

# North Carolina Board of Funeral Service

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

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

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BOARD ACTIONS- Actions and Results from the August 10 Board meeting:

- A. Approved the recommendation of the Finance and Personnel committee to obtain software and license required to distribute an audio version of the laws and regulations.
- B. Approved the recommendation of the Laws, Rules and Legislative committee to issue an advisory opinion clarifying issues on jurisdiction for North Carolina crematories and funeral homes cremating bodies in NC of persons who die outside of NC.
- C. Discussed future legislative changes to unaffiliated licensees requirements, establishment manager requirements, cremation technician training requirements and requirements for transport/removal permit holders.
- D. Approved the ballot for NC Crematory Authority elections: There are two candidates for the 3 year term beginning January 1, 2012: Jason L. Benton and Cecil M. Burton. Ballots will be mailed October 3. Ballots must be returned in the ballot envelope and either postmarked no later than November 4 or, if hand delivered, presented no later than 4:30 p.m. November 4 to the Board offices 1033 Wade Ave., Suite 108, Raleigh NC 27605. Ballots will be canvassed on November 9, 2011 at 11:00 AM.

## ELECTRONIC DEATH REGISTRATION

Board staff continues to participate in discussions with representatives from other interested parties to further efforts for electronic death registration. The process will take time to implement; however, in the interim work is beginning on possible statute changes for death registration to alleviate problems with filing delays.

DISCIPLINARY MATTERS

CASE FILE NUMBER: V08-037.

LICENSEES: Sharon Memorial Park Crematory, Charlotte (CR #25).

SUMMARY: The Board received a complaint that the crematory was performing cremations with part of the lid removed to decrease burning time.

BOARD ACTION: The Board adopted a consent order placing the crematory on one (1) year probation, making restitution to the consumers for the cremation containers, and paying a \$1,500.00 civil penalty.

EFFECTIVE DATE: May 11, 2011.

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CASE FILE NUMBER: V10-048.

LICENSEES: Purcell Funeral Home, Southern Pines (FE #428; PNE #736); Kenneth Purcell (FSL #1570).

SUMMARY: The Board received a complaint alleging that the firm failed to deposit two preneed premiums in a timely manner. Preneed Establishment deposited the funds promptly upon receipt of the complaint.

BOARD ACTION: The Board adopted a consent order placing the preneed establishment and sales licenses on probation for three (3) years. The Board also placed the funeral establishment permit and funeral service license of Kenneth Purcell on probation for one (1) year. The parties paid a civil penalty of \$1,000.00 and were ordered to take continuing education in preneed.

EFFECTIVE DATE: July 13, 2011.

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CASE FILE NUMBER: V11-011.

LICENSEES: Blake Phillips Funeral Service, Greenville (FE #328); Vernon Phillips (FDL #3780).

SUMMARY: Funeral Establishment executed a consent order agreeing to reimburse two consumers for excess funds received under an insurance assignment but not imposing disciplinary action if timely payment was made. Funeral Establishment has refunded the consumers with interest but did not make the payments on time. Before the consent order was executed, Funeral Establishment received a third complaint of a similar nature and has refunded the money owed.

BOARD ACTION: The Board adopted a consent order placing the funeral establishment permit and Mr. Phillips on probation for one (1) year. The funeral establishment has made restitution and is prohibited from accepting insurance overages in the future.

EFFECTIVE DATE: July 13, 2011.

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CASE FILE NUMBER: V10-078.

LICENSEES: Mitchell's Funeral Home, Greenville (FE #725; PNE #861); Vivian Cummings (FDL #3140).

SUMMARY: The Board received a consumer complaint alleging that the unlicensed owners engaged in an unlicensed preneed sale. Several payments were made on the contract, but more than one deposit was not

timely made. The contract was also not filed on time. A follow-up audit showed other preneed recordkeeping violations, some of which were committed by the previous owner.

**BOARD ACTION:** The Board adopted a consent order placing the preneed establishment license and funeral establishment permit on probation for three (3) years. The firm will also pay a civil penalty of \$1,500.00, complete preneed continuing education, retain a new manager and implement written personnel management procedures. The funeral director and preneed sales licenses of Ms. Cummings were placed on probation for three (3). The firm's preneed sales were suspended until it complies with several conditions and, once reinstated, would be on probation throughout the remainder of the preneed establishment probation.

**EFFECTIVE DATE:** August 10, 2011.

**SYMPATHIES ARE EXTENDED TO THE FAMILIES OF:**

**Mr. Joseph Lindsay Joyce**, of Tri-County Funeral Service - Joyce-Brady Chapel, in Bennett, who died July 25.

**Mr. Bobby Gene Benton**, of Wright Funeral Home in Franklin and Boykins and formerly with Johnson Funeral Home in Rocky Mount, who died August 28.