

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

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The next meeting of the Board will be 9 a.m. Wednesday, December 14, 2011 at the Board offices, 1033 Wade Avenue, Ste. 108, Raleigh, NC 27605. The agenda for the meeting can be viewed by [following this link](#). The Board is also scheduled to meet on Thursday, December 15, 2011 for hearings.

CLICK [HERE](#) FOR CONTINUING EDUCATION PROGRAMS

[BOARD ACTIONS-](#) Actions and Results from the November 9 Board meeting:

- A. Adopted recommendation of Finance & Personnel committee to replace funds used for litigation expenses in the litigation reserve fund and to amend the monthly financial reports.
- B. Convened the NC Board of Funeral Service Elections to canvass Crematory Authority election ballots for a three year term beginning January 1, 2012. Cecil M. Burton received 26 votes and Jason L. Benton received 16 votes. Having received the most votes, Mr. Burton was declared elected.

[BOARD MEMBER CHANGES-](#)

The terms of members Jack D. Briggs, Rudy N. Lea, George Parrott and Elizabeth Webber end December 31, 2011. Mr. Briggs's service on the Board began in 2002, Mr. Lea's in 2003, Mr. Parrot's in 2002 and Ms. Webber's in 2009. We wish them a fond farewell and offer appreciation for their service.

Ms. Tryphina Wiseman has been re-appointed by Governor Perdue on the recommendation of FD& MA of NC, Inc. Ms. Wiseman's initial term expires December 31, 2011 and her new term begins January 1, 2012.

Mr. William Stephen Aldridge, III of Albemarle and Mr. Marvin Kelly Byrd of Monroe have been recommended by NCFDA to the Governor for appointment for terms beginning January 1, 2012.

Mr. James Broadus Combs of Aberdeen has been appointed as a public member by Representative Thom Tillis, Speaker of the NC House and Rev. John Shields of Gibsonville has been appointed as a public member by Senator Phil Berger, President Pro Tempore of the NC Senate. Mr. Combs's and Rev. Shields terms begin January 1, 2012.

2012 RENEWALS-

- Licenses expire December 31, 2011 and must be renewed on or before February 1, 2012 to avoid disciplinary action.
- 2012 Renewal applications have been mailed. If you do not receive one by December 10, 2011, please contact the Board office to request another. **DO NOT** wait until the end of January. You may also access renewal forms online at www.ncbfs.org on the "Applications" page.
- Pursuant to N.C.G.S. § 90-210.23(d) make certain you inform the board of any change in mailing address. In the interest of security, the notice should be in a signed, written format.
- Licensees can check their CE hours by accessing the website "Directory" page. Enter either your license number or **only** your last name. Please keep in mind CE hours recently obtained may not be entered yet.

LEGISLATIVE MATTERS

Effective January 1, 2012, there will be an important change for the laws governing appointment of a health care power of attorney or "health agent". For purposes of making anatomical gifts, the authorization of any autopsy, and the disposition of remains, a health care power of attorney is now effective after death, even if the principal did not become incompetent before death. Funeral homes and crematories will no longer have to confirm a doctor's written findings of the principal's incompetence in order to follow the directions of a health agent for disposition decisions after the principal's death. For preneed purposes, the principal's incompetence will still need confirmation in order to follow health agent's directives.

DISCIPLINARY MATTERS

CASE FILE NUMBER: M09-011.

LICENSEES: Loflin Funeral Home (PNE #215); Tyson Nixon (FSL #2691).

SUMMARY: During a preneed examination of Preneed Establishment, the Board inspector found several violations concerning the contract register, individual journals, and other recordkeeping violations. Preneed Establishment also did not respond within a reasonable time to recordkeeping errors in its 2008 and 2009 preneed annual reports.

BOARD ACTION: The Board adopted a consent order assessing a \$1,000.00 civil penalty and conditioning 2012 renewal upon completing preneed continuing education and other conditions.

EFFECTIVE DATE: November 9, 2011.

CASE FILE NUMBER: V10-026.

LICENSEES: Penland Funeral Home (FE #458; PNE #559); Ruth Penland (FDL #2183).

SUMMARY: Prior to revocation, the funeral director took funds for a preneed contract without providing a written contract Complainant. The check was deposited into an account that was not a trust account. The consumer called

Preneed Establishment in 2010 to inquire about the contract. After discovering the misconduct of the funeral director regarding the preneed contract and preneed funds, Licensee, the current manager, filed the contract with the Board and deposited the funds into a trust account. Licensee admits initialing the contract revocable but not to making the signature. The contract was then sent to the consumer, and the consumer filed a complaint alleging the forgery. Handwriting analysis confirmed the forgery.

BOARD ACTION: The Board adopted a consent order revoking all preneed licenses. The funeral establishment permit was also placed on probation for one (1) year.

EFFECTIVE DATE: November 9, 2011.

CASE FILE NUMBER: M11-021.

LICENSEES: Barnes Funeral Home (PNE #907).

SUMMARY: During a preneed examination, a Board inspector found Preneed Establishment failed to keep accurate preneed records.

BOARD ACTION: The Board adopted a consent order assessing a \$500.00 civil penalty and ordering continuing education.

EFFECTIVE DATE: November 9, 2011.

SYMPATHIES ARE EXTENDED TO THE FAMILY OF:

William P. "Bill" Roberts, of Walker Funeral Homes, Mebane, Hillsborough and Chapel Hill, who died November 6, 2011.

Mark S. Lanier, of Cumby Family Funeral Service of High Point, died November 6, 2011.

Kenneth Nelson Honeycutt, of Clinton, who died November 19, 2011.

Todd M. Sullivan, Sullivan's Highland Funeral Service, Fayetteville who died November 21, 2011.

Mary Ellen McKinney, co-founder of the former McKinney Funeral Home, now McKinney-Landreth & Carroll Funeral Home, Cliffside, who died December 5, 2011.

THE BOARD OFFICES WILL BE CLOSED ON MONDAY DECEMBER 26, AND TUESDAY DECEMBER 27 2011 IN OBSERVANCE OF CHRISTMAS AND MONDAY JANUARY 2, 2012 IN OBSERVANCE OF NEW YEAR'S DAY.