

# North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

(919)-733-9380 or 1-800-862-0636

[www.ncbfs.org](http://www.ncbfs.org)

**E-NEWS** July 2009 Volume 6, Issue 3

The Board will meet for the purposes of hearings at 9 a.m. Wednesday, July 15, 2009 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. The agenda for that meeting may be viewed [by following this link](#). The Board also scheduled hearings for 9 a.m. Thursday July 16, 2009.

---

**[CLICK HERE FOR CONTINUING EDUCATION PROGRAMS](#)**

## BOARD ACTIONS-

Actions and Results from the May 20 Board meeting:

- A. Discussed and approved Standard Operating Procedures for pre-need audits and establishment inspections.
- B. Reviewed report to the General Assembly on Board pre-need activities and enforcement
- C. Reviewed report to Secretary of State, Attorney General and Joint Committee on Oversight
- D. Received 2008 financial audit

Actions and Results from the June 17 Board meeting:

- A. A public hearing was held to receive comments on proposed rulemaking. No one appeared to make comments.
- B. Discussed and approved Laws, Rules & Legislation committee recommendation to delay decision on new law books until staff can conduct research into another publication.
- C. Approved the 2008 financial audit

## DEATH OF HENRY S. ROWAN

Former Board Inspector, Henry Smith Rowan, died July 7 in Whiteville. A memorial service will be held 4 p.m. Saturday, July 11 at the Worthington Funeral Home in Chadburn. The family will receive friends at the funeral home from 3-4 p.m. Saturday just prior to the service. Mr. Rowan retired from the Board in 2003.

## PROPOSED RULEMAKING

The Board will consider final approval for proposed rulemaking at the meeting on July 15. Proposed rulemaking and Notice of Text may be viewed by the following links: [Notice of Text](#), [34B .0413](#), [34B .0616](#), [34B .0706](#), [34C .0303](#) and [34D .0302](#). The proposed amendment to 34C .0303 would allow use of a single form to meet the requirements for tracking human remains through the cremation process. A draft of the proposed form can be viewed [by following this link](#). The comment period required by the Administrative Procedure Act ends July 14, 2009. Comments may be submitted by mail c/o Paul Harris, NCBFS 1033 Wade Avenue, Suite 108, Raleigh, NC 27605; by email: [wpharris@ncbfs.org](mailto:wpharris@ncbfs.org) or by fax: 919-733-8271.

NORTH CAROLINA CREMATORY AUTHORITY

The North Carolina Crematory Authority will meet at 10:00 a.m. Tuesday July 14 at the Board offices 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The agenda for that meeting can [be viewed here.](#)

TRANSPORTATION SECURITY ADMINISTRATION REGULATIONS:

Effective July 1, the TSA will begin enforcing an existing policy that requires all human remains shipments originating in the U.S. or its territories, to be tendered by a "known shipper." This policy requires funeral homes to register as a "known shipper" for each airline they use to ship bodies, and might require both a facility inspection and payment of a fee. Licensees should contact the airlines to obtain more information on this matter.

TSA website: <http://www.tsa.gov/index.shtm>

TSA regulations for traveling with cremated remains:

[http://www.tsa.gov/travelers/airtravel/specialneeds/editorial\\_1296.shtm](http://www.tsa.gov/travelers/airtravel/specialneeds/editorial_1296.shtm)

WEBSITE UPDATES TO CONTINUING EDUCATION AND LAWS & RULES

PAGES:

The Board's website has been updated to reflect approved online courses. You may access that page by [following this link.](#) The laws and rules page was also recently updated to include additional links to statutes and regulations related to funeral service in North Carolina. You may access that page [by following this link.](#)

DISCIPLINARY ACTIONS

CASE FILE NUMBER: M09-005.

LICENSEES: Hawkins Funeral Home, Henderson (closed); Lafayette Turner (FSL #925).

SUMMARY: During a recent inspection, the Board inspector found that Hawkins Funeral Home was not in compliance with building standards and did not have electricity or water at the facility. The inspector also discovered that the unlicensed owner had engaged in activities requiring a license. Finally, the firm had several minor violations on its casket and outer burial container price lists.

BOARD ACTION: The Board adopted consent order accepting the surrender of the funeral establishment permit until it has been reinspected and approved for occupancy. After reinspection, the funeral establishment permit would be on probation for three (3) years if issued to the unlicensed owner. Mr. Turner was placed probation for 18 months and had a concurrent 6 month suspension of his funeral service license.

EFFECTIVE DATE: May 20, 2009.

\*\*\*\*\*

CASE FILE NUMBER: V08-003

LICENSEES: David Reese, Winston-Salem (FDL #3550).

SUMMARY: Prior to the funeral home's closure, Mr. Reese failed to file a preneed contract within ten (10) days of sale and failed to deposit preneed funeral funds into a trust account within five (5) days.

BOARD ACTION: The Board adopted a consent order surrendering Mr. Reese's funeral director license to the Board. Mr. Reese may reapply in a minimum of two (2) years. Restitution was also ordered.

EFFECTIVE DATE: June 17, 2009.

\*\*\*\*\*

CASE FILE NUMBER: V08-014; M08-007.

LICENSEES: Hodges Funeral Home, Elkin (FEP #694; PNE #787); Timothy Hodges (FSL #1816); Keith Greene (FDL #3613).

SUMMARY: The Board discovered that over \$100,000.00 was mishandled by Mr. Hodges in connection with multiple preneed funeral contracts he sold. The contracts were not filed with the Board or reported on the preneed annual report. Mr. Greene was the manager of the firm at the time and failed to file several preneed contracts he sold.

BOARD ACTION: The Board adopted a consent order surrendering Mr. Hodges' license. Mr. Hodges may reapply for an embalmer license in a minimum of three (3) years. Mr. Greene's funeral director and preneed sales licenses were placed on one year probation, and Mr. Greene was required to undergo preneed continuing education and testing. The funeral home and preneed establishment licenses were revoked but can be reinstated upon certain conditions, including Mr. Hodges's separation from the firm. Mr. Hodges made restitution promptly upon request.

EFFECTIVE DATE: June 17, 2009.

\*\*\*\*\*

CASE FILE NUMBER: M09-007.

LICENSEES: Lutz-Austell Funeral Home, Shelby (FEP #340; PNE #265); William Burton (FDL #3771).

SUMMARY: Funeral Establishment failed to disclose a stock transfer requiring the issuance of new licenses to the Board over one or two renewal cycles. Funeral Establishment wishes to enter into a consent order paying a \$1,000.00 civil penalty.

BOARD ACTION: The Board adopted a consent order assessing a \$1,000.00 civil penalty.

EFFECTIVE DATE: June 17, 2009.

\*\*\*\*\*

OUR SYMPATHIES ARE EXTENDED THE FAMILIES OF:

- **David M. Campbell**, of Cape Fear Crematory, Stedman, who died June 18.
- **Douglas L. Howard**, US Army (ret.) who died June 26. Mr. Howard served in the U.S. Army Mortuary Affairs for most of his active military career and held a North Carolina Funeral Service License.