

REGULAR BOARD MEETING

MINUTES

January 11, 2012

The North Carolina Board of Funeral Service met for a duly scheduled Board Meeting at 9:00 a.m. on January 11, 2012 at the Board's office, 1033 Wade Avenue, Suite 108, Raleigh, North Carolina.

Present: Tryphina Wiseman, President; J. T. Willoughby III, Vice President; Harris High, Secretary; Ken Stainback, Lawrence Jackson III, John Shields, Stephen Aldridge III, Kelly Byrd, and Broadus Combs.

Also Present: Paul Harris, Executive Director; Stephen N. Dirksen, General Counsel; Representative Jamie Boles; Marsha Southers, Funeral Director; Alice Knowles, Wake County Notary Public; Dan Funchess, Funeral Service Licensee; and Lyn Cochrane.

Ms. Wiseman called the meeting to order at 9:00. Ms. Wiseman deferred to Mr. Harris who asked Ms. Knowles to come forward and administer Oaths of Office to new Board Member John Shields, Broadus Combs and reappointed Member Tryphina Wiseman.

At this time Representative Boles and Ms. Southers departed the meeting.

Ms. Wiseman led the Pledge of Allegiance, had the invocation and read the Ethics Awareness & Conflict of Interest statement. No one recused themselves.

Guests introduced themselves and there was no public comment.

Mr. High presented the minutes from the December meeting. Ms. Wiseman stated on Page 2, Traineeship, delete "was" from the last sentence; Page 2, paragraph 7 add a.m. to the time; Page 3, paragraph 10, first sentence delete the "t" from joint; Page 4, paragraph 3 delete the "d" from the word and; and on Page 3, New Business, regarding the nominations a change of wording. Mr. Aldridge stated on Page 1, last paragraph, next to last sentence there should be a comma between the 2 and the 1 instead of a period. Mr. Willoughby made the motion to accept the minutes with corrections. Mr. Stainback seconded and the motion carried.

Disciplinary Committee: Ms. Wiseman stated she had chaired the Committee last week and presented the recommendations. Discussion ensued. Mr. High made the motion to accept the recommendations for V11-081, V11-080, V11-076, M12-002, M11-022 and M09-017. Mr. Willoughby seconded and the motion carried. Ms. Wiseman presented the addendum and questions ensued. Mr. Stainback made the motion to accept the recommendation for M11-033. Mr. High seconded and the motion carried.

Preneed Committee: Mr. High stated the Committee met by teleconference on Monday and deferred the meeting to Mr. Harris. Mr. Harris stated in April 2011 the Board directed staff to prepare a sample letter for use by licensees when requesting year-end death benefit information for policies assigned to a funeral home or with a funeral home designated as beneficiary. The Board also directed preparation of a sample release authorization for a policy owner to sign directing an insurance company to release the information to the funeral home that is a party to

the preneed contract. Discussion ensued. Mr. Willoughby made the motion to accept the recommendation of the Preneed Committee and approve the documents to be mailed with the Preneed Annual Report. Mr. Jackson seconded and the motion carried. Ms. Wiseman commended staff for the development of these two documents.

Mr. Harris presented and explained the Preneed Establishment License Bond form. Mr. High stated the Committee was recommending approval of this form. Mr. Stainback made the motion to accept the recommendation and Mr. Jackson seconded. The motion carried.

Continuing Education: Mr. Jackson presented the draft of a new form for use by licensees when requesting approval of online continuing education courses. This form would replace the form applicants have been using which was not designed for the online courses. Mr. Jackson deferred to Mr. Harris for additional comments. Mr. Aldridge thanked Mr. Jackson and the Committee for developing the new form. Mr. Jackson made the motion to approve the new form. Mr. High seconded and the motion carried.

Executive Directors Report: Mr. Harris stated he had not included any inspector reports this month.

Staff Ethics report: Mr. Harris has had conversations with the representatives of the Cemetery Association, the NCFDA and FD&MA of NC, Inc. regarding various regulatory matters.

Mr. Harris had an FTC Review with the Western District of FD&MA of NC, Inc. on January 10, 2012.

2012 Renewals as of 1/10/12: 542 funeral homes, 1272 funeral service licensees, 684 funeral directors, 6 embalmers, 17 funeral director/embalmers, 5 unaffiliated, 91 crematories, 8 chapels, 59 transport/removals and 102 inactive licensees

Mr. Harris stated staff was recommending a reminder letter be mailed out January 20, to all licensees that had not renewed. Mr. Combs made the motion to allow staff to mail the reminder letter. Mr. Willoughby seconded and the motion carried.

Mr. Harris will attend a meeting of the Advisory Group for Electronic Death Registration on January 19. Discussion ensued.

Mr. Harris stated the Annual report on agency review of existing rules, the 2011 Fee report to OSBM, and the 2012 Annual Report on Rules with Economic Impact were due on February 15.

Other upcoming committee activities include: Preneed Committee work on the IRS Code as it relates to excess proceeds from insurance preneed contracts; Laws & Rules will work on the Annual report on agency review of existing rules that is due Feb. 15; Review ICFSEB changes to the task outline and their subject names; Finance & Personnel will complete the employee manual; Exam Committee will review the pathology exam.

Macon Michaux will be taking Board member photographs at 11:00 a.m. this morning.

The Board training this morning will be as prescribed by 93B-5.

New Business: There was none.

Old Business: There was none.

Informational Items: Included were appointment letters for William S. Aldridge III, Marvin Kelly Byrd and reappointment of Tryphina Wiseman. Also included were the 2012 Committee assignments, Staff listing and proposed 2012 Board calendar. Discussion ensued regarding the calendar. Mr. Aldridge made the motion to move the August meeting dates to August 15 and 16 and October meeting dates to October 17 and 18. Mr. Jackson seconded and the motion carried. Mr. Byrd made the motion to accept the Board calendar for 2012. Mr. High seconded and the motion carried.

Ms. Wiseman asked that staff paralegal be added to the staff listing and Mr. Harris stated he would make it so.

Mr. Stainback congratulated the new Board members and new officers and mentioned that Ms. Wiseman was the first female licensee to be Board President.

Public Comment: There was none.

Ms. Wiseman recessed the meeting at 10:05 to prepare for the training session and afternoon hearing.

Following the hearing, Ms. Wiseman declared the meeting was adjourned.

Tryphina Wiseman, President

Harris High, Secretary