

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
FILE NO.: 17 BMS 02004

COUNTY OF CUMBERLAND

NORTH CAROLINA BOARD OF
FUNERAL SERVICE,

Petitioner,

v.

CODY T. MCCAIN, HENRY COLVIN JR.,
and COLVIN FUNERAL HOME &
CREMATORY,

Respondents.

**RESPONDENTS' JOINT MOTION TO
CONTINUE HEARING and DISCOVERY**

NOW COMES Respondents Cody T. McCain (“McCain”), Henry Colvin Jr. (“Colvin”) and Colvin Funeral Home & Crematory (collectively “Respondents”), by and through counsel, pursuant to 26 NCAC 03.0118 and submit the following Joint Motion to Continue Hearing and Discovery (“Motion”). In support hereof, the Parties state as follows:

1. Petitioner North Carolina Board of Funeral Service (“Petitioner”) initiated the present case by filing a Petition for Contested Case Hearing (“Petition”) in the Office of Administrative Hearings (“OAH”) on March 22, 2017.
2. By order dated March 24, 2017, Chief Administrative Law Judge (“ALJ”) Julian Mann, III assigned ALJ Donald W. Overby to preside in this action.
3. Pursuant to the March 24, 2017 Scheduling Order, the hearing in this matter was set for the week of July 17, 2017 in Fayetteville, North Carolina.
4. Discovery in this matter was to be completed three (3) weeks prior to hearing.
5. Dispositive motions were to be filed with OAH two weeks prior to hearing.
6. On April 5, 2017, Petitioner’s counsel submitted an offer to settle, which was rejected by Respondents.

7. On May 2, 2017, *Petitioner* moved for Mediated Settlement Conference.
8. Settlement Conference took place on May 24, 2017 at OAH with ALJ Fred G. Morrison, Jr. serving as mediator.
9. During mediation, counsel for *Petitioner* advised that she had no authority to negotiate a settlement and only had authority to re-present the April 5, 2017 offer previously rejected by Respondents.
10. In order to ascertain whether *Petitioner* would be open to negotiate settlement terms, *Petitioner's* counsel advised that Respondents' counsel would have to appear at the *Petitioner's* monthly board meeting and present on the issues involved in the Petition.
11. Respondent's agreed to appear before *Petitioner* on either Tuesday, July 11 or Wednesday July 12, 2017, which was a week prior to the scheduled contested case hearing.
12. The Parties additionally agreed to have mediation held open.
13. On June 2, 2017, *Petitioner* served Respondent Colvin with its First Request for Admissions. **See attached Exhibit A.**
14. *Petitioner* served no other discovery and Respondents declined to serve *Petitioner* with discovery under an understanding that the Parties would file a joint motion to continue the trial out for the purpose of permitting the case to be settled.
15. The purpose of delaying discovery until after the scheduled meeting with *Petitioner* was to avoid unnecessary litigation and litigation-related expenses given the chance for the Parties to reach a settlement.
16. On June 12, 2017, as a result of telephone communication between the attorneys in the case, counsel for Colvin emailed a draft joint motion to continue to all other counsel in the matter for review. **See attached Exhibit B.**

17. The following day, June 13, 2017, the Parties submitted a Joint Motion to Continue Hearing and Discovery (“First Motion”), as Respondents were scheduled to make their presentation before Petitioner on July 12, 2017. **See attached Exhibit C.**¹

18. The *Parties agreed* that good cause existed to continue the matter. Specifically, the Parties referenced: (i) N.C.G.S. § 150B-22, noting the State’s policy that disputes be settled informally; (ii) the lack of discovery; and (iii) the pending settlement presentation before Petitioner. First Motion ¶¶ 9-10.

19. The same day, in conformity with 26A N.C.A.C. 03.0112(f)(3), Colvin’s counsel sent to Petitioner’s counsel a schedule of reasonable compliance in which Colvin would respond to Petitioner’s First Request for Admissions by July 14, 2017, which was after the scheduled settlement meeting with Petitioner. **See attached Exhibit D.**

20. On June 15, 2017, an order was entered granting the Parties’ First Motion and setting the hearing in this matter to be heard “no sooner than the week of August 14, 2017.”

21. On June 16, 2017, this case was reassigned to ALJ Augustus B. Elkins, II.

22. On Friday, July 7, 2017 at 11:44 a.m., counsel for Petitioner confirmed that the settlement meeting would proceed on Wednesday July 12, 2017 at 9:00 a.m. **See attached Exhibit E.**

23. At 2:12 p.m., Petitioner’s counsel informed Respondents’ counsel that Petitioner wanted to reschedule the meeting for Tuesday, July 11, 2017 because the scheduled meeting was the only item on the agenda for July 12, 2017. *Id.*

¹ The First Motion was submitted to the OAH electronic filing website on June 13, 2017 after 5:00 p.m., and was therefore not considered filed until the following day, June 14, 2017.

24. After Respondents' counsel indicated that they had conflicts earlier in the week due to Petitioner's presentation that the meeting was set for July 12, 2017, all counsel agreed to reschedule the meeting for Petitioner's August 9, 2017 meeting.

25. Given that mediation was held open, and the settlement meeting with Petitioner had not yet occurred, Respondents understood this case would be stayed until such meeting with Petitioner had occurred and the hearing would be continued.

26. At no point did Petitioner's counsel notify Respondents' counsel of their intent to proceed with the hearing.

27. With the circumstances being the exact same as existed when the Parties filed the First Motion, Respondents did not engage in discovery.

28. On Friday, July 21, 2017, Counsel for Colvin submitted a second joint motion to continue so that the Parties could complete mediation, engage in discovery, and meet on August 9, 2017. **See attached Exhibit F.**

29. Counsel for Petitioner declined to join in the motion, stating that no good cause exists for a continuance. *Id.*

30. The good cause circumstances that were put in the record by all the parties in the First Motion still exists; Petitioner has no basis to contradict its earlier presentation to OAH that good cause exists to continue the case and corresponding discovery deadlines.

31. A continuance of the hearing in this matter and all deadlines set forth in the June 15, 2017 Order Continuing Hearing and Amending Scheduling Order would be in the interest of justice, aid in judicial economy, and further the possibility of settlement, consistent with State policy as expressed in N.C.G.S. § 150B-22.

32. This Motion is filed for good cause and is not being filed for any improper purpose or to cause unnecessary delay.

33. The Parties require additional time to serve discovery, for Respondents to make a settlement presentation before Petitioner, and for mediation to be completed.

34. Respondents will be highly prejudiced if this Motion is not granted, given that they have not engaged in discovery, discovery closes today, and Petitioner's actions in moving the settlement hearing and declining to join in the present Motion were all done with little notice and likely with the intent to prejudice Respondents and prevent them from having a fair and just hearing before OAH.

35. Counsel for Respondent McCain has reviewed this Motion, agrees with its contents, and consent to its filing on his behalf.

WHEREFORE, the Parties respectfully pray OAH:

1. For a continuance of the hearing in this matter to the first available hearing date available to the Parties and open to OAH after the week of September 18, 2017;

2. For a continuance of case deadlines set forth in the June 15, 2017 Order Continuing Hearing and Amending Scheduling Order and that the relationship to those deadlines and the new hearing date correspond with the prior deadlines in relationship to the prior hearing date;

3. For mediation in this matter to be scheduled and completed; and

4. For such other and further relief as OAH deems just and proper.

This the 24th day of July, 2017.

/s/ Benn A. Brewington by permission

Benn A. Brewington, III, Esq.

N.C. State Bar No. 35186

Brewington Law Group, PLLC

434 Fayetteville Street, Suite 2330

Raleigh, NC 27601

Attorney for Respondent Cody T. McCain

/s/ Quintin D. Byrd

R. Jonathan Charleston

N.C. State Bar No.

Jose A. Coker

N.C. State Bar No. 28478

Quintin D. Byrd

N.C. State Bar No. 44274

The Charleston Group

P.O. Box 1762

Fayetteville, NC 28302

*Attorneys for Respondents Henry Colvin Jr.,
and Colvin Funeral Home & Crematory*

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

NORTH CAROLINA BOARD OF
FUNERAL SERVICE,

Petitioner,

v.

CODY T. MCCAIN, HENRY COLVIN JR.,
and COLVIN FUNERAL HOME &
CREMATORY,

Respondents.

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
FILE NO.: 17 BMS 02004

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the **RESPONDENTS’ JOINT MOTION TO CONTINUE HEARING AND DISCOVERY** was this day electronically served to the Office of Administrative Hearings using the Electronic Filing Service Provider pursuant to 26 NCAC 3.0502, which will send an electronic notification to Petitioner as listed below:

Christina Cress McLaurin, Esq.
North Carolina Board of Funeral Service
1033 Wade Avenue, Suite 108
Raleigh, NC 27605
cmclaurin@ncbfs.org
Attorney for Petitioner

Benn A. Brewington, III, Esq.
Brewington Law Group PLLC
434 Fayetteville Street, Suite 2330
Raleigh, NC 27601
bennbrewington@brewingtonlawgroup.com
Attorney for Respondent Cody T. McCain

Catherine E. Lee, Esq.
Nichols, Choi & Lee, PLLC
4700 Homewood Court, Suite 320
Raleigh, NC 27609
catherine@ncl-law.com
clee@ncbfs.org
Attorney for Petitioner

This the 24th day of July, 2017.

/s/ Quintin D. Byrd

R. Jonathan Charleston

N.C. State Bar No.

Jose A. Coker

N.C. State Bar No. 28478

Quintin D. Byrd, Esq.

N.C. State Bar No. 44274

The Charleston Group

P.O. Box 1762

Fayetteville, NC 28302

*Attorneys for Respondents Henry Colvin Jr.,
and Colvin Funeral Home & Crematory*



STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
FILE NO. 17 BMS 02004

NORTH CAROLINA BOARD OF FUNERAL SERVICE,)
)
Petitioner,)
)
v.)
)
CODY T. McCAIN, HENRY COLVIN, JR., and COLVIN FUNERAL HOME & CREMATORY,)
)
Respondents.)

PETITIONER BOARD'S FIRST REQUEST FOR ADMISSIONS TO RESPONDENT HENRY COLVIN, JR.

To: Henry Colvin, Jr.
c/o Quintin D. Byrd, Esq. and Jose Coker, Esq.
Attorney for Henry Colvin, Jr., and Colvin Funeral Home & Crematory
The Charleston Group
P.O. Box 1762
Fayetteville, North Carolina 28302

The Petitioner, North Carolina Board of Funeral Service (hereinafter "Petitioner Board"), pursuant to Rules 26, 34 and 36 of the North Carolina Rules of Civil Procedure and 26 N.C. Admin. Code 03 .0112, hereby propounds this First Request for Admissions (hereinafter "Admissions") to Respondent Henry Colvin, Jr. (hereinafter "Respondent Colvin").

DEFINITIONS:

- A. The term "Colvin Funeral Home & Crematory" shall mean the funeral establishment located at 2010 Murchison Road, Fayetteville, NC, and licensed by Petitioner Board as Funeral Establishment No. 111 and Preneed Establishment No. 172.
- B. The term "2017 Examination" shall mean the examination of records conducted by Petitioner Board Inspector David Hall on or about January 24, 2017, at Colvin Funeral Home & Crematory.

REQUESTS FOR ADMISSIONS

Respondent Colvin is required to answer these Admissions separately and fully in writing and under oath and to serve a copy of his answers on the undersigned within **FIFTEEN (15)** days of receipt of them. These Admissions shall be continuing in nature until the date of and during the hearing and Respondent Colvin is required to serve supplemental answers as additional information may become available. If Respondent Colvin fails to answer or object to the following statements within a timely manner, then the same shall be deemed "admitted" for purposes of this litigation. If any objection is made, the reasons therefor shall be stated. The answer shall specifically admit or deny the request or shall set forth in detail the reasons why Respondent Colvin cannot truthfully admit or deny the request. A denial shall fairly meet the substance of the requested admission. When good faith requires that Respondent Colvin qualify his answer or deny only a part of the matter on which an admission is requested, Respondent Colvin shall specify so much of it as is true and qualify or deny the remaining substance of the request. Respondent Colvin may not give lack of information or knowledge as a reason for failing to admit or deny unless Respondent Colvin states that he has made a reasonable inquiry and that the information known or readily obtainable by them is insufficient to enable them to admit or to deny.

1. Admit that you are the President and Registered Agent of H. M. Colvin Corp.

ANSWER:

2. Admit that H. M. Colvin Corp. has an ownership interest in Colvin Funeral Home & Crematory.

ANSWER:

3. Admit that you have previously been registered with Petitioner Board as the licensed manager of Colvin Funeral Home & Crematory.

ANSWER:

4. Admit that you are registered as a preneed sales licensee for Colvin Funeral Home & Crematory.

ANSWER:

5. Admit that Board Inspector David Hall discovered preneed recordkeeping deficiencies during the 2017 Examination.

ANSWER:

6. Admit that the preneed recordkeeping deficiencies noted during the 2017 Examination had not been corrected as of March 22, 2017.

ANSWER:

7. Admit that the Certificate of Performance for Rosa Owens was not submitted to Petitioner Board until after the 2017 Examination was completed.

ANSWER:

8. Admit that Rosa Owens passed away during April 2014.

ANSWER:

9. Admit that you were the licensed manager of Colvin Funeral Home & Crematory at the time of Rosa Owens' death during April 2014.

ANSWER:

10. Admit that you were registered as a preneed sales licensee of Colvin Funeral Home & Crematory during April 2014.

ANSWER:

11. Admit that the 2014 Preneed Annual Report for Colvin Funeral Home & Crematory contained deficiencies.

ANSWER:

12. Admit that you were notified of the deficiencies discovered in the 2014 Preneed Annual Report for Colvin Funeral Home & Crematory.

ANSWER:

13. Admit that you were the licensed manager of Colvin Funeral Home & Crematory at the time that its 2014 Preneed Annual Report was submitted to Petitioner Board.

ANSWER:

14. Admit that the mailing address registered with Petitioner Board for Colvin Funeral Home & Crematory is P.O. Box 9579, Fayetteville, NC 28301.

ANSWER:

15. Admit that Petitioner Board sent correspondence regarding Colvin Funeral Home & Crematory's preneed recordkeeping deficiencies to P.O. Box 9579, Fayetteville, NC 28301 on April 13, 2015.

ANSWER:

16. Admit that you were the licensed manager of Colvin Funeral Home & Crematory on April 13, 2015.

ANSWER:

17. Admit that you did not respond to the correspondence referenced in ¶15.

ANSWER:

18. Admit that Petitioner Board sent correspondence requesting a response regarding Colvin Funeral Home & Crematory's preneed recordkeeping deficiencies to P.O. Box 9579, Fayetteville, NC 28301 on May 21, 2015.

ANSWER:

19. Admit that you were the licensed manager of Colvin Funeral Home & Crematory on May 21, 2015.

20. Admit that you did not respond to the correspondence referenced in ¶18.

ANSWER:

21. Admit that Petitioner Board sent correspondence requesting a response regarding Colvin Funeral Home & Crematory's preneed recordkeeping deficiencies to P.O. Box 9579, Fayetteville, NC 28301 on June 10, 2015.

ANSWER:

22. Admit that you were the licensed manager of Colvin Funeral Home & Crematory on June 10, 2015.

ANSWER:

23. Admit that you did not respond to the correspondence referenced in ¶21.

ANSWER:

24. Admit that Petitioner Board sent correspondence requesting a response regarding Colvin Funeral Home & Crematory's preneed recordkeeping deficiencies to P.O. Box 9579, Fayetteville, NC 28301 on May 26, 2015.

ANSWER:

25. Admit that you were the licensed manager of Colvin Funeral Home & Crematory on May 26, 2015.

ANSWER:

26. Admit that you did not respond to the correspondence referenced in ¶24.

ANSWER:

27. Admit that staff of Petitioner Board sent correspondence requesting a response regarding Colvin Funeral Home & Crematory's preneed recordkeeping deficiencies to P.O. Box 9579, Fayetteville, NC 28301 on July 15, 2015.

ANSWER:

28. Admit that you were the licensed manager of Colvin Funeral Home & Crematory on July 15, 2015.

ANSWER:

29. Admit that you did not respond to the correspondence referenced in ¶27.

ANSWER:

This the 2nd day of June, 2017.



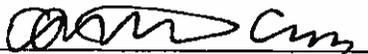
Christina D. Cress
N.C. State Bar No. 45963
North Carolina Board of Funeral Service
Attorney for Petitioner Board
1033 Wade Avenue, Suite 108
Raleigh, NC 27605
Telephone: 919-715-0905
Facsimile: 919-733-8271
Email: ccress@ncbfs.org

CERTIFICATE OF SERVICE

I, the undersigned do hereby certify that I have this day served a copy of the foregoing Petitioner Board's First Request for Admissions to Henry Colvin, Jr. upon the following parties by first class United States mail, postage prepaid, and addressed to the attorneys for Respondent Henry Colvin, Jr. as follows:

Quintin D. Byrd, Esq.
Jose Coker, Esq.
The Charleston Group
Attorney for Respondents Henry Colvin, Jr., and Colvin Funeral Home & Crematory
Post Office Box 1762
Fayetteville, NC 28302

This the 2nd day of June, 2017.



Christina D. Cress



Quintin D. Byrd

From: Lily Robertson
Sent: Monday, June 12, 2017 1:01 PM
To: Christina D. Cress; bennbrewington@brewingtonlawgroup.com; 'catherine@ncl-law.com'
Cc: qbyrd@charlestongroup.com
Subject: Proposed Joint Motion to Continue - NCBFS v. McCain, Henry Colvin et al. - File No.: 17 BMS 02004
Attachments: 00234497.pdf

All:

Please see attached the proposed Joint Motion to Continue in connection with the above-referenced case. We are authorized under the rules to file this Motion on behalf of all the parties. However, we are required to have consent from the parties as to the content filed.

Ms. Lee, since Attorney Christina Cress is out of the office, would you prefer that we sign on her behalf or remove her name from the Motion? We are amendable to proceeding either way since you represent the Petitioner in this case as well.

Best regards,

Lily Robertson

The logo for The Charleston Group Lawyers, featuring a stylized 'C' and 'G' in green and black.

THE CHARLESTON GROUP
LAWYERS

Lily H. Robertson
Legal Assistant
Direct Dial: (910) 485-2500 Ext 221
lhong@charlestongroup.com
www.charlestongroup.com

201 Hay Street, Suite 2000
Post Office Box 1762
Fayetteville, NC 28302-1762
Fax: (910) 485-2599

Please consider the environment before printing this email.

NOTICE TO PERSONS SUBJECT TO UNITED STATES TAXATION:

DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice, if any, contained in this document and its attachments may not be used or referred to in the promoting, marketing or recommending of any entity, investment plan or arrangement, nor is such advice intended or written to be used, and may not be used, by a taxpayer for the purpose of avoiding Federal tax penalties.

Professional Responsibility Rule 4.2 Notice: Please be advised that the inclusion of any particular person as a recipient of this email (and specifically the inclusion of any client of The Charleston Group) does not constitute express or implied consent to opposing counsel to "Reply All" to this message or otherwise communicate with clients of the firm.

This electronic mail transmission has been sent by a lawyer. It may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message, any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.

Quintin D. Byrd

From: Lily Robertson
Sent: Monday, June 12, 2017 1:18 PM
To: 'clee@ncbfs.org'
Subject: Proposed Joint Motion to Continue - NCBFS v. McCain, Henry Colvin et al. - File No.: 17 BMS 02004
Attachments: 00234497.pdf

Ms. Lee:

Please see below.

Best regards,

Lily Robertson



NOTICE TO PERSONS SUBJECT TO UNITED STATES TAXATION:

DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice, if any, contained in this document and its attachments may not be used or referred to in the promoting, marketing or recommending of any entity, investment plan or arrangement, nor is such advice intended or written to be used, and may not be used, by a taxpayer for the purpose of avoiding Federal tax penalties.

Professional Responsibility Rule 4.2 Notice: Please be advised that the inclusion of any particular person as a recipient of this email (and specifically the inclusion of any client of The Charleston Group) does not constitute express or implied consent to opposing counsel to "Reply All" to this message or otherwise communicate with clients of the firm.

This electronic mail transmission has been sent by a lawyer. It may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message, any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.

From: Lily Robertson
Sent: Monday, June 12, 2017 1:01 PM
To: Christina D. Cress; bennbrewington@brewingtonlawgroup.com; 'catherine@ncl-law.com'
Cc: qbyrd@charlestongroup.com
Subject: Proposed Joint Motion to Continue - NCBFS v. McCain, Henry Colvin et al. - File No.: 17 BMS 02004

All:

Please see attached the proposed Joint Motion to Continue in connection with the above-referenced case. We are authorized under the rules to file this Motion on behalf of all the parties. However, we are required to have consent from the parties as to the content filed.

Ms. Lee, since Attorney Christina Cress is out of the office, would you prefer that we sign on her behalf or remove her name from the Motion? We are amenable to proceeding either way since you represent the Petitioner in this case as well.

Best regards,

Lily Robertson



 Please consider the environment before printing this email.

NOTICE TO PERSONS SUBJECT TO UNITED STATES TAXATION:

DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice, if any, contained in this document and its attachments may not be used or referred to in the promoting, marketing or recommending of any entity, investment plan or arrangement, nor is such advice intended or written to be used, and may not be used, by a taxpayer for the purpose of avoiding Federal tax penalties.

Professional Responsibility Rule 4.2 Notice: Please be advised that the inclusion of any particular person as a recipient of this email (and specifically the inclusion of any client of The Charleston Group) does not constitute express or implied consent to opposing counsel to "Reply All" to this message or otherwise communicate with clients of the firm.

This electronic mail transmission has been sent by a lawyer. It may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message, any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.



STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
FILE NO.: 17 BMS 02004

NORTH CAROLINA BOARD OF
FUNERAL SERVICE,

Petitioner,

v.

CODY T. MCCAIN, HENRY COLVIN JR.,
and COLVIN FUNERAL HOME &
CREMATORY,

Respondents.

**JOINT MOTION TO CONTINUE
HEARING and DISCOVERY**

NOW COMES Petitioner North Carolina Board of Funeral Service (“Petitioner”) and Respondents Cody T. McCain, Henry Colvin Jr. and Colvin Funeral Home & Crematory (“Respondents”) (collectively “the Parties”), by and through counsel, pursuant to 26 NCAC 03.0118 and submit the following Joint Motion to Continue Hearing and Discovery (“Motion”).

In support hereof, the Parties state as follows:

1. Petitioner initiated the present case by filing a Petition for Contested Case Hearing (“Petition”) in the Office of Administrative Hearings (“OAH”) on March 22, 2017.
2. By order dated March 24, 2017, Chief Administrative Law Judge (“ALJ”) Julian Mann, III assigned ALJ Donald W. Overby to preside in this action.
3. Pursuant to the March 24, 2017 Scheduling Order, the hearing in this matter is set for the week of July 17, 2017 in Fayetteville, North Carolina.
4. Discovery in this matter was to be completed three (3) weeks prior to hearing.
5. Dispositive motions were to be filed with OAH two weeks prior to hearing.
6. On May 2, 2017, Petitioner moved for Mediated Settlement Conference.

7. Settlement Conference took place on May 24, 2017 at OAH with ALJ Fred G. Morrison, Jr. serving as mediator.

8. The Parties were unable to complete settlement discussions and agreed to have mediation held open.

9. The Parties require additional time to serve discovery and for Respondents to make a settlement presentation before Petitioner, which is presently scheduled to occur on July 12, 2017.

10. A continuance of the hearing in this matter and all deadlines set forth in the March 24, 2017 Scheduling Order would be in the interest of justice, aid in judicial economy, and further the possibility of settlement, consistent with State policy as expressed in N.C.G.S. § 150B-22.

11. This Motion is filed for good cause and is not being filed for any improper purpose or to cause unnecessary delay.

12. Counsel to all parties have reviewed this Motion, agree with its contents, and consent to its filing on their behalf.

WHEREFORE, the Parties respectfully pray OAH:

1. For a continuance of the hearing in this matter to the first available hearing date available to the Parties and open to OAH after the week of August 7, 2017;

2. For a continuance of case deadlines set forth in the March 24, 2017 Scheduling Order and that the relationship to those deadlines and the new hearing date correspond with the prior deadlines in relationship to the prior hearing date;

3. For mediation in this matter to be held open; and

4. For such other and further relief as OAH deems just and proper.

This the 13th day of June, 2017.

/s/ Christine D. Cress by permission

Christine D. Cress, Esq.
N.C. Bar No. 45963
North Carolina Board of Funeral Service
1033 Wade Avenue, Suite 108
Raleigh, NC 27605
Attorney for Petitioner

/s/ Quintin D. Byrd

R. Jonathan Charleston
N.C. State Bar No.
Jose A. Coker
N.C. State Bar No. 28478
Quintin D. Byrd
N.C. State Bar No. 44274
The Charleston Group
P.O. Box 1762
Fayetteville, NC 28302
*Attorneys for Respondents Henry Colvin Jr.,
and Colvin Funeral Home & Crematory*

/s/ Catherine E. Lee by permission

Catherine E. Lee, Esq.
N.C. Bar No. 35375
Nichols, Choi & Lee, PLLC
4700 Homewood Court, Suite 320
Raleigh, NC 27609
Attorney for Petitioner

/s/ Benn A. Brewington by permission

Benn A. Brewington, III, Esq.
N.C. State Bar No. 35186
Brewington Law Group, PLLC
434 Fayetteville Street, Suite 2330
Raleigh, NC 27601
Attorney for Respondent Cody T. McCain

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

NORTH CAROLINA BOARD OF
FUNERAL SERVICE,

Petitioner,

v.

CODY T. MCCAIN, HENRY COLVIN JR.,
and COLVIN FUNERAL HOME &
CREMATORY,

Respondents.

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
FILE NO.: 17 BMS 02004

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the **JOINT MOTION TO CONTINUE HEARING AND DISCOVERY** was this day electronically served to the Office of Administrative Hearings using the Electronic Filing Service Provider pursuant to 26 NCAC 3.0502, which will send an electronic notification to Petitioner as listed below:

Christina D. Cress, Esq.
North Carolina Board of Funeral Service
1033 Wade Avenue, Suite 108
Raleigh, NC 27605
ccress@ncbfs.org
Attorney for Petitioner

Benn A. Brewington, III, Esq.
Brewington Law Group PLLC
434 Fayetteville Street, Suite 2330
Raleigh, NC 27601
bennbrewington@brewingtonlawgroup.com
Attorney for Respondent Cody T. McCain

Catherine E. Lee, Esq.
Nichols, Choi & Lee, PLLC
4700 Homewood Court, Suite 320
Raleigh, NC 27609
catherine@ncl-law.com
clee@ncbfs.org
Attorney for Petitioner

This the 14th day of June, 2017.

/s/ Quintin D. Byrd

R. Jonathan Charleston

N.C. State Bar No.

Jose A. Coker

N.C. State Bar No. 28478

Quintin D. Byrd, Esq.

N.C. State Bar No. 44274

The Charleston Group

P.O. Box 1762

Fayetteville, NC 28302

*Attorneys for Respondents Henry Colvin Jr.,
and Colvin Funeral Home & Crematory*

Quintin D. Byrd



From: Lily Robertson
Sent: Tuesday, June 13, 2017 5:31 PM
To: cle@ncbfs.org; catherine@ncl-law.com; Christina D. Cress;
bennbrewington@brewingtonlawgroup.com
Cc: qbyrd@charlestongroup.com; Jose Coker
Subject: Colvin's Schedule of Reasonable Compliance (NCBFS v. McCain, Henry Colvin et al. - File No.: 17 BMS 02004)
Attachments: Colvin's Schedule of Reasonable Compliance to Respond to Discovery (00234703xBAC86).pdf

All:

Please see attached Respondent Colvin's Schedule of Reasonable Compliance to Respond to Discovery, which is served electronically by the consent of the parties.

Best regards,

Lily Robertson

The logo for The Charleston Group Lawyers, featuring a stylized 'C' and 'G' in blue and green.

THE CHARLESTON GROUP
LAWYERS

Quintin D. Byrd
Attorney at Law
Direct Dial: (910) 485-2500 Ext 259
qbyrd@charlestongroup.com
www.charlestongroup.com

201 Hay Street, Suite 2000
Post Office Box 1762
Fayetteville, NC 28302-1762
Fax: (910) 485-2599

Please consider the environment before printing this email.

DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice, if any, contained in this document and its attachments may not be used or referred to in the promoting, marketing or recommending of any entity, investment plan or arrangement, nor is such advice intended or written to be used, and may not be used by a taxpayer for the purpose of avoiding Federal tax penalties.

This electronic transmission has been sent by a lawyer and may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

NORTH CAROLINA BOARD OF
FUNERAL SERVICE,

Petitioner,

v.

CODY T. MCCAIN, HENRY COLVIN
JR., and COLVIN FUNERAL HOME &
CREMATORY,

Respondents.

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
FILE NO.: 17 BMS 02004

**RESPONDENT HENRY COLVIN, JR.'S
SCHEDULE OF REASONABLE
COMPLIANCE TO RESPOND TO
DISCOVERY**

NOW COMES Respondent Henry Colvin Jr. ("Respondent Colvin"), by and through counsel, pursuant to 26 N.C.A.C. 03.0112(f)(3), and states that Petitioner North Carolina Board of Funeral Service ("Petitioner") served its First Request for Admissions to ("Discovery") to Respondent Colvin on June 2, 2017 by U.S. Mail. Respondent Colvin will serve its response to the Discovery on or before July 14, 2017. By offering this schedule Respondent Colvin does not waive the right to offer objections to any request.

This the 13th day of June, 2017.

Respectfully submitted,

/s/ Quintin D. Byrd

R. Jonathan Charleston

N.C. State Bar No. 14389

Jose A. Coker

NC State Bar No. 28478

Quintin D. Byrd

N.C. State Bar No. 44274

The Charleston Group

Attorneys for Henry Colvin, Jr. and Colvin

Funeral Home & Crematory

Post Office Box 1762

Fayetteville, NC 28302

Telephone No.: (910) 485-2500

Telecopier No.: (910) 485-2599

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
FILE NO.: 17 BMS 02004

NORTH CAROLINA BOARD OF)
FUNERAL SERVICE,)
)
Petitioner,)
v.)
)
CODY T. MCCAIN, HENRY COLVIN)
JR., and COLVIN FUNERAL HOME &)
CREMATORY,)
)
Respondents.)
)

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of **RESPONDENT HENRY COLVIN, JR.'S SCHEDULE OF REASONABLE COMPLIANCE TO RESPOND TO DISCOVERY** was this day served upon the other parties to this action by electronic mail through the consent of counsel, properly addressed to their attorneys of record as listed below:

Christina D. Cress, Esq.
North Carolina Board of Funeral Service
1033 Wade Avenue, Suite 108
Raleigh, NC 27605
ccress@ncbfs.org
Attorney for Petitioner

Benn A. Brewington, III, Esq.
Brewington Law Group PLLC
434 Fayetteville Street, Suite 2330
Raleigh, NC 27601
bennbrewington@brewingtonlawgroup.com
Attorney for Respondent Cody T. McCain

Catherine E. Lee, Esq.
Nichols, Choi & Lee, PLLC
4700 Homewood Court, Suite 320
Raleigh, NC 27609
catherine@ncl-law.com
clee@ncbfs.org
Attorney for Petitioner

This the 13th day of June, 2017.

Respectfully submitted,

/s/ Quintin D. Byrd

R. Jonathan Charleston

N.C. State Bar No. 14389

Jose A. Coker

NC State Bar No. 28478

Quintin D. Byrd

N.C. State Bar No. 44274

The Charleston Group

Attorneys for Henry Colvin, Jr. and Colvin

Funeral Home & Crematory

Post Office Box 1762

Fayetteville, NC 28302

Telephone No.: (910) 485-2500

Telecopier No.: (910) 485-2599

Quintin D. Byrd



From: Jose Coker
Sent: Friday, July 07, 2017 4:01 PM
To: Christina McLaurin; Benn A. Brewington III; Quintin D. Byrd
Cc: Catherine Lee; Lily Robertson
Subject: RE: Colvin Funeral Home, Fayetteville

Follow Up Flag: Follow up
Flag Status: Flagged

You the same. Thank you Mrs. McLaurin.

Jose

-----Original Message-----

From: Christina McLaurin [mailto:CMcLaurin@ncbfs.org]
Sent: Friday, July 07, 2017 3:48 PM
To: Benn A. Brewington III; Jose Coker; Quintin D. Byrd
Cc: Catherine Lee; Lily Robertson
Subject: RE: Colvin Funeral Home, Fayetteville

Great, we will plan to see you both on August 9th then. Have a nice weekend.

Christina Cress McLaurin
General Counsel
NC Board of Funeral Service
1033 Wade Ave., Suite 108
Raleigh, NC 27605
919-733-9380 (phone)
919-733-8271 (fax)

Electronic messages sent to or from this account may be subject to public inspection and copying under Chapter 132 of the N.C. General Statutes. Opinions expressed by Board Staff in this correspondence or any attachments hereto have not necessarily been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. The purpose of such opinions is to help licensees of the Board comply with the Board's laws and rules, based solely on the facts provided to Board Staff. Please be advised that these opinions are subject to change. If you disagree with Board Staff's opinion, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes.

-----Original Message-----

From: Benn A. Brewington III [mailto:bennbrewington@brewingtonlawgroup.com]
Sent: Friday, July 7, 2017 3:37 PM
To: 'Jose Coker' <JCoker@charlestongroup.com>; Christina McLaurin <CMcLaurin@ncbfs.org>; 'Quintin D. Byrd' <QByrd@charlestongroup.com>
Cc: Catherine Lee <CLee@ncbfs.org>; 'Lily Robertson' <LRobertson@charlestongroup.com>
Subject: RE: Colvin Funeral Home, Fayetteville

Christina:

August 9th will likely be the best option for us as well as I will be out of town on Monday, on West Coast time.

Benn

Benn A. Brewington III
Managing Attorney

Brewington Law Group PLLC
434 Fayetteville Street - Suite 2330
Raleigh, NC 27601

Telephone: 919.828.9778
Facsimile: 919.828.9779
bennbrewington@brewingtonlawgroup.com

PRIVILEGED AND CONFIDENTIAL: This email is sent by a law firm and may contain information that is intended to be privileged from disclosure or confidential. If you received this email in error, please delete this email and all attachments, and contact the sender so we may update our records.

Dissemination, distribution or copying is prohibited. This email is not intended to, and shall not create, an attorney-client relationship with the sender or this firm, nor constitute an agreement to provide legal advice or counsel. Nothing in this email or any document attached hereto shall constitute an electronic signature within the meaning of the Uniform Electronic Transactions Act or any other applicable law. This email is not encrypted, and information provided in this email may be electronically altered. We disclaim all responsibility for any cost, damage or liability directly or indirectly caused by viruses or other defects in this e-mail or any attached document.

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

-----Original Message-----

From: Jose Coker [mailto:JCoker@charlestongroup.com]
Sent: Friday, July 07, 2017 3:30 PM
To: Christina McLaurin; Benn A. Brewington III; Quintin D. Byrd
Cc: Catherine Lee; Lily Robertson
Subject: RE: Colvin Funeral Home, Fayetteville

Christina:

Thank you for the options. We will tentatively agree to August 9, 2017, because I am waiting to hear back from Mr. Colvin as to his availability that day.

Jose
Please consider the environment before printing this email.
DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice, if any, contained in this document and its attachments may not be used or referred to in the promoting, marketing or recommending of any entity,

investment plan or arrangement, nor is such advice intended or written to be used, and may not be used by a taxpayer for the purpose of avoiding Federal tax penalties.

This electronic transmission has been sent by a lawyer and may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.

-----Original Message-----

From: Christina McLaurin [mailto:CMcLaurin@ncbfs.org]
Sent: Friday, July 07, 2017 3:12 PM
To: Benn A. Brewington III; Quintin D. Byrd
Cc: Catherine Lee; Jose Coker
Subject: RE: Colvin Funeral Home, Fayetteville

Given that July 11 will not work for either of you and July 12 will no longer work for the Board, I can offer two options. You are welcome to call in to the Board's Disciplinary Committee meeting, which is scheduled to occur at 9 a.m. on Monday, July 10. The Board's Disciplinary Committee has the authority to make settlement recommendations that would then be subject to approval by the full Board. Alternatively, you are welcome to appear at the Board's next meeting, which is scheduled for Wednesday, August 9.

If you choose to attend the Disciplinary Committee's teleconference this coming Monday morning, please let me know so that I can share the call-in number and passcode with you in advance.

Thanks.

Christina Cress McLaurin
General Counsel
NC Board of Funeral Service
1033 Wade Ave., Suite 108
Raleigh, NC 27605
919-733-9380 (phone)
919-733-8271 (fax)

Electronic messages sent to or from this account may be subject to public inspection and copying under Chapter 132 of the N.C. General Statutes.

Opinions expressed by Board Staff in this correspondence or any attachments hereto have not necessarily been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. The purpose of such opinions is to help licensees of the Board comply with the Board's laws and rules, based solely on the facts provided to Board Staff. Please be advised that these opinions are subject to change. If you disagree with Board Staff's opinion, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C.

General Statutes.

-----Original Message-----

From: Benn A. Brewington III [mailto:bennbrewington@brewingtonlawgroup.com]
Sent: Friday, July 7, 2017 2:57 PM
To: Christina McLaurin <CMcLaurin@ncbfs.org>; 'Quintin D. Byrd' <QByrd@charlestongroup.com>
Cc: Catherine Lee <CLee@ncbfs.org>; 'Jose Coker'

<JCoker@charlestongroup.com>
Subject: RE: Colvin Funeral Home, Fayetteville

And I am out of state on July 11, 2017.

Benn A. Brewington III
Managing Attorney

Brewington Law Group PLLC
434 Fayetteville Street - Suite 2330
Raleigh, NC 27601

Telephone: 919.828.9778
Facsimile: 919.828.9779
bennbrewington@brewingtonlawgroup.com

PRIVILEGED AND CONFIDENTIAL: This email is sent by a law firm and may contain information that is intended to be privileged from disclosure or confidential. If you received this email in error, please delete this email and all attachments, and contact the sender so we may update our records.

Dissemination, distribution or copying is prohibited. This email is not intended to, and shall not create, an attorney-client relationship with the sender or this firm, nor constitute an agreement to provide legal advice or counsel. Nothing in this email or any document attached hereto shall constitute an electronic signature within the meaning of the Uniform Electronic Transactions Act or any other applicable law. This email is not encrypted, and information provided in this email may be electronically altered. We disclaim all responsibility for any cost, damage or liability directly or indirectly caused by viruses or other defects in this e-mail or any attached document.

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

-----Original Message-----

From: Christina McLaurin [mailto:CMcLaurin@ncbfs.org]
Sent: Friday, July 07, 2017 2:12 PM
To: Quintin D. Byrd
Cc: Catherine Lee; Jose Coker; bennbrewington@brewingtonlawgroup.com
Subject: RE: Colvin Funeral Home, Fayetteville

All,

As of just a few minutes ago, it appears that the Board will no longer have any hearings going forward on Wednesday, July 12. Because the only items on the Board's meeting agenda for Wednesday, 7/12, were hearings and your presentation on behalf of Colvin et al., I am writing to let you know that we must move your presentation to the Board's meeting agenda on Tuesday, July 11.

I apologize for any inconvenience this may cause, and we will do our best to find a time that is agreeable to all parties on Tuesday, 7/11. Please let us know at your earliest convenience if 11:30 a.m. on Tuesday, 7/11, will work. If we need to

speak by telephone, I can be reached any time this afternoon/evening or over the weekend at (919) 715-0905. Thank you.

Christina Cress McLaurin
General Counsel
NC Board of Funeral Service
1033 Wade Ave., Suite 108
Raleigh, NC 27605
919-733-9380 (phone)
919-733-8271 (fax)

Electronic messages sent to or from this account may be subject to public inspection and copying under Chapter 132 of the N.C. General Statutes.

Opinions expressed by Board Staff in this correspondence or any attachments hereto have not necessarily been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. The purpose of such opinions is to help licensees of the Board comply with the Board's laws and rules, based solely on the facts provided to Board Staff. Please be advised that these opinions are subject to change. If you disagree with Board Staff's opinion, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C.

General Statutes.

-----Original Message-----

From: Quintin D. Byrd [mailto:QByrd@charlestongroup.com]
Sent: Friday, July 7, 2017 12:09 PM
To: Christina McLaurin <CMcLaurin@ncbfs.org>
Cc: Catherine Lee <CLee@ncbfs.org>; Jose Coker <JCoker@charlestongroup.com>;
bennbrewington@brewingtonlawgroup.com
Subject: RE: Colvin Funeral Home, Fayetteville

Ms. McLaurin! Thank you for sending these materials and we will work to get everything to you prior to the meeting. And, of course, if anything changes, we will notify you promptly. We do not object to Benn presenting first.

Regards,

Quintin

-----Original Message-----

From: Christina McLaurin [mailto:CMcLaurin@ncbfs.org]
Sent: Friday, July 07, 2017 11:44 AM
To: Quintin D. Byrd
Cc: Catherine Lee; Jose Coker; bennbrewington@brewingtonlawgroup.com
Subject: FW: Colvin Funeral Home, Fayetteville

Quintin,

As we discussed yesterday, it is our understanding that your firm plans to appear on behalf of Colvin Funeral Home before the Board at its meeting at 9 a.m. on Wednesday, July 12, to discuss the possible informal resolution of the allegations against Respondents. If your plans to appear change for any reason, please do let Board staff know as soon as possible. Benn, you are of course also welcome to appear at 9 a.m. on Wednesday, 7/12, on behalf of Mr. McCain.

Per your request, please see the below and attached regarding the status of outstanding items and/or deficiencies not yet rectified to my knowledge.

This information was shared with you all at mediation, and it was my understanding that your client would be submitting to my attention all additional missing documentation. I am not aware that our staff has received any such documentation.

Also per your request, attached please find copies of the two prior Board decisions shared with all parties at mediation.

Thank you.

Christina Cress McLaurin
General Counsel
NC Board of Funeral Service
1033 Wade Ave., Suite 108
Raleigh, NC 27605
919-733-9380 (phone)
919-733-8271 (fax)

Electronic messages sent to or from this account may be subject to public inspection and copying under Chapter 132 of the N.C. General Statutes.

Opinions expressed by Board Staff in this correspondence or any attachments hereto have not necessarily been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. The purpose of such opinions is to help licensees of the Board comply with the Board's laws and rules, based solely on the facts provided to Board Staff. Please be advised that these opinions are subject to change. If you disagree with Board Staff's opinion, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes.

-----Original Message-----

From: Lyn Cochrane
Sent: Wednesday, May 24, 2017 7:29 AM
To: Christina Cress <CCress@ncbfs.org>
Subject: Colvin Funeral Home, Fayetteville

Attached is the letter that was sent to them after the 2016 Preneed Annual Report review. This letter also included 2015 certificates of performance that had not been provided. They have paid the late fee for all certificates of performance as required.

Lorraine Fairley is the only COP that is outstanding.

Charlie Collins trust has been transferred from First South Bank to Lumbee Guaranty Bank and we still do not have Bank Transfer Memorandum.

None of the information requested for the lapsed/cancelled/revoked contracts have been provided; therefore, they are still showing as active contracts on the database.

Lyn R. Cochrane
Executive Assistant
NC Board of Funeral Service
1033 Wade Avenue, Suite 108
Raleigh, NC 27605-1158
Direct Line: (919) 715-0903

Phone: (919) 733-9380

Fax: (919) 733-8271

Electronic messages sent to or from this account may be subject to public inspection and copying under Chapter 132 of the N.C. General Statutes.

Opinions expressed by Board Staff in this correspondence or in any attachments hereto have not necessarily been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. The purpose of such opinions is to help licensees comply with the Board's laws and rules, based solely on the facts provided to Board Staff. Please be advised that any opinions contained herein are subject to change. If you disagree with Board's Staff's opinion, you may have the right to request a declaratory ruling form, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes.

Your message is ready to be sent with the following file or link attachments:

SKMBT_50117052407060

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Quintin D. Byrd



From: Christina McLaurin <CMcLaurin@ncbfs.org>
Sent: Friday, July 21, 2017 2:03 PM
To: Quintin D. Byrd
Cc: bennbrewington@brewingtonlawgroup.com; Jose Coker; Catherine Lee
Subject: RE: Joint Motion to Continue

Board staff disagrees with your position that good cause exists for any additional continuances of the hearing in this matter. As such, I cannot consent to your proposed motion for second continuance. Thanks.

Christina Cress McLaurin
General Counsel
NC Board of Funeral Service
1033 Wade Ave., Suite 108
Raleigh, NC 27605
919-733-9380 (phone)
919-733-8271 (fax)

Electronic messages sent to or from this account may be subject to public inspection and copying under Chapter 132 of the N.C. General Statutes. Opinions expressed by Board Staff in this correspondence or any attachments hereto have not necessarily been reviewed, approved, or otherwise adopted by the Board, nor are they binding upon the Board. The purpose of such opinions is to help licensees of the Board comply with the Board's laws and rules, based solely on the facts provided to Board Staff. Please be advised that these opinions are subject to change. If you disagree with Board Staff's opinion, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes.

From: Quintin D. Byrd [<mailto:QByrd@charlestongroup.com>]
Sent: Friday, July 21, 2017 1:41 PM
To: Christina McLaurin <CMcLaurin@ncbfs.org>; Catherine Lee <CLee@ncbfs.org>
Cc: bennbrewington@brewingtonlawgroup.com; Jose Coker <JCoker@charlestongroup.com>
Subject: Joint Motion to Continue

All,

Please see the attached proposed joint motion to continue. Given that the meeting in August would be a week before trial, I thought we would continue the matter as previously done. I discussed this briefly with Catherine and she advised that I should bring this to your attention, Christina, as you are running point on this case. I do not think this motion will affect anything filed earlier in the day. If everyone is amenable, I would like to get this filed today.

Regards,



gbvrd@charlestongroup.com
www.charlestongroup.com

Fax: (910) 485-2599

 Please consider the environment before printing this email.

DISCLOSURE UNDER TREASURY CIRCULAR 230: The United States Federal tax advice, if any, contained in this document and its attachments may not be used or referred to in the promoting, marketing or recommending of any entity, investment plan or arrangement, nor is such advice intended or written to be used, and may not be used by a taxpayer for the purpose of avoiding Federal tax penalties.

This electronic transmission has been sent by a lawyer and may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.