

NORTH CAROLINA BOARD OF FUNERAL SERVICE

Winter 2022

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

Hilderbrand, McCormick To Serve as Vice-President and Secretary

Dr. Steven L. Lyons Elected 2023 Board President

At its November 2022 meeting, the Board opened nominations for 2023 Board Officers and elected Dr. Steven L. Lyons as President; Thomas T. Hilderbrand as Vice-President; and Darrell McCormick as Secretary. Governor Roy A. Cooper appointed Dr. Lyons for a three-year term on January 1, 2020 upon nomination from the NC Funeral Directors Association. He also appointed Mr. Hilderbrand on January 1, 2021 for a three-year term upon the nomination of the Funeral Directors & Morticians Association of North Carolina. Governor Cooper has since reappointed Dr. Lyons to a second three-year term. Mr.

McCormick is one of two public members of the Board and was appointed by the Speaker of the House of Representatives in 2021. Dr. Lyons replaces Mr. Christian E. Watson, 2022 Board President and an owner of Parrish Funeral Home in Selma, North Carolina. Appointed by Governor Cooper for two three-year terms beginning January 2018, Mr. Watson will complete his second term on the Board on December 31, 2023. Mr. Hilderbrand served as the Board's Secretary in 2022, and Dr. Lyons served as the 2022 Vice-President.



2022 Board Officers. Seated l. to r. Thomas Hilderbrand, Christian Watson, Dr. Steven Lyons. Standing l. to r. Mark Blake, Steve Herndon, Don Brown, Darrell McCormick. Not Pictured: Le'Shekia Coleman and Robb Jansen.

Blake, Brown Complete Terms on Board

Mr. Don Brown, Owner of Don Brown's Funeral Home in Ayden, NC, and Mr. Mark Blake, Manager, Brown-Wynne Funeral Home, St. Mary's Street, Raleigh, NC, completed six (6) years of service to North Carolina's funeral profession in December. Mr. Blake's service to the Board includes prior terms from 2005 – 2009 when he served as Vice-President and then President. Mr. Blake served as the 2019 Vice-President and 2020 Board President.

Mr. Brown was elected Board Secretary in 2019; Vice-President in 2020; and Board President in 2021.

Both have provided leadership to numerous Board Committees including Traineeship; Finance and Personnel; Laws, Rules and Legislation; Continuing Education; and the NC Crematory Authority.

Thank You For Your Service to the Board!

"I am humbled and appreciative for election as the 2023 Board President, and I intend to continue the high standards for leadership and vision so effectively expressed by those who preceded me. My first obligation and commitment is to the professional practice of funeral service and the consumers who rely upon our dedicated licensees and funeral establishments."

-- Dr. Steven L. Lyons, President, Steven L. Lyons Funeral Home, Raleigh, NC

From The President's Desk



Christian E. Watson,
2022 President

We live in a fast-paced, challenging time in our post-pandemic society. We are confronted on a daily basis with endless streams of news, entertainment, and online gaming through both conventional and non-conventional media as well as through social media platforms like Facebook, Instagram, Tik-Tok, Snapchat and others. Ours is a digital world that thrives on the Internet. So, what does

all this have to do with funeral service? Well, in looking back for the past five years at the Board newsletters, there are common themes that show up time and again. And one word that keeps cropping up is “*adapt.*”

Funeral professionals have to attune to and accommodate this changing world. We no longer rely upon the traditional ways of honoring the dead with a church service where a casketed decedent is present banked with an array of floral arrangements before joining a processional to a cemetery for burial. We now find families who are shifting to alkaline hydrolysis, green burials, biodegradable burial pods, and other eco-friendly methods of disposition.

Since the emergence of COVID-19 and its multiple sub-variants beginning in late 2019, we know that the rate of cremations both in North Carolina and in the United States has accelerated. We also know that there are more individuals than ever before who engage in pre-planning and preneed arrangements. And we have seen a burst of activity centered on what’s been described as meaningful, creative and environmental-friendly ways to honor our loved ones at the time of death. We know that more and more of us are relying upon the Internet for funeral

planning and the purchase of funeral goods and services. Consumers are beginning to arrange funerals or memorial services by telephone or through an Internet-based funeral provider.

Our industry is likely more competitive than ever before because of these trends. That’s why we can no longer rely primarily on the traditional burial rituals that have defined professional funeral service for so long. As we look forward and anticipate the future, we are keenly aware that we must continue to adapt in the way we market our services. We must adjust to the ways we accommodate families in honoring their loved ones. When we recruit and then evaluate candidates to fill our vacant funeral positions, we see Gen Z young adults who may show up with tattoos, visible piercings, and multi-hued hair. We encounter certified funeral celebrants who advise families on creative ways to memorialize the life of those who have passed away often in non-traditional ceremonies and services.

These are but a few examples of how professional funeral service has evolved over time in response to a new and changing world. How we as an occupation of licensed professionals choose to react to these trends will be an on-going challenge. We live in a multi-generational society with each generation identified by its particular values and expectations. As a Gen X’er responsible for her company’s recruitment said in a recent news interview, “*You can’t just keep doing the same things that worked for one generation.*” That’s something for all of us to think about.

A handwritten signature in black ink, appearing to read 'Christian E. Watson', written in a cursive style.

“Community and public service have always been an essential part of my family’s life. The opportunity to serve as Board President in 2022 has enabled me to express this commitment in such a meaningful way, and I am deeply grateful for the trust and confidence that the Board and those we serve have placed in me. North Carolina’s Board is considered a national leader by several measures, one of which is its continuous emphasis on licensee preparation, compliance and professional competency. These are important standards for any profession, and I am sincerely proud of my role this year in leading and supporting that commitment.”

--- Christian E. Watson, Board President, 2022

Governor Cooper Appoints Kelsey, Hinch

NC Board of Funeral Service Seats New Appointees

Governor Roy A. Cooper has appointed two new members to the NC Board of Funeral Service for three-year terms beginning January 1, 2023. Upon nomination by the Funeral Directors & Morticians Association of NC, Governor Cooper appointed Dr. Kimberly D. Kelsey to the Board; and upon nomination by the NC Funeral Directors Association, he has appointed Mr. Richard D. Hinch



Dr. Kimberly D. Kelsey

Dr. Kelsey is the Chief Executive Officer and Owner of Noble & Kelsey Funeral Home, Inc. in Salisbury, NC, a firm founded in 1902 by her grandfather, W. F. Kelsey, and Steven Noble, a hearse driver for Wright's Funeral Home. Upon the death of her grandparents, Dr. Kelsey's father, A. R. Kelsey, assumed sole ownership of the funeral home. The funeral home ownership has since conveyed to Dr. Kelsey where she is also Chairman of the Board. A Funeral Service licensee, Dr. Kelsey completed her mortuary science education at Gupton-Jones College of Funeral Service in 1993. She holds the BA Degree in Business Administration from Winston-Salem State University; an MBA from the University of North Carolina at Charlotte; and a PhD in Business Administration and Management from the University of Phoenix.

Mr. Hinch is a graduate of the mortuary science program in Funeral Directing from Fayetteville Technical Community College and received his diploma in 2004. Since 1998, Mr. Hinch has been an employee of Reins-Sturdivant Funeral Home in North Wilkesboro, NC, where he is the daily Operations Manager in addition to his duties and responsibilities as a licensed Funeral Director. Mr. Hinch has been an active leader in the NC Funeral Directors Association with service as a Board Member and as District Director (2016-19); Secretary/Treasurer (2019-20); Vice-President (2020-21); and President (2021-22). As Past President, Mr. Hinch continues his dedicated service to the Association and to the licensees who comprise its membership.



Mr. Richard D. Hinch



William E. "Billy" Babb

Babb Joins NCBFS Compliance Team as Newest Inspector

After a competitive and rigorous recruitment effort, the NC Board of Funeral Service has appointed Mr. William E. "Billy" Babb as its newest Compliance Inspector with responsibility for establishment inspections, compliance investigations, and other matters having to do with business licensure. Mr. Babb is a seasoned, highly experienced funeral service licensee with in-depth knowledge of funeral statutes and administrative rules. His demonstrated knowledge of the requirements for compliance and his skill in professional

funeral practice ideally suit Mr. Babb for the duties and responsibilities he will assume on the Board's team of Compliance Inspectors. Under the administration and management of Mr. Brett Lisenbee, Compliance Officer, the team of professional licensees who function as Compliance Inspectors have significant impact on the Board's regulatory role in assuring that all licensees are fully qualified and knowledgeable of their responsibilities. Mr. Babb brings 45 years of professional experience which includes knowledge of preneed planning, embalming, cremation, and the practice of funeral directing. Mr. Babb is well-acquainted with the practices and procedures of the NC Office of the Chief Medical Examiner through his role as a County Coroner. He was awarded an AAS Degree in Mortuary Science from Gupton-Jones College of Funeral Service in 1979, and he holds certification from the Cremation Association of North America (CANA) as a Crematory Operator.

Mr. Babb is highly respected among his peers in the practice of professional funeral service and has demonstrated a continuous commitment to best practices in the conduct of his work in funeral service.

In Remembrance, Harvey H. Leavitt, III

1958 - 2022



The NC Board of Funeral Service acknowledges the recent death of former Board President, Harvey H. Leavitt, III, with sadness. A graduate of Gupton-Jones College of Funeral Service in 1982, Mr. Leavitt joined his family's funeral home which was established by his grandfather, Harvey H. Leavitt in 1914. Known for his humility and unrelenting optimism, Mr. Leavitt was fully committed to the practice of professional funeral service as a former President of the NC Board of Funeral Service and a long-time volunteer for The International Conference of Funeral Service Examining Boards where he worked for many years to assure the integrity of funeral examinations. His constant contributions to funeral service set a high standard for professional practice and created an inspiring legacy for others to follow.

Effective January 1, 2023

Board Amends Rules for Preneed Sales Licensure, CE Credit

On May 4, 2022, the Board's Preneed Committee convened to discuss strategies and effective ways to strengthen its preneed program and services. Noting that many of the Board's disciplinary hearings involve issues regarding the accountability for funds received from consumers, committee members agreed that these matters indicate a lack of understanding and proper implementation of the Board's preneed statutes and rules.

To address these concerns, the Preneed Committee developed the following recommendations:

- Eliminate the cap limiting the number of CE hours in preneed that licensees can accrue through online instruction
- Require completion of Board-sponsored preneed training for initial licensure in preneed sales
- Disallow CE credit for Board-mandated training when imposed for disciplinary reasons
- Enable codification of the Schedule A template to assure clarity and consistency in its preparation and submission

In July, the Board voted affirmatively to amend existing administrative rules to reflect these recommendations presented to the Board in May based upon the proposal from the Preneed Committee. The rules are found at 21 NCAC 34B .0408, Continuing Education; and 21 NCAC 34D .020, Preneed Sales License. The Board conducted a public hearing on October 12, 2022, at 10:00 a.m. to enable feedback from interested parties regarding the proposed amendments.

Following are guidelines pertaining to the requirement for at least 3-hours of CE training on preneed laws and rules through Board-sponsored instruction. We have provided the pertinent text of the amended rule along with guidance on its implementation:

(a) *Individuals who hold either an active funeral director's license or an active funeral service license issued by the Board and who have taken three or more hours of continuing education on preneed statutes and rules taught by Board staff within the preceding three calendar years are eligible for initial licensure as a preneed sales licensee upon application by a funeral establishment holding an active preneed establishment permit, as set forth in Paragraph (d) of this Rule.*

- Individuals licensed in funeral directing or funeral service prior to January 1, 2023, and who have previously held or currently hold a preneed sales license prior to January 1, 2023, are not subject to this provision.
- Individuals licensed in funeral directing or funeral service prior to January 1, 2023, but who renew a preneed sales license on or after January 1, 2023, are not subject to the requirement for CE training as defined in (a) above.
- Individuals licensed in funeral directing or funeral service on or after January 1, 2023, and who subsequently apply for a preneed sales license must complete the mandated CE training as defined in (a) above.
- Individuals licensed in funeral directing or funeral service prior to January 1, 2023, but who apply for an initial preneed sales license on or after January 1, 2023, must complete the mandated CE training as defined in (a) above.

The Board will schedule Preneed Courses throughout the year to accommodate those seeking initial licensure in preneed sales who must comply with the requirement for at least 3 hours of preneed CE instruction.

Elimination of the Cap on Preneed CE Instruction

Prior to the amendments to 21 NCAC 34B .0408, licensees were not allowed to accrue more than 2 hours of CE credit in preneed through online instruction. The Board waived this restriction beginning in 2020 during the COVID pandemic as a way to support and assist licensees seeking CE hours when the Governor declared a state of emergency. His Executive Order sharply restricted public gatherings which resulted in few instructor-led CE courses for licensees to accrue the necessary hours for license renewal. In response, the Board agreed to allow licensees to take up to 10 hours of preneed CE instruction online by eliminating the prior restriction.

TRAINEESHIP PROGRAM NEWS

Reminders for Our Resident Trainees

- You must submit your monthly work report on or before the 10th of the month for the previous month's tasks
- You must submit your monthly work report electronically in PDF format – the Board no longer uses FAX
- Be sure to include "Hours Worked" at the top of Page 1 on the right-hand side
- Each work report requires two notary seals
- Be sure that your supervisor and your location manager have both signed your work report. Both signatures are required even if your supervisor and location manager are the same person

Welcome To Our New Licensees!

Funeral Service

David Patrick Reese	Clemmons NC
Garrett Dwain Holland	Wingate NC
Jac'Kel Shakur Brown	Columbia SC
Jeffrey M. Hoelzel	Battleboro PA
Jonathan Bradley McHatton	Smithfield NC
Joshua Clyde Bailey	Robbinsville NC
Katherine Elizabeth Knowles	Greensboro NC
Melissa Danielle Kinney	Monroe NC
Noel Timothy Helms II	King NC
Patricia M Latimore	Landover MD
Plummer Cyrus Richardson	Raleigh NC
Roddrick D Jenkins	Hampton VA
Sierra Brooke Littrell	Raleigh NC
Sierra Monet White	Charlotte NC

Funeral Directors

Amy Elizabeth Herring Branch	Apex NC
Amy Lyn Parker	Washington NC
Craig Franklin Smith	Raleigh NC
Daniel Bullock Jr.	Greenville NC
Danny G. Moody	Fuquay-Varina, NC
Jarod Michael Mayes	Concord NC
John Hayes McLendon	Greensboro NC
Leigh Anna Mooring	Pikeville NC
Matthew Kindal Blanks	Wilmington NC
Paul Davis Cooke	Eden NC
Rico Issiah Beasley-Mungin	Fayetteville NC
Strickland Brian Maddox	Cramerton NC
Stuart Manning Euliss	Mount Holly NC
Travis James King	Mount Airy NC
Tyra Lynn Setzer	Granite Falls NC

Board Staff Working on Production of Establishment Certificates

Throughout February, Board staff will be printing, sorting and mailing permit certificates for all **At Need** and **Preneed** establishments. Pursuant to General Statutes, these certificates must be “conspicuously displayed.”

The Board prints these certificates from its Licensing Management System which defaults to the establishment’s Corporate Name which is registered with the NC Secretary of State’s office. Some corporate entities have several locations with their own “DBA” (Doing Business As) name which is often more familiar to the public than the corporate name.

Board staff understands that some establishments prefer a DBA certificate name, and we are glad to work with those establishments to determine an appropriate resolution. We will continue to explore options available to us through our licensing management system to produce establishment permit certificates in a digital format in the future.



NC Crematory Authority Adds New Members in Special Election

In 1989, the NC General Assembly ratified legislation [Session Law 1989-988] creating the NC Crematory Authority and establishing it as a Committee within the NC Board of Funeral Service. In defining the Authority's purpose, the statute states that the Authority "shall suggest rules to the Board for the carrying out and enforcement of the provisions of this Article." The referenced Article is currently identified as Article 13F, Cremations.

Since 1989, the Board has developed an array of administrative rules which are included in 21 NCAC 34C and which provide important information regarding the application of the statutes pertaining to cremations. Among the provisions noted in the administrative rules are detailed procedures for elections to appoint new Authority members when vacancies occur.

In 2022, three vacancies occurred on the Authority resulting from the unexpected death of Mr. Chris Tomczak, Vice Chair, and expiring terms for Mr. Chris Headley, President, and Mr. Steven Hundley, Secretary. As required by the referenced administrative rules, the Board invited nominations from crematory licensees in August 2022. As noted in these rules, "If, after nominations have closed, there is no candidate for a seat subject to election . . . the Board shall fill the position by majority vote."

With no nominations sent to the Board from its initial notice to crematory licensees, the Board proceeded to fill the vacant seats by inviting nominations from interested parties. In response, 19 individuals sent the Board a Letter of Interest affirming their candidacy for one of the three open seats. At its December 14, 2022, meeting, the Board conducted an election and selected three candidates by majority vote.

The Board welcomes the following new members to the NC Crematory Authority whose terms began January 1, 2023:

- ❖ Mr. David Miller, Vice President, Coastal Cremations, Wilmington, NC
- ❖ Mr. Charlie Neal, Crematory Operator, Pines Cremation Service, Southern Pines, NC
- ❖ Mr. Bobby G. Keller, Manager, Charlotte Personal Care Center and Forest Lawn West Crematory, Charlotte, NC

For Your Information . . .

- The Board Meets on Wednesday, February 8, 2023, at 9:00 a.m. at the Board Office at 1033 Wade Avenue, Suite 108, Raleigh, NC. Interested parties may join via YouTube livestreaming.
- 2022 Preneed Annual Report Portal will open on February 1, 2023, for preneed establishments to complete by March 31, 2023.
- Board staff will begin mailing preneed pocket cards to all renewed preneed sales licensees beginning February 6, 2023.
- Last Day to Renew Your License or Permit for 2023 is February 1, 2023!

Board Transitions To Digital Cremation Reports

In 2021, the Board authorized a Cremations Report Portal so that crematories could submit monthly Cremations Reports online. The Portal also provides an option for payment of monthly cremations fees.

If you are not currently using the Cremations Report Portal, please visit the Board website at www.ncbfs.org. You will find the portal on our homepage.

The Board encourages you to take advantage of this convenient, secure and effective way to submit your monthly Cremations Report.

We encourage you to use the Portal as the Board continues to shift to online, digital formats for the submission of mandatory reports.

You will minimize the risk of late submissions and late fees by using the Cremations Report Portal.

DISCIPLINARY ACTIONS

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

Board Case Number: M22-0005

Respondent: Thomie D. Douthit d/b/a Douthit Funeral Services and Thomie D. Douthit

Summary: Respondent violated the terms of a Consent Order into which it entered with the Board in 2022, in that Respondent failed to timely execute preneed contracts with consumers for whom Respondent had placed preneed funds into a payable upon death bank account owned by Respondent for the benefit of said consumers.

Board Action: The Board and Respondent entered into a second Consent Order under the following terms and conditions:

- The at-need establishment permit, preneed establishment permit and all ancillary preneed sales licenses of Respondent Establishment and the funeral director license of Respondent Individual are hereby suspended for at least three (3) years, except that said suspension is stayed upon the following terms and conditions:
 - All permits and licenses of the Respondents shall remain on a probationary period for at least 3 years, and until such time as Respondent Establishment submits to and passes without substantial deficiency a preneed examination and an at-need inspection;
 - Within 15 days, Respondent Establishment shall notify all consumers for which Respondent Establishment currently holds a “payable upon death” bank account that preneed contracts must be executed for an amount equal to, or greater than, the amounts currently deposited in the “payable upon death” bank accounts;
 - Within 60 days, Respondent Establishment shall execute preneed contracts, along with filing and late fees, with all consumers for which Respondents currently holds a “payable upon death” bank account;
 - Within 30 days, Respondents shall reimburse the Board in the amount of \$550.00 for costs;
 - Respondent Individual shall take a Board-sponsored continuing education course on preneed statutes and rules;
 - Respondent Establishment shall obtain and maintain a surety bond in an amount not less than \$50,000.00 for at least five (5) years;
 - During the period of probation, Respondent Establishment shall comply with all statutory and regulatory provisions governing the practice of funeral service; and

- Respondent shall not deposit any funds received as prepayment for funeral services into any “payable upon death” bank account that would prevent a preneed contract purchaser from transferring his or her preneed contract to a successor preneed funeral establishment prior to death, in accordance with N.C. Gen. Stat. § 90-210.63.

Effective Date: November 9, 2022

Board Case Number: C20-0021/M22-0057; M22-0047

Respondent: Edward Kirk Rivers

Summary: The Board received a preneed contract entered into by Respondent and a consumer on behalf of a closed funeral home previously owned and managed by Respondent. The preneed contract indicated on its face that Respondent received \$1,500.00 at the time the preneed contract was made. No preneed funds were placed into a trust account or used to purchase a preneed insurance policy for the contract beneficiary. The preneed contract was not filed with the Board or maintained by Respondent.

Board Action: The Board and Respondent entered into a Consent Order whereby:

- The Funeral Director License of Respondent shall be on probation for a period of three years, beginning on the date that this Consent Order takes effect, on the following terms and conditions:
 - Respondent agrees not to apply for a preneed sales license in the future. If a preneed sales license is submitted on Respondent’s behalf in the future, Respondent agrees that Board staff shall be entitled to deny said application and that he waives any right to appeal such denial;
 - During the period of probation set forth above, Respondent must comply with all statutes and rules governing the practice of funeral service; and
 - Within 90 days, Respondent agrees to remit \$1,500.00 to the Board’s Preneed Recovery Fund.

Effective Date: December 14, 2022

Board Case Number: C22-0042

Respondent: Phillips Bros. and Anderson Memorial Mortuary Inc. and Charles Lee Edwards

Summary: Respondent Funeral Home charged a family twice for the burial plot. Respondent Funeral Home further facilitated the assignment of a consumer’s insurance policy to Respondent Funeral prior to the consumer’s death, but no preneed contract was formed or filed with the Board. Upon the consumer’s death, the insurance proceeds received by Respondent Funeral Home were not timely remitted to the performing funeral home for the consumer’s funeral services.

Board Action: The Board and Respondent entered into a Consent Order whereby:

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- The establishment permit and preneed establishment permit of Respondent Funeral Home are hereby suspended for a period of 5 years, provided, however, that said suspensions are stayed on the following terms and conditions:
 - The preneed establishment permit of Respondent Funeral Home shall be actively suspended for a period of at least 1 year. Upon Respondent Funeral Home submitting to, and passing without substantial deficiency, a preneed examination conducted by a Board Staff Inspector, the active suspension shall be stayed. Thereafter, Respondent Funeral Home shall be on probation for the remainder of the stayed suspension, during which time it shall comply with all statutes and rules governing the practice of funeral service;
 - Respondent Funeral Home shall pay a compromise penalty of \$5,000.00 to the Civil Penalty and Forfeiture Fund in accordance with Article 31A of Chapter 115C of the North Carolina General Statutes;
 - Within 30 days, Respondent Funeral Home shall provide to the Board evidence that it has refunded the consumer the cost of the overcharge for the burial plot.

Effective Date: December 14, 2022