



North Carolina Board of Funeral Service newsletter

North Carolina Funeral Board Service

Volume 5, Issue 1 Summer 2011

Changes to Sales Tax Rates

Excerpt from notice issued by the NC Department of Revenue:

Effective July 1, 2011, the general State tax rate applicable to sales and purchases of tangible personal property, certain digital property, and certain services is 4.75%. As a result, the general State and local tax rate will be 6.75% in eighty-two counties, 7% in Alexander, Catawba, Cumberland, Duplin, Haywood, Hertford, Lee, Martin, New Hanover, Onslow, Pitt, Randolph, Robeson, Rowan, Sampson, Surry and Wilkes Counties, and 7.25% in Mecklenburg County. Questions about this notice should be directed to the Taxpayer Assistance and Collection Center at telephone number 1-877-252-3052 (toll-free).

This change will effect computation of sales tax on funeral merchandise.

Important Legislation

The bills listed below were ratified by the General Assembly and are pending with the Governor for signature.

SL2011-197 (House bill 331) Allows physician’s assistants and nurse practitioners under supervision of a physician to sign death certificates. This becomes effective October 1, 2011 and applies to certificates signed on or after that date.

SL2011-344 Senate bill 432) Primarily deals with revising probate law, however included are changes to 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. This means funeral homes and crematories will no longer have to confirm a doctor made written findings of the principal’s incapacity in order to follow the directions of a health agent for disposition decisions. This will be effective January 1, 2012.

SL2011-229 (House bill 664) changed insurance law to provide certain information to a funeral director or establishment for a deceased person’s group life insurance coverage. Previously enacted legislation did not include group life insurance of the deceased as part of those products for which companies must provide. This is now in effect.

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North Carolina Board of Funeral Service

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Any questions or comments
 should be directed to the office at
 919-733-9380 or 1-800-862-0636

3,800 copies of this document were printed
 at a cost of \$0.382 per copy.



Seated (L-R) Tryphina Wiseman, George Parrott, Elizabeth Webber
 Standing (L-R) Frank McCree, Sr., Kenneth Stainback, Jack Briggs,
 Rudy Lea, J.T. Willoughby, III, Harris High



Mr. Harris B. High



Mr. Kenneth D. Stainback

New Members and Re-Appointment

Mr. Harris B. High of Indian Trail and Mr. Kenneth D. Stainback of Graham were appointed by Governor Perdue on the recommendation of NCFDA.

Mr. J. T. Willoughby, III, of Tarboro was re-appointed by Governor Perdue on the recommendation of FD&MA of NC, Inc.

A Note of Appreciation to Outgoing Members

Mr. Larry R. Andrews of Shallotte and Mr. P. Mark Blake of Raleigh are commended for their service on the Board. Both served since January 2005. Mr. Blake served as Board President in 2008 and Mr. Andrews served as Board President in 2009.

Death *Certificates*

In cooperation with the NC Medical Board, NC Vital Records and the NC Hospital Association, the Board is participating in efforts to improve the death registration system, with a focus on Electronic

Death Registration. The initial meeting brought forth a number of ideas and a common interest that the system needs improvement both in electronic filing and with appropriate statute changes.

Supreme Court Ruling On Funeral Protests

In an action brought by the father of a Marine, the US Supreme Court ruled in favor of Westboro Baptist Church, who had protested at the Marine's funeral. The court upheld the First Amendment Rights of the protesters. Licensees should be aware of NC law regarding protests at funerals. Please follow this weblink to view the law: www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_14/GS_14-288.4.pdf.

FTC Red Flag Compliance Update

With the passage of US Senate Bill 3987 The Red Flag Program Clarification Act, most funeral homes will not have to comply with the FTC Red Flag Regulations took effect January 1, 2011. The bill limits the compliance with Red Flag Regulations to businesses that:

- 1) obtains or uses consumer reports, directly or indirectly, in connection with a credit transaction;
- 2) furnishes information to certain consumer reporting agencies in connection with a credit transaction;
- or
- 3) advances funds to or on behalf of a person, based on the persons obligation to repay the funds.

While the third section appears to apply to cash advances made by funeral homes, the bill specifically exempts funds advanced for expenses that are secondary to a service the business provides. Funeral homes will have to comply with Red Flag Regulations if they use credit reports when arranging financing with consumers or send information to credit reporting agencies.

New Licenses, Permits and Establishment *changes*

New Funeral Service Licensees:

Robert D. Abaunza – Montvale, NJ
Sean Christopher Algee – Concord, CA
Andy Christopher Austin – Newport, TN
Rosalyn Aycock – LaGrange
Ryland Branch Bennett – Danville, VA
Dudley Scott Bennett – Danville, VA
Karen Marie Bond – Blue Ridge, GA
Henry Schuldt Burmester – Otto
Christopher Michael Bryant – New Bern
James P. Brosnan – Kingsport, TN
Clarence Javon Boston – Greensboro
Deborah A.P. Boykin – Roseboro
Myron Nathaniel Davis – Raleigh
Arthur Eugene Eaton (converted) – Wilson
Candace Elizabeth Eddins – Fayetteville
Heather Cain Escamilla – Ft. Dix, NJ
Jonathon Scott Greene – Gastonia
Dana Kimberly Griffin – Rocky Mount
James F. Hamrick – Macon, GA
Jonathan Dwain Holland – Monroe
Bryan Max Hughes – Newland
Justin Dene Hughes – Snead's Ferry
George Da'Ronte D. Nell Johnson (converted) – Hope Mills
John D. Kepner – Wheeling, WV
John Edward Kiewlicz – Greenville
William Daniel Lipford – Mountain City, TN
David Martin Lockridge (converted) – Kings Mountain
Timothy Lee Loflin, II – Salisbury
Margaret Elizabeth Lusk – Newland
Scott Alan MacKenzie – Chapel Hill
Marvin Dayne Marsh, III – Hildebran
Michael Ray Massengale – Thomsaville
David Christopher Neal – Danville, VA
Benjamin Earl Nelms – Rocky Mount
Matthew Timothy Payne – Hickory
Hillary Frances Pennington – Scottsdale, AR
Jason Carlisle Rhodes – Gastonia
Joshua Thomas Rich – Asheboro, NC
Donald Gwynn Robertson – Danville, VA
Forrest Michael Rogers – Charlotte
Michael Anthony St. Onge (converted) – West End
Thomas James Stepp, Jr. (converted) – Beaufort
Jack Thomas Strayhorn (converted) – Winston-Salem
James Franklin Surratt – Nashville, TN
Sarah A Tessnair (converted) – Saluda
Chelsea Tolman – High Point
Nathan Jay Updike – Deland, FL

Thomas Jeffrey Whitson – Pensacola, FL
Claiborne Keister Whitt, III – Ringgold, VA
Charles Thomas Wilburn, Jr. – Clayton
Vincent B. Wilson – Lancaster, CA
Michael Yannone – West End

New Funeral Director Licensees:

Brian Jennings Ballard – Fletcher
Charles Bennett Chambers – Fayetteville
Gladys Alston Cooper – Greensboro
Reginald DaVance Greene – Lenoir
Louisa Jane Hartsell – Albemarle
Thomas Bradley Johnson – Charlotte
Eula P. Jones – Durham
Thomas C. Kelsch – Pinehurst
Vondia Kay Smith – Jackson Springs
Shaun Alan Smitherman – Winston-Salem
Mary Katheryn Taylor – Rutherfordton
Scott Teague – Mountain City, TN
Merle Kittrell Terry – Roxboro
Lula Knotts Thomas – Sanford
Stacey Louise Walker – Linton
Matthew Bridgers Wilkerson – Winterville

New Establishments

Donald I. Roseboro Funeral & Cremation Service – East Flat Rock
First Choice Funeral Home and Cremation Services – Murfreesboro
Funeraria Jardinez De La Paz, Inc. – Wilson
Hodges and Little Memorial Funeral Service – Rockingham
Lori Chappell Funeral Home – Raleigh
Mercedes O'Forney Funeral Mansion & Cremation Service, Inc. – Williamston
Pamlico Funeral & Cremation Service – Washington
Prominence Funeral Home – Thomasville
Quinn-McGowan Funeral Home, Bradley Creek Chapel – Wilmington
Smith-Holloway Memorial Funeral Services, LLC – Goldsboro
The Good Samaritan Funeral Home – Denver
Cremation Society of the Triad – High Point
Williford Funeraria – Fuquay-Varina
Wrenn-Yeatts Memorial Funeral Home – Yanceyville

Ownership Changes:

Forest Lawn Funeral Home – Hendersonville
Raymer-Kepner Funeral Home & Cremation Services – Huntersville (formerly Raymer)

Establishment changes cont. from page 4

Location Changes:

*New Beginnings Funeral Service – Rich Square
Barefoot Cremations – Havelock
Cumbo and McDonald Memorial Funeral Home – Beaufort
Gailes Funeral Home – Asheboro*

New Crematories:

*Capital Crematory – Nags Head
Cleveland Crematory Service – Shelby
Coastal Cremation Services – Wilmington
Cremation Society of Charlotte, Inc.
Paul Funeral Home & Crematory – Washington
Sossoman Funeral Home Crematory – Morganton*

New Chapels:

*Blackwell Chapel – Yanceyville
(converted from establishment)
G. Lane Memorial Chapel – Kinston
(converted from establishment)
Morris Chapel – Red Springs
(converted from establishment)
Walker-Horner's Chapel – Plymouth
Warlick's of Denver*

Closed:

*A. L. Jitwright Funeral Service –
Charlotte & Pineville*

*Barrows Funeral Home – Morehead City
Brown's Funeral Services – Warrenton
Davis & Mangum Funeral Home – Statesville
Palmer Mortuary – Shelby
Parrish Funeral Home – Princeton location
Sykes Funeral Home – Scotland Neck*

New Unaffiliated Licensees:

*Samuel S. James Funeral Service Licensee –
Huntersville
Jimmy D. Sawyer Funeral Director Licensee –
Williamston*

New Removal/Transport Licensees:

*Jason Allen Crawford – Charlotte
Beatrice Fair – Charlotte
Eldon Jay Hinegardner – Morganton
Dwain Hudson – Charlotte
Valachie Anton Leggett – Charlotte
Corey Matthews – Charlotte
Elizabeth Maynard – Charlotte
Brian Palmieri – Durham
John Eddie Sigmon, Jr. – Durham
Norbert Tadych, II – Charlotte
Darryl Watts – Charlotte*

Our Sympathies are extended to the families of:

Ralph H. Watson, of Watson Mortuary, Sanford, who died May 1, 2010.

John Douglas Pond, of Andrews Mortuary, Wilmington, NC who died on August 4, 2010.

William Thomas Johnson of Johnson Funeral Home, Huntersville who died August 23, 2010.

L. W. "Sandy" Rouse of Rouse Mortuary, Greenville, who died September 16, 2010.

John Calvin "J. C." Sossoman, Jr., owner of Sossoman Funeral Home, Morganton who died October 17, 2010.

John A. McCarroll, of Grier Funeral Service, Charlotte, who died October 24, 2010.

Ivey Howard Stampley, Jr. formerly of Coble Ward Smith Funeral Service, Wilmington, who died December 22, 2010.

Jack Warner Williams, former owner of Hankins and Whittington Funeral Service and McEwen Funeral Service in Monroe, and Williams-Dearborn Funeral Home (now Heritage at Weddington) who died January 13, 2011.

Brenda Lois Coble, formerly of Butler Funeral Service, Laurinburg who died January 21, 2011.

Donald Morris Carter, of Summersett Funeral Home, Salisbury, who died May 2, 2011.

Phyllis Ann Garvin, of Lafayette Funeral Home, Fayetteville, who died June 3, 2011.

Timothy B. Hudson of Walker Funeral Home Chapel Hill, who died June 4.

(If a reader is aware of the death of a licensee that has not been acknowledged in this section, please inform the Board staff.)

Disciplinary *matters*

CASE FILE NUMBER: V09-028.

LICENSEES: Clifton Quick, Jr. (FSL # 2302), Greensboro.

SUMMARY: A funeral home for which Mr. Quick was manager lost its lease and ceased operations. The Board learned that an embalmed body was left inside the building after the funeral home closed while the next of kin decided their preferred disposition.

BOARD ACTION: The parties entered into a consent order placing Mr. Quick's funeral service license on probation for one (1) year and assessing a \$250.00 civil penalty.

EFFECTIVE DATE: August 11, 2010.

CASE FILE NUMBER: M10-015.

LICENSEES: Richard Harris Funeral Home (FE #438, PNE #806), Zebulon.

SUMMARY: During a recent examination, the Board found several recordkeeping violations, some of which were repeated from a previous examination.

BOARD ACTION: The Board entered into a consent order placing the preneed establishment license on probation for two (2) years and assessing a \$500.00 penalty.

EFFECTIVE DATE: September 8, 2010.

CASE FILE NUMBER: M10-018.

LICENSEES: Clyde Foust (FD #3345); Gail's Funeral Home (closed) Asheboro.

SUMMARY: After his facility had closed, the Board determined that Mr. Foust had practiced funeral service without complying with North Carolina General Statute section 90-210.25(a2) and used an unpermitted facility to practice. The Board also found that Mr. Foust continued to publish obituaries for cases he referred to another funeral home on the Gail's Funeral Home website without indicating that his firm did not perform the service.

BOARD ACTION: The Board entered into a consent order suspending Mr. Foust's license for 90 days beginning August 27, placing him on probation for 15 months, and assessing a \$1,000.00 penalty. The Board also refused to issue a new funeral establishment permit until the suspension ended.

EFFECTIVE DATE: October 6, 2010.

CASE FILE NUMBER: V08-049.

LICENSEES: E. C. Terry's Funeral Service & Cremation Service, Henderson (FE #577; PNE #387).

SUMMARY: The firm failed to remit an initial insurance premium and failed to file a preneed contract until a consumer complained. During an inspection, the firm also had other preneed recordkeeping issues, failed to produce copies of its price lists for inspection, and did not have proper body tags for inspection.

BOARD ACTION: The Board adopted a consent order placing the funeral establishment permit, preneed licenses, and funeral director license on probation for two (2) years. The parties paid a \$2,000.00 civil penalty.

EFFECTIVE DATE: August 11, 2010.

CASE FILE NUMBER: M10-014.

LICENSEES: Harrington Funeral Home & Crematory, Hamlet (CR #88).

SUMMARY: During a recent inspection, the Board inspector found that Crematory had several minor recordkeeping violations.

BOARD ACTION: The Board accepted a consent order from Crematory placing its crematory license on probation for 1 year and requiring continuing education in crematory recordkeeping.

EFFECTIVE DATE: November 10, 2010.

CASE FILE NUMBER: V09-034.

LICENSEES: Minshew Funeral Home, Inc. Four Oaks (FE #392, PNE #107); Anthony Minshew (FSL #802); Othal Minshew (FSL #448).

SUMMARY: A consumer purchased a preneed contract from the firm, but the insurance company denied the application. The firm continued to accept premiums for several years but did not forward them to the insurance company. When the consumer confronted the firm about the policy, the firm attempted to substitute a policy with a different company, and the signature on the insurance application did not belong to the consumer. Other minor preneed violations were found during an audit of the firm.

BOARD ACTION: The Board adopted a consent order. Anthony Minshew surrendered his preneed license and can reapply in one year. His funeral service license was suspended for 30 days and placed on three (3) years' probation. Othal Minshew, who was the firm manager, was placed on probation for one (1) year. The preneed establishment license was

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Disciplinary matters cont. from page 6

placed on probation for three (3) years and its sales licensees were ordered to take continuing education. The funeral establishment permit was also placed on probation for one (1) year, and the firm paid a \$5,000.00 compromise penalty.

EFFECTIVE DATE: January 19, 2011.

CASE FILE NUMBER: V09-035.

LICENSEE: Rogers-Pickard Funeral Home, Sanford (FE #513).

SUMMARY: After performing a cremation for a client, the firm misplaced the cremated remains. The firm found the cremated remains after an extensive delay and returned them to the consumer.

BOARD ACTION: The Board adopted a consent order putting the funeral establishment permit on probation for three (3) years and assessing a \$2,500.00 fine.

EFFECTIVE DATE: January 19, 2011.

CASE FILE NUMBER: M10-029.

LICENSEES: W. E. Flanagan Memorial Funeral Home, Greenville (FE #261, PNE #939).

SUMMARY: During a recent preneed examination, a Board inspector found that Preneed Establishment was not maintaining records required by the Board, updating its individual journals, or completing insurance assignment forms for several of its preneed contracts. Preneed Establishment had repeated some of the violations from its last examination.

BOARD ACTION: The Board adopted a consent order placing the preneed establishment license on two (2) years probation and requiring continuing education.

EFFECTIVE DATE: January 19, 2011.

CASE FILE NUMBERS: V10-008; V10-047; M10-002.

LICENSEES: Patricia Borders (FDL #3778).

SUMMARY: Ms. Borders was manager of two different firms, Cleveland Funeral Service and Wesley Heights Mortuary Service, Charlotte. While Ms. Borders was employed at Cleveland Funeral Service, an unlicensed person made the funeral arrangements on two occasions and attempted to collect a debt on a funeral bill that Ms. Borders agreed to waive. Ms. Borders then became the manager at Wesley Heights Mortuary Service where its unlicensed owner, who is now deceased, made arrangements with a consumer.

BOARD ACTION: The Board adopted a consent order placing her funeral director license on suspension for two months and placing her on probation for one year. Ms. Borders also agreed to terms of management if she elected to serve as a firm manager.

EFFECTIVE DATE: February 9, 2011.

CASE FILE NUMBER: M10-008.

LICENSEES: Richardson Funeral Homes, Louisburg & Nashville (FE #505, 506; PNE #523, 603).

SUMMARY: During a recent preneed examination, the firm was found to have several recordkeeping violations that were repeated from a previous inspection. All records from the firm were kept at one location.

BOARD ACTION: The Board adopted a consent order placing the firm on one year probation and assessing a \$1,000.00 civil penalty.

EFFECTIVE DATE: February 9, 2011.

CASE FILE NUMBERS: V09-055; V10-051; M10-006; M11-005.

LICENSEES: Rosadale Funeral Parlor, Charlotte (FE #744); Regional Pruitt (FSL # 1194); Ezzard Parker (FS #1575).

SUMMARY: The Board received several complaints that an unlicensed owner was practicing without a license. Second, the funeral home used the TSA registration of another firm to ship several cases to another country. Third, the funeral home also used unregistered names and failed to have several Statements of Goods and Services Selected signed by a licensee. Finally, the funeral home opened a facility without receiving a certificate from the Board. Although intended to be used as a chapel, their use of the facility required a funeral establishment permit. An unlicensed person also made arrangements at the new facility.

BOARD ACTION: The Board adopting the consent order placing the funeral home on probation for five (5) years. The unlicensed people were ordered to dissociate from the firm, and the unlicensed owner would be ineligible to serve a traineeship for a minimum of one (1) year. The most recent firm manager was placed on probation for three years and had his funeral director license suspended for 90 days. The previous firm manager was placed on probation for five (5) years. Civil penalties totaling \$5,500.00 were assessed to the parties.

EFFECTIVE DATE: April 13, 2011.

Licensee & Trainee Address Update

If your mailing address needs to be updated, please use this simple form to update the Board's information. Once you have completed the address correction form, please place it in a stamped envelope and mail it to:

1033 Wade Ave., Suite 108
Raleigh, NC 27605

LICENSEE/TRAINEE NAME _____ LIC. NUMBER _____

CORRECT MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____ CODE _____

SIGNATURE _____

Address Update Form can be found on the last page of this issue!

Return Service Requested

North Carolina Board
of Funeral Service
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