

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 November 2017: Volume 13, Issue 10

The Board's next scheduled meeting is at 9:00 a.m. on **Wednesday, December 13, 2017** at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

BOARD STAFF ANNOUNCEMENTS

The time for licensure renewal is now! Applications for renewal of all license types now 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 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](#).

The Board congratulates Mr. Robert Alan Dodson of Greensboro on his recent election to the North Carolina Crematory Authority for a three-year term beginning January 1, 2018.

The Board's General Counsel, Christina McLaurin, has resigned her employment. The Board thanks Ms. McLaurin for her years of service and wishes her well for her future opportunities.

In light of Ms. McLaurin's resignation, the Board's Executive Director, Catherine Lee, will transition to the role of General Counsel for the Board. As such, the Board is soliciting applications for the position of Executive Director through December 12, 2017 at 5:00 PM. The job posting is available [here](#). Resumes may be sent to Ms. Lee at clee@ncbfs.org or by US Mail to the Board Office.

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.

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

As a reminder, at its October meeting, the Board rendered the following compliance opinion: for situations only in which a death has occurred out of state and no signed death certificates can be obtained quickly enough to allow for timely disposition, a licensee would be in compliance with the Board's governing statutes and rules if he or she cremated the decedent when both of the following conditions apply: 1) the decedent was legally removed from the jurisdiction in which the death occurred; and 2) the licensee has obtained all necessary paperwork which would have allowed the body to be cremated in the jurisdiction in which the death occurred.

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. 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
- By contacting the Board's Compliance Liaison, Brett Lisenbee, or your individual inspector at the contact information provided on the Board's website [here](#).

PRENEED COMPLIANCE ANNOUNCEMENTS

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.

DISCIPLINARY MATTERS

Board Case Number: M16-016.

Respondent: Antonio Toney (FSL # 638).

Summary: The Board issued a Final Agency Decision in December 2016 against Mr. Toney, allowing him to retain his funeral service license but revoking his at-need and preneed funeral establishment permits. Board staff subsequently received a consumer complaint showing that Mr. Toney was continuing to practice preneed funeral arranging, despite his funeral establishment permit and ancillary preneed funeral establishment permit and preneed sales license having been revoked. As a result, the Board issued a Notice of Hearing to Show Cause against Mr. Toney.

Board Action: The Board adopted a Consent Order, whereby Mr. Toney agreed to voluntarily surrender his funeral service license for a period of at least two years. Within thirty days from the date the Consent Order became effective, Mr. Toney shall reimburse to the Board the reimbursable costs of the show cause proceeding in the amount of \$100.75. During the period of licensure surrender, Mr. Toney may apply for an embalming license if he has satisfied the terms of the Consent Order and if he meets all requirements for licensure as an embalmer, as outlined in N.C.G.S. 90-210.25(a)(2).

Case File Number: M17-010.

Applicant for Traineeship: Le'Shekia T. Coleman (applicant for resident traineeship).

Summary: Ms. Coleman, an applicant for a resident traineeship, admitted on her application that she has a felony criminal history. Respondent's application was preliminarily denied on the grounds that she failed to demonstrate good moral character and had previously been convicted of a felony.

Board Action: Following a hearing in which Ms. Coleman put on compelling evidence, including witness testimony, showing her rehabilitated moral character, the Board approved Ms. Coleman's application for a resident traineeship.

Effective Date: November 9, 2017.

NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS BETWEEN OCTOBER 27, 2017 AND NOVEMBER 13, 2017

CHAPELS

None

CREMATORIES

None

TRANSPORTERS

Bennie Hillyard Smarr -10/30/2017

UNAFFILIATED LICENSEES

None

FUNERAL ESTABLISHMENTS

None

FUNERAL SERVICE LICENSEES

Monica D. Sawyer – Robbinsville – 11/2/2017

FUNERAL DIRECTOR LICENSEES

None

TRAINEES

Shawann A. Bellamy – Knotts & Son Funeral Home (11/1/2017)

Michael W. Branch – Westmoreland Funeral Home & Cremations (11/1/2017)
Le'Shekia T. Coleman – Alexander Funeral Home, Inc. (11/1/2017)
Zachary M. Fox - Burke Mortuary (11/1/2017)
Deanna H. Norris – Peacock Funeral Home (11/1/2017)
Zachary D. Randall – Cleveland Funeral Services (11/1/2017)
Mildred B. Rogers – Betts and Son Funeral Home (11/1/2017)
Matthew S. Stilwell – A Simple Service (11/1/2017)
Pattie M. Sturdivant – Donaldson Funeral Home & Cremation (11/1/2017)
Jennifer L. Thomas – Grier Funeral Service (11/1/2017)

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 this [link](#).