

North Carolina Board of Funeral Service

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www.ncbfs.org

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Next meeting of the Board is 9 a.m. Wednesday, January 13, 2016 at the Board office, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The agenda will be posted by January 8 and can be viewed by [following this link](#).

[CLICK HERE FOR CONTINUING EDUCATION PROGRAMS](#)

IMPORTANT ANNOUNCEMENTS

The Board of Funeral Service office will be closed Wednesday-Friday, December 23-25 in observance of Christmas. The office will also be closed on New Year's Day, Friday, January 1, 2016. The Board and staff wish everyone a blessed Christmas and a safe, healthy and prosperous 2016.

RENEWALS- Individuals

Renewal season is underway. We encourage you to utilize the new online individual license renewal process. Your license number gives you access; last four digits of your SSN are your PIN. Licensees who have already renewed via online process are raving about the simplicity. Try it!

RENEWALS- Establishments

Establishment renewal applications which are not correct are being sent back with an explanation of the problem. If this impacts your establishment, please be sure to make the correction(s) and have the form and fee back to our office by February 1, 2016 by 4:30pm.

Renewal applications that are not received in our office by February 1, 2016 by 4:30 pm will be considered late.

If the postmark on the envelope is stamped February 1, 2016 and we receive it in our office after February 1, 2016, the application(s) will be considered late.

If your establishment is a LLC or Corporation, you must provide proof that it is **filed** with the Secretary of State. It must show that a licensee is a member of the LLC (not a manager) and a licensee must be President, VP, or Chairman of the Board of the Corporation. Please print documents from the Sec. of State and attach to the renewal application(s).

We cannot process preneed establishment renewals if the funeral establishment has not renewed, or if each individual on schedule A has not renewed. Individuals must have completed 5 CE hours each year to renew unless they are exempt.

INSPECTOR

Candidate recruitment has closed for the vacant Inspector position. Interviews of selected candidates will begin shortly.



PRENEED REMINDERS

The Certificate of Performance changed in September, 2012. There are an alarming number of establishments still using the 2004 form. The old form is obsolete and should not be used.

Please contact the Board office if there are questions. The current COP is here: <http://www.ncbfs.org/applications/1cop.pdf>



LAWS AND RULES REVIEW:

We published this information in November’s newsletter, but it bears repeating as we are in the midst of renewals:

Renewals are due by 12/31/15. Your 2015 license *is expired* on January 1, 2016. There is (currently) a grace period. However, any licenses not renewed by February 1, 2016 are forfeited:

§ 90-210.25(a)(5)

(b)The holder of any license issued by the Board who shall fail to renew the same on or before February 1 of the calendar year for which the license is to be renewed shall have forfeited and surrendered the license as of that date. No license forfeited or surrendered pursuant to the preceding sentence shall be reinstated by the Board unless it is shown to the Board that the applicant has, throughout the period of forfeiture, engaged full time in another state of the United States or the District of Columbia in the practice to which the applicant's North Carolina license applies and has completed for each such year continuing education substantially equivalent in the opinion of the Board to that required of North Carolina licensees; or has completed in North Carolina a total number of hours of accredited continuing education computed by multiplying five times the number of years of forfeiture; or has passed the North Carolina examination for the forfeited license. No additional resident traineeship shall be required. The applicant shall be required to pay all delinquent annual renewal fees and a reinstatement fee. The Board may waive the provisions of this section for an applicant for a forfeiture which occurred during the applicant's service in the Armed Forces of the United States provided the applicant applies within six months following severance therefrom.

c. All licensees now or hereafter licensed in North Carolina shall take continuing education courses in subjects relating to the practice of the profession for which they are licensed, to the end that the benefits of learning and reviewing skills will be utilized and applied to assure proper service to the public.

d. As a prerequisite to the annual renewal of a license, the licensee must complete, during the year immediately preceding renewal, at least five hours of continuing education courses, of which the Board may require licensees to take up to two hours specified by the Board. All continuing



education courses must be approved by the Board prior to enrollment. A licensee who completes more than five hours in a year may carry over a maximum of five hours as a credit to the following year's requirement. A licensee who is issued an initial license on or after July 1 does not have to satisfy the continuing education requirement for that year.

The net: If your renewal is not in the Board's hands on or before February 1, 2016, *you have voluntarily surrendered your license*. If you have not completed your CE requirement by now, the hourglass is about empty. You have precious little time left. DO NOT wait until the last minute for your CE, or to process your form. The Board is not responsible for the US Postal Service, FedEx, or whatever other postal business you utilize.

DISCIPLINARY MATTERS

Case File Numbers: C15-034; M15-001; M15-011

Licensees: Wilson Family Funeral Service (FE # 660, PNE # 728); William Tracy Wilson (FD # 3998)

Summary: During an inspection and preneed audit, a Board inspector found various violations. A consumer's complaint also showed that Respondents knowingly misappropriated preneed funds. Additionally, Respondents failed to timely renew the establishment licenses and operated without a valid permit.

Board Action: After a hearing, the Board issued a Final Agency Decision revoking all individual and establishment licenses of Respondents.

Effective Date: December 9, 2015

Declaratory Ruling Report:

Ruling Number: D15-001, In the matter of: SimpleCremationOnline.com

Question: Does the payment by a local funeral establishment to an online cremation sales website of 10% of all revenues generated through said website violate N.C. Gen. Stat. § 90-210.25(e)(1)(f), which prohibits the "payment or offer of payment of a commission by the licensee, his agents, assistants or employees for the purpose of securing business..?"

Ruling: Yes.

Issue Date: December 9, 2015

Non-Compliant Trainee Activity:

Pursuant to this Board's laws and rules, a preneed funeral establishment permit and an individual preneed sales license are required to sell preneed funeral contracts. Pursuant to 21 NCAC 34B.0103(c) and 21 NCAC 34D.0202(b), duly certified resident trainees may *assist* in the following preneed funeral planning activities:

(1) show and explain written materials, including price lists and photographs, descriptive of the funeral services and merchandise and the preneed funeral plan or contract being offered:



- (2) explain the various types of funeral ceremonies and services and the qualities and characteristics of various kinds of funeral merchandise;
- (3) record, on any form or otherwise, specific items of funeral services and merchandise selected on a preneed basis; and
- (4) make funeral arrangements on a preneed basis.

However, duly certified resident trainees may not engage in the following preneed funeral planning activities:

- (1) sell, on a preneed basis, funeral services and merchandise; and
- (2) sign preneed contracts.

If the Board receives information that duly certified resident trainees are not complying with the laws and rules governing the activities they are or are not allowed to engage in, both the trainee and the licensed trainee supervisor may be referred to the Trainee Committee and/or the Disciplinary Committee for review.

NEW LICENSEES

The Board congratulates those individuals licensed in November:

FS: Brittany Nicole Chancey, Louis Jay Crabaugh, Christopher James Wilson, Brian Teel Winslow

FD: Erica Jo Sharp, Robert Fitzgerald Staples

NEW TRAINEES

New Trainees registered with the Board in November:
Jarrod D. Carpin, Hall-Wynne Funeral Service, Durham
Joseph Coleman Lashley, Burroughs Funeral Home, Walnut Cove
Stephanie LeAnn Rodriguez, Brown-Wynne Funeral Home, Raleigh
Tyler Leon Rozier, Askew Funeral & Cremation Services, Roanoke Rapids
Camille-Macie Rumph, Clark S. Brown & Sons, Winston-Salem

SYMPATHY IS EXTENDED TO THE FAMILY OF:

Richard C. "Dick" Andrews, owner of Andrews Mortuary, Wilmington, who died on November 15, 2015.

CONTINUING EDUCATION

Your CE is all done; you've submitted your renewal application...right?

