

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

E-NEWSLETTER August 2016: Volume 12, Issue 7

The Board will next meet at 9 a.m. on Wednesday, September 14, 2016, at 1033 Wade Avenue, Ste. 108, Raleigh, NC. The agenda will be posted on the Board's website by Sep. 9.

BOARD STAFF ANNOUNCEMENTS

The Board welcomes Mr. Michael C. (Mike) Stone, who was recently appointed to the Board. We anticipate the swearing-in and other documents to be completed prior to our next Board meeting. We appreciate Mr. Stone's willingness to serve on the Board, filling an unexpired term until December 2017.

The Board is pleased to announce that Peter LaPiana joined our team as the IT Manager in early August. Peter brings with him a wealth of experience and hands-on knowledge, including working as a contractor to plan, troubleshoot and upgrade networks. He has 16 years of experience working as IT Manager for a small Wake County town.

Congratulations are in order to our dedicated staff members who are celebrating 15 years of service: Marty Mills, Lloyd Davis and Virginia Harris.

Renewal season will be here before you know it! Our goal is to have renewal applications on their way to establishments and individual licensees before December 1 of each year, so now is a good time to make sure we have your up-to-date contact information. For individual licensees, best practice—to be sure YOU know it is time to renew—is to provide your individual residence (or Post Office Box) address, rather than that of your employer. This holds true even if your employer underwrites your individual license fees. More than 100 late renewals each year are due to Board staff's not having a current address, or an application that has been inadvertently overlooked when employers have processed individual renewals for their staff members. Individual licensees are responsible for ensuring their renewals are timely received at the Board's offices.

PRENEED ANNOUNCEMENTS

You are reminded that GS 90-210.62 states "Preneed funeral contracts may be revocable or irrevocable, at the option of the preneed funeral contract purchaser. "

A Revocable contract is generally better for the consumer unless the consumer needs or will soon need to reduce his/her assets in order to qualify for benefits from the Department of Social Services. An

Irrevocable contract does not offer any real advantage to the licensee. The consumer can still transfer an Irrevocable contract to another funeral establishment.

TRAINEE ANNOUNCEMENTS

Pursuant to 21 NCAC 34B .0110, each trainee's monthly work reports must be received by Board staff on or before the 10th calendar day of the month that immediately follows the completion of each one month period of his or her resident traineeship.

Because these monthly reports have to be notarized, Board staff must receive the original hard copy in the Board office. However, for purposes of meeting the deadline referenced herein, trainees may submit a copy of their monthly report by facsimile to the attention of Marty Mills at (919) 733-8271 or by e-mail to mmills@ncbfs.org. Please note that if a trainee submits his or her monthly report by facsimile or e-mail for the purposes of complying with the submission deadline, the trainee will still need to submit the original, notarized monthly report in person or by mail to the Board's office at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605. Trainees incurring two missed or late reports in one year will be suspended and required to come before the Traineeship Committee.

COMPLIANCE OPINIONS

Have a compliance question? Remember to use our question-and-answer feature, Compliance Opinion. If the question relates to your own prospective conduct, you may send an electronic correspondence to complianceopinion@ncbfs.org. You may also send a facsimile to the legal department at (919) 733-8271, attention "Compliance Opinion." Your correspondence must include: (1) your name; (2) your licensee affiliation/status; (3) all facts necessary for an opinion to be rendered; and (4) any supporting, pertinent documentation. In the order they are received, the Board Staff will provide responses to these inquiries, to the extent they pertain to future actions and matters within the purview of the Board's Laws and Rules only. If your question relates to past conduct (your own or that of another licensee), the Board Staff may decline to answer.

Please note – Compliance Opinions are not reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. If one disagrees with Board Staff's position on a matter, they may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the North Carolina General Statutes. Should you wish to submit a Request for Declaratory Ruling, you may find the form necessary to complete on the Board's website at this link: <http://www.ncbfs.org/applications/RequestForDeclaratoryRuling.pdf>

LEGAL ANNOUNCEMENTS

The Board was recently asked to issue a declaratory ruling to provide guidance regarding which individuals may properly dress, casket, and/or arrange the hair and make-up of a decedent. Pursuant to the declaratory ruling issued by the Board pursuant to the governing statutes, below are some bullet points intended to provide guidance to licensees:

- Licensees and trainees of this Board may dress, casket, and/or arrange the hair and make-up of a decedent.
- A decedent's friends, family members, members of a religious group, or other authorized agents may dress, casket, and/or arrange the hair and make-up of a decedent if they do so without pay.
- A licensee may pay individuals who are not licensed by this Board, but are licensed by another occupational licensing Board, to dress, casket, and/or arrange a decedent's hair and make-up, as allowed by their respective licensing board(s). For example, licensed cosmetologists or licensed barbers may be paid for services they provide to decedents, if they are compliant with their respective practice acts.
- If a licensee routinely pays an individual who is not licensed by this Board or any other occupational licensing Board to perform these services on behalf of a funeral establishment, the Board may consider the funeral establishment to be aiding and abetting the unlicensed practice of funeral service. Such determinations will be on a case-by-case basis; individuals with concerns about their current practices should contact Board staff for guidance.

DISCIPLINARY MATTERS

Case File Number: M16-004; R16-085.

Licensees: Pruitt Funeral Home (FE # 479; PNE # 557); Regional Orlanda Pruitt (FSL # 1194)

Summary: Board staff conducted a preneed audit examination in September 2015. During the 2015 audit, Board staff found that Respondents were in violation of several preneed recordkeeping laws and rules enforced by the Board. Respondents also failed to timely renew their licenses and permits.

Board Action: The Board adopted a Consent Order whereby Respondents admitted that they had committed the violations alleged. As part of the terms agreed upon through the Consent Order, Respondents' preneed establishment and all ancillary preneed sales licenses are actively suspended for two (2) years; provided that, after a period of six (6) months' active suspension, Respondents may request that the remainder of the suspension be stayed upon the following conditions: 1) that Respondents admit to the violations against them; 2) that they serve active probation for the remaining time; 3) that they remit a civil penalty of \$1,000.00 in accordance with Article 31A of Chapter 115C; and 4) that they not violate any applicable laws or rules of the Board during the term of probation.

Effective Date: August 10, 2016.

Case File Number: M16-020.

Licensees: McEwen Funeral Service at Sharon Memorial Park (FE # 351; PNE # 119)

Summary: Board staff received thirty-three (33) preneed contracts from Respondent McEwen Funeral Service at Sharon memorial Park that were not timely filed with the Board.

Board Action: The Board adopted a Consent Order, whereby Respondent agreed to pay a compromise penalty of \$3,000.00 in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

Effective Date: August 10, 2016.

Case File Number: M16-025.

Applicant for Traineeship: Timothy Lamont Goldsby.

Summary: Mr. Goldsby, an applicant for a resident traineeship, admitted on his application that he has a felony criminal history. Respondent's application was preliminarily denied on the grounds that he failed to demonstrate good moral character.

Board Action: Following a hearing in which Mr. Goldsby put on evidence and witnesses attesting to his rehabilitation and good moral character, the Board conditionally approved Mr. Goldsby's application for a resident traineeship on the following conditions: 1) that Respondent commit no infractions of any criminal law during his traineeship; 2) that Respondent commit no infractions of the Board's laws and rules during his resident traineeship; and 3) that Respondent appear at a hearing before the full Board again prior to issuing any licenses to Respondent.

Effective Date: June 28, 2016.

Case File Number: R16-044.

Licensee: Deborah Peterson-Cunningham (FD # 163).

Summary: The Board adopted a Consent Order, whereby the parties resolved the allegations against Respondent Peterson-Cunningham that she forfeited her funeral service license by failing to timely renew it.

Board Action: Pursuant to the terms of the Consent Order, Respondent Peterson-Cunningham admitted to the allegations against her and agreed to pay a \$250.00 compromise penalty to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.

Effective Date: June 28, 2016.

Case File Number: 15 BMS 09598 (Office of Administrative Hearings).

Licensee: Kenneth Dale Stainback (FD # 2955); McClure Funeral Service (FE # 344 & 345)

Summary: Respondent Stainback pleaded guilty to one felony count of conspiracy to defraud the Internal Revenue Service in the ascertainment of corporate taxes totaling in excess of \$150,000.00. Respondent Stainback was sentenced to a period of active imprisonment, followed by supervised release. Respondent Stainback was further ordered to pay restitution to the Internal Revenue Service, in addition to fines. An Administrative Law Judge at the Office of Administrative Hearings issued a proposed decision in which Respondent Stainback's funeral director license be actively suspended for a period of six (6) months, beginning upon the conclusion of his active sentence of incarceration. Upon the completion of the active suspension, Respondent Stainback's funeral director license shall be placed on a stayed suspension for a period of thirty-six (36) months. Respondent Stainback shall never again be issued a preneed sales license.

Board Action: The Board voted to accept the proposed decision issued by the Office of Administrative Hearings.

Effective Date: August 10, 2016.

Case File Number: 15 BMS 09595 (Office of Administrative Hearings).

Licensee: Stephen Ray Smith (FSL # 984); McClure Funeral Service (FE # 344 & 345)

Summary: Respondent Smith pleaded guilty to one felony count of conspiracy to defraud the Internal Revenue Service in the ascertainment of corporate taxes totaling in excess of \$150,000.00. Respondent Smith was sentenced to a period of active imprisonment, followed by supervised release. Respondent Smith was further ordered to pay restitution to the Internal Revenue Service, in addition to fines. An Administrative Law Judge at the Office of Administrative Hearings issued a proposed decision in which Respondent Smith's funeral service license be actively suspended for a period of six (6) months, beginning upon the conclusion of his active sentence of incarceration. Upon the completion of the active suspension, Respondent Smith's funeral service license shall be placed on a stayed suspension for a period of thirty-six (36) months. Respondent Smith shall never again be issued a preneed sales license.

Board Action: The Board voted to accept the proposed decision issued by the Office of Administrative Hearings.

Effective Date: August 10, 2016.

NEW LICENSEES

The Board congratulates the following individuals licensed since the last Newsletter:

FUNERAL DIRECTORS

Heather M. Hill – Raleigh, NC
Regina M. Brown-Tew – Dunn, NC

FUNERAL SERVICE LICENSEES

Kristina S. Sloan – Durham, NC
Robert D. Hood – Raleigh, NC
Patrick A. Stover – Asheboro, NC
Maryeileen A. Appio – Fort Mill, South Carolina
Clay Bruggeman, Crouse, NC

RESIDENT TRAINEES BEGINNING SINCE LAST BOARD MEETING

Sean Calvin Clark – LaFayette Funeral Home, Fayetteville, NC
Constant A. Dickens-McCain – Hester-Whitted-Daye Funeral Service
Dionne D. Gilmore – Noble & Kelsey Funeral Home, Salisbury, NC
Timothy L. Goldsby-Haskins Funeral Home, LLC, Goldsboro, NC
Terri Anne Hintz – Drum Funeral Home, Hickory, NC
Nikki Walker Lyons – Steven L. Lyons Funeral Home – Raleigh, NC
Lee Taylor Pierce-Hill’s Funeral Home-Fairmont, NC
Ebony TM Stevenson – Pugh Funeral Home, Inc., Asheboro, NC
Makla J. Thompson- S E Thomas funeral & Cremations Services, Inc. – Thomasville, NC
Carlene N. White-Walker Memorial Funeral Home, Lillington, NC
Perry H. Ashford – Hope Valley Hawkins Funeral Service & Cremation, Clinton, NC
Rebecca E. Bennett – Miller funeral Service, Inc., North Wilkesboro, NC
Crystal C. Burrell-Braddy – Peoples Funeral Home of Shallotte, Shallotte, NC
Jordyn W. Faile – McLean Funeral directors of Gastonia, Gastonia, NC
Milon Fenner – Carlton L. Gray Funeral & Cremation Service, Raleigh, NC
Pamela Browning Frazier – Hanes Funeral Service, LLP, Durham, NC
MaryAnn Hersam – Peacock Newman & white Funeral & Cremation Service – Southport, NC
Richard C. Honeycutt – McClure funeral & Cremation Service, Graham, NC
Kimberly M. Johnson – Cremation of Society of charlotte, Inc., Charlotte, NC
Michael Conley McEwen – Wilmington Funeral & Cremations – Wilmington, NC
John Carrol Parks, Jr. – Appalachian Funeral Services & Cremation, Sylva, NC

NEW FUNERAL ESTABLISHMENTS

Ward Memorial Funeral Home – Cremations Services, Inc. – Robersonville, NC

NEW CREMATORIES

Community Crematory – Raleigh, NC
Wright Cremations & Funeral Service, LLC – High Point, NC

NEW TRANSPORT PERMITS

Debra A Hines – Scotland Neck, NC
Dwight Arrington – Nashville, NC
Sean C. Clark – Fayetteville, NC
Cedric L Hargrave – Lexington, NC

RECENTLY APPROVED CONTINUING EDUCATION COURSES

The Board's list of approved Continuing Education courses is updated regularly and can be found on the Board's website at the following link: <http://www.ncbfs.org/list.html>.

Date(s):	August 24, 2016
Sponsor:	North Carolina Funeral Directors Association
Title:	Crematory Operator Training
Location(s):	Simply Cremations of Charlotte – 3850 Matthews-Indian Trail Road- Matthews, NC 28104
Time:	8:00am - 5:00 pm
Hours:	8 hours
Contact:	Bill Forsberg 312-805-2584
Registration Fee:	\$350.00 members/ \$425.00 non-members (correction)

Date(s):	September 14, 2016
Sponsor:	The Dodge Institute for Advanced Mortuary Studies
Title:	Dodge Advanced Embalming Seminar
Location(s):	Piedmont Technical College-620 N. Emerald Rd-Greenwood, SC 29646
Time:	8:30am – 3:30 pm
Hours:	6 hour
Contact:	Dedrick Gantt 864-941-8521
Registration Fee:	Before 09/07/16 \$75.00 After 09/07/16 \$150.00

Date(s):	September 14, 2016
Sponsor:	North Carolina Funeral Directors Association
Title:	Crematory Operator Certification Program
Location(s):	Munden Funeral Home-2112 Arendell St.-Morehead City, NC 28557
Time:	9:00am – 4:00pm
Hours:	7 hours
Contact:	Steve Odom 252-726-8066
Registration Fee:	\$35.00

Date(s):	September 21, 2016
Sponsor:	Centurion Enterprise
Title:	Making unique Choices
Location(s):	Groce Funeral Home-72 Long Shoals Rd-Arden, NC 28704
Time:	5:00pm – 8:00pm
Hours:	3 hours
Contact:	Ryan Jacobson 828-456-3535
Registration Fee:	\$25.00

Date(s):	September 23, 2016
Sponsor:	National Funeral Directors Association
Title:	NFDA Certified Preplanning Consultant (CPC) program
Location(s):	Worsham College of Mortuary science-495 Northgate Parkway, Wheeling, IL
Time:	8:00 am – 4:00 pm
Hours:	8 hours
Contact:	Shari Foucault/ Jacklyn Lindberg 262-789-1880
Registration Fee:	\$495.00 - \$655.00

Date(s):	September 23, 2016
Sponsor:	Brunswick Community College
Title:	Death can hurt You
Location(s):	Brunswick Community College – 50 College Rd, NW – Bolivia, NC 28422

Time:	9:00am – 3:00 pm
Hours:	5 hours
Contact:	Lori Long Summerlin 910-755-7408
Registration Fee:	\$70.00

Date(s):	September 26, 2016
Sponsor:	Piedmont district Funeral Directors & Morticians Assoc. of NC.
Title:	9:30am-11:30am Mass Fatality in NC-where are we and what's next? 11:30am-1:00pm – Advances for Death Care Professionals 2:00pm-3:30pm – Employment process/strategies & ideas to retain employee
Location(s):	Rowan Public library-201 W. Fisher St.- Salisbury, NC 28144
Time:	various
Hours:	5 hours
Contact:	Cheryl Anderson 704-982-6313
Registration Fee:	\$50.00

Date(s):	October 4, 2016
Sponsor:	South Carolina Funeral Directors Association
Title:	10:00 am-11:00 – From the Ground up 1:00 pm – 2:00pm – Cremation Yesterday, today & tomorrow: change-Opportunity 2:00 pm – 3:00 pm – Evaluating your 3 rd party Cremation Provider
Location(s):	Columbia conference Center-169 Laurelhurst Avenue-Columbia, SC 29210
Time:	See above
Hours:	3 hours
Contact:	Rion Rampey 800-445-3427
Registration Fee:	\$125.00

Date(s):	October 5-7, 2016
Sponsor:	International Cemetery & Funeral Association
Title:	ICCFA Fall management Conference
Location(s):	Kiawah Island Golf Resort-One Sanctuary Beach Dr-Kiawah Island, SC 29455

Time:	Various
Hours:	Possible 7 hours
Contact:	Daniel Osorio 703-391-8400 X 1215
Registration Fee:	\$779.00-\$999.00

Date(s):	October 6-7, 2016
Sponsor:	Hospice of Davidson County
Title:	5 th Annual Professional conference on Grief & Loss
Location(s):	Davidson County Community College – 297 DCCC Road – Thomasville, NC 27360
Time:	various
Hours:	Poss. 8 hours
Contact:	Rhonda Davis 336-475-5444
Registration Fee:	\$85.00

Date(s):	October 13, 2016
Sponsor:	Arnold Wilbert Corp.
Title:	Starting from Scratch/Better communication with families-Education for cremation families
Location(s):	North Raleigh Hilton-3415 Wake forest Rd.-Raleigh, NC 27609
Time:	9:00am – 3:30pm
Hours:	5 hours
Contact:	Bruce Tart 919-735-5008
Registration Fee:	\$65.00

Date(s):	October 15-18, 2016
Sponsor:	National Funeral directors & Morticians Association, Inc.
Title:	2016 Annual Board of Directors Meeting
Location(s):	NFDMA Headquarters-6290 Shannon Parkway-Union City, GA 30291
Time:	various
Hours:	4 hours
Contact:	Carnell W. Robinson, II CFSP 770-969-0064

Registration Fee:	\$0
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Date(s):	November 10, 2016
Sponsor:	National Funeral Directors Association
Title:	Investing in Key Employees
Location(s):	National Funeral Directors Association-13625 Bishop's Drive-Brookfield, WI 53005
Time:	1:00pm – 2:00pm
Hours:	1 hour
Contact:	Jacklyn Lindberg 262-789-1880
Registration Fee:	\$60.00 - \$179.00

Date(s):	December 1, 2016
Sponsor:	National Funeral Directors Association
Title:	The Update on VA Burial Benefits
Location(s):	National Funeral Directors Association-13625 Bishop's Drive-Brookfield, WI 53005
Time:	1:00pm – 2:00pm
Hours:	1 hour
Contact:	Jacklyn Lindberg 262-789-1880
Registration Fee:	\$0.00 - \$110.00

Date(s):	December 15-17, 2016
Sponsor:	The Dodge Institute for Advance Mortuary
Title:	The Dodge 2016 Wreaths across America Project
Location(s):	Dover Air force Base – Arlington, VA
Time:	various
Hours:	3.25 hours
Contact:	Debbie Dodge 207-841-6330
Registration Fee:	Sliding scale
Date(s):	Open Dates

Sponsor:	National Funeral Directors Association
Title:	NFDA Home Study-2016 Annual All-Staff Training with the FTC Funeral Rule
Location(s):	NFDA-13625 Bishop's Drive-Brookfield, WI 53005
Time:	Open time
Hours:	4 hours
Contact:	Jacklyn Lindberg 262-789-1551
Registration Fee:	\$60 - \$105