

North Carolina Board of Funeral Service

1033 Wade Avenue, Suite 108, Raleigh, NC 27605

(919)-733-9380 or 1-800-862-0636

www.ncbfs.org

E-NEWSLETTER December 2016: Volume 12, Issue 11

The Board will next meet at 9 a.m. on Wednesday, January 11, 2017 at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

BOARD STAFF ANNOUNCEMENTS

During the December Board meeting, the following officers were elected for 2017:

Charles J. Graves, President

Matt P. Staton, Vice President

Craig Olive, Secretary

* * *

WARNING: If Board staff does not receive your completed license renewal application and fee by 5:00 p.m. on Wednesday, February 1, 2017, **you will immediately be deemed to have forfeited and surrendered your license.** This means that you will not be authorized to conduct any funeral activity for which a license is required. **There will be no opportunity to reinstate your forfeited license absent a formal hearing before the Board.**

TRAINEE ANNOUNCEMENTS

Pursuant to 21 NCAC 34B .0110, each trainee's monthly work reports must be received by Board staff on or before the 10th calendar day of the month that immediately follows the completion of each one month period of his or her resident traineeship.

Because these monthly reports have to be notarized, Board staff must receive the original hard copy in the Board office. However, for purposes of meeting the deadline referenced herein, trainees may submit a copy of their monthly report by facsimile to the attention of Marty Mills at (919) 733-8271 or by e-mail to mmills@ncbfs.org. Please note that if a trainee submits his or her monthly report by facsimile or e-mail for the purposes of complying with the submission deadline, the trainee will still need to submit the original, notarized monthly report in person or by mail to the Board's office at 1033 Wade Avenue, Suite 108, Raleigh, North Carolina 27605. Trainees incurring two missed or late reports in one year will be suspended and required to come before the Traineeship Committee.

PRENEED ANNOUNCEMENTS

Reminder: The preneed filing fee is nonrefundable. The only exception is when the insurance company deems the contract beneficiary as uninsurable.

TRANSPORTER ANNOUNCEMENTS

If an individual does not meet one of the three following criteria, he or she must apply for and be granted a transport permit before transporting or removing a dead human body:

- 1) not otherwise licensed by the Board;
- 2) not employed by a licensee of the Board; or
- 3) not eligible for a limited exemption under N.C. Gen. Stat. § 90-210.25(c)(5).

Each individual employee of a transport company not otherwise licensed by the Board must individually register and be approved for a transport permit prior to engaging in the transportation of a dead human body. If the Board receives evidence that a transport company not otherwise licensed by the Board is employing individuals to transport bodies without first obtaining individual permits from the Board, the Board may choose to file a civil lawsuit seeking injunctive relief.

NEW LICENSEES, TRAINEES, AND ESTABLISHMENTS

CREMATORY –

Rich & Thompson Funeral & Cremation Service – Graham, NC (chg'd ownership)

CHAPELS – 0

FUNERAL HOME

Sunset Memorial Funeral Home – Rocky Mount, NC
Eternacare Service, LLC – Clemmons, NC

TRANSPORT – 0

UNAFFILIATED – 0

COURTESY CARD – 0

FUNERAL SERVICE LICENSEES – 0

FUNERAL DIRECTORS –

Phillip Bradly Holmes
Michael Darryl Davis
Donald James Gloege

TRAINEES

Nathaniel P. Anderson – Carolina Mortuary Service & Cremation

Hakeem T. Brown – Smith Funeral Home

Tova Y. Gatling – Hamilton Funeral chapel, Inc.

Jesse Lee Hall – J C Green & sons, Inc.

Kimetha K. Moye – Knotts Funeral Home

Tyra L. Harrison – Evans Funeral Service, Inc.

David P. Reese – Peoples Funeral Home

SYMPATHY IS EXTENDED TO THE FAMILY OF:

Samuel C. Drain, Jr, of Adkin-Drain Funeral Service, who died on November 4, 2016

Ulysses Cunningham, of Cunningham & Sons Mortuary, who died on November 17, 2016

Demetrice Brewington, of Sanders Funeral Home, who died on November 22, 2016

LEGAL DEPARTMENT YEAR-IN-REVIEW REPORT TO BOARD AS OF 12-14-2016

Disciplinary Matter Summary:

- Out of the 17 hearings held in 2016 (excluding December):
 - 8 resulted in revocation of at least one license or permit involved
 - 1 resulted in a stayed suspension contingent upon payment of a fine and probationary period
 - 1 resulted in a stayed revocation contingent upon payment of a fine
 - 1 resulted in upholding of the Board's preliminary decision to deny application for traineeship
 - 1 resulted in dismissal
 - 1 resulted in refusal to issue a license to certified trainee
 - 2 resolved by Consent Order
 - 2 resulted in contingent approval of applications for traineeship

- 58 staff-generated disciplinary matters opened thus far in 2016

- 102 consumer complaints received thus far in 2016

- 60 Notices of Hearing issued thus far in 2016

- 34 matters resolved through Consent Orders in lieu of hearings thus far in 2016

- 267 matters reviewed by the Disciplinary Committee

Preneed Recovery Fund Claim Summary:

- \$118,151.63 paid out of the Preneed Recovery Fund to reimburse 36 claimants whose applications for recovery were approved by the Board
- \$282,064.73 obtained in restitution paid directly from licensees to 54 preneed consumers in lieu of reimbursement from the Preneed Recovery Fund
- Total aggregate of \$400,216.36 recovered for or reimbursed to 90 preneed consumers who have had their preneed funeral funds misappropriated or otherwise unaccounted for
- 51 Preneed Recovery Fund applications received thus far in 2016
- 57 Preneed Recovery Fund applications reviewed by the Preneed Committee

Miscellaneous Summary:

- 58 compliance opinions issued prior to creation of Compliance Liaison/Lead Inspector role in April
- \$2,700.00 reimbursed to the Board by licensees for costs associated with hearings to show cause

DISCIPLINARY MATTERS

Case File Number(s): C16-021; C16-047.

Respondents: Legacy Funeral Home & Cremation Services, LLC (FE # 825); Christian Derek Cox (FD # 3169).

Summary: With regards to Board Case No. C16-021: Complainant, husband of the decedent, alleges that his wife passed away earlier this year and he still has not yet received her cremated remains. Complainant alleges that he has tried on multiple occasions to contact Funeral Establishment and arrange for delivery of the same, to no avail. Funeral Establishment failed to respond to the allegations.

With regards to Board Case No. C16-047: Complainant, decedent's wife, alleges that Funeral Establishment improperly removed her husband's body without her permission. Complainant further alleges that she did not receive a Statement of Funeral Goods and Services Selected; that she may have been overcharged for services performed; and that the Funeral Establishment failed to timely file a death certificate for decedent. Funeral Establishment failed to respond to the allegations contained in the Complaint.

Board Action: The Board adopted a Consent Order, whereby Respondent Legacy Funeral Home & Cremation Service, LLC agreed to voluntarily surrender its funeral establishment permit. Additionally, Respondent Cox agreed to be placed on a stayed suspension for a period of three (3)

years; to pay a civil penalty of \$2,500.00; to reimburse Complainant in Board Case No. C16-047 in the amount of \$500.00; and to reimburse Complainant in Board Case No. C16-021 in the amount of \$425.00.

Effective Date: December 14, 2016.

Case File Number(s): M16-043.

Respondents: Ward Funeral Service, Inc. (FE # 607; PE # 129); C. David Ward, Jr. (FSL # 665).

Summary: Board staff was made aware that Respondent Ward Funeral Service, Inc. lost the right to occupy specified premises registered with the Board as belonging to the funeral establishment. Additionally, the corporation owning Respondent Ward Funeral Service, Inc. has been placed on revenue suspension by the North Carolina Secretary of State since May 28, 2010. Pursuant to N.C.G.S. 105-320(a), a corporation that has been placed on revenue suspension cannot transact any business until reinstated by the Secretary of State. On June 8, 2015, Board staff sent Respondents a letter instructing them to cease operating due to issues caused by the revenue suspension. Respondents continued transacting business and performing funeral services despite receiving this notice. Additionally, Respondents failed to comply with the terms of a previous Consent Order executed in 2014.

Board Action: Following an administrative hearing, the Board issued a Final Agency Decision revoking the funeral establishment permit of Respondent Ward Funeral Service, Inc.; revoking the preneed establishment permit and all ancillary preneed sales licenses of Respondent Ward Funeral Service, Inc.; and suspending the funeral service license of Respondent Ward, provided that said suspension shall be stayed upon satisfaction of the following conditions: 1) that Respondent Ward pay a \$500.00 civil penalty; and 2) that Respondent Ward reimburse the Board the sum of \$250.00 in costs associated with the prosecution of a hearing to show cause.

Effective Date: December 16, 2016.

Case File Number(s): V12-069; C13-005; C14-036; C14-051; C15-011; C15-033; C15-036; C15-079; C16-083.

Respondent: Clark Funeral Home (FE # 39); Earl Shirra Joyner-Clark (FSL # 1726).

Summary: Respondent's funeral service license was already on probation when a consumer complaint and staff-generated complaint were received. The consumer complaint alleged Respondent did not provide the consumer with a signed Statement of Funeral Goods and Services Selected; that Respondent did not provide the consumer with any price lists; and that the consumer paid for certain services that were not received. Respondent denied all allegations made by Complainant. During a preneed audit, Board staff found numerous preneed recordkeeping violations; specifically, Board staff found that Respondent failed to deposit into a

trust account or insurance policy the amount of \$5,000.00 paid by a consumer towards a preneed contract sold by Respondent.

Board Action: Following an administrative hearing, the Board issued a Final Agency Decision permanently revoking the establishment permit of Clark Funeral Home; permanently revoking the funeral service license of Earl Shirra Joyner-Clark; assessing costs of the show cause hearing against Mr. Joyner-Clark in the amount of \$1,502.02; and directing Board staff to refer the matter to the Halifax County District Attorney for investigation and potential criminal prosecution.

Effective Date: December 16, 2016.

Case File Number(s): V12-017; V12-057.

Respondents: S & L Funeral Home & Cremation Service, Inc. (FE # 18); S & L Funeral Home & Cremation Services, Inc. (FE # 532; PE # 867); Andy J. Hammond (FSL # 1090); Dennis W. Cromartie (FD # 3512).

Summary: Respondents previously entered into a Consent Judgment with the Board, whereby stayed revocations were issued subject to a probationary period of five years. Also as part of said Consent Judgment, an unlicensed owner of the establishment agreed to a permanent injunction preventing him from practicing funeral directing or funeral service until such time as a traineeship or license has been issued to him by the Board. During said probationary period, Respondents received two consumer complaints alleging, among other things, that the unlicensed owner made funeral arrangements. Additionally, one of the complainants alleges that she was misled into signing an assignment of insurance policy benefits; while the other complainant alleges that a death certificate was not timely filed by Respondents.

Board Action: The Board adopted a Consent Order, whereby Respondents agreed to stayed suspensions of the funeral establishment permits involved – with said suspensions being stayed upon the complete compliance to the satisfaction of the Board and/or board staff of the following conditions: 1) Respondents' funeral establishment permits are placed on probation for a period of five years; 2) Respondents shall pay a \$5,000.00 compromise penalty; 3) Respondents shall provide proof to Board staff that it refunded any funds paid to it by or on behalf of the complainant who alleged she had been misled into signing an insurance assignment; and 4) Respondents shall terminate all ownership interests and associations with the unlicensed owner. Additionally, the funeral directing license of one of the individuals should be placed on a stayed suspension for five years and be fined \$1,000.00; the funeral service license of the other individual shall be placed on probation for a period of two (2) years.

Effective Date: December 14, 2016.

RECENTLY APPROVED CONTINUING EDUCATION COURSES

The Board's list of approved Continuing Education courses is updated regularly and can be found on the Board's website at the following link: <http://www.ncbfs.org/list.html>.

Date(s):	January 12, 2017
Sponsor:	National Funeral Directors Association
Title:	Are you Secure? (No You're Not) Digital Security & you
Location(s):	National Funeral Directors Association- 13625 Bishop's Drive – Brookfield, WI 53005
Time:	1:00 pm – 2:00 pm
Hours:	1 hour
Contact:	Jackie Lindberg 262-789-1880
Registration Fee:	\$60.00 - \$179.00

Date(s):	January 18, 2017
Sponsor:	National Funeral Directors Association
Title:	NFDA Arranger Training Seminar
Location(s):	Celebration of Life Center-2739 Panama Lane-Bakersfield, CA 93313
Time:	8:00 am – 4:30 pm
Hours:	8 Hours
Contact:	Shari Foucault 262-789-1880
Registration Fee:	\$160.00 - \$655.00

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Hours:	8 Hours
Contact:	Shari Foucault 262-789-1880
Registration Fee:	\$160.00 - \$655.00

Date(s):	January 26, 2017
Sponsor:	National Funeral Directors Association
Title:	Defend your business: A Guide to Modern Funeral, Crematory and Cemetery Litigation
Location(s):	National Funeral Director Association – 13625 Bishop’s Drive – Brookfield, WI 53005
Time:	1:00 pm – 2:00 pm
Hours:	1 hour
Contact:	Jackie Lindberg – 262-789-1880
Registration Fee:	\$60.00 - \$179.00

Date(s):	February 4, 2017
Sponsor:	National Funeral Directors Association
Title:	Certified Crematory Operator Program
Location(s):	San Antonio College – 1300 San Pedro Avenue-San Antonio, TX
Time:	8:00 am – 4:00 pm
Hours:	7 Hours
Contact:	Shari Foucault – 262-789-1880
Registration Fee:	\$160.00 - \$655.00

Date(s):	February 9, 2017
Sponsor:	National Funeral Directors Association
Title:	Reinventing your Funeral Home: Five Keys to sustained Profitability
Location(s):	National Funeral Directors Association – 13625 Bishop’s Drive – Brookfield, WI 53005
Time:	1:00 pm – 2:30 pm
Hours:	1.5 hours
Contact:	Jackie Lindberg 262-789-1880
Registration Fee:	\$60.00 - \$179.00

Date(s):	March 17, 2017
Sponsor:	National Funeral Directors Association
Title:	Certified Crematory Operator Program
Location(s):	Emory conference Center Hotel – 1615 Clifton Rd, NE-Atlanta, GA
Time:	8:00am – 4:00 pm
Hours:	7 Hours
Contact:	Shari Foucault – 262-789-1880
Registration Fee:	\$160.00 - \$655.00

Date(s):	April 7, 2017
Sponsor:	Brunswick Community College
Title:	Funeral Odyssey: Old ideas and new Technologies
Location(s):	Brunswick Community College – 50 College Rd, NW-Bolivia, NC 28422
Time:	9:00am – 3:00 pm
Hours:	5 hours
Contact:	Lori Long Summerlin – 910-755-7408
Registration Fee:	\$70.00

