

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

E-NEWS September 2010 Volume 7, Issue 6

The next meeting of the Board will be 9 a.m. Wednesday, September 8, 2010 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. The agenda for the meeting can be viewed by [following this link](#).

[CLICK HERE FOR CONTINUING EDUCATION PROGRAMS](#)

BOARD ACTIONS- Actions and Results from the August Board meeting:

- A. Approved changes to proposed rules 21 NCAC 34A .0203, 34B .0311 as recommended by the Laws and Rules committee to satisfy objections by Rules Review Staff. Also approved the technical correction requested to 21 NCAC 34D .0203.
- B. Pursuant to the provisions of 21 NCAC 34C .0101(6)(E) the Board declared Raymond "Russ" Hackett of Cotton Funeral Home & Crematory, New Bern and Philip Lynn Sawyer Hayworth-Miller Crematory, Winston Salem elected to the Crematory Authority.

FRAUD ALERT!!!!

Board staff received reports from several funeral homes regarding attempted fraud. In these instances, contact was made via faxed request to the firms concerning the death of Smith Cole in England. The body is purportedly held at the West Norwood Mortuary. The fax contains the name Catlin Smith as the family contact and asks about accepting credit cards for payment. This is similar to those fraudulent attempts regarding deaths in Nigeria.

FTC EXTENDS "RED FLAG" ENFORCEMENT DEADLINE TO DECEMBER 31

The Federal Trade Commission (FTC) extended the enforcement deadline for "Red Flag" regulations from June 1, 2010 to December 31, 2010. This was to accommodate a request from several members of Congress. Please follow the following link to view the release: <http://www.ftc.gov/opa/2010/05/redflags.shtm>.

2010 BOARD CE CLINIC

The 2010 CE clinic will be held on Tuesday, October 19, at the Deep River Event Center in Greensboro. 5-hour programs will be available for embalmers and funeral directors. Featured speakers will be Mr. Vernie Fountain, representatives from the Mexican Consulate, Representatives from the NC National Guard Honor Guard and representatives from Fort Bragg Casualty Affairs and Assistance office. Look for more information in the next email newsletter and the next Board newsletter to be published in mid-September.

LAW CHANGES

DISPOSITION: During the last session of the General Assembly, legislation was passed amending the disposition statutes, G.S. 90-210.124 and G. S. 130A-420. These statutes can be found on pp. 127-129 and pp. 181-183 respectively of the 2010 law books. The Governor signed the bill into law August 4, 2010. [Follow this link to a copy of the legislation \(House Bill 76/Session Law 2010-191\)](#). Please note that G. S. 90-210.124(a) was changed to reference written directions for disposition as they appear in G. S. 130A-420(a).

G. S. 130A-420(a) was amended to match the order of written documents as they appeared in the former 90-210.124(a) and to add recognition of authority for a person designated by a service member's Record of Emergency Data (DD Form 93). [Follow this link to a copy of DD Form 93](#). In the event you are engaged to provide arrangements for a service person that dies while on active duty, the casualty assistance officer should have a copy of the service member's DD Form 93.

RELEASE OF INSURANCE INFORMATION: Session Law 2009-566 (House Bill 1166) makes changes to insurance laws that provide procedures for funeral directors to request certain information from life insurance companies. Life insurance companies are required to confirm existence of a policy, beneficiary and proceeds information to authorized persons once the individual complies with the provisions of the law. The effective date of this legislation is October 1, 2010. Please follow this link <http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1166v7.pdf> to read the full text of the enacted legislation.

OUR SYMPATHIES ARE EXTENDED TO THE FAMILY OF:

Mr. David B. McCugan, of Crumpler Funeral Home & Cremation Service, Red Springs, who died June 15.

DISCIPLINARY ACTIONS:

CASE FILE NUMBER: M08-021.

LICENSEES: S&L Funeral Home and Cremation Service (2 locations: FEP #18, PNE #712 and FE #532); Dennis Cromartie (FDL #3512).

SUMMARY: The Board found that an unlicensed person practiced without a license and violated the Funeral Rule. Mr. Cromartie was the manager of the Maxton location where the unlicensed practice occurred and was found not to have actively managed that location. The unlicensed person also published advertising using his photograph which covered both locations.

BOARD ACTION: The Board revoked all licenses for the Maxton location and issued a letter of caution to the Fair Bluff location. The Board also suspended Mr. Cromartie's funeral director license for one year. Mr. Cromartie and S&L Funeral Home have appealed the Board's decision, and all revocations and suspensions have been stayed during judicial review.

EFFECTIVE DATE: April 14, 2010.

CASE FILE NUMBER: V06-013; M09-030.

LICENSEES: Morrison-Studevent Funeral Home, Lexington (FEP #412); Naomi Morrison (FDL # 1855).

SUMMARY: The Board found the funeral home failed to comply with a previous final agency decision and that an unlicensed employee engaged in activities requiring a funeral director license.

BOARD ACTION: The Board issued a final agency decision that revoked the funeral establishment permit of Morrison-Studevent Funeral Home and the funeral director license of Naomi Morrison.

EFFECTIVE DATE: June 9, 2010.

CASE FILE NUMBERS: V09-031; M09-001.

LICENSEES: Larry Russell, (FDL #3000); Russell Marks Funeral Home and Cremation Service, Rockingham (FEP #377; PNE #323).

SUMMARY: The Board found the parties violated the terms of a previous consent order, failed to file its 2008 preneed annual report, and failed to provide all information requested by the Board.

BOARD ACTION: The Board entered into a consent order that extended the probation on Mr. Russell's funeral director license for one year and placed the funeral establishment license for Russell-Marks Funeral Home for one year. The Board revoked all preneed licenses of Russell-Marks Funeral Home.

EFFECTIVE DATE: June 9, 2010.

CASE FILE NUMBER: M10-007.

LICENSEES: G. Lane Memorial Funeral Home, Kinston (FEP #78); Deborah Moore-Marshall (FSL #2631).

SUMMARY: During an inspection, the funeral establishment could not produce copies of all price lists and did not have a privacy placard for its preparation room. After being cited for violations in its price lists during the previous inspection and submitting corrections to the Board, the inspector found that the firm had changed back its price lists to the way they were before the first inspection.

BOARD ACTION: The Board entered into a consent order placing Ms. Moore-Marshall on probation for 1 year. The Board placed the funeral establishment permit on probation for 3 years and ordered a \$1,000.00 penalty. Corrections and continuing education were ordered.

EFFECTIVE DATE: July 21, 2010.

CASE FILE NUMBER: M06-023; V09-049; V09-054.

LICENSEES: New Beginnings Funeral Service, Rich Square (FEP #549); Joseph Gordon, Jr. (FDL #3205).

SUMMARY: An unlicensed person made arrangements on a preneed basis on two separate occasions. The firm's manager was on probation at the time the unlicensed practice occurred.

BOARD ACTION: The Board entered into a consent order placing the funeral establishment on probation for five years and extended Mr. Gordon's probation for 5 years. The parties paid a \$2,500.00 fine and submitted a plan to govern the activities of the unlicensed person.

EFFECTIVE DATE: July 21, 2010.

CASE FILE NUMBER: V09-038; M09-006.

LICENSEES: Evans Funerals and Cremations, Edenton (FEP #632, PNE #320); James Sawyer (FD #3472).

SUMMARY: In V09-038, the Board found that the parties failed to remit funds for a cash advance to a funeral home in another state and made a false statement on the firms' 2010 renewal application. In M09-006, the Board found that the firm failed to comply with preneed recordkeeping standards and failed to timely file preneed contracts and certificates of performance.

BOARD ACTION: The Board entered into a consent order revoking the preneed establishment license of Evans Funerals and Cremations and the preneed sales license of Mr. Sawyer. The Board also agreed to reinstate the preneed establishment license upon meeting certain conditions. The Board placed Mr. Sawyer's funeral director license on probation for three years and ordered him to pay a \$1,000.00 civil penalty. Continuing education was ordered.

EFFECTIVE DATE: July 21, 2010.

CASE FILE NUMBER: V09-028.

LICENSEES: Clifton Quick (FS #2302), Greensboro.

SUMMARY: After the firm had closed where Mr. Quick was the manager, the Board inspector found that Mr. Quick did not make reasonable efforts to transfer a deceased located inside a building to another funeral establishment.

BOARD ACTION: The Board entered into a consent order placing Mr. Quick on probation for one (1) year and assessing a \$250.00 fine.

EFFECTIVE DATE: August 11, 2010.