



NORTH CAROLINA BOARD OF FUNERAL SERVICE

Minutes
July 21, 2021, Board Meeting

The North Carolina Board of Funeral Service met for a duly scheduled Board meeting at 9:00 a.m. on July 21, 2021, at the NC Board of Funeral Service office suite at 1033 Wade Avenue, Suite 108, Raleigh, NC 27605.

Present: Don Brown, President; Chris Watson, Vice-President; Steven Lyons, Secretary; Mark Blake; Steve Herndon; Hubert Saunders; Robb Jansen; Darrell McCormick; and Thomas Hilderbrand.

Staff and Counsel: Stephen Davis, Executive Director; Amy Acord, Assistant Director; Catherine Lee, General Counsel; and Brett Lisenbee, Compliance Officer.

Guests and Visitors: Joining remotely for the open discussion in the review of Case Nos. C20-0033, C20-0038, C20-0040, C20-0084, C20-0090, M20-0111, and C21-0011: John Yarbrough, Attorney for the Respondents; Michael Edney, Attorney; Ben Johnson, employee of Thomas Shepherd FH; Jennifer Duran, employee of Thomas Shepherd FH; Melody Shepherd, Crematory Manager of Shepherd Memorial Park; Thomas R. Shepherd, owner, Thomas Shepherd FH.

Mr. Brown called the meeting to order at 9:01 a.m. and welcomed attendees. He asked if any of the guests or visitors wished to offer any public comment. None offered. Mr. Brown then read the Statement of Ethics and asked if any members would be recusing themselves. Mr. Watson stated that he would be recused from voting on the matter pertaining to Disciplinary Case Nos. C20-0033, C20-0038, C20-0040, C20-0084, C20-0090, M20-0111, and C21-0011.

Mr. Brown noted that there were no committee reports on the agenda for this meeting. He continued and asked if there were any items for discussion under Old Business. None were offered. He then asked for any New Business Items. Mr. Blake said that he wanted to express concern regarding the instructions provided on the Privilege Tax application form for the privilege licenses issued by the North Carolina Department of Revenue. He explained in detail the language in the form's instructions which state that those subject to the requirements for the NC privilege tax may not practice their occupation until the tax has been paid for a particular tax year. Mr. Blake said he considered these instructions in conflict with the Board's statutory authority for determining when and under what circumstances a licensee may practice. Members discussed this issue. Mr. Davis offered to contact the appropriate management in the NC Department of Revenue to convey Mr. Blake's concern.

Mr. Brown continued and stated that the Board was meeting to review a proposed Consent Order in Disciplinary Case Nos. C20-0033, C20-0038, C20-0040, C20-0084, C20-0090, M20-0111, and C21-0011. Mr. Brown invited a motion to convene in closed session pursuant to NCGS 143-318.11.

Upon a motion by Mr. Herndon and a second by Mr. McCormick, the Board voted unanimously by roll call vote to convene in closed session to deliberate on the proposed Consent Order pertaining to Board Case Nos. C20-0033, C20-0038, C20-0040, C20-0084, C20-0090, M20-0111, and C21-0011.

Thereafter, upon proper motion and vote, the Board reconvened in open session.

Mr. Brown asked if any member wished to offer any motion pertaining to the referenced matter.

Upon a motion by Mr. McCormick and a second by Mr. Hildebrand, the Board voted in the majority by roll call vote to deny the proposed Consent Order and directed General Counsel to notice the matter for hearing at a future meeting of the Board. The motion further recognized that the Summary Suspension imposed by the Board would remain in effect. Mr. Watson was recused from voting.

Mr. Brown then recognized Ms. Lee for any other items to come before the Board. Ms. Lee stated that the Board at its discretion could review a proposed Consent Order in Case Number C21-0024 as well as Consent Orders pertaining to eleven (11) licensed preneed establishments for failing to timely file their 2020 Preneed Annual Report. The Board agreed to review these matters.

Upon a motion by Mr. Blake and a second by Mr. McCormick, the Board voted unanimously by roll call vote to convene in closed session to deliberate on the proposed Consent Orders.

Upon proper motion and vote, the Board reconvened in open session.

Mr. Brown invited a motion from Board members pertaining to the matters under deliberation in closed session.

Upon a motion by Dr. Lyons and a second by Mr. Watson, the Board voted unanimously by roll call vote to accept the terms contained in the Consent Order in the matter of Board Case No. C21-0024.

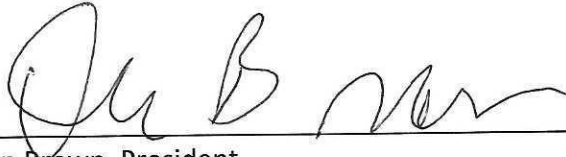
Upon a motion by Mr. Watson and a second by Mr. Blake, the Board voted unanimously by roll call vote to accept the terms contained in the proposed Consent Orders for M21-0051, M21-0052, M21-0054, M20-0087/M21-0055, M21-0056, M21-0057, M21-0066, M21-0067, M21-0068, and M21-0070

Upon a motion by Mr. Hildebrand and a second by Mr. Watson, the Board voted in the majority by roll call vote to accept the terms contained in the Consent Order for M20-0104/M21-0063. Mr. Herndon was recused from voting on the matter of M20-0104/M21-0063.

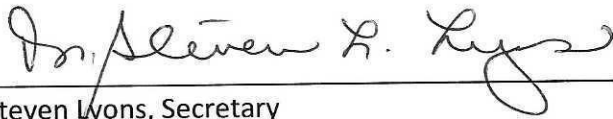
Mr. Brown asked members if there were other matters to come before the Board. Hearing none, he invited a motion for adjournment.

Upon a motion by Mr. McCormick and a second by Dr. Lyons, the Board voted unanimously by roll call vote to adjourn the meeting.

Affirmation:



Don Brown, President



Steven Lyons, Secretary



Date