

# North Carolina Board of Funeral Service

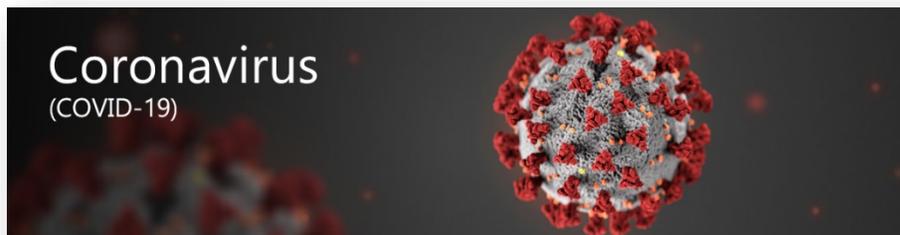
September-October 2020

Ensuring the Safety, Health & Welfare of NC Citizens Through Professional Funeral Service

## COVID-19 Pandemic Impacts Board Operations, Funeral Service In North Carolina

Like so many other public and private organizations and agencies throughout the state and the nation, the NC Board of Funeral Service has responded to unexpected challenges associated with the virus since late February. The Board has addressed a number of challenges in communicating critical information to licensees; in assuring continued operations without interruption in services to licensees and consumers; in conducting remote Board meetings and disciplinary hearings; and in waiving administrative rules. Among the most significant challenges the Board has encountered has

been its role in assuring that professional funeral service is included and recognized in public health policy issues and discussions.



### Licensee Communications

 *From The NC Board of Funeral Service . . .*  
As the Coronavirus continues to spread across the United States, it has direct and immediate impact on North Carolina. With regard to the practice of funeral service, the NC Board of Funeral Service will send you regular updates on the crisis as more information is announced at both the state and federal levels.

*As an important first step, please visit the Board website at [www.ncbfs.org](http://www.ncbfs.org) for links to current, critical sources of information regarding the virus and its impact on our state and profession.*

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**IMPORTANT INFORMATION & UPDATES FOR LICENSEES**

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**STAY-AT-HOME DIRECTIVES**

We reported to you yesterday that Mecklenburg County issued a county-wide proclamation ordering residents to "stay-at-home" and which closed non-essential business in the county. As we noted, funeral service including funeral establishments, crematories, and cemeteries are deemed essential business and are not subject to the requirement for closing.

With the City of Durham announcing a similar order, there are now six local and municipal governments that have implemented "Stay-at-Home" directives. These are:

- Madison County
- Pitt County
- Town of Beaufort
- City of Durham
- Mecklenburg County
- Buncombe County

According to the Raleigh News & Observer, Wake County is considering a similar order for its residents which they plan to announce on March 25<sup>th</sup> followed by a news conference on March 26<sup>th</sup>. So far, the Governor's Office has not issued statewide restrictions that would be considered a "stay-at-home" directive for citizens statewide.

Please pay particular attention to these orders and directives for any restrictions on the number of individuals allowed at a public gathering. We have learned that some of you may be under a municipal and a county directive with different requirements for the number allowed at a public gathering. While

As more information about the novel Coronavirus emerged through public health advisories and the media in late February and early March, the Board relied upon frequent communications to licensees regarding the impact on funeral service. Creating a special page on the Board website titled "**Coronavirus Advisory**," the Board posted a daily series of *Licensee Advisories* with a wide range of data, information and updates resulting from state and national actions aimed at mitigating the spread of the virus.

This shift from the Board's traditional monthly newsletter proved an effective, timely way to keep information flowing to licensees with regard to changes affecting funeral service as a result of the virus.

Included on the website were links to the Centers for Disease Control and Prevention [CDC] as well as bulletins, guidelines, and other critical safety precautions from OSHA, the Office of the Chief Medical Examiner, and the NC Department of Health and Human Services.

Also posted on the website is an "**Informational Webinar for Licensees on the Coronavirus**" sponsored through a collaboration between Padgett & King Mortuary [Forest City, NC] and Washburn & Dorsey Funeral Home [Bostic, NC]. The Board will continue to send licensees pandemic-related information as more is learned about the spread of the virus and its impact on funeral service workers.

## Board Operations & Meetings



The Board office suite in Raleigh, NC, has been closed since early March to minimize the risk of exposure to staff from Visitors. In March, staff worked remotely from home during the Governor’s Stay-at-Home orders to assure continuity of services to licensees and consumers. Staff have returned to a reconfigured office suite to maximize social distancing and have grown accustomed to wearing masks in the office. Though it was necessary to suspend inspections of funeral establishments during the Stay-at-Home Order, inspections have resumed and are currently scheduled in accordance with the Board’s 3-year inspection cycle. The office will remain closed to visitors for the protection of staff until the

community spread of the virus in North Carolina has declined to a rate that minimizes risk of transmission.

The Board did not meet in April but resumed its monthly meetings beginning in May using Cisco WebEx technology to allow members and guests to convene remotely. Board meetings are currently streamed live through YouTube to enable greater access by licensees and the public. Disciplinary hearings have also resumed and are conducted remotely when respondents agree to these distancing options. The NC Board of Funeral Service is one of the first occupational licensing boards in North Carolina to rely upon distancing technology for conducting disciplinary hearings.

## Public Health Policy Implications



As local governments began issuing stay-at-home orders in their jurisdictions in early March, Board President Mark Blake expressed concern that such orders might not identify funeral service workers as essential. Prior to Governor Cooper’s Executive Order 121 imposing a statewide stay-at-home order on the state, Mr. Blake convened the Board’s Executive Committee on March 16<sup>th</sup> to evaluate and plan the Board’s response to limits on indoor and outdoor gatherings that the Governor had announced in an earlier Executive Order.

The Committee sought assurance that these gubernatorial directives included specific references to funerals and that funeral service workers would be deemed essential and critical in the state’s response to the pandemic. In a letter to Governor Cooper from the Board, Mr. Blake stated that *“The NC Board of Funeral Service strongly urges that you deem all licensed funeral establishments and death care professions as ‘essential services.’ Funeral-related professionals are clearly and certainly essential as key components of the state’s business- and health-related infrastructure in responding to the novel Coronavirus pandemic confronting all North Carolina citizens.”* As a result of the Board’s letter to Governor Cooper, Executive Order 121 recognized funeral service as an essential service and allowed up to 50

individuals to gather for a funeral service rather than the Order’s limit of 10 individuals for mass gatherings indoors. Subsequent Executive Orders exempted funeral services from limitations on the number of those who may gather whether indoors or outdoors.

Other important Board decisions regarding its response to the pandemic included an emergency meeting on March 30, 2020, to discuss a proposal for waiving any administrative rule under the Board’s jurisdiction not otherwise required by general statute. The Board voted to adopt an emergency rule allowing it to approve such waivers upon consideration of certain factors that would enable flexibility in its support for funeral service licensees in North Carolina. The Board has since initiated temporary rulemaking to continue this particular waiver upon expiration of the emergency rule.

Later in the year, the Board approved additional resolutions to waive the time limit for payment of civil penalties and to relax the requirements for accruing continuing education credit necessary for license renewal.

In addition to these measures, Board President Mark Blake met with Dr. Michelle Aurelius, Chief Medical Examiner, on March 17<sup>th</sup> to discuss protocols and procedures from OCME concerning the removal and transportation of decedents whose death resulted from COVID-19 infection.

**Thank You, Funeral Service  
Professionals**

## Asserts Unnecessary Risk and Danger to Funeral Service Workers

### *Board President Mark Blake Challenges Decisions to Withhold Cause of Death*

In late May 2020, the Board learned of a letter from Ms. Kim Boyer, Director of Emergency Services at UNC Rex Healthcare, which announced hospital policy regarding the disclosure of death when funeral service workers arrive to remove and transport decedents. The letter stated that *“the particular source of infection will not be disclosed nor is it necessary as Standard Precautions provide protection for persons handling the body.”*

In response, Board President Mark Blake sent a letter to Governor Roy Cooper on behalf of the NC Board of Funeral Service, the NC Funeral Directors Association, and the Funeral Directors and Morticians Association of NC, expressing concern that the hospital’s policy could unnecessarily put funeral service workers and transporters at risk for contracting COVID-19 infection.

Noting that the Board’s licensees are knowledgeable of Standard and Universal Precautions, Mr. Blake added that *“... contact with decedents whose cause of death was from COVID-19 or other dangerous infectious disease prompts even stricter protocols to assure licensees’ safety and health.”*

Mr. Blake noted in comments to the Board about the issue that the NC Office of the Chief Medical Examiner also declined to disclose cause of death when funeral service workers arrive at OCME to remove and transport decedents.

In addressing the issue, the Board authorized a Petition for Rulemaking which sought amendments to an administrative rule under the jurisdiction of the NC Commission for Public Health.

The rule, *Handling and Transportation of Bodies* [10A NCAC 41A .0212], compels written disclosure by an attending physician to *“funeral service personnel at the time the body is removed from any hospital, nursing home, or other health care facility”* of proper precautions to take in preventing infection.

This requirement applies to *“any person who dies and is known to be infected with HIV, plague or hepatitis B or any person who dies and is known or reasonably suspected to be*

*infected with smallpox, rabies, severe acute respiratory syndrome (SARS), or Jakob-Creutzfeldt.”*

The NC Commission for Public Health convened on August 5, 2020, and included the Petition on its agenda.

The Commission subsequently drafted new language for the rule to include COVID-19 in the listing of infectious diseases requiring a physician to notify funeral service workers of proper precautions necessary to prevent infection.

Additionally, the Commission added physician assistants and nurse practitioners among those who shall notify funeral service workers of proper precautions.

It further expanded the means by which notice shall be given to include “electronic or verbal” notification. At its October 16<sup>th</sup> meeting, the Commission voted to file notice with the NC Rules Review Commission to adopt these amendments.

In response to the letter to Governor Cooper, the NC Department of Health and Human Services has affirmed that its Division of Public Health which includes the Office of the Chief Medical Examiner has not directed hospitals to withhold a decedent’s COVID-19 status from funeral service workers.

UNC Rex Healthcare has also clarified its policy regarding disclosure of death to funeral service workers and has stated to the Board that it will *“provide the specific diagnosis to the funeral home if requested.”*

In a communication from the hospital to Executive Director Stephen Davis, the hospital said that *“It is our goal to maintain the safety of your staff and provide responsible, compassionate care to our deceased patients and their families. We are working to ensure all co-workers involved in decedent care are educated and that it is appropriate to disclose a specific cause of death in cases of [COVID-19 infection].”*

Realizing the critical impact on the health and safety of licensees, the Board continues to monitor practices among health care providers and facilities throughout North Carolina regarding the disclosure of cause of death to funeral service workers.

## *From The President's Desk . . . .*

We find ourselves living through extraordinary and challenging times as a result of the novel Coronavirus pandemic which affects populations across the globe. These effects are manifested in the way we relate to one another with social distancing and facial masks, how business and corporate communities struggle to survive, and how we face constantly rising numbers of deaths due to this devastating virus.

We no longer shake hands in greeting one another. We may think twice before participating in events where people gather. We worship remotely and without the reassurance of expressing our faith surrounded by others of like mind. Our children find themselves learning outside the classroom with a laptop. We have endured shortages of hand sanitizer, paper towels, disinfecting wipes, and bathroom tissue. We are confronted daily with news reports on the inescapable reality of hospitalizations, positivity rates, increases in cases, and deaths of our fellow citizens.

Funeral service has not escaped these realities. This virus has in many cases affected us personally. Some of you have encountered the virus by quarantining yourself from family, friends and associates. Some of you have contracted the virus. Some of you have sadly accepted the reality of death when a loved one has passed away because of the coronavirus. These challenges are not easy. They have forced all of us as professional funeral service practitioners to respond creatively and compassionately to new ways of supporting and assisting families through the death of a loved one.

The Board has been keenly aware of the challenges you face in trying to achieve this balance. My primary focus has been and will continue to be your personal safety and health as you continue providing services to families by meeting in arrangements conferences, planning and carrying out funerals, and in hosting visitations. We know and understand the risks associated with gatherings for funerals, memorial services, visitations, and committal services. This knowledge was instrumental in our decision in late January to communicate information and guidelines regarding the virus on a frequent and continuous basis.

We posted CDC, OSHA, and OCME guidelines regarding precautions in handling decedents from the time of removal to casketing or cremation. We provided copies of Executive Orders from Governor Cooper and explained their impact on funeral service. We worked diligently with others in public and private agencies in North Carolina to assure their policies did not create unnecessary risk and harm for you and your families when responding to first calls.

The Board recognizes the expectations and demands upon each of you who have dedicated your lives to the professional practice of funeral service. We thank you for meeting so many unexpected challenges and assuring the high standards of professional funeral service that North Carolina citizens have come to expect and rely upon.

We will learn new ways to greet each other. We will adjust to the limitations on our traditional customs of gathering in restaurants and other settings to celebrate our milestones. Our children will adapt to new and unfamiliar standards for assuring their education. And we will continue to hold on to hope that one day soon we can return to our places of worship and prayer.

As we near the end of a most challenging year, we know that we are not coming to the end of the coronavirus. It will continue to affect each of us and our profession. But we will continue to demonstrate that we are critical, essential professionals in helping our fellow citizens meet the challenges that the coronavirus has brought. You can rely upon the NC Board of Funeral Services as a constant, reliable resource for support, assistance and information. We are steadfast advocates for you, your families and your colleagues who are so vital in maintaining our high standards for professional funeral service in spite of this pandemic.



*Phillip Mark Blake  
NCBFS President*

A handwritten signature in black ink that reads "Phillip M. Blake". The signature is written in a cursive, flowing style.

## Pilot Includes 8 NC Counties

### *NC Department of Health & Human Services Launches Electronic Death Registration System*

The NC Department of Health and Human Services has announced the implementation of an Electronic Death Registration System [EDR] in North Carolina beginning with a pilot phase to include eight (8) counties geographically dispersed across the state.

Floriece Davis-Jones, NC Vital Records Field Services Supervisor, sent the announcement following a presentation to the Board in September. Catherine Ryan, State Registrar and Director of the Vital Records Section and Delton Atkinson, Interim Director of the NC Center for Public Health Statistics joined Ms. Davis-Jones in explaining the new system and the timeline for implementation.

The pilot phase will begin with training for those using the new system on October 19, 2020 in the pilot counties which are Buncombe, Durham, Forsyth, Guilford,

Johnston, Mecklenburg, Orange and Wake. The Vital Records Section will send an email to funeral homes in the pilot phase with instruction on creation of a Username and Password to enable access to the training schedule.

The electronic death registration system is part of the NC Database Application for Vital Events known as NC DAVE, a web-based system that will allow licensees to file death certificates electronically.

As noted in her announcement letter to the Board, Ms. Davis-Jones said that *“the new system will make the process of creating death certificates more efficient, enhance the vital statistics we collect for the state and ensure that leaders have timely access to the data to best serve the people of North Carolina.”*

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### *Darrell McCormick Appointed to Fill Vacant Board Seat*



Darrell G.  
McCormick

NC House Speaker Tim Moore has appointed Mr. Darrell G. McCormick to a vacant seat on the NC Board of Funeral Service. Mr. McCormick is a former legislator who served on a number of House committees including Agriculture, Banking, Environment and Commerce & Job Development from 2008-2012. Mr. McCormick received his Bachelor of Arts degree from Appalachian State University and is currently the Managing Partner at D. McCormick Properties in Winston-Salem, NC. Mr. McCormick's appointment fills the seat formerly held by Mike C. Stone from Sanford, NC. Mr. McCormick's seat is one of two appointed by the NC General Assembly.

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### *Gwynn Joins Board as Newest Compliance Inspector*

The Board is pleased to announce that Deborah H. Gwynn has been appointed as a Compliance Inspector effective September 16, 2020, and will be assigned to the western region of the state. Ms. Gwynn is a 1998 graduate of the mortuary science program at Fayetteville Technical Community College and holds the Associate in Applied Science degree in Funeral Service. She also holds an Associate in Applied Science degree from Guilford Technical Community College in Emergency Services with National Certification and Teaching Methodology. Ms. Gwynn's professional funeral service career spans 23 years as a funeral service practitioner. She was formerly associated with Moody Funeral Service & Crematory in Mt. Airy, NC from 1997-2020, and she has worked most recently with Greene Funeral Service, Gastonia, NC. Debbie brings extensive, in-depth knowledge of professional funeral service to her role as a Compliance Inspector, and she will continue the high standard of service that Board staff continuously demonstrate in serving licensees and consumers alike.

# CONTINUING EDUCATION NEWS

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## *Licensees May Observe Board Meetings Remotely for CE Credit*

in September 2020, the NC Board of Funeral Service began livestreaming monthly Board meetings on YouTube to expand access by licensees and the public. Since April, the Board has been meeting remotely by Webex to minimize the risks associated with in-person meetings since the Boardroom at the Board's office suite in Raleigh is not large enough to assure proper social distancing. Board President Mark Blake asked staff in late July to investigate options for livestreaming the monthly meetings and to create opportunities for licensees across the state to observe the meetings. Livestreaming the meetings on YouTube now enables licensees to log in to Board meetings and to identify themselves by their license number to receive 3 hours of continuing education credit. Licensees are reminded of the following procedures:

- In joining Board meetings, licensees must enter their name and license number in the Chat function.
- Licensees must log in personally and not by a third-party.
- CE credit is awarded only when licensees remain logged in and observe the meeting for its full duration.
- Licensees will be required to sign an affidavit attesting to their attendance for the meeting's full duration.
- Licensees who join the meeting after it has convened will not receive CE credit. Partial credit is not awarded.

## *Board Waives 2-Hour Limit for Online Instruction*

The NC Rules Review Commission approved an emergency rule earlier this year for the NC Board of Funeral Service to waive certain administrative rules not otherwise mandated by general statute. When the NC General Assembly convened in late April, it quickly passed legislation [*An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19Crisis)*] allowing state agencies and occupational licensing boards to waive statutes or administrative rules that might be necessary in their response to the COVID-19 pandemic.

Under the legislation, the Board has waived the 2-hour limitation for online instruction in meeting the 5-hour Continuing Education requirement for annual license renewal. Prior to the waiver, the Board's rules did not allow licensees to accrue more than 2 hours of online instruction in meeting the 5-hour CE requirement. The Board has waived that limitation and will now allow licensees to accrue up to 5 hours of online course instruction through the end of 2020 which may be **applied** to the 2021 renewal cycle and an additional 5 hours of online instruction which may be **rolled over** for the 2022 renewal cycle. Several licensees have asked for clarification of this waiver, and we have offered the following FAQ in addressing licensees' questions:

- *Before I heard about the waiver for online hours, I had already been awarded 3 hours of credit for classroom instruction and 2 hours for online instruction for a total of 5 hours. How does the waiver affect my current credit hours?*

You have already accrued sufficient hours for 2020 to meet your requirement for your 2021 annual license renewal. You may accrue an additional 5 hours in 2020 online, by classroom instruction or by webinar – or any combination of these 3 instructional methods. Please keep in mind that you may roll over up to 5 hours of CE credit earned in 2020 to 2021 which can then be applied to your 2022 renewal.

- *Will the Board allow licensees to get their 5 hours of CE credits in 2021 by online instruction like this year?*

The Board's waiver pertaining to Continuing Education applies only to 2020. Future waivers will depend upon legislation or administrative rules that would enable the Board to consider such action.

- *Does the Board require any forms to be completed prior to registering for online classes?*

No. There are no forms required before taking an online course. The course sponsor will explain how you sign-in with your name and license number, and the sponsor will certify your attendance.

- I recently registered for and completed an online course offered for CE credit from a national funeral service organization, but I did not receive CE credit for it. Why not?

The Board does not award CE credit for unapproved courses. Even though an organization may independently offer courses for CE credit through their own website, you must check the Board website to assure that the course has been approved for CE credit by the Board. Only those courses listed on the Board website have been approved for CE credit.

We will keep you informed of any future actions the Board may adopt regarding continuing education requirements. Please keep in mind that even if you have accumulated more than 10 hours of CE credit in 2020, you can only roll over 5 hours from one year to the next.

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## PRENEED PROGRAM NEWS

Paul Richardson, Manager of Preneed Program and Services, has issued additional guidelines regarding the completion of preneed contracts as follows:

### Preneed Statement of Goods and Services

It is imperative that licensees provide specific information on the merchandise selected, especially in reference to inflation-proof contracts. For example, please provide the manufacturer, mode number, material, color and interior fabric for the casket selected. If the casket is no longer manufactured at the time of need, this information will be critical so all parties may determine what merchandise would qualify as a reasonable substitution.

### Preneed Contract Filing Fees

On all filing fees, whether paid by check or money order, please note the name of the preneed contract beneficiary in the memo section to assure accuracy in posting fees to the proper account.

### Inflation-proof Preneed Contracts

On inflation-proof insurance-funded contracts that involve payment plans, it is helpful to all parties involved if the terms of the payment plan are specified in the space provided for and indicated as: *“the date from which this guarantee is effective will be determined by the type of life insurance policy or product purchased.”*

Complete information is key to the Board’s administration of the Preneed Program and assuring accuracy in processing hundreds of preneed contracts each month. Board staff appreciates your attention to the proper completion and execution of contracts and funding instruments such as insurance policies and trust accounts.



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## DISCIPLINARY ACTIONS

Board Case Number: C19-0062

Respondent: Brunswick Funeral Service, Inc. d/b/a Brunswick Funeral Service Memorial Gardens

Summary: Respondent was hired to disinter the cremains of her father from a single urn to a double urn, so that his cremains could be re-interred with those of Complainant's mother. Complainant was told that her father's original single urn would have to be destroyed in the process. Respondent was paid for these services. Thereafter, Complainant hired Respondent to re-inter the cremains of her parents into a smaller double urn. While meeting with Respondent to select the new smaller double urn, Complainant observed her father's original single urn on display in Respondent's showroom (which she had been told was destroyed). At Complainant's request, the original single urn was returned to her. Complainant also requested that the larger double urn be returned as well. Complainant had the smaller double urn interred in a columbarium out of state, upon receipt. Approximately six months later, Complainant attempted to remove the inscriptions on the original single urn and the larger double urn. In doing so, Complainant discovered that the cremains of her father still were in the original single urn and that residue of cremains were in both chambers of the larger double urn.

Board Action: The Board accepted a Consent Order, whereby

1. The Funeral Establishment Permit Nos. 410 and 57 of Brunswick Funeral Service, Inc. d/b/a Brunswick Service Memorial Gardens shall be placed on probation for three (3) years, during which time Respondents shall not violate any law, regulation, or rule regulated by the Board.
2. Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Establishment Permit No. 410 shall pay a compromise penalty of Two Thousand Five Hundred (\$2,500.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
3. Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Establishment Permit No. 57 shall pay a compromise penalty of Two Thousand Five Hundred (\$2,500.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
4. Within thirty (30) days from the date this Consent Order takes effect, Respondents shall provide proof to the Board that they have reimbursed Complainant in the amount of Ten Thousand One Hundred Forty-Five Dollars and 91/100 (\$10,145.91) for costs and expenses incurred as a result of Respondents' acts and omissions.
5. On or before June 1, 2021, Larry Ray Andrews and Connie White Powell, as the licensed managers of the Respondents during all times relevant to this proceeding, shall take a Board-sponsored continuing education course on the statutes and rules governing cremations in North Carolina.

Effective Date: June 10, 2020

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Board Case Number: C19-0065

Respondent: Dignity Funeral Services, Inc. d/b/a Forest Lawn Funeral Home and Paul Melton Luck

Summary: Complainant was the wife and next of kin of the decedent. Respondents made arrangements for the decedent's funeral services with the decedent's parents, despite their knowledge that the decedent and the Complainant were married but separated. Complainant contends that Respondents' acts and omissions denied her the

opportunity to exercise her rights to dispose of the decedent's body. Complainant ultimately received inaccurate information from a source other than the Respondents regarding the arrangements for the decedent's funeral services and, as a result, was prevented from attending the decedent's funeral. Respondents contend that they did not consider Complainant's contacts as an attempt to exercise her rights to dispose of the decedent's body but rather only as an attempt to ascertain when the decedent's funeral services would be conducted. Respondents further contend that they withheld information from Complainant only in an effort to comply with the wishes of decedent's parents and not for any malicious reason.

Board Action: The Board accepted a Consent Order, whereby

1. The Funeral Establishment Permit No. 885 of Dignity Funeral Services, Inc. d/b/a Forest Lawn Funeral Home shall be placed on probation for one (1) year, during which time it shall not violate any law, regulation, or rule regulated by the Board.
2. The Board shall issue a letter of caution to Paul Melton Luck, FSL 1180, reminding him of his responsibility to comply with N.C. Gen. Stat. §§ 130A-420(b) and 90-210.124(a)(2) in recognizing priority disposition rights of a decedent's body.

Effective Date: June 10, 2020

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Board Case Number: M20-0011

Respondent: Herring Funeral Care & Cremations, LLC and Sharon Arlene Worrell

Summary: A Board staff inspector conducted a routine preneed examination of Respondent Funeral Establishment and found violations of the statutes and rules governing the practice of preneed funeral service, in that Respondent Funeral Establishment failed to maintain assignment documentation for multiple preneed contracts and improperly refunded a consumer for an irrevocable trust-funded contract in the amount of \$1,800.24.

Board Action: The Board accepted a Consent Order, whereby the preneed establishment permit of Respondent Funeral Home (PN Permit No. 845) shall be placed on probation for two (2) years, during which time Respondent Funeral Home shall not violate any law, regulation, or rule regulated by the Board. Additionally, all employees of Respondent Funeral Home shall take a Board-sponsored course of preneed statutes and rules on or before December 31, 2021.

Effective Date: August 12, 2020.

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Board Case Number: M20-0020

Respondent: Friendship Mutual Burial Association, Inc. and Kema Mainor Boney

Summary: A Board staff inspector conducted a routine mutual burial association audit and found violations of the statutes and rules governing the management of mutual burial associations, in that Respondent MBA failed to maintain the requisite bond coverage; and the MBA's legitimate operating expenses exceeded the 30% of assessments collected and investment income earned for the examination period. Thereafter, Respondent MBA repaid the cash shortage of \$59,178.32 and provided evidence of adequate bond coverage.

Board Action: The Board accepted a Consent Order, whereby the burial association license of Respondent MBA shall remain suspended for at least three (3) years, during which time Respondent MBA shall not violate any law, regulation,

or rule regulated by the Board. Additionally, Respondent MBA shall submit to and pass without substantial deficiency an audit conducted by a Board Inspector on or before September 2023 before the stayed suspension is concluded.

Effective Date: August 12, 2020.

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Board Case Number: C20-0028

Respondent: Aldridge Holdings, LLC d/b/a Southern Piedmont Cremation Service

Summary: Complainant signed a standard cremation authorization form for the cremation of her father, directing that one half of the cremains be returned to her and that the other half of the cremains be provided to a third party. Respondent Crematory failed to comply with the standard cremation authorization signed by the Complainant, in that it returned all of the decedent's cremains to the third party.

Board Action: The Board accepted a Consent Order, whereby the crematory permit of Respondent (CR Permit No. 126) shall be placed on stayed suspension for twelve (12) months, during which time Respondent Crematory shall not violate any law, regulation, or rule regulated by the Board. Additionally, Respondent Crematory shall pay a compromise penalty of One Thousand Five Hundred Dollars (\$1,500.00) to the Civil Penalty and Forfeiture Fund.

Effective Date: August 12, 2020.

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Board Case Number: C19-0073; M20-0058

Respondent: GRM Enterprises, Inc. d/b/a Massey Funeral Home and George Rigsby Massey, III

Summary: Complainant entered into a preneed contract with Respondent in May 2018, for which she paid \$2,520. Respondent did not file her preneed contract with the Board and did not put her preneed payments into trust. Upon being made aware of Complainant's complaint, Respondent reimbursed Complainant for her payments, plus interest.

Furthermore, a Board staff inspector conducted a preneed examination and establishment inspection of Respondent Funeral Establishment and found violations of the statutes and rules governing the practice of funeral service. In the preneed examination, the Board inspector determined that Respondent failed to maintain assignment/beneficiary designation paperwork for multiple insurance-funded preneed contracts; and failed to timely file certificates of performance with the Board for multiple closed preneed contracts. Thereafter, Respondent provided evidence that the violations had been corrected. In the funeral inspection, the Board inspector found the embalming/preparation room to be unsanitary and found two un-embalmed decedents in the preparation room who had remained unrefrigerated for more than 24 hours. The Board inspector further found that no GPL was available for the consumer's retention and that the Respondent's GPL, Casket Price List and Outer Burial Container Price List did not comply with the FTC Rule. Thereafter, Respondent provided evidence that violations of the FTC Rule had been corrected.

Board Action: The Board accepted a Consent Order, whereby the at-need establishment permit (FE Permit No. 651), the preneed establishment permit (PN Permit No. 568), and all ancillary preneed sales licenses of Respondent Funeral Home are placed on a stayed suspension for a period of at least three (3) years, on the following terms and conditions:

1. The preneed establishment permit and ancillary preneed sales licenses of Respondent Funeral Home shall be actively suspended for a period of six (6) months or until such time as Respondent Funeral Home passes without substantial deficiency another preneed examination and audit conducted by a Board Staff Inspector, whichever occurs earlier.
2. Following the period of active suspension, the at-need establishment permit, the preneed establishment permit, and all ancillary preneed sales licenses of Respondent Funeral Home shall remain on a probationary period for at least three

(3) years and until such time that Respondent Funeral Home passes a second preneed examination and at-need inspection by a Board Staff Inspector on or before September 2023, during which time Respondent Funeral Home shall not violate any law, regulation, or rule regulated by the Board.

3. The funeral service license of Respondent Individual (FSL No. 1063) shall be on a stayed suspension for a period of at least three (3) years, during which time Respondent Individual shall not violate any law, regulation, or rule regulated by the Board.
4. Respondent Funeral shall obtain a surety bond in an amount not less than Fifty Thousand Dollars (\$50,000.00) and shall maintain said bond for at least five (5) years.
5. Respondent Funeral shall pay a compromise penalty of Two Thousand Five Hundred (\$2,500.00) Dollars to the Civil Penalty and Forfeiture Fund. Respondent Individual shall pay a compromise penalty of Five Hundred (\$500.00) Dollars to the Civil Penalty and Forfeiture Fund.
6. All employees of Respondent Funeral Home, including Respondent Individual, shall take Board-sponsored continuing education courses on the statutes and rules governing the FTC Rule and preneed statutes and rules in North Carolina.

Effective Date: August 12, 2020.

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Board Case Number: C18-0046; C20-0005

Respondent: Alpha & Omega Funeral Services, Inc. d/b/a New Beginning Funeral Home & Cremation

Summary: In a consumer transaction, Respondent Funeral Home failed to provide required price lists or a statement of funeral goods and services selected; overcharged for services rendered; did not return all excess insurance funds received by them to pay for services rendered; and allowed an unlicensed person to provide funeral services. In a second consumer transaction, Respondent Funeral Home allowed an unlicensed person to provide funeral services; failed to provide required price lists or a statement of funeral goods and services selected; and overcharged for services rendered.

A Board inspector conducted an establishment inspection as part of the investigation into the complaint and found multiple violations of statute and rule, including forged documents; failure to properly display permit; failure to return excess funds pay toward funeral services to multiple consumers; failure to maintain statement of funeral goods and services selected signed by a funeral director or funeral service licensee; failure to maintain required cremation documentation; and evidence or aiding and abetting unlicensed practice.

Board Action: The Board accepted a Consent Order, whereby the at-need establishment permit (FE Permit No. 827) of Respondent Funeral Home is placed on a stayed suspension for a period of five (5) years, on the following terms and conditions:

1. The establishment permit of Respondent Funeral Home shall be actively suspended for a period of at least two (2) years. Thereafter, Respondent Funeral Home shall be on probation for the remainder of the stayed suspension, during which time Respondent Funeral Home shall not violate any law, regulation, or rule regulated by the Board.
2. Respondent Funeral Home will provide evidence to the Board that it has reimbursed consumers for whom excess funds for funeral services were retained, as identified in the Consent Order.

3. Respondent Funeral shall pay a compromise penalty of Five Thousand Dollars (\$5,000.00) Dollars to the Civil Penalty and Forfeiture Fund.
4. Respondent Funeral Home shall disassociate its business from Betty Barr Randolph in all ways, including but not limited to any financial, operational, and marketing relationship. Respondent Funeral Home shall not allow Ms. Randolph to discuss funeral services with individuals on behalf of Respondent Funeral Home without prior written approval from the Board. If Respondent Funeral Home violates this condition, the stay of the suspension of the funeral establishment permit of Respondent Funeral Home shall be automatically lifted without further proceedings.

Effective Date: August 12, 2020.

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Board Case Number: M15-0043 and M20-0025

Respondents: Blackwell Funeral Home, Inc., Faiger M. Blackwell, Sr., and Faiger Megrea Blackwell, II

Summary: Respondent Funeral Establishment's preneed establishment permit currently is on a stayed revocation. A Board staff inspector conducted a preneed examination of Respondent Funeral Establishment as a condition of the stayed revocation. During the preneed examination, the inspector found violations of the statutes and rules governing the practice of preneed funeral service, in that Respondent Funeral Establishment failed to file with the Board four (4) preneed contracts within ten (10) days of sale.

Board Action: The Board accepted a Consent Order, whereby the preneed establishment permit of Respondent Funeral Home (PN Permit No. 784) remains revoked pursuant to the previous Consent Orders. Furthermore, Respondent Funeral Home shall remain on a probationary period for at least three years from the effective date of the 2020 Consent Order and until such time that it submits to and passes without substantial deficiency a preneed examination and audit conducted by a Board Staff inspector on or before October 2023. Additionally, Respondent Funeral Home shall pay a compromise penalty of One Thousand Five Hundred Dollars (\$1,500.00) to the Civil Penalty and Forfeiture Fund. All employees of Respondent Funeral Home shall take a Board-sponsored course on preneed statutes and rules, and Respondent Funeral Home shall retain the services of a consultant to provide training on proper completion of its annual preneed report. The funeral director license of Respondent Blackwell Sr shall be placed on probation until September 9, 2023 during which time he shall comply with all statutes and rules governing the practice of funeral service. A letter of caution shall be issued to Respondent Blackwell, II, advising him of his obligation to comply with all statutes and rules governing the practice of funeral service.

Effective Date: September 9, 2020

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Board Case Number: C20-0001

Respondents: Monroe Mortuary Services, LLC and Carletta Mungo Foster

Summary: Respondent failed to timely file the decedent's death certificate. Upon investigation, a Board inspector determined that a non-licensee (and owner of the Respondent Funeral Home) met with Complainant to make the funeral arrangements and forged the signature of a licensee on the Statement of Funeral Goods and Service Selected that was provided to the Complainant. Moreover, the Board inspector determined that a non-licensee (and owner of the Respondent Funeral Home) has engaged in the practice of funeral service on multiple other occasions, sometimes forging a licensee's signature on documents provided to other customers.

Board Action: The Board issued a Final Agency Decision whereby the at-need establishment permit (AN Permit No. 817) of Respondent Funeral Home is placed on a two-year suspension, provided that said suspension is stayed on the following terms and conditions:

- Within thirty (30) days following the effective date of this Final Agency Decision, Respondent Monroe Mortuary Services, LLC shall pay a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00) to the Civil Penalty and Forfeiture Fund, in accordance with Article 31A of Chapter
- 115C of the North Carolina General Statutes. The stay of the suspension shall be automatically lifted upon failure to timely pay the civil penalty set forth herein.
- During the period of stayed suspension, the licensure of Respondent Monroe Mortuary Services, LLC shall be on probationary status and it must comply with all statutes and rules governing the practice of funeral service.
- During the period of stayed suspension, a Board Inspector shall conduct an inspection of the Respondent Monroe Mortuary Services, LLC every six (6) months, beginning from the date that this Final Agency Decision takes effect.

Furthermore, the Funeral Director License of Respondent Carletta Mungo Foster shall be suspended for a period of two years, beginning on the date that this Final Agency Decision takes effect, provided that said suspension shall be stayed on the following terms and conditions:

- During the period of stayed suspension, the licensure of Respondent Carletta Mungo Foster shall be on probationary status and she must comply with all statutes and rules governing the practice of funeral service.

Effective Date: September 26, 2020

Complete copies of the Disciplinary Actions taken by the Board are available on the Board's website here: <https://ncbfs.org/disciplinary-actions.php>

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