

## North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

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

[www.ncbfs.org](http://www.ncbfs.org)

**E-NEWSLETTER** December 2017: Volume 13, Issue 11

The Board's next scheduled meeting is at 9:00 a.m. on **Wednesday, January 10, 2018** at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Please note that the Board will be closed on **December 25, 26 and 27, 2017** and on **January 1, 2018**.

---

### **BOARD STAFF ANNOUNCEMENTS**

**The deadline for licensure renewal is December 31, 2017. If you have not yet renewed your license, now is the time to do so!** Failure to timely complete all requirements for renewal of your license or permit may result in forfeiture of your licensure status with the Board. Once a license or permit is forfeited, the individual or entity seeking active licensure with the Board will be required to reapply as a new applicant. In addition, a licensee or permit holder who fails to timely renew may be subject to additional discipline if he or she is found to have engaged in any activity for which an active license or permit is required between January 1, 2018 and the date of renewal.

Applications for renewal of all license types are available as fillable PDFs on the Board's website [here](#). This year, licensees have the option to submit their completed applications electronically via [renewals@ncbfs.org](mailto:renewals@ncbfs.org) or via facsimile at (919) 733-8271, as well as by US Mail. Licensees choosing to submit applications electronically or by facsimile may submit their renewal fee online through the Board's online payment portal [here](#). For more information, please visit the Board's website [here](#).

Please remember that licensees required to complete continuing education ("CE") courses as a prerequisite for annual license renewal must complete five (5) hours of approved CE on or before February 1, 2018. The Board's list of approved Continuing Education courses is updated regularly and can be found on the Board's website [here](#).

---

In 2018, the Board is scheduled to meet on the second Wednesday and Thursday (as needed) of each month, as follows:

January 10 & 11	July 11 & 12
February 14 & 15	August 8 & 9
March 14 & 15	September 12 & 13
April 11 & 12	October 10 & 11
May 9 & 10	November 14 & 15
June 13 & 14	December 12 & 13

The Board congratulates the following 2018 Board officers: Matt P. Staton, President; Charles J. Graves, Vice President; and Steve Herndon, Secretary.

## **RULE-MAKING ANNOUNCEMENTS**

At its meeting on November 8, 2017, the Board voted to file a Notice of Text proposing for repeal several rules. Please see the attached Memorandum regarding the rules proposed for repeal [here](#).

The Board will be accepting public comment on the rules proposed for repeal until the close of business on Tuesday, February 13, 2018. If you wish to submit public comment about any of the proposed rule classifications, you may do so by either mailing a public comment to the attention of the Board's Rulemaking Coordinator, Catherine E. Lee, by US Postal Service or other delivery service to 1033 Wade Avenue, Suite 108, Raleigh, NC 27605, by fax to (919) 733-8271, or by e-mail to [clee@ncbfs.org](mailto:clee@ncbfs.org).

The definition of "public comment" as provided by N.C. Gen. Stat. § 150B-21.3A(a)(5) is as follows:

- "Public comment. - Means written comments objecting to the rule, in whole or in part, received by an agency from any member of the public, including an association or other organization representing the regulated community or other members of the public."
- "Public comment" is defined by G.S. 150B-21.3A(a)(5) as a written objection to all or part of a rule.

Additionally, pursuant to N.C. Gen. Stat. § 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in N.C. Gen. Stat. § 150B-21.9(a).

## **LICENSEE COMPLIANCE ANNOUNCEMENTS**

Have a compliance question? Remember to use the Board's 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](mailto:complianceopinion@ncbfs.org). You also may send a facsimile to (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 in which they are received, inspectors 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.

A special reminder to licensees: Board staff other than inspectors cannot provide licensees with compliance advice. Questions about whether or not your actions would be compliant with the Board's laws and rules are not legal questions and should not be directed to our legal department. Rather, they are compliance questions and should be directed to our compliance/inspection

department. For your convenience, compliance questions may be answered in any one of the following methods:

- **By emailing the Board's Compliance opinion email:** [complianceopinion@ncbfs.org](mailto:complianceopinion@ncbfs.org)
- By contacting the Board's Compliance Liaison, Brett Lisenbee, or your individual inspector at the contact information provided on the Board's website [here](#)\*\*.

\*\*Please note that, on occasion, calls to individual inspectors will be routed to the "on-call" inspector of the day so that compliance calls can be answered as quickly as possible.

## **MUTUAL BURIAL ASSOCIATION COMPLIANCE ANNOUNCEMENTS**

N.C. Gen. Stat. § 90-210.81 provides that every mutual burial association must file with the Board an annual report of its financial condition no later than February 15 of each calendar year, which covers the complete financial condition of the mutual burial association for the preceding calendar year. Failure to timely submit the financial report will result in a fine of \$25/per day for each day after February 15 that the report is late. The mutual burial association financial report template is available [here](#).

---

Mutual burial associations are reminded to send updated documentation to show current bonding coverage, as required by N.C. Gen. Stat. § 90-210.95, to the Board office, Attn. Catherine Lee, Executive Director.

## **PRENEED COMPLIANCE ANNOUNCEMENTS**

The Preneed Annual Reporting season is almost here! Online filing of the Preneed Annual Report will not be available in 2018 as the Board is in the process of migrating to a new database system.

Please be sure to promptly file with the Board all 2017 preneed contracts no later than January 10, 2018; any 2017 preneed contracts submitted after January 10, 2018 shall be considered untimely filed and subject to late fees, pursuant to N.C. Gen. Stat. 90-210.67(d). This year, the Board will accept bank and insurance year-end reports showing the fund balances for preneed contracts as of December 31, 2017, in lieu of requiring licensees to put the updated balances directly on the Preneed Annual Report.

The 2017 Preneed Annual Reports are expected to be mailed to licensees in January. The mailing date will be published in next month's newsletter.

---

A funeral establishment that received a preneed establishment license after January 1, 2008, or whose preneed establishment license has lapsed or was terminated for any reason after January 1, 2008, must obtain a surety bond in the amount not less than fifty thousand dollars (\$50,000.00) for five years, or upon demonstrating that it is solvent, no less than one year from the date the

original license is issued. N.C. Gen. Stat. § § 90-210.67. As a reminder, preneed establishments required to have such bonds in place should ensure that proof of current coverage is sent to the Board's Preneed Program Assistant, Ms. Lyn Cochrane, at [lcochrane@ncbfs.org](mailto:lcochrane@ncbfs.org).

---

At its December 2017 Board meeting, the Board voted to increase the amount of funds dedicated to its Preneed Recovery Fund to \$5.00 per preneed contract filed with the Board in 2018. This action does not increase the filing fee paid by licensees to the Board, but will make more funds available to pay consumers whose entrusted funds have been misappropriated by licensees.

As a reminder, the Board is statutorily required to inform local district attorneys when it receives evidence that licensees have misappropriated preneed funds, which is a felony offense under N.C. Gen. Stat. § 90-210.70(a).

## **DISCIPLINARY MATTERS**

**Board Case Number:** C14-056, C15-054, M14-015, M15-051, M15-053, C16-078

**Respondent:** Mercedes Funeral Mansion & Cremation Services, Inc. and Mercedes Fornay

**Summary:** As part of an executed Consent Order resolving Board Case # C14-056, et al., Ms. Fornay agreed to pay a \$500.00 penalty to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes. The Consent Order was fully executed in December 2016, and Respondent was provided six months to remit payment for said penalty. Respondent did not timely remit payment for said penalty.

**Board Action:** The Board adopted a Consent Order, whereby Respondents agree to the following discipline:

1. All terms of the Consent Order previously executed, remain binding and in full force and effect;
2. Within sixty (60) calendar days from the date this Consent Order takes effect, Respondent shall have remitted to the Board payment in the amount of \$193.12, which constitutes the amount of reimbursable expenses incurred by the Board associate with the prosecution of this show cause matter.
3. Within fifteen (15) calendar days from the date this Consent Order takes effect, Respondent shall submit to the Board documentation showing which individual(s) and/or legal entities have an ownership interest in Respondent Funeral Home; and, if any percentage ownership interest in Respondent Funeral Home is held by a limited liability company or corporation, Respondent shall also submit to the Board documentation showing that said limited liability company or corporation is in active, good standing with the North Carolina Department of the Secretary of State.

---

**Case File Number:** M17-024

Respondent: Derek Cribbs, Jr. (applicant for resident traineeship).

Summary: At its October meeting, the Board voted to deny a traineeship to Mr. Cribbs because the Applicant marked “no” to the question “Are any criminal charges currently pending against you?” Applicant’s criminal background check results were inconsistent with the information self-reported by applicant. Board staff requested records directly from the court, and found that a misdemeanor charge currently is pending against Applicant. Applicant timely appealed the denial and requested a hearing.

Board Action: The Board adopted a Consent Order, whereby the Application for Registration as a Resident Trainee in Funeral Service of Respondent is conditionally granted upon the following terms:

1. Applicant commit no infractions of criminal laws during the course of his traineeship;
2. Applicant commit no infractions of the statutes and rules of this Board during the course of his traineeship; and
3. Applicant undergo another criminal background check upon the completion of his traineeship but prior to applying for licensure as a funeral director, funeral service licensee, or embalmer. Respondent shall be responsible for the costs of such background check.

Effective Date: December 13, 2017.

**NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS BETWEEN NOVEMBER 14, 2017 AND DECEMBER 14, 2017**

<b>Chapels</b>	None
<b>Crematories</b>	None
<b>Transporters</b>	Vincent L. Whitt – Greensboro
<b>Unaffiliated Licensees</b>	None
<b>Funeral Establishments</b>	None
<b>Preneed Funeral Establishments</b>	Mathews Family Mortuary, LLC – Rocky Mount
<b>Funeral Service Licensees</b>	Monica D. Sawyer – Robbinsville – 11/2/17 Shawna Rae Rodabaugh – Fayetteville – 11/15/17 Stephen Wesley Trent – King – 11/21/17 Brandy Hampton – Blowing Rock – 12/6/17 Kathryn McLean Windell – 12/7/17 Kristy Marie Casper – 12/13/17

<b>Funeral Directors</b>	Joseph Rudolph Randell Moore – Washington – 11/16/17 Terri Anne Hintz – Nebo – 11/16/17 Jessica Miller Harper – 12/14/17 Frances Elizabeth Dattolo – 12/14/17
<b>Trainees (Starting December 1, 2017)</b>	Latisha D. Crook – Harrisburg Funeral & Cremation Victoria C. Ivie – Ivie Funeral Home Millie A. Lineberry – Harrelson Funeral & Cremation Services Ebanique L. Murray – Boston’s Mortuary Corey O. Marshall – Herring Funeral Care and Cremations

**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 this [link](#).