



## NORTH CAROLINA BOARD OF FUNERAL SERVICE

Stephen E. Davis  
Executive Director

Don D. Brown  
President

April 26, 2021

TO:

Nc Office of State Budget & Management  
NC Department of Justice/Office of the Attorney General  
NC Department of the Secretary of State  
NC Joint Legislative Administrative Procedures Oversight Committee  
NC Office of the State Controller  
NC Office of the State Auditor  
State Publications Clearinghouse Liaison

FROM: Stephen E. Davis  
Executive Director

Handwritten signatures of Stephen E. Davis and Don D. Brown, written in black ink over the typed names.

RE: Annual Report of Licensing Activities Pursuant to NC GS 93B-2

The North Carolina Board of Funeral Service submits the attached report of licensing activities in accordance with the reporting requirements of NC General Statute 93B-2 which states:

No later than October 31 of each year, each occupational licensing board shall file electronically with the Secretary of State, the Attorney General, the Office of State Budget & Management, and the Joint Legislative Administrative Procedure Oversight Committee a financial report that includes the source and amount of all funds credited to the occupational licensing board and the purpose and amount of all funds disbursed by the occupational licensing board during the previous fiscal year.

This report covers the board's fiscal year for the period ending December 31, 2020. A completed audit of the Board's financial statements has been filed via separate e-mail by the firm Bernard Robinson & Company, CPA which includes all financial reporting including the source and amount of all funds credited to the Board as well as disbursements during the FY2020.

Cc: Amy Acord, Assistant Director, NC Board of Funeral Service  
Don Brown, President, NC Board of Funeral Service

## North Carolina Board of Funeral Service Report Summarizing Licensing Activities for 2020

Section 93B-2 of the General Statutes requires an annual financial report and a report of licensing activities be filed with the Secretary of State, the Attorney General and the Joint Legislative Administrative Procedure Oversight Committee. This report covers the Board's calendar/ fiscal period of January 1, 2020 to December 31, 2020.

1. **The address of the Board, and the names of its members and officers:** The North Carolina Board of Funeral Service is located at 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The members and officers in 2020 were as follows:

NAME	ADDRESS
Mark Blake President December 31, 2022 Gov - NCFDA	Brown-Wynne Funeral Home 300 St. Mary's Street Raleigh, NC 27605
Don Brown Vice President December 31, 2022 Gov - FDMANC	Don Brown Funeral Home 497 2 <sup>nd</sup> Street Ayden, NC 28513
Chris Watson Secretary December 31, 2023 Gov - NCFDA	Parrish Funeral Home 1351 South Pollock Street Selma, NC 27576
J. Stephen Herndon December 31, 2023 Gov - NCFDA	Padgett and King Mortuary 227 E. Main Street Forest City, NC 28043
Valdus T. Lockhart December 31, 2020 Gov - FDMANC	Wiseman Mortuary 431 Cumberland Street Fayetteville, NC 28301
Craig Olive (Public Member) December 31, 2020 General Assembly - S	Johnston County Register of Deeds 207 E. Johnston Street, #209 Smithfield, NC 27577
Darrel McCormick (Public Member) December 31, 2020 General Assembly - H	D. McCormick Commercial Properties 1325 Ivy Avenue, Suite 101 Winston-Salem, NC 27105
Hubert Saunders December 31, 2022 Gov - Unaffiliated	342 Creedmoor Road Jacksonville, NC 28546
Dr. Steven L. Lyons December 31, 2023 Gov - NCFDA	Steven L. Lyons Funeral Home 1515 New Bern Avenue Raleigh, NC 27610



- 1a. **The total number of licensees supervised by the Board:** As of December 31, 2019, there were 2,574 individuals with active or inactive licenses issued by the Board, including 1,692 funeral service licensees, 862 funeral director licensees, eleven (11) funeral director and embalmer licensees, seven (7) embalmer licensees, and two (2) provision funeral director licensees. There were 110 transporter permit holders. There were twenty-four (24) crematory manager permit holders. There were 761 at-need funeral establishment permits. There were twenty-nine (29) chapel permits. There were 149 crematory permits. There were nineteen (19) unaffiliated licensees. There was one (1) alkaline hydrolysis establishment.
2. **The number of persons who applied to the Board for examination:** Pursuant to N.C. Gen. Stat. § 90-210.25(a)(1), a person seeking licensure as a funeral director in North Carolina must pass the following examination within the last three years: (i) an entry-level examination in funeral directing; (ii) an examination on the laws of North Carolina and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies; and (iii) an examination of pathology.

Pursuant to N.C. Gen. Stat. § 90-210.25(a)(2), a person seeking licensure as an embalmer in North Carolina must pass the following examinations on the following subjects within the last three years: (i) an examination on embalming, restorative arts, chemistry, pathology, microbiology, and anatomy; and (ii) an examination on the laws of North Carolina and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies.

Pursuant to N.C. Gen. Stat. § 90-210.25(a)(3), a person seeking licensure as a funeral service in North Carolina must pass the following examinations within the last three years: (i) an entry-level examination on funeral directing; (ii) an examination on embalming, restorative arts, chemistry, pathology, microbiology, and anatomy; and (iii) an examination on the laws of North Carolina and rules of the Board and other agencies dealing with the care, transportation and disposition of dead human bodies.

Pursuant to N.C. Gen. Stat. § 90-210.25(b)(1), a person who holds a valid license as a funeral director, embalmer or funeral service licensee issued by another jurisdiction that has equal or greater education, training, and examination requirements must take an examination to demonstrate knowledge of the laws and rules governing the profession in North Carolina.

One hundred thirty-five (135) individuals applied to take the North Carolina Laws and Rules Examination. Twenty-nine (29) individuals applied to take the North Carolina Pathology Exam. Two (2) individuals applied to take the North Carolina State Board Examination for Science. Forty-one (41) individuals applied to take the North Carolina State Board Examination for Arts. Individuals who choose to take the National Board Examinations for Arts and Science instead of the North Carolina State Board Examinations for Arts and Science do not apply to the Board to take said examinations.

3. **The number who were refused examination:** There were zero (0) candidates who applied to the Board to take examinations who were not permitted to do so.
4. **The number who took the examination:** One hundred thirty-two individuals took the North Carolina Laws and Rules Examination in 2020. Fifty-nine (59) individuals took the North Carolina Pathology Exam in 2020. Two (2) individuals took the North Carolina State Board Examination for Science in 2020. Ninety-five (95) took the North Carolina State Board Examination for Arts in 2020.
5. **The number to whom initial licenses were issued:** In 2020, ninety (90) initial licenses were issued to candidates for licensure as a funeral director, funeral service licensee, or an embalmer who passed the required examinations and completed all other statutory requirements for licensure. Of these ninety (90), eighteen (18) were licenses by reciprocity or comity.
- 5a. **The number who failed the examination:** Thirty (30) candidates who sat for the North Carolina Laws and Rules Examination in 2020 were unsuccessful in passing it in 2020. Twenty-Four (24) candidates who sat for the North Carolina Pathology Exam were unsuccessful in passing it in 2020. One (1) candidate who sat for the North Carolina State Board Exam for Science in 2020 was unsuccessful in passing it in 2020. Fifty-five (55) candidates who sat for the North Carolina State Board Exam for Arts in 2020 were unsuccessful in passing it in 2020.
6. **The number who applied for license by reciprocity or comity:** Thirty-four (34) candidates applied for licensure by reciprocity or comity in 2020.
7. **The number who were granted licenses by reciprocity or comity:** Of the thirty-four (34) candidates who applied for licensure by reciprocity or comity in 2020, eighteen (18) candidates were granted licenses by reciprocity or comity in 2020.
- 7a. **The number of official complaints received involving licensed and unlicensed activities:** During Fiscal Year ending December 31, 2020, the Board received 232 complaints, 102 of which were consumer complaints and 130 of which were staff-generated.
- 7b. **The number of disciplinary actions taken against licensees, or other actions taken against non-licensees, including injunctive relief:** During Fiscal Year ending December 31, 2020, fourteen (14) disciplinary cases were adjudicated by the Board, through which disciplinary actions were taken. These actions involved multiple types of licenses and permits (individual, preneed establishment, at-need establishment, transport, etc.). Additionally, the Board issued 118 non-disciplinary letters of caution to various licensees, of which 78 were conditioned upon the licensees taking a Board-sponsored continuing education case in lieu of further disciplinary proceedings.
8. **The number of licenses suspended or revoked:** As allowed under the provisions of N.C. General Statutes §§ 90-210.25(e), 90-210.69(c), and 90-210.134, the Board may impose a

variety of sanctions when it finds violations of Articles 13A, 13D, and/or 13F of the North Carolina General Statutes. In addition to license revocation or suspension, other allowable disciplinary actions include probation, civil penalties, or a combination of these. Generally, cases in which the Board imposes terms of probation can include stayed license revocations or suspensions.

During Fiscal Year ending December 31, 2020, two (2) permits were revoked; one (1) preliminary application denial was upheld; eight (8) permits or licenses were suspended; eight (8) permits were suspended or revoked, but said suspensions or revocations were stayed pursuant to certain terms; five (5) permits or licenses were placed on a probationary period; twelve (12) civil penalties in amounts ranging from \$250.00 to \$5,000.00 were imposed; and four (4) licensees or permit holders were ordered to reimburse consumers for costs paid.

9. **The number of licenses terminated for any reason other than failure to pay the required renewal fee:** Other than those licenses terminated through revocation or voluntary surrender, as described in Paragraph No. 8, twenty-one (21) individual licenses were terminated in 2020 due to the death of the licensee.

- 9a. **The number of applicants for a license and, of that number, the number granted a license.**

During Fiscal Year ending December 31, 2020, fifty-six (56) individuals applied for a funeral director license; of these applications, the Board granted forty-one (41) funeral director licenses. Fifty-nine individual applied for a funeral service license; of these applications, the Board granted forty-nine (49) funeral service licenses. Seven (7) individuals applied for a provisional funeral director license; of these applications, the Board granted six (6) provisional funeral director licenses. Thirty-six (36) businesses applied for an at-need establishment permit; of these applications, the Board granted twenty-nine (29) at-need establishment permits. Seventeen (17) businesses applied for a preneed establishment permit; of these applications, the Board granted seventeen (17) preneed establishment permits. Thirteen (13) businesses applied for a crematory permit; of these applications, the Board granted thirteen (13) crematory permits. Four (4) individuals applied for an unaffiliated practice permit; of these applications, the Board granted four (4) unaffiliated practice permits. Three (3) businesses applied for a chapel permit; of these applications, the Board granted three (3) chapel permits. The Board did not receive any application for hydrolysis permit.

- 9b. **The number of applicants with a conviction record and, of that number, the number granted a license, denied a license for any reason, and denied a license because of a conviction.**

During the Fiscal Year ending December 31, 2020, twenty-nine (29) applicants with a conviction record applied for a license or permit from the Board. Of that number, the Board denied ten (10) applications for various reasons. Of these denials, ten (10) were preliminary denied because of the applicant's conviction record. Of these ten (10) denials, seven (7) requested a hearing before the Board to appeal the preliminary denial. Of these seven (7) appeals, one (1) was denied a license because of a conviction.

**9c. The number of applicants with military training, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial.**

During the Fiscal Year ending December 31, 2020, eight (8) applicants with military training applied for a license or permit from the Board. Of that number, the Board granted six (6) applications and denied zero (0) applications for various reasons. Of these denials, the reasons for the denial were as follows: n/a.

**9d. The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial.**

During the Fiscal Year ending December 31, 2020, one (1) applicant who is military spouse applied for a license or permit from the Board. Of that number, the Board granted zero (0) applications and denied zero (0) applications for various reasons. Of these denials, the reasons for the denial were as follows: n/a.

**10. The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the Board: None.**

**11. The substance of any anticipated change in rules adopted by the Board or the substance of any anticipated adoption of new rules by the Board:** On February 8, 2017, the Board submitted its initial G.S. 150B-21.3A Report for a periodic review of its rules, located in Chapter 34 of the North Carolina Administrative Code. The Board voted to make a final determination of its rules following the conclusion of the public comment period, and the Rules Review Commission reviewed and approved the Board's final rule designations at the RRC's June 2017 Commission meeting. The Board's completed its re-adoption of rules, pursuant to N.C. Gen. Stat. § 150B-21.3A(d)(2), in 2019.

In 2021, the Board intends to adopt rules to interpret recently promulgated statutes, rules related to refrigeration requirements of funeral establishments. The Board also intends to update its rules regarding its renewal process, and preneed annual reports, to reflect recent changes in electronic submission for the digital age.

The Board also anticipates that it will engage in rule-making in 2021 to repeal any rules deemed unnecessary; to amend any rules deemed outdated or unclear; and to add rules to help clarify the Board's Practice Act. However, the substance of those changes is not yet known.

## **Part B: Receipts and Disbursements**

The Board operates on a calendar fiscal year. On April 15, 2021, Bernard Robinson & Company, LLP sent copies, via electronic correspondence of the Board's audited financial report that provides the information on receipts and disbursements as required by NCGS § 93B-2(b) to the following persons:

Julia Crocker - N.C. Office of the State Auditor  
Katina Bell – N.C. Office of the State Auditor  
Denise Jones - State Publications Clearinghouse Liaison



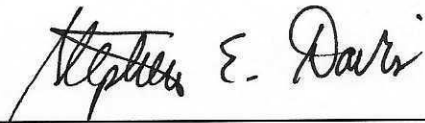
Susie Esealuka, NC Office of State Budget & Management  
Virginia Barlow, NC General Assembly/Jt Leg Admin Procedure Oversight Comm  
Joan Saucier – NC Office of the State Controller  
Melissa Lovell - NC Department of Justice  
Publications - NC Secretary of State

CERTIFICATION:



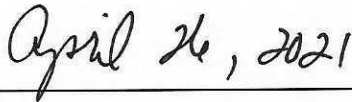
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Don D. Brown  
Board President



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Stephen E. Davis  
Executive Director



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Date