

North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

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www.ncbfs.org

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Next meeting of the Board is 9 a.m. Wednesday, December 9, 2015 at the Board office, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The agenda will be posted by December 4 and can be viewed by [following this link](#).

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IMPORTANT ANNOUNCEMENTS

The NC Board of Funeral Service is soliciting applications for the position of Inspector, covering the north-central region of the state.

Applicants must hold a North Carolina funeral service license in good standing. Preference will be given to applicants with five or more years of continuous, full time practice as a funeral service professional in North Carolina. Candidates must possess a working knowledge of the laws and rules governing the practice of funeral service in North Carolina, death registration, postmortem investigation/disposition laws of North Carolina, and the Federal Trade Commission Funeral Rule. Computer experience is required. This position requires travel.

Prior to an offer of employment, drug screening and a criminal background check will be conducted.

Comprehensive benefit package includes: salary, mileage and expense reimbursement, 401k plan, health, disability and dental coverage, paid holidays, vacation and sick leave. Interested candidates should submit a confidential resume, cover letter / interest statement, and a list of three references to Peter M. Burke, CFSP, NC Board of Funeral Service, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605 or via e-mail to pmburke@ncbfs.org . Deadline to submit application materials is Friday, November 27, 2015 at 4:00 PM EST.

NON-COMPLIANT INFLATION-PROOF PRENEED CONTRACTS:

Recently, Board Staff has received some non-compliant Inflation-Proof Preneed Contracts. As a reminder, the purchase price on an Inflation-Proof Preneed Contract and the total purchase price on the Statement of Goods and Services Selected should equal the total amount the consumer will pay. The amount paid by the consumer for an Inflation-Proof Preneed Contract cannot exceed the total purchase price on the Statement of Goods and Services Selected. Board Staff's position on this issue is that charging such a hidden "guarantee" fee in excess of the current purchase price for the goods

and services selected violates both this Board's laws and rules as well as the FTC Funeral Rule. Funeral Establishments submitting these non-compliant contracts will be notified that they are not in compliance with the Board's laws and rules and, if any additional non-complaint contracts are received by the same establishment and/or the establishment fails to submit a new or properly amended contract, referred to the Disciplinary Committee for review.

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>

Contract Register (PN-7) and individual journals (PN-8) are no longer required by the Board.



LAWS AND RULES REVIEW:

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: M15-001; M15-012

Licensees: Madison Funeral Home (FE # 362, PNE #362); Larry Don Peek (FSL # 2404); Scott Alan Peek (FSL # 3111); Monica Adkins (FSL # 2617)

Summary: During a recent preneed examination, a Board inspector found that Preneed Establishment had committed various preneed recordkeeping violations and had engaged in activities requiring a preneed sales license without a valid license. Additionally, Respondents failed to timely renew the establishment license and operated without a valid permit.

Board Action: The Board adopted the consent order (1) revoking the funeral establishment permit; (2) revoking all preneed sales licenses of the Funeral Establishment; (3) revoking Larry Peek's funeral service license for a minimum of two years; (4) placing Scott Peek on probation for a period of three years; and (5) assessing civil penalties totaling \$500.00 to Scott Peek and Monica Adkins.

Effective Date: July 8, 2015

Case File Number: M15-014

Non-Licensee: Ralph Owens Johnson

Summary: Mr. Johnson applied for a transport permit. In or around January 1998, Mr. Johnson was convicted of a felony. The Board denied Mr. Johnson's application for a transport permit, and Mr. Johnson subsequently requested a hearing.

Board Action: After a hearing, the Board affirmed the preliminary decision to deny Mr. Johnson's application for a transport permit.

Effective Date: October 5, 2015

Case File Number: M08-016; M11-006; M15-016
Non-Licensee: Craig Franklin Smith
Summary: Mr. Smith applied to reciprocate his Vermont Funeral Director license. The Board denied Mr. Smith's application for reciprocity on the grounds that the application failed to meet the requirements to reciprocate an out-of-state funeral directing license. Mr. Smith subsequently requested a hearing.
Board Action: After a hearing, the Board affirmed the preliminary decision to deny Mr. Smith's application for reciprocity of his out-of-state funeral director license.
Effective Date: October 14, 2015

Case File Number: M15-001
Licensees: Butler Funeral Home (FE # 72); Butler Funeral Home (FE # 75); Butler Funeral Home (FE # 76)
Summary: Respondents failed to timely renew the establishment licenses and operated without a valid permit.
Board Action: The Board adopted consent orders assessing civil penalties totaling \$750.00 to Respondents.
Effective Date: October 14, 2015

NEW LICENSEES

The Board congratulates those individuals licensed in October:

FS: Ezra Alan Dalton, Maurice Pierre Mosley, Catherine Evans Poole, Christy Erin Ramirez, Lori Jane Sheeler

FD: Harold David Gates, Tammie Gaye Ginn-Walker, Joy Hottel Warren

NEW TRAINEES

New Trainees registered with the Board in October:
Randy Neal Black, Boone Family Funeral Home, W. Jefferson
Milton Frink, Peoples Funeral Home, Whiteville
George Shelly Gilmore, Worley Funeral Home, Clinton
Donald James Gloege, Carothers Funeral Home, Gastonia
Michael Dorian Ingram, Holloway Memorial Funeral Home, Durham
Euthemia Mungo, Kannapolis Mortuary, Kannapolis
Andrew Douglas Price, Evans Funeral Service, Lenoir
Melissa Lenore Rachels, Williford Funeral Home, Fuquay-Varina
Daisette Ford Stroud, Burtney Funeral Service, Durham
Danielle Heather Turner, Hayworth-Miller FH, Winston-Salem
Timothy Allen Williams, Crumpler-Honeycutt, Clinton

SYMPATHY IS EXTENDED TO THE FAMILY OF:

Benjamin C. Strickland, Sr., president of Seymour Funeral Home, Goldsboro, who died on November 7, 2015.

CONTINUING EDUCATION

Give yourself an early Christmas present: Finish your CE!

