

EXECUTIVE BOARD MEETING

October 5, 2012 – Westin Hotel – Charlotte, North Carolina

Those present were:

Randall L. Earl– President
Robert T. Rosson, Jr. – President-Elect
Robby L. Bates – Treasurer
Robert C. Moore, IV – Secretary
Patrick E. Lynch – Immediate Past President
Robert Arrington – At Large Representative
Charles S. Childs, Jr. – At Large Representative
W. Ashley Cozine – At Large Representative
Patrick C. Patton – At Large Representative
Randy Anderson – At Large Representative-Elect
Kenneth A. Cahall – At Large Representative-Elect

Also present was:

Christine Pepper, CEO
T. Scott Gilligan - General Counsel

The meeting was called to order at 8:00 a.m. EDT by President Earl.

Item 1.2. MOTION made and seconded:

“To go into Executive Session.”

MOTION APPROVED.

MOTION made and seconded:

“To come out of Executive Session.”

MOTION APPROVED.

The following staff members entered the meeting: Carol Hendrick, Senior Vice President, Strategic Development, Connie Smith, Senior Vice President, Professional Development, Michael Watkins, Senior Vice President, Operations, and John Fitch, Senior Vice President, Advocacy.

Item 1.3. President Earl reminded the Board of the importance of confidentiality.

Item 1.4. Executive Board members were advised of NFDA’s Conflict of Interest Policy. Pat Patton disclosed that he serves as an *ex officio* member of the Board of Directors of the Minnesota Funeral Directors Association.

Item 1.5. The Executive Board reviewed NFDA’s Antitrust Policy, a copy of which is enclosed in the agenda packet.

Item 1.6. The following additions were made to the agenda:

- Convention selection process – Item 2.2.G
- Formaldehyde-free embalming study update – Item 2.2.H
- Convention update – Item 2.2.I

Item 2.1. Christine Pepper discussed with the Executive Board the project being proposed by Jacquelyn Taylor entitled “The Referendum on Education and Licensing”. The Executive Board discussed the project in depth.

Item 2.2.A Carol Hendrick reviewed the agenda for the Policy Board meeting that will be held on October 5 – 6, 2012.

Item 2.2.B Carol Hendrick announced that the committees for 2012 – 2013 had been finalized and a roster will be distributed shortly.

Item 2.2.C The Executive Board discussed the voting process at the upcoming House of Delegates meeting.

Item 2.2.D Christine Pepper reported on initiatives received from the National Hospice and Palliative Care Association which would like to form a task force with funeral directors to discuss the role of funeral directors and hospice workers.

Item 2.2.E. Randy Earl and Christine Pepper led a discussion of the Cremation Symposium that has been jointly offered by NFDA and CANA over the past several years.

Item 2.2.F Mike Watkins presented a video that provided a preview of the new NFDA consumer website and the revised NFDA member website. Staff continues to refine the websites and anticipates a launch prior to the end of the year.

Item 2.2.G. Christine Pepper and Connie Smith reviewed for the Executive Board the process that the Staff and Executive Board go through in selecting sites for the NFDA Convention.

Item 2.2.H. John Fitch gave an update on the formaldehyde-free embalming study being conducted at mortuary schools.

Item 2.2.I. Connie Smith reported on the registration numbers for the Charlotte Convention which look very good.

Item 3.1.A. John Fitch gave the Legislative and Regulatory Report. He indicated that very little will get done until Congress comes back after the election. It is anticipated that the results of the election will dictate what actions Congress takes on taxes and budget issues prior to the end of the year.

Item 3.1.B. John Fitch gave the PAC update.

Item 3.1.C. Scott Gilligan gave the Legal Report. He discussed a new lawsuit in New Jersey against six of the embalming chemical companies filed by a funeral director who is suffering from myeloid leukemia and who is alleging that exposure to formaldehyde caused the cancer. The embalmer is also suing the funeral home where he is employed alleging violations of state disability laws. Scott also updated the Board on the Pennsylvania Attorney General’s appeal of the federal trial court decision that invalidated eleven sections of Pennsylvania’s funeral licensing law. Scott indicated that the proposed settlement of the class action lawsuit against VISA and MasterCard, which will allow all merchants to impose credit card surcharges, will be reviewed by a federal court on October 19, 2012. If the settlement is approved, funeral homes in 40 states would be allowed to impose credit card surcharges. Finally, Scott reported on the results of an updated sales tax survey which NFDA just completed.

(Exec. Board – 10-05-12)

The Executive Board broke for lunch from 12:00 p.m. to 12:45 p.m.

Debbie Andres, Vice President, International Relations and Past President Doggett Whitaker entered the meeting at 12:45 p.m.

Item 3.2. Debbie Andres and Doggett Whitaker gave a detailed update on the activities of FIAT-IFTA.

Item 3.3. The Executive Board reviewed the information items and discussed recent state conventions held in California and Washington.

Item 3.3.D. Connie Smith reported on a new education recognition program available to international members of NFDA. The NFDA Global Initiative would provide a certificate for participants who complete specified hours of continuing education through NFDA.

Item 3.4. The Executive Board reviewed the Consent Agenda, but did not remove any items.

MOTION made and seconded:

“To accept the Consent Agenda as presented.”

MOTION APPROVED.

Randy Earl expressed his appreciation to the NFDA Staff and Executive Board members on their work during the past year.

Immediate Past President Pat Lynch noted that this was his final meeting as an Executive Board member and expressed his gratitude to NFDA Staff members as well as fellow Executive Board members.

MOTION made and seconded:

“To adjourn the meeting.”

MOTION APPROVED.

Meeting adjourned at 1:35 p.m. EDT