

North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

(919) 733-9380 or (800) 862-0636

www.ncbfs.org

E-NEWSLETTER April 2017: Volume 13, Issue 4

The Board's next scheduled meeting is at 9 a.m. on Wednesday, May 10, 2017 and Thursday, May 11, 2017 at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

BOARD STAFF ANNOUNCEMENTS

The Board's Executive Director, David Shehdan, has resigned. The Board thanks Mr. Shehdan for his service. Catherine Lee, with the law firm Nichols, Choi & Lee, PLLC, will be serving as the Board's Interim Executive Director. Ms. Lee may be reached by e-mail at clee@ncbfs.org or by phone at (919) 341-2636.

The Board's South East Region Inspector, David Hall, will be resigning effective April 27, 2017. The Board thanks Mr. Hall for his service. Any licensees in the South East Region with compliance questions are encouraged to contact the Board's Lead Inspector / Compliance Liaison, Brett Lisenbee, in the interim period until a new South East Region Inspector is hired. Mr. Lisenbee may be reached by phone at (919) 218-8083, or by e-mail at blisenbee@ncbfs.org.

JOB OPPORTUNITIES

The Board is currently accepting applications for the following three (3) positions:

1) Executive Director

-For a more detailed job description and posting, please visit:

<http://www.ncbfs.org/EXECUTIVE%20DIRECTOR%20JOB%20POSTING%20-%20APRIL%202017.pdf>

-To apply, please submit your resume, cover letter, and a list of references to clee@ncbfs.org

2) Board Inspector for the South East Region

-For a more detailed job description and posting, please visit:

<http://www.ncbfs.org/Inspector%20job%20posting%202017-4.pdf>

-To apply, please submit your resume to clee@ncbfs.org

3) Board Inspector and Compliance Liaison

-For a more detailed job description and posting, please visit:

<http://www.ncbfs.org/Inspector%20job%20posting%202017-4.pdf>

-To apply, please submit your resume to clee@ncbfs.org

RULEMAKING ANNOUNCEMENT

The Board is continuing to accept public comments on the adoption of the below two proposed permanent rules until June 2, 2017. Comments will also be accepted in person at the public hearing on May 10, 2017. Comments may also be submitted by:

- E-mail: ccress@ncbfs.org
- Public Hearing:
 - May 10, 2017
 - Time: 10:00 a.m.
 - Location: 1033 Wade Avenue, Suite 108, Raleigh, NC 27605
- Mail: Attn: Christina D. Cress, NC Board of Funeral Service, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605

21 NCAC 34B .0617 is proposed for adoption as follows:

21 NCAC 34B .0617 PRACTICING DURING DISASTERS

(a) Upon the declaration of a state of emergency, as provided in G.S. 166A-19.20, the Board may waive, for a period not to exceed 120 days following the rescission of the declaration of a state of emergency, any requirement of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706. Only those funeral establishments impacted by and located in a county in which the state of emergency has been declared shall be eligible for a waiver.

(b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by the Board, to include the following:

(1) name and permit number of the funeral establishment making the waiver request;

(2) a description of the circumstances giving rise to the request;

(3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the emergency; and

(4) the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-210.27A and 21 NCAC 34B .0702-.0706.

(c) A funeral establishment seeking to extend a waiver in excess of 120 days shall provide a written request and explanation to the Board for its consideration. It shall be within the discretion of the Board to grant or deny an extension request, based on the following criteria:

(1) the degree of risk of harm, if any, that the continued non-compliance poses to the general public;

(2) the efforts undertaken by the funeral establishment towards compliance with the plan submitted to the Board at the time of its initial waiver request; and

(3) the circumstances surrounding the funeral establishment's request for additional time.

Authority G.S. 90-210.23(d), (e); 90-210.25(d); 90-210.27A.

21 NCAC 34B .0618 is proposed for adoption as follows:

21 NCAC 34B .0618 PRACTICING DURING EMERGENCIES

(a) When a funeral establishment experiences an emergency occurrence or imminent threat of damage, injury, or loss of property resulting from a natural or man-made incident, the Board may waive, for a period not to exceed 120 days, any requirement of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706. The funeral establishment may continue to

operate if it has provided evidence that the emergency does not pose an immediate threat to human life, an immediate threat of serious physical injury, or an immediate threat of serious adverse health effects.

(b) Any funeral establishment seeking a waiver pursuant to this Rule shall request the same on a form prescribed by the Board, to include the following:

(1) name and permit number of the funeral establishment making the waiver request;

(2) a description of the circumstances giving rise to the request;

(3) a plan for correcting any violations of G.S. 90-210.27A and 21 NCAC 34B .0702-.0706 caused by the emergency; and

(4) the anticipated time frame that the funeral establishment will return to full compliance with G.S. 90-210.27A and 21 NCAC 34B .0702-.0706.

(c) A funeral establishment seeking to extend a waiver in excess of 120 days must provide a written request and explanation to the Board for its consideration. It shall be within the discretion of the Board to grant or deny an extension request, based on the following criteria:

(1) the degree of risk of harm, if any, that the continued non-compliance poses to the general public;

(2) the efforts undertaken by the funeral establishment towards compliance with the plan submitted to the Board at the time of its waiver request; and

(3) the circumstances surrounding the funeral establishment's request for additional time.

Authority G.S. 90-210.23(d), (e); 90-210.25(d); 90-210.27A.

PRENEED ANNOUNCEMENTS

Preneed Annual Reports and the corresponding Summary Sheets were due on March 31, 2017. Please note that if any Preneed Annual Report and/or Summary Sheet received by Board staff does not have a postmark dated on or before March 31, 2017, the preneed establishment will receive an invoice from Board staff for a \$150.00 late fee.

Preneed licensees are reminded that the appropriate funding mechanisms for preneed contracts are preneed trusts and preneed insurance policies, and that funds must be remitted to the bank or insurer, as applicable, within five (5) business days of receipt. Please also remember that preneed contracts must be in writing on forms prescribed by the Board. [These forms are available on our website at <http://ncbfs.org/preneedforms.html>.] All preneed contracts must be submitted to the Board, together with the applicable filing fee, within 10 days of the sale of the contract. N.C. Gen. Stat. §§ 90-210.61(a)(1), (3); 90-210.62(b); 90-210.67(d).

NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS

CREMATORIES:

Beam Funeral Service

Brooks Crematory (change of ownership only)

FUNERAL ESTABLISHMENTS:

Rivers- Morgan Funeral Home & Crematory of Greenville
Evans Funeral Home & Crematory (change of ownership only)
Family Funeral Home & Cremation Service, Inc.
Brooks funeral Home & Crematory (change of ownership only)

TRANSPORTER:

Gene Ray Shelnut

FUNERAL SERVICE LICENSEES:

Kim K. Lester
Lester Keith Channell
James Phillip Warren, II
Terri Lynn Merz
Charles D. Parr, Jr.
Krista Paige Sands
Al Bobby Hicks

FUNERAL DIRECTOR LICENSEES:

Mark Andrew Green
Keyna N. Chiles
Bradford Lee Bailey

DISCIPLINARY MATTERS

Board Case Number: M16-043.

Respondent: C. David Ward, Jr. (FSL # 665).

Summary: Pursuant to a previous Final Agency Decision issued in December 2016, Respondent's funeral service license was suspended and the at-need and preneed establishment permits of the funeral establishment previously owned and managed by Respondent were revoked. Following the revocation of the at-need and preneed establishment permits of Ward Funeral Service, Inc., Board Inspector Lisenbee conducted an audit of the preneed contracts in Respondent's possession prior to transferring them to a successor preneed funeral establishment consistent with Board policy. Inspector Lisenbee discovered numerous preneed violations, including but not limited to recordkeeping violations; fraud or misrepresentation in the practice of preneed funeral planning; and misappropriation of preneed funeral funds.

Board Action: Following a hearing to show cause on March 8, 2017, the Board issued a Final Agency Decision permanently revoking Respondent's funeral service license. Respondent was ordered to reimburse the Board \$250.00 for costs associated with prosecuting the show cause hearing held in November 2016, and \$1,606.90 for costs associated with prosecuting the second show cause hearing on March 8, 2017. The Board directed staff to refer this case to the Gaston County District Attorney and North Carolina Department of Insurance for investigation and potential criminal prosecution. Finally, the Board directed staff to publish a notice in a Gastonia

newspaper to make consumers aware of Respondent's preneed malfeasance and to provide information regarding the Board's Preneed Recovery Fund.

Effective Date: April 19, 2017.

Respondent: Lowe-Neddo Funeral Home (Preneed Establishment # 737).

Summary: Respondent's preneed establishment permit and ancillary individual preneed sales licenses expired on December 31, 2016. Respondent failed to deliver an application for renewal of its preneed establishment permit and ancillary preneed sales licenses with payment of the applicable renewal fees to the Board before the close of business on February 1, 2017, thereby forfeiting and surrendering said preneed establishment permit and ancillary preneed sales licenses for the following individuals: Lee Thomas Dixon, Mark S. Grissom, Margaret Hollis, and Michael J. Neddo. Since January 1, 2017, Respondent has continued to serve as trustee for one or more preneed funeral contracts, and has not transferred the active preneed contracts in its possession to an actively licensed preneed funeral establishment.

Board Action: The Board adopted a Consent Order, whereby the Board agreed to retroactively renew Respondent's 2017 preneed establishment permit, upon Respondent's compliance with the following terms: (1) completion of a 2017 renewal application for a preneed establishment permit and all ancillary preneed sales licenses; (2) payment of a \$150.00 renewal fee for its preneed establishment permit; (3) payment of a \$100.00 late fee for renewal of its preneed establishment permit; (4) payment of a \$20.00 renewal fee for each individual preneed sales licensee; (5) payment of a \$25.00 late fee for each individual preneed sales licensee; and (6) payment of a \$500.00 compromise penalty which shall be paid to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the NC General Statutes.

Effective Date: April 12, 2017.

Respondent: Alexander Funeral Home, Inc. (Preneed Establishment # 519).

Summary: Respondent's preneed establishment permit and ancillary individual preneed sales licenses expired on December 31, 2016. Respondent failed to deliver an application for renewal of its preneed establishment permit and ancillary preneed sales licenses with payment of the applicable renewal fees to the Board before the close of business on February 1, 2017, thereby forfeiting and surrendering said preneed establishment permit and ancillary preneed sales licenses for the following individuals: Alfred Alexander, Theodora Alexander, Kelly M. Alexander, Jr., Harmon Bradford, Jr., Sharon Joe Lewis, and Betty J. Stitt. Since January 1, 2017, Respondent has continued to serve as trustee for one or more preneed funeral contracts, and has not transferred the active preneed contracts in its possession to an actively licensed preneed funeral establishment. Since January 1, 2017, Respondent has filed at least 9 preneed contracts with the Board that were entered into by Respondent with consumers during the period of preneed establishment permit forfeiture on or after January 1, 2017. In 2009 and 2013, Respondent

renewed its preneed establishment permit and ancillary individual preneed sales licenses after February 1 after each respective year. As a result, Respondent was assessed a late fee and a compromise penalty for each late renewal.

Board Action: The Board adopted a Consent Order, whereby the Board suspended the preneed establishment permit and all ancillary preneed sales licenses of Respondent for two (2) years, but stayed the suspension on the following probationary conditions: (1) completion of a 2017 renewal application for a preneed establishment permit and all ancillary preneed sales licenses; (2) payment of a \$150.00 renewal fee for its preneed establishment permit; (3) payment of a \$100.00 late fee for renewal of its preneed establishment permit; (4) payment of a \$20.00 renewal fee for each individual preneed sales licensee; (5) payment of a \$25.00 late fee for each individual preneed sales licensee; and (6) payment of a \$1,250.00 compromise penalty which shall be paid to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the NC General Statutes.

Effective Date: April 12, 2017.

Respondent: Heather R. Forbis-Grice (FD # 3803).

Summary: Respondent's funeral director license expired on December 31, 2016. Respondent failed to deliver an application for renewal of said license with payment of applicable renewal fee(s) to the Board by the close of business on February 1, 2017, thereby failing to renew said license.

Board Action: The Board adopted a Consent Order, whereby the Board agreed to retroactively renew Respondent's 2017 funeral director license, upon Respondent's compliance with the following terms: (1) completion of a 2017 renewal application for a funeral directing license; (2) payment of a \$100.00 renewal fee for a funeral directing license; (3) payment of a \$50.00 license reinstatement fee; and (4) payment of a \$500.00 compromise penalty which shall be paid to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the NC General Statutes.

Effective Date: March 30, 2017.

Respondent: Edda T. Lea (FD # 3240).

Summary: Respondent's funeral director license expired on December 31, 2016. Respondent failed to deliver an application for renewal of said license with payment of applicable renewal fee(s) to the Board by the close of business on February 1, 2017, thereby failing to renew said license.

Board Action: The Board adopted a Consent Order, whereby the Board agreed to retroactively renew Respondent's 2017 funeral director license, upon Respondent's compliance with the following terms: (1) completion of a 2017 renewal application for a funeral directing license; (2) payment of a \$75.00 renewal fee for a funeral directing license; (3) payment of a \$50.00 license reinstatement fee; and (4) payment of a \$500.00 compromise penalty which shall be paid to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the NC General Statutes.

Effective Date: March 30, 2017.

Respondent: Joseph R. Hagan (FD # 2704).

Summary: Respondent's funeral director license expired on December 31, 2016. Respondent failed to deliver an application for renewal of said license with payment of applicable renewal fee(s) to the Board by the close of business on February 1, 2017, thereby failing to renew said license.

Board Action: The Board adopted a Consent Order, whereby the Board agreed to retroactively renew Respondent's 2017 funeral director license, upon Respondent's compliance with the following terms: (1) completion of a 2017 renewal application for a funeral directing license; (2) payment of a \$75.00 renewal fee for a funeral directing license; (3) payment of a \$50.00 license reinstatement fee; and (4) payment of a \$500.00 compromise penalty which shall be paid to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the NC General Statutes.

Effective Date: March 30, 2017.

Respondent: Lynwood M. Grice, Jr. (FSL # 2509).

Summary: Respondent's funeral service license expired on December 31, 2016. Respondent failed to deliver an application for renewal of said license with payment of applicable renewal fee(s) to the Board by the close of business on February 1, 2017, thereby failing to renew said license.

Board Action: The Board adopted a Consent Order, whereby the Board agreed to retroactively renew Respondent's 2017 funeral service license, upon Respondent's compliance with the following terms: (1) completion of a 2017 renewal application for a funeral service license; (2) payment of a \$100.00 renewal fee for a funeral service license; (3) payment of a \$50.00 license reinstatement fee; and (4) payment of a \$500.00 compromise penalty which shall be paid to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the NC General Statutes.

Effective Date: March 30, 2017.

Respondent: Raymond Eugene Bradley (FSL # 1812).

Summary: Respondent's funeral service license expired on December 31, 2016. Respondent failed to deliver an application for renewal of said license with payment of applicable renewal fee(s) to the Board by the close of business on February 1, 2017, thereby failing to renew said license.

Board Action: The Board adopted a Consent Order, whereby the Board agreed to retroactively renew Respondent's 2017 funeral service license, upon Respondent's compliance with the following terms: (1) completion of a 2017 renewal application for a funeral service license; (2) payment of a \$100.00 renewal fee for a funeral service license; (3) payment of a \$50.00 license reinstatement fee; and (4) payment of a \$500.00 compromise penalty which shall be paid to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the NC General Statutes.

Effective Date: March 30, 2017.

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>.
