

NORTH CAROLINA BOARD OF FUNERAL SERVICE

Winter-Spring 2021-22

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

Focusing on Administrative Rules

Board Reviewing Preneed Program and Services

The NC Board of Funeral Service has announced a comprehensive review of statutes and rules that govern the preneed program to identify ways to strengthen and streamline both procedures and the policies that support them. Working through its Preneed Committee under the leadership of Thomas Hilderbrand, Committee Chair, the Board is responding to concerns that Board President Chris Watson expressed in early 2022. Those concerns recognized an increase in the number of disciplinary actions the Board has taken against licensees for non-compliance with preneed administrative rules. Mr. Watson noted that *“the preneed program is complex and has considerable requirements to assure that preneed contracts have been*



completed correctly and that consumer's funds are fully accounted for.” Board members agree that introducing minimum standards for preneed education for those seeking a preneed sales license will be helpful. *“We hope that increasing the opportunity for learning about preneed statutes and rules will be a tremendous advantage for all concerned in reducing preneed-related disciplinary actions,”* said Watson. The Board is also considering lifting the current cap on the number of preneed Continuing Education credits that may be taken. Under existing rule, licensees may take up to two [2] hours of CE in preneed each year. The Board supports lifting this limitation in hopes that registrations for preneed CE courses will increase significantly.

Board Set To Eliminate 2-Hour Limit for Online CE Instruction

At its May 11th meeting, the Board voted to amend the existing administrative rule that limits the number of Continuing Education credits that licensees may accrue through online instruction. For the past two years, the Board has exercised its authority to waive certain administrative rules not otherwise required by statute to allow licensees to accrue up to 10 hours of online CE credits. Licensees are able to apply 5 hours of CE credit to a specific renewal cycle and then roll over the additional 5 hours to the year following a renewal cycle. This waiver came about during the COVID-19 pandemic when in-person classes were sharply reduced in response to social distancing and virus mitigation factors. There was a subsequent increase in the number of courses available to licensees through online instruction or by interactive Webinar. Recognizing the benefit to licensees and the proliferation of online courses, the Board has decided to amend the rule to remove the 2-hour limitation for online instruction. If approved by the NC Rules Review Commission, the Board will no longer be required to waive this limitation each year.

Mark Your Calendars

The next Board meeting is scheduled for Wednesday, June 8th, at the Board's office at 1033 Wade Avenue, Suite 108, Raleigh, NC, 27605. Licensees attending the meeting will receive 3 hours of CE credit. The meeting is livestreamed through YouTube for those wishing to attend virtually. Virtual attendees may also receive 3 hours of CE credit. The Business Session begins at 9:00 a.m. Please visit www.ncbfs.org homepage for the YouTube link.

From The President's Desk



*Christian E. Watson,
President*

Earlier this year, I had an opportunity to attend the Annual Meeting of The International Conference of Funeral Service Examining Boards. The Conference, as it is known, hosts an Annual Meeting so that Board members, staff, and funeral service educators from the United States and Canada can come together and discuss

issues of common concern. As you can imagine, there was significant interest in emerging trends that are affecting our profession, and there was no shortage of conversations centered on alkaline hydrolysis, green and natural burials, home funerals, doulas, and human composting.

Our profession is experiencing remarkable change. In addition to these and other trends in deathcare, we see a dramatic transition from the traditional funeral service which typically includes a viewing, a church or chapel service, and then a committal. As the numbers of cremations have risen, particularly since the onset of the COVID-19 pandemic, so have the kinds of memorial services that honor the memory of those who have died. Families may decide to host a creative and non-traditional celebration that honors their loved one in a unique, personal way. In many situations, we see Life Celebrants instead of a minister or pastor conducting the service. Or family members themselves may relate their own memories and special stories about the one they have lost. Planning and then accommodating these kinds of services is a departure from tradition and familiar practices, and

we have to adapt and adjust so that we are serving families in a way that is meaningful for them as they pay tribute to their loved ones.

We know that families are increasingly concerned about the environmental impacts of embalming and earth burial. That's why we see more and more green burials or committal services that enable natural decomposition of a decedent in a natural setting. That's why alkaline hydrolysis is becoming a more accepted means of disposition because of its low impact on the environment and our natural resources.

We have also welcomed more women to our profession in recent years who now comprise more than 50% of all professional funeral licensees in the United States.

Another significant change is the transition from paper to digital formats including death certificates which are now registered and certified online in North Carolina. Many of us engage the services of funeral service consultants who specialize in marketing and outreach to our communities through social media like Facebook, and they offer website design and other digital services to assure that we are keeping pace with our changing world.

While these changes and trends can be challenging, we nevertheless embrace them and assure the families we serve that we are indeed adaptable and accommodating. Funeral service is a demanding but rewarding profession. It is vital and critical to those who rely upon us for assuring their loved ones are cared for with respect and dignity. As funeral service professionals, we share a unique but common bond in providing compassionate care for those who grieve and are confronting the reality of death. Our profession is one that generates respect and esteem from the communities we serve, and, like you, I am proud of my calling to this profession.

NCFDA, FDMANC To Convene Annual Conferences & Exhibitions

The North Carolina Funeral Directors Association will gather at the Washington & Duke Inn in Durham, North Carolina from May 22nd through May 24th for their annual Convention. Executive Director Chase Noble said that the meeting will include opportunities for continuing education, exhibits from a number of vendors and exhibitors, a Business Meeting and Memorial Service for attendees. Noble also announced that the NCFDA will hold a Job Fair for members to meet with funeral directors as well as students from the funeral service education program at Fayetteville Technical Community College.

Valdus T. Lockhart, Convention Coordinator and former Board President, has announced the Annual Convention of The Funeral Directors & Morticians Association of North Carolina at the Hilton Charlotte-Concord Golf Resort from June 13th through June 16th. The Convention's Exhibit Hall opens on June 13th from 8:00 p.m. until 10:00 p.m. The meeting will include a Ladies Auxiliary Luncheon followed by a Memorial Service and General Session on Tuesday, June 14th. Attendees will find Educational Seminars on Wednesday, June 15th and a meeting of Epsilon Nu Delta. A Convention highlight is the Banquet on Wednesday, June 15th at 8:00 p.m.

Sponsored by The Funeral Consumers Alliance North Carolina

Death Expo 2022 Explores Dying, Deathcare

The Funeral Consumers Alliance North Carolina [FCANC] has announced a Death Expo event for October 15, 2022, at the Moseley Center, 100 Campus Drive, at Elon University. The FCANC is a grassroots, all-volunteer, 501(c)(3) nonprofit organization focused on funeral consumer education and advocacy. The day-long free public event will provide information and resources to individuals considering their own final arrangements or those of loved ones. The event includes keynote presentations, panel discussions and exhibitors who will demonstrate contemporary options and trends in the deathcare industry according to the organization's news release. For more information, contact the Funeral Consumers Alliance North Carolina at info@funeralsnc.org.

U.S. Department of Justice Sues Funeral and Cremation Provider

Defendants' Practices Alleged to Have Violated The Funeral Rule and the FTC Act

[Following is text of a News Release from the Federal Trade Commission on April 22, 2022]

On behalf of the Federal Trade Commission, the Department of Justice is suing Funeral & Cremation Group of North America, LLC, Legacy Cremation Services, LLC, d/b/a Heritage Cremation Provider, and their owner, Anthony Joseph Damiano, for misrepresenting their location and prices; illegally threatening and failing to return cremated remains to consumers; and failing to provide disclosures required by the Funeral Rule.

The FTC is asking the court to stop violations of the FTC Act and the Funeral Rule and impose civil penalties on the defendants. "Preying on consumers when they are dealing with the loss of a loved one is outrageous, and it's illegal," said Samuel Levine, Director of the FTC's Bureau of Consumer Protection. "

The FTC is committed to enforcing the Funeral Rule to protect both grieving consumers and honest funeral homes." According to the [complaint filed on the FTC's behalf by the Department of Justice](#), Legacy Cremation Services, LLC, Funeral & Cremation Group of North

America, LLC, and their Florida-based owner Anthony Damiano misrepresented their location and prices in violation of Section 5 of the FTC Act and the Funeral Rule.

The Funeral Rule gives consumers important rights when making funeral arrangements. The Rule, issued in 1984, requires funeral homes to provide consumers with itemized price lists at the start of any in-person discussions of funeral arrangements, caskets, and/or outer burial containers. It also requires funeral homes to provide price information by telephone on request, and it prohibits funeral homes from requiring consumers to buy any item, such as a casket, as a condition of obtaining any other funeral good or service.

The Funeral Rule carries a potential civil penalty of up to \$46,517 for each violation. The Commission vote to refer the civil penalty complaint to the Department of Justice for filing was 4-0. The Department of Justice filed the complaint in the U.S. District Court for the Southern District of Florida.

Editor's Note: In December 2016, NC Superior Court Judge Robert H. Hobgood signed a Consent Judgment Finding Contempt against Heritage Cremation Provider, LLC; Legacy Funeral Services, LLC; Anthony Joseph Damiano; and Joseph Damiano, Sr. This judgment was in response to an earlier filing by the NC Board of Funeral Services in the Superior Court which resulted in a Consent Judgment ordering Defendants to cease and desist in the practice of funeral service in North Carolina. The Board subsequently advised all NC licensees to avoid engaging in business with Heritage, Legacy or the Damianos to avoid aiding and abetting unlicensed practice.

HIGHLIGHTS & HIGHPOINTS

December Board Meeting Recognizes 2021 Officers, Former Board Members



The NC Board of Funeral Service held its regularly scheduled meeting on December 8, 2021, at the NC State University Club in Raleigh, NC which included a Recognition Luncheon to thank 2021 Board officers for their service and to recognize Board members whose terms expired in 2020. Mr. Don Brown, 2021 Board President, passed the gavel to incoming Board President, Chris Watson. Members also presented a plaque to former Board member and President, Valdus T. Lockhart in recognition of his leadership and service to the Board and licensees.

l. Executive Director Stephen Davis presents plaque to 2021 Board President Don Brown in appreciation for his service; r. 2021 Board President Don Brown presents plaque to Valdus T. Lockhart, former Board President and member whose term expired in 2020 recognizing his long-term service to the Board.



Governor Roy Cooper Appoints Ms. LeShekia Coleman to the Board

In January 2022, Governor Roy Cooper announced the appointment of Ms. Le'Shekia H. Coleman to the NC Board of Funeral Service to fill the seat formerly held by Mr. Hubert Saunders. In his letter to Ms. Coleman, Governor Cooper said *"I am grateful for your willingness to serve the people of North Carolina. Your leadership and commitment to this Board are key to our efforts to strengthen our communities and improve the quality of life for our people."* Ms. Coleman received her license in Funeral Service from the Board in October 2020 upon successful completion of her resident traineeship. She is currently a licensee on the professional staff of Alexander Funeral Home, Inc. in Charlotte, North Carolina. Ms. Coleman is a graduate of Fayetteville Technical Community College and holds the Associate in Applied Science degree in Funeral and Mortuary Science.



Ms. Corina Wyche Joins NCBFS Staff as Funeral Programs Assistant



Executive Director Stephen Davis is pleased to announce the addition of Ms. Corina D. Wyche as a valued member of the NCBFS staff. Corina attended Mary E. Phillips High School in Raleigh and continued her education at Wake Technical Community College. Corina initially joined the Board staff in 2021 on a temporary assignment but quickly learned the procedures associated with entering preneed contract data into the Board's licensing management system. Her work is critical to the Board and its ability to generate confirmation letters to individuals purchasing a preneed contract.

Paul Richardson, Preneed Program Manager, said that *"Corina is a welcomed addition to our team and has demonstrated considerable talent for entering our preneed contract data. She has a talent for staying focused on the requirements for our contract entry which demands a high degree of accuracy in transferring contract information to our licensing system."* We are glad to welcome Corina to our staff!

PRE NEED INFORMATION

Preneed Program Manager Paul Richardson offers the following guidance to preneed sales licensees as well as establishment location managers regarding the preparation and submission of preneed contracts to the Board. Acknowledging that we all have a common goal in assuring the best possible service to consumers, Mr. Richardson advises that many contract copies that the Board receives each week cannot be processed through the licensing management system because the contract is incomplete, it's illegible, or it contains inaccurate information.

When these circumstances occur, Board staff cannot enter the contract information into the Board's data system which generates confirmation letters to consumers who have purchased a preneed contract. Richardson said that *"we have to return the contract to the preneed sales establishment which delays the confirmation letters to the purchaser. We just want to avoid these delays and make sure licensees know how to avoid getting a contract returned to them."*



*Paul Richardson,
Preneed Program Mgr*

We Need Your Help!

Legible Contract Copies

Some insurance companies provide preneed contract forms that include multiple copies on NCR [No Carbon Required] paper. When you send us an NCR copy, we find the copy illegible because it is smeared or the text is so faint that we cannot decipher it. As a result, we have to return it to you with a request that you provide a legible copy. Please remember that we cannot send a confirmation letter to the purchaser unless we can read the information on the contract.

We advise that you either use the fillable contract forms on our website at www.ncbfs.org or make a photocopy of the contract and send to us. Doing so assures that it is legible.

Preneed Establishment Number

Please be sure to provide us the correct preneed establishment number. Do not provide the at need establishment number. If you do not know your preneed establishment number, please check your preneed establishment permit. Or go to our website and use Verify/Lookup Licensee option.

Late Submissions

Remember that we determine a timely submission by the postmarked date on the envelope. In some cases recently, we have received preneed contracts 4-5 months after the purchaser signed the contract. If you send us a personal check from the purchaser along with a late submission, we will return their check to you since it has likely expired if it's 4 months or longer since it was written.

Remember that **you should not forward** an executed trust-funded contract to a financial institution before sending it to the Board. A financial institution does not necessarily forward the contract to us within the statutory timeframe.

Preneed Sales Licensee Number

Be sure that you include your preneed sales license number in the space provided on the contract on the bottom left-hand side of the first page. Your preneed sales license number will correspond with your FD or FS license number, so be sure the two numbers match.

85 NC Licensees Respond to National Survey for National and State Board Examinations

Every 5-7 years, the International Conference of Funeral Service Examining Boards, known as The Conference, conducts a comprehensive Job Task Analysis survey of licensees in the United States and Canada to help determine content for the National and State Board Examinations.

Licensee participation is an integral step in assuring the validity of these exams by making sure they continue to be relevant to the job duties of funeral directors and embalmers. Participation by licensees representing

different regions in the United States and Canada, various business models whether family-owned or corporate, practice settings, and years of experience is essential to the development of exam content.

In the recently completed Job Task Analysis Survey, 85 North Carolina licensees participated. Each will be awarded 1 hour of Continuing Education credit for their input and responses to the Survey. The Board expresses sincere thanks to all participating and assuring North Carolina's input into this important project.



COMPLIANCE INFORMATION

The Board receives questions regarding a number of issues pertaining to compliance with North Carolina general statutes and administrative rules as well as The FTC Funeral Rule. Recently, we received a question concerning pricing for goods and services. Following is the question and the Board's response:

Question: Casket companies have recently added a per-casket surcharge for delivery onto the regular wholesale cost of merchandise to funeral homes. One company has announced an increase in that amount effective May 16, 2022. Can funeral homes add this surcharge onto the Statement of Goods and Services? If it is added to the casket cost, it would increase the amount of sales tax the family pays. If it is added to the funeral home service charge, is it shown as an outside vendor fee? Would it be considered a cash advance?

Board Response: In staff's opinion, one of three ways would be acceptable depending on how the surcharge is being implemented by the supplier. One, you can increase the retail price of the casket to cover the increase in the wholesale cost. Two, you can revise your casket price list to reflect that a surcharge will apply to each casket and state the amount(s) imposed by the supplier. Three, show the surcharge as a cash advance item. If you elect this option, it would be necessary to ensure that the supplier is invoicing the surcharge(s) separately and in addition to the net merchandise amount. The surcharge(s) would need to be shown in a separate section of the overall casket invoice.

DISCIPLINARY ACTIONS

October 2021 – December 2021

Board Case Number: M21-0078

Respondent: Patricia Burrus Williams

Summary: A consumer purchased a preneed contract for her mother through Respondent Individual on behalf of her former employer funeral home. The funds paid by the consumer toward the contract were not placed into a trust account or preneed insurance policy for the contract beneficiary.

Board Action: The Board accepted a Consent Order whereby Respondent Individual's funeral director license was placed on a two-year probation, contingent upon Respondent Individual reimbursement of \$2,800.00 to the Board's Preneed Recovery Fund and upon Respondent Individual's compliance with all statutory and regulatory provisions governing the practice of funeral service.

Effective Date: October 13, 2021.

Board Case Number: M21-0079

Respondent: Mildred Randolph, Inc. d/b/a Leon Randolph Funeral Home and Mildred Keyes Randolph

Summary: A Board staff inspector conducted a routine preneed examination of Respondent Funeral Home and found violations of the statutes and rules governing the practice of preneed funeral service, in that Respondent Funeral Home has accepted multiple preneed payments from multiple consumers without executing preneed contract; failed to inform consumers about Respondent's assumption of preneed contracts from a now-closed preneed establishment; failed to obtain recent financial statements for all trust-funded preneed contracts; failed to submit an accurate and complete 2020 preneed annual report to the Board; failed to properly complete an existing preneed contract that was untimely filed with the Board; failed to maintain complete preneed contract files for all active and closed preneed contracts; failed to properly complete a Certificate of Performance for a closed preneed contract, thereby causing a financial loss to the consumer of approximately \$150; and failed to timely file a Certificate of Performance with the Board.

Board Action: The Board accepted a Consent Order whereby the preneed establishment permit of Respondent Funeral Home was revoked, but said revocation was stayed upon the following terms and conditions:

- The preneed establishment permit and all ancillary preneed sales licenses shall be actively suspended until such time as Respondent Funeral Home submits to and passes without substantial deficiency a preneed examination and audit conducted by a Board Staff Inspector.
- Following the period of active suspension Respondent Funeral Home shall remain in a probationary period for at least a period of three (3) years from the date of this Consent Order, and until such time as Respondent Funeral Home submits to and passes without substantial deficiency a preneed examination and audit conducted by a Board Staff Inspector, which examination should be conducted on or before October 2024.

- Respondent Funeral Home shall comply with certain other deadlines related to rectifying the preneed deficiencies.
- Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of Three Thousand (\$3,000.00) Dollars to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
- All employees of Respondent Funeral Home shall take a Board-sponsored course on preneed statutes and rules on or before December 31, 2021.

Effective Date: October 19, 2021.

Board Case Number: C20-0067/M21-0058/C21-0050

Respondent: Mills Funeral Home, Inc. and Craig Randolph Mills

Summary: Respondents failed to refrigerate an unembalmed decedent in its care for more than 24 hours. Respondents also failed to timely file its preneed annual report, which violated the terms of a prior Consent Order entered on February 10, 2021. Respondent Funeral Home underwent a change of ownership on or about June 17, 2021.

Board Action: The Board accepted a Consent Order whereby:

- The funeral service license of Respondent Individual was placed on a three-year suspension that was stayed contingent upon his compliance with all statutory and regulatory provisions governing the practice of funeral service.
- A new establishment permit was issued to Respondent Funeral Home but placed on a three-year suspension that was stayed contingent upon the following:
 - During the period of probation, Respondent Funeral Home shall comply with all statutory and regulatory provisions governing the practice of funeral service;
 - Respondents shall submit the late fee of \$150.00 for its 2020 Preneed Annual Report within fifteen (15) days following the Effective Date of this Consent Order; and
 - Within thirty (30) days following the entry of this Consent Order, Respondents shall remit a compromise penalty of Five Thousand Dollars (\$5,000.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
- Respondent Funeral Home was deemed eligible to apply for a preneed establishment permit, provided that any such preneed establishment permit shall be placed on a three-year stayed suspension on the following terms and conditions:
 - All employees of Respondent Funeral Home shall take a Board-sponsored course within six (6) months of issuance of the preneed establishment permit; and
 - During the period of probation, Respondent Funeral Home shall comply with all statutory and regulatory provisions governing the practice of funeral service.

Effective Date: October 14, 2021

Board Case Number: M21-0081

Respondent: Brown's Mutual Burial Association of Greensboro, Inc. d/b/a Brown's MBA and Charles Eugene Coote, Jr.

Summary: A Board staff inspector conducted a routine mutual burial association audit of Respondent Mutual Burial Association and found violations of the statutes and rules governing the practice of funeral service, in that Respondent Mutual Burial Association withdrew funds in excess of the allowable "overage" and in excess of the total 30% of assessments and interest allowed by statute, resulting in a shortage of \$2,360.93; failed to maintain the required reserve of \$21.00 per member; failed to maintain a surety bond as required by statute; and failed to maintain a total of seven (7) directors who are also members in good standing of the MBA.

Board Action: The Board accepted a Consent Order whereby the Respondent MBA agreed to hold a valid meeting of its members within sixty (60) days to vote on voluntarily dissolution. If a quorum of the members votes in favor of voluntary dissolution, the assets of the burial association shall be liquidated in accordance with N.C. Gen. Stat. § 90-210.107(i). If a quorum of the burial association's members does not vote in favor of voluntary dissolution within sixty (60) days, the burial association license of Respondent MBA shall be deemed dissolved and liquidated. Respondent MBA's agreements for members' benefits, records, property, and unexpended balances of funds shall be transferred to a financially sound mutual burial association that agrees in writing to accept the transfer.

Effective Date: November 5, 2021

Board Case Number: M21-0101

Respondent: Stonemor North Carolina Funeral Services, Inc. d/b/a Pollock-Best Funeral Home

Summary: Respondent Funeral Home lost access to its facility. Thereafter, its licensed manager/licensed officer separated from employment with Respondent Funeral Home.

Board Action: The Board accepted a Consent Order whereby the funeral establishment permit, preneed establishment permit, and all ancillary preneed sales licenses of Respondent Funeral Home are actively suspended until such time that Respondent Funeral Home designates a licensed officer of its corporation who is actively engaged in its operation; employs a licensed manager to oversee its daily operations; and regains use of, and access to, its premises. Respondent Funeral Home agreed to transfer all active preneed contracts in its possession to Montlawn Memorial Park Funerals and Cremations during the period of active suspension, and to notify the purchasers of said contracts of the transfer.

Effective Date: November 10, 2021

Board Case Number: C19-0034, C19-0041, C20-0033, C20-0038, C20-0040, C20-0084, C20-0090, C21-011, C21-0056, M20-0111

Respondent: Thos. Shepherd & Son, Inc., Shepherd Memorial Park, Inc., Thomas Redmond Shepherd, and Melody Holmes Shepherd

Summary: The Board adjudicated 9 consumer complaints and one staff-initiated complaint stemming from a routine establishment inspection, preneed examination, and a crematory inspection. The Board found numerous violations of law, including but not limited to, fraud or misrepresentation in the practice of funeral service or operation of a licensee's business; aiding and abetting an unlicensed person to perform services under Article 13A, Article 13D, and Article 13F; failure to employ in charge a licensed manager who oversees the daily operations of the funeral establishment; failure to maintain a licensed officer who is actively engaged in the operation of the funeral establishment; failure to display the establishment and preneed establishment permits; retention of unembalmed and unrefrigerated human remains in the custody of Respondent Establishment for more than 24 hours; failure to use and/or retain compliant cremation authorization forms; failure to retain and make available for inspection records related to all cremations performed; failure to maintain a crematory and holding facility in good repair and in a sanitary condition; failure to maintain receipts upon the delivery and release of cremated remains; knowingly making a false statement on a certificate of death; failure to submit a notification of death to the local registrar in the county where death occurred within 24 hours of taking custody of the body; failure to file death certificates for deaths occurring in North Carolina with the local registrar of the county in which the death occurred within 5 days after death; failure to refund any insurance proceeds received as consideration in excess of the funeral contract purchase price within 30 days of receipt; failure to provide, within a reasonable time, either the goods and services contracted for, or a refund for the price of goods and services paid for but not fulfilled; failure to give or cause to be given to a person making funeral arrangements a written statement of funeral goods and services selected duly signed by a licensee of said funeral establishment; failure to properly modify an inflation-proof preneed contract at need; failure to retain an at-need contract signed by a funeral director or funeral service licensee; allowing anyone other than a licensee of the Board or a crematory technician to perform a cremation; failure to deposit preneed funds paid toward a preneed contract into a trust account with a financial institution or into a prearrangement insurance policy within 5 business days from the date of receipt; failure to properly maintain accurate and complete preneed records and forms; failure to timely file a preneed contract with the Board; and failure to transact a preneed contract on a form prescribed by the Board.

Board Action: The Board issued a Final Agency Decision whereby:

- The At-Need Establishment Permit, the Preneed Establishment Permit, and all ancillary Preneed Sales Licenses of Respondent Thos. Shepherd & Son, Inc. are revoked for a period not less than five (5) years;
- The funeral director license of Respondent Thomas Redmond Shepherd is revoked for a period not less than five (5) years;
- The crematory manager permit of Respondent Melody Holmes Shepherd is revoked for a period not less than five (5) years; and
- The crematory permit of Respondent Shepherd Memorial Park, Inc. is revoked for a period not less than five (5) years.

Effective Date: December 8, 2021 as to Respondent Funeral Home and Respondent Individuals; December 22, 2021 as to Respondent Crematory

JANUARY 2022 – MARCH 2022

Board Case Number: C21-0029/M21-0040

Respondents: Lamb Funeral Home, Inc. and Terry Curtis Lamb

Summary: Respondent failed to refund preneed insurance proceeds to a decedent's estate, following Respondent's performance of the decedent's funeral services; failed to file the decedent's preneed contract with the Board; and failed to provide decedent's next-of-kin with a written statement duly signed by a licensee showing prices of services and merchandise selected. A Board inspector also conducted a preneed examination and found evidence tending to show that Respondent failed to have beneficiary designation documents or instruments of assignment in multiple preneed contract files.

Board Action: The Board accepted a Consent Order whereby:

- Respondent Individual's funeral service license was placed on a two-year suspension, but said suspension was stayed on the condition that Respondent Individual's compliance with all statutory and regulatory provisions governing the practice of funeral service;
- Respondent Funeral Home's Establishment and Preneed Establishment Permits and all ancillary preneed sales licenses were suspended for two years, but said suspensions were stayed upon the following terms and conditions:
 - Respondent Funeral Home shall submit to, and pass, without substantial deficiency a preneed examination and at-need Inspection conducted by a Board Staff Inspector on or before January 30, 2024.
 - Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of One Thousand Five Hundred Dollars (\$1,500.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
 - Within thirty (30) days from the date of that the Consent Order takes effect, Respondent Funeral shall reimburse the Estate of the decedent for all proceeds in excess of the funeral contract purchase price.
 - Respondent Funeral Home shall comply with all statutory and regulatory provisions governing the practice of funeral service.

Effective Date: January 12, 2022

Board Case Number: M21-0010

Respondents: Regional Orlanda Pruitt d/b/a Pruitt Funeral Home, Regional Orlanda Pruitt, and Russell T. Costner

Summary: A Board staff inspector conducted a routine preneed examination and establishment inspection of Respondent Funeral Establishment and found violations of the statutes and rules governing the practice of funeral service, in that preparation room lacked a properly working exhaust fan; Respondent failed to retain a copy of its 2020 application for license renewal (a repeat violation from the 2015 examination); Respondent failed to retain copies of its 2019 preneed annual report; Respondent failed to maintain a preneed receipt book or journal (a repeat violation from the 2015 examination); Respondent failed to retain multiple trust deposit slips (a repeat violation from the 2015 examination); the inspector was unable to determine whether trust funds were deposited within five business days due to inadequate recordkeeping; required insurance documents (assignment or beneficiary designations) were missing from multiple contract files; Respondent filed at least one preneed contract in an

untimely manner; multiple closed files were found to be missing a copy of the certificate of performance; and one closed file could not be located for review. Board staff inspectors also found evidence tending to show that Respondents had been aiding and abetting the unlicensed practice of funeral service and preneed funeral service.

Board Action: The Board issued a Final Agency Decision whereby:

- The preneed establishment permit and all ancillary preneed sales licenses of Respondent Funeral Home were revoked.
- The Funeral Director License of Respondent Costner was suspended, but said suspension was stayed on the condition that Respondent Costner resign his position as licensed manager of Respondent Funeral Home.
- The Funeral Service License of Respondent Pruitt was suspended, but said suspension was stayed on the following terms and conditions:
 - Within thirty (30) days from the date this Consent Order takes effect, Respondent Pruitt shall pay a penalty of One Thousand Dollars (\$1,000.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
 - Respondent Pruitt shall comply with all statutory and regulatory provisions governing the practice of funeral service.

Effective Date: February 1, 2022

Board Case Number: C21-0067/M21-0089

Respondents: Williams & Ashford Funeral Directors and Cremations LLC and Dandrell D'ante Williams

Summary: Respondent Funeral Home transported a decedent across state lines and buried a decedent without first obtaining medical examination authorization, as required by law. Approximately 3 weeks passed following the decedent's death before Respondent Funeral Home contacted the medical examiner's office. Additionally, a Board inspector found evidence tending to show violations of the FTC Rule and a failure to properly refund at least one consumer, for which Respondent Funeral Home previously received a letter of caution. Board staff also have identified multiple deficient preneed contracts filed with the Board in 2021.

Board Action: The Board accepted a Consent Order whereby:

- The funeral director license of Respondent Individual was placed on a two-year suspension that was stayed contingent upon his compliance with all statutory and regulatory provisions governing the practice of funeral service and contingent upon his taking remedial training on NC's Electric Death Registration System offered through the NC Department of Health and Human Services.
- Respondent Funeral Home's Establishment Permit, Preneed Establishment Permit, and all ancillary preneed sales licenses were suspended for two years, but said suspension was stayed upon the following terms and conditions:
 - Respondent Funeral Home shall submit to, and pass, without substantial deficiency a preneed examination and at-need Inspection conducted by a Board Staff Inspector on or before February 2024.
 - Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise 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.

- All preneed sales licensees of Respondent Funeral Home shall take a Board-sponsored continuing education course on preneed statutes and rules on or before June 30, 2022.
- Respondent Funeral Home shall comply with all statutory and regulatory provisions governing the practice of funeral service.

Effective Date: February 9, 2022

Board Case Number: C21-0083/M21-0094

Respondents: Carron's Funeral Home, LLC and Carla King Horne

Summary: Respondent Funeral Home failed to produce multiple death certificates in a timely manner; has a pattern of filing death certificates with errors; and repeatedly failed to respond to requests from the local county health department for corrections. Respondent Funeral Home previously received a letter of caution in April 2021, in part for its failure to timely file death certificates.

Board Action: The Board accepted a Consent Order whereby

- Respondent Individual's funeral director license was placed on a two-year suspension, but said suspension was stayed on the following terms and conditions:
 - Within thirty (30) days from the date this Consent Order takes effect, Respondent Individual shall pay a compromise penalty of Five Hundred Dollars (\$500.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
 - Respondent Individual shall comply with all statutory and regulatory provisions governing the practice of funeral service.
 - Within thirty (30) days following the effective date of the Consent Order, Respondent Individual shall take remedial training on NC's Electric Death Registration System offered through the NC Department of Health and Human Services.
- Respondent Funeral Home's Establishment Permit, Preneed Establishment Permit, and all ancillary preneed sales licenses were suspended for two years, but said suspension was stayed upon the following terms and conditions:
 - Respondent Funeral Home shall submit to, and pass, without substantial deficiency a preneed examination and at-need Inspection conducted by a Board Staff Inspector on or before February 2023.
 - Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of One Thousand Five Hundred Dollars (\$1,500.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
 - Respondent Funeral Home shall comply with all statutory and regulatory provisions governing the practice of funeral service.

Effective Date: February 9, 2022

Board Case Number: M21-0099

Respondents: Roberts Funeral Service, Inc. and Anthony B. Roberts

Summary: A Board staff inspector conducted a routine preneed examination of Respondent Funeral Home and found violations of the statutes and rules governing the practice of preneed funeral service, in that Respondent Funeral Home failed to obtain / retain insurance assignment and/or beneficiary designation documents for at least four (4) preneed contract beneficiaries; failed to file at least six (6) COPs prior to the examination date; and failed to correct the violations when completing annual reports for calendar years 2016, 2017, 2018, 2019, and 2020; and failed to properly calculate credits allowed for non-guaranteed cash advance items for at least one (1) preneed contract, resulting in the Licensees' failure to refund an amount due of \$427.23. Thereafter, Respondent Funeral Home submitted evidence that the violations had been corrected.

Board Action: The Board accepted a Consent Order whereby

- Respondent Individual's funeral service license was placed on a two-year suspension, but said suspension was stayed on the following terms and conditions:
 - Respondent Individual shall comply with all statutory and regulatory provisions governing the practice of funeral service.
 - On or before December 31, 2022, Respondent Individual shall take a Board-sponsored continuing education course on preneed statutes and rules.
- Respondent Funeral Home's Preneed Establishment Permit and all ancillary preneed sales licenses were suspended for two years, but said suspension was stayed upon the following terms and conditions:
 - Respondent Funeral Home shall submit to, and pass, without substantial deficiency a preneed examination conducted by a Board Staff Inspector on or before March 2024.
 - Within thirty (30) days from the date this Consent Order takes effect, Respondent Funeral Home shall pay a compromise penalty of One Thousand Five Hundred Dollars (\$1,500.00) to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes.
 - Respondent Funeral Home shall comply with all statutory and regulatory provisions governing the practice of funeral service.

Effective Date: March 9, 2022

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