

NORTH CAROLINA BOARD OF FUNERAL SERVICE

Minutes

March 13, 2024, Board Meeting

The North Carolina Board of Funeral Service met for a duly scheduled Board meeting on March 13, 2024, at the Board offices at 1033 Wade Avenue, Suite 108, in Raleigh, North Carolina.

Present: Mr. Thomas Hilderbrand, President; Mr. Richard Hinchler, Vice President; Ms. Le'Shekia Coleman, Secretary; Dr. Steven L. Lyons; Dr. Kimberly Kelsey; Mr. Robert Nunnaley; Mr. Michael Allen; and Mr. Gary Overcash. Staff in attendance were Mr. Stephen Davis, Executive Director; Ms. Amy Acord, Assistant Director; Mr. Brett Lisenbee, Compliance Officer; and Ms. Catherine Lee, General Counsel.

Mr. Hilderbrand convened the meeting at 9:00 a.m. and led members and staff in a recitation of the Pledge of Allegiance followed by the invocation which Dr. Lyons offered. He then read the Statement of Ethics and asked if any Board members had any conflict or appearance of conflict of interest. None recused. Mr. Hilderbrand proceeded by asking if any guests were present and if they wished to offer any public comment. No guests were present.

Mr. Hilderbrand continued and recognized Ms. Coleman for the presentation of the minutes from the February 14, 2024 meeting. Ms. Coleman stated that staff had provided the minutes prior to the meeting for review and invited any changes or amendments. None were offered. Mr. Hilderbrand then invited a motion for approval of the February 14, 2024, minutes.

Upon a motion by Ms. Coleman and a second by Mr. Hinchler, the Board voted in the majority by roll call to approve the February 14, 2024, minutes as presented.

Mr. Hilderbrand continued and recognized Dr. Lyons for the Disciplinary Committee report.

Disciplinary Committee

Summary Dismissals

C24-0003 C24-0008 C24-0010

Dismissals

C23-0105 C24-0002 C24-0007

Letter of Caution

C24-0004 M24-0004 M24-0006 M24-0007

In concluding his report to the Board, Dr. Lyons invited any questions or comments. Mr. Hilderbrand asked about the reference and meaning of the term "referral" of a particular matter to another agency. Ms. Lee offered additional details about circumstances that prompt a referral from

the Board to another agency. Without further questions or comments, Mr. Hilderbrand invited a motion to approve the recommendations from the Disciplinary Committee.

Upon a motion by Dr. Lyons and a second by Dr. Kelsey, the Board voted unanimously by roll call to approve the recommendations from the Disciplinary Committee as presented.

Mr. Hilderbrand then recognized Mr. Davis for a summary of the Finance and Personnel Committee report.

Finance and Personnel Committee

Mr. Davis highlighted the balances shown on the Statement of Net Position and focused attention on the Preneed Recovery Trust Fund which showed a balance of \$747,930 for the period ending January 2024. He then offered a brief explanation of the way that Thomas Judy & Tucker, the Board's accounting firm, determines a monthly balance which accounts for wide variation from one quarter to the next. Mr. Davis noted that TJT deposits dedicated funds from preneed contract registration fees to the fund on a quarterly basis which causes the balance to spike four (4) times a year at the beginning of each quarter. He emphasized that the Trust Fund collections appear to continue to an upward trend with approximately \$200,000 deposited annually, and he noted that the Fund may realize \$1,000,000 in the short-term. He then reviewed changes to the Unrestricted Fund Balance which increased from FY2023 to FY2024 by approximately \$150,000. He said that this fund is an indicator of the Board's very strong net position since it represent reserve operating capital. He then asked for any questions or comments. None were offered.

Mr. Davis continued and summarized the Statement of Revenues and Expenses. He said that the Board had received 86.4% of projected License Fee Revenue which is typical for the January reporting period of each fiscal year. He said that the \$554,085 received in license fees were predominantly renewal fees for licenses and permits. He then noted that the Total Revenue collection is 40.1% which is typical for the January reporting period based on trends from prior years. He reiterated that a 40% collection rate for Total Revenue at the end of the first month in the fiscal year was a sign of sound fiscal position because it means that there are eleven months in the FY to receive an additional 60% to meet total revenue projections.

Mr. Davis continued and said that the benchmark percentage for expenses in relation to revenue for the period ending January 2024 was 8.3%, and he said that the Statement showed that the Board was at 8.6% which meant the Board's expenses are where they should be. He pointed out two line items that showed high expenses. One for Computer Support was at 30% while Office Supplies was 20%. He noted that the Computer Support line item included bank fees for on-line payments made by licensees primarily for license renewal fees since the beginning of the fiscal year. He then explained that the Office Supplies line item may be elevated due to purchases of ink to restock inventories along with expenditures for computer hardware to replace outdated equipment. He then asked for any questions or comments. None were offered.

Mr. Davis continued his summary and conveyed information to the Board about plans for the renovation of the office suite. Mr. Davis reported that he met on March 4, 2024 with the contractor for the project to begin planning the project and assessing the impact on Board operations. Mr. Davis said that the office would have to close for one week in April or May depending upon the start date, but he acknowledged that staff are prepared for remote work based on similar closures

in 2020 due to the pandemic. Mr. Davis said it would likely be necessary to move the April Board meeting to a different location. Brief discussion ensued. The Board accepted the Committee's recommendation for the relocation of the April Board meeting to the law offices of Hedrick Gardner Kincheloe & Garafalo.

Mr. Davis provided other updates to the Committee as follows:

- Mr. Davis said that the auditors from Bernard Robinson have begun the audit of the Board's 2023 Financial Statements. He reported that staff are currently working with accountants at Thomas Judy and Tucker for documents/records production. He said that the audit was going smoothly as in past years and that the audit team is working closely with TJT in conducting the annual audit.
- He noted that Rebecca Williams, a preneed staff member, would be unable to return to work for an unspecified period while recuperating from significant health issues. He also announced that Ms. Williams was also coping with the unexpected death of her sister less than a week prior to the Committee's meeting.

Mr. Davis also reported that the Laws Rules and Legislation Committee would be meeting on a frequent basis to review proposed and pending administrative rules as well as to consider further amendments to the Board's statutes regarding reciprocal licensure. He affirmed that the Exam Committee would also be meeting throughout the second quarter to hear updates on the redevelopment of the NC Pathology Exam and the Laws, Rules & Regulations exam. He concluded by recognizing that the Traineeship Committee would also be busy in its ongoing review of the Board's apprenticeship program.

Mr. Hilderbrand thanked Mr. Davis for the summary of the Finance and Personnel Committee report. He then invited a motion for the approval of the Financial Reports for the period ending January 2024.

Upon a motion by Dr. Kelsey and a second by Mr. Hincer, the Board voted unanimously by roll call to approve the Financial Reports for the period ending January 2024.

Mr. Hilderbrand then recognized Ms. Lee for the Legal Report.

Legal Report

Ms. Lee presented the following metrics to the Board:

Current Active Cases: 29

Pending Investigation:	11
Pending Review by Disciplinary Committee:	0
Pending Dispositive Action:	11
Pending Hearing:	4
Post-Hearing:	0
Other:	3

New files opened since last Board meeting:	13
Notices of Hearing sent since last Board meeting:	2
Consent Orders received since last Board meeting:	0
Cases reviewed by Disciplinary Committee since last Board meeting:	11

PRENEED RECOVERY FUND CLAIMS

Current Active Preneed Recovery Fund Claims:	2
Pending Investigation:	2
Pending Dispositive Action:	0
Preneed Recovery Fund Claims received since last Board meeting:	0
Preneed Recovery Fund Claims re-opened since last Board meeting:	0
Preneed Recovery Fund Claims reviewed by Committee since last Board meeting:	0

Ms. Lee continued and conveyed to the Board information regarding disciplinary hearings and other matters coming before the Board. She said that at the appropriate time the Board would need to convene in closed session for further consideration of these matters.

She continued and then reported to the Board that the Rules Review Commission had reviewed the proposed amendments to 21 NCAC 34B .0208 and .0211 as well as the proposal to repeal 21 NCAC 34B .0213. She offered a brief summary of the procedural requirements of the Commission in their review of administrative rules and noted that the Board had received several recommended technical corrections to the Board’s proposal. She said that Board staff had reviewed the recommended corrections from the Rules Review Commission and did not object to them. Mr. Hilderbrand affirmed the Board’s agreement with moving forward with the technical corrections as Ms. Lee explained them. Ms. Lee said that she would proceed with the submission of amended text to reflect the Commission’s proposed technical corrections.

Executive Director’s Report

Mr. Davis presented the following items to the Board for their information and consideration:

The Conference Annual Meeting

- North Carolina had the largest delegation with 14 attendees
- We have been awarded an additional delegate grant for the 2025 Annual Meeting
- 2025 Annual Meeting will be in Palm Springs, California – February 25-27, 2025

One important take away from Myrtle Beach is a new initiative on universal reciprocal licensure

Meeting with FTCC

Ms. Acord and I met with James Bullard, Director of the Funeral Service Education program at FTCC – discussion centered on the Work-based Learning Program, traineeship program, and the Funeral Service Education Capstone Course currently known as the Projects Course. With the Board's consent, I will invite Mr. Bullard to the May Board meeting so that he can provide information to the Board on changes to the academic program, competitive admissions to the AAS Degree program, ABFSE accreditation status, and other related topics.

Laws, Rules and Regulations Exam / NC Pathology Exam

I have notified our current LRR administrator, Measure Learning that the Board has directed that the LRR exam come under the administration of The Conference so that we have seamless administration of the NBE – Arts and Sciences, the LRR and the NC Pathology exams

Ms. Acord provided additional updates on the redevelopment of the Laws, Rules and Regulations and Pathology exams.

Mr. Davis then invited any questions or comments. Mr. Hilderbrand asked Board staff about the possibility of obtaining a list of work-based learning students from Fayetteville Technical Community College. Mr. Davis said that he would make that request to the Director of the Funeral Service Education program. Mr. Hilderbrand then asked about the security of the exam content for the Laws, Rules and Regulations and NC Pathology exams as this content is developed and then affirmed. Ms. Acord provided a detailed explanation of the content development process and noted that security issues are fully considered by The Conference as well as Board staff in their development and review of exam content.

Mr. Hilderbrand continued and asked for any Old Business items. None were offered. He then asked for any New Business items. None were offered.

Mr. Hilderbrand announced a brief recess at 10:24 a.m.. The Board reconvened at 10:45 a.m. Mr. Hilderbrand invited a motion for the Board to go into closed session.

Upon proper motion and vote, the Board voted unanimously by roll call to convene in closed session to hear matters subject to attorney-client confidentiality pursuant to NCGS 143-318.11.

Upon a motion by Mr. Hinchler and a second by Mr. Overcash, the Board voted unanimously by roll call to reconvene in open session.

Mr. Hilderbrand then invited any motions pertaining to the matters discussed in closed session.

Upon a motion by Dr. Lyons and a second by Mr. Overcash, the Board voted unanimously by roll call to accept the Consent Orders as presented for Board Case Numbers M23-0047, C24-0011, and C23-0047/C23-0069.

Mr. Hilderbrand thanked Board members and staff for their work and announced that the meeting was concluded.

Upon a motion by Mr. Overcash and a second by Mr. Hincer, the Board voted unanimously by roll call to adjourn the meeting.

Affirmation:

Thomas T. Hilderbrand

Mr. Thomas T. Hilderbrand, President

Le'Shekia Coleman

Ms. Le'Shekia Coleman, Secretary

April 10, 2024

Date

Inspections and Other Duties Performed

	<u>2024</u>	<u>Jan.</u>	<u>Feb.</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>Total</u>
ESTABLISHMENT		32	27	32	0	0	0	0	0	0	0	0	0	91
PRENEED		22	20	26	0	0	0	0	0	0	0	0	0	68
CREMATORY		11	4	5	0	0	0	0	0	0	0	0	0	20
HYDROLYSIS LICENSEE		1	1	0	0	0	0	0	0	0	0	0	0	2
UNAFFILIATED		2	1	0	0	0	0	0	0	0	0	0	0	3
CHAPEL		2	4	0	0	0	0	0	0	0	0	0	0	6
MBA		2	4	0	0	0	0	0	0	0	0	0	0	6
EMBALMING FACILITY		0	0	0	0	0	0	0	0	0	0	0	0	0
INVESTIGATION		0	0	1	0	0	0	0	0	0	0	0	0	1

Inspection Data Per Region/Inspector

<u>March</u>	<u>FE</u>	<u>PN</u>	<u>CR</u>	<u>HY</u>	<u>UNAF</u>	<u>CH</u>	<u>EMB</u>	<u>MBA</u>	<u>Total</u>
Babb	12	9	2	0	0	0	0	0	23
D-Brunson	7	6	0	0	0	0	0	0	13
Hamm	11	11	2	0	0	0	0	0	24
Lisenbee	1	0	1	0	0	0	0	0	2
Stoessner	1	0	0	0	0	0	0	0	1
	32	26	5	0	0	0	0	0	63



NORTH CAROLINA BOARD OF FUNERAL SERVICE

Monthly Status Report: LICENSURE REPORT

April 10, 2024

Data Shown: March of 2024

CHAPELS	None
CREMATORY LICENSEES	*South Central Crematorium – Raeford <i>*ownership change</i>
HYDROLYSIS LICENSEES	None
TRANSPORTERS	Steve A. Massey – Morganton Isaiah F. Mull – Marion James C. Whorley – Lenoir Dajuan E. McDowell – Tar Heel
EMBALMING FACILITIES	None
UNAFFILIATED LICENSEES	None
FUNERAL ESTABLISHMENTS	Carolina Cremation, LLC – Concord Blair and Congleton Memorial Funeral Services, Inc. – Edenton *Crumpler Funeral Home of Raeford – Raeford <i>*ownership change</i>
PRE-NEED ESTABLISHMENTS	Bennett Funeral & Cremation Care – New Bern *Crumpler Funeral Home of Raeford – Raeford <i>*ownership change</i>
FUNERAL SERVICE LICENSEES	Brianna M. Patterson – Lenoir Hannah M. Murray - Raleigh
FUNERAL DIRECTORS	Gerald C. McNeill – Winterville Jamila L. Horne – Wilson Stephanie Ratcliff – Eden Robert W. Nardone – Stoneham, MA
EMBALMERS	Floyd H. Harris, Jr. - Supply