United States Congress. Board staff will continue to keep the Board apprised of any updates regarding this bill.

Ms. McLaurin stated that a motion was still on the floor pertaining to two recommendations coming from the Preneed Committee regarding the model form to share preneed sales

licensees and to authorize outside counsel to pursue a subrogation lawsuit against Ronnie Riddle and the former Melton-Riddle Funeral Home.

Mr. Stone stated that he would like to table the vote to pursue a subrogation lawsuit until after the Board can be further advised on the matter during closed session to protect the attorney-client privilege.

Mr. Blake made a motion to approve the model form to share preneed sales licensees. Mr. Olive seconded, and the motion carried.

Old Business:

The Disciplinary Committee recommendations that were carried over from the August 9, 2017 Board Meeting:

Summary Dismissal – C17-052

Dismissals – C17-044, C17-046, C17-047, C17-048, C17-049

Letters of Caution – M17-017, M17-020

Consent Order – M16-057

Other Matters – M17-019

Mr. Lockhart made a motion to accept the recommendations provided during the Disciplinary Committee report at the Board's August 9, 2017 meeting. Mr. Blake seconded and the motion carried.

Mr. Blake informed the Board of a group of people who are calling themselves "Elder Advisers," and expressed concern that said advisers could be violating the Board's laws and rules pertaining to the regulation of preneed funeral planning. Discussion ensued.

Ms. Lee discussed educational outreaches with NC county departments of social services regarding preneed laws and rules. Discussion ensued.

New Business: Revised Board Committee assignments were disseminated to Board members, and explained by President Graves.

The Board discussed whether to hold officer elections on October 11, 2017, or to wait until the Board's November meeting in hopes of all Board members being present. President Graves decided to wait and hold officer elections at the November Board meeting.

Mr. Olive made a motion to go into closed session for the purposed of protecting the attorney-client privilege. Mr. Herndon seconded, and the motion carried.

Mr. Olive made a motion to return to open session. Mr. Lockhart seconded, and the motion carried.

Mr. Olive made a motion to authorize outside counsel to pursue a subrogation lawsuit against Ronnie Riddle and the former Melton-Riddle Funeral Home. Mr. Brown seconded, and the motion carried.

Mr. Olive made a motion to authorize Board staff to share with the Gaston County District Attorney a consumer complaint received by way of Preened Recovery Fund Claim # P17-042. Mr. Stone seconded, and the motion carried.

Mr. Lockhart made a motion to go into closed session for the purpose of discussing employee competency and personnel matters as appropriate. Mr. Olive seconded, and the motion carried.

Mr. Lockhart made a motion to return to open session. Mr. Brown seconded, and motion carried.

Mr. Griffin, Jeff Gray – the Board’s administrative law counsel, and Antonio Toney entered the room to propose an informal settlement to Board Case # M16-016, which was scheduled to proceed with a hearing on October 11, 2017.

Mr. Stone moved to go into closed session for the purpose of discussing a pending disciplinary matter. Mr. Brown seconded, and the motion carried. Upon proper motion, the Board returned to open session.

Mr. Blake made a motion that the Board offer an informal resolution to Board Case # M16-016 in which Mr. Toney’s funeral service license would be suspended for a period of two years, and that at the conclusion of said two-year period, Mr. Toney would serve a probation of two years; and, further, that Mr. Toney during this time could apply for an embalming license and be issued the same if he is able to demonstrate that he meets all the requirements currently in place for an embalming license. Mr. Brown seconded, and the motion carried.

Ms. McLaurin asked if the Board would consider amending the informal resolution offer to add a requirement that Mr. Toney be required to pay the Board’s reimbursable costs associated with the prosecution of a show cause hearing against Mr. Toney.

Mr. Stone moved that the Board amend its informal resolution offer to require that Mr. Toney be required to reimburse to the Board costs in the amount of \$100.75 within thirty (30) days, and to further condition Mr. Toney’s ability to obtain an embalming license on the payment of those costs being received by the Board. Mr. Brown seconded, and the motion carried.

The Board briefly recessed, then the hearing in the matter of Board Case # M17-010.

At the conclusion of the hearing on the matter of Board Case # M17-010, Mr. Olive moved to adjourn the meeting. Mr. Brown seconded, and the motion carried.



Charles Graves, President



Craig Olive, Secretary