

**MINUTES**  
**South Carolina Board of Funeral Service**  
**Board Meeting**  
**10:00 a.m., April 19, 2007**  
**Synergy Business Park**  
**110 Centerview Drive, Kingstree Building, Room 108**  
**Columbia, South Carolina**

**Meeting Called to Order**

Mr. Horton announced that public notice of this meeting was properly posted at the S. C. Board of Funeral Service office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Billy Horton, of Kingstree, Secretary, called the regular meeting of the S.C. Board of Funeral Service to order at 10:07 a.m. Other members present for the meeting included: Todd Caughman, of Lexington; Glen Crawford, of Lancaster; Thomas Genoble, of Jonesville; Stan Hamilton, of Ridge Spring; Kip Kiser, of Cheraw; and Tony Tipton, of Greer.

Staff members participating during the meeting included: Christa Bell, Litigating Attorney; Randy Bryant, Assistant Deputy Director; Doris Cubitt, Administrator; Sandra Dickert, Administrative Assistant; Tony Kennedy, Investigator; Jeanie Rose, Administrative Specialist; Robin Wilkes; and Rick Wilson, Deputy General Counsel.

Members of the public attending the meeting included: Brent Caughman, Alicia Clark, Danny Collins, Doug Garrett, Michael Glenn, Ronald Hicks, Eric Houston, Bill Lawless, J. M. "Buddy" Long, III, James McAlister, Patsy Nye, Carl Pennington, and Atu Williams.

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**Invocation**

Mr. Crawford delivered the invocation.

**Introduction of Board Members and Persons Attending the Meeting**

The Board members introduced themselves.

**Approval of Excused Absences**

**MOTION**

Mr. Crawford moved the Board grant excused absences to Mr. Briggs, Mr. Mikell and Ms. Vessels. Mr. Kiser seconded the motion, which carried unanimously.

**Approval of Minutes for the February 15, 2007 Meeting**

Mr. Crawford noted that the minutes should reflect Mr. Caughman's absence from the February meeting as an excused absence.

**MOTION**

Mr. Caughman made a motion, seconded by Mr. Genoble and unanimously carried, that the Board approve the minutes of the February 15, 2007 meeting.

**President's Remarks – Eddie Briggs**

Mr. Horton, acting president, stated Mr. Briggs is out of town and he would not be making any remarks on his behalf.

**Administrator's Remarks – Doris Cubitt**

Mr. Bryant welcomed the new members to the Board. He further stated if the members had any questions or problems regarding the program to contact him or the Board member liaison, Connie Huffstetler. He went on to say the members could also contact Mrs. Huffstetler in regard to travel vouchers or business cards.

Mr. Bryant stated he has been serving as administrator for the Funeral Board as well as the Cemetery Board for approximately the past three years. He introduced Mrs. Doris Cubitt as the new Administrator for the Funeral Board and the Cemetery Board. He stated Mrs. Cubitt also serves as the Administrator for the Board of Accountancy.

Mr. Bryant advised three hearings in regard to funeral cases had been scheduled to be heard today by a hearing panel. He further stated the hearing panel consisted of Mike Thornwell, Ezekiel Trezvant, Jim Adcock (former Board members) and Joe Wamer. He noted the hearings have been continued to another date. He went on to say the Board has one applicant hearing scheduled for today.

Mr. Bryant stated the Board has previously delegated to the president and himself authority to designate a hearing panel. He asked the Board to consider changing the authority to designate of a hearing panel to the president or vice president and the administrator. He noted the hearing panel would be case specific as competitors from the same geographical location would not hear a case involving a facility or a licensee from that same area.

**MOTION**

Mr. Tipton made a motion, seconded by Mr. Caughman and unanimously carried, to authorize the president or vice president in his absence with the administrator to designate the hearing panel members.

Mrs. Cubitt reminded the members that the Statement of Economic Interest Forms were to be submitted to the State Ethics Commission no later than Monday, April 16, 2007. She stated that any member who had not submitted the form should do so immediately to avoid further penalties.

Mrs. Cubitt presented the members with a document showing the Board's current policies in regard to new and additional facilities, change of ownership only, change of manager only, and change of location only and staff's proposed policy changes in these matters.

**MOTION**

Mr. Hamilton moved the Board discuss the proposed policy changes with general counsel and staff in executive session. Mr. Crawford seconded the motion, which carried unanimously.

*Advisory Opinions, If Needed, Office of General Counsel*

There were no advisory opinions given during the April 19, 2007 meeting.

*Legislative Updates, If Needed, Legislative Liaison Office*

Mrs. Cubitt briefed the Board in regard to House Bill H.3629, which would increase fines for submitting false information to obtain licensure. She noted the House LCI committee voted the bill out favorably.

**Disciplinary Reports**

1. Investigative Review Committee (IRC) Report/Consent Orders – Tony Kennedy and Ernest Adams

Mr. Kennedy briefed the Board in regard to the cases discussed during the April 6, 2007 IRC meeting.

**MOTION**

Mr. Hamilton made a motion, seconded by Mr. Caughman and unanimously carried, that the Board accept the IRC's recommendation in regard to the following cases.

Dismissals

2006-18	2006-19	2006-20	2006-22
	2006-25	2006-28	2006-29

Formal Complaints

2006-30	2007-1
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2. Approval of Consent Agreements

- a. Case #2006-13

Mr. Kennedy briefed the Board in regard to case #2006-13.

**MOTION**

Mr. Tipton moved the Board approve the consent agreement regarding case #2006-13. Mr. Caughman seconded the motion, which carried unanimously.

- b. Case #2005-17

This consent agreement was discussed later in the meeting.

3. Inspections Report – Ernest Adams

The inspections report was presented to the Board as information.

4. Number of Open Complaints

Mr. Kennedy stated the Board has 17 open complaints; however, 12 of the complaints will be presented to the IRC during its next meeting.

**Committee Reports**

1. Legislative Committee – Gerard Mikell, Stan Hamilton and Tony Tipton

This committee had no report.

2. Newsletter Committee – Tony Tipton

This committee had no report; however, the Board did discuss disseminating material from the SC Funeral Director's Association and the SC Mortician's Association to Mr. Tipton.

3. Continuing Education Committee – Carl Pennington

Mr. Pennington briefly discussed the possibility of obtaining continuing education credits by attending Board meetings.

**MOTION**

Mr. Hamilton moved the Board discuss this matter in executive session. Mr. Crawford seconded the motion, which carried unanimously.

Discussion ensued in regard to the Board offering continuing education classes as mandated by law. Mr. Wilson noted the practice does not state that the Board must provide continuing education courses; however, it is noted in the regulations. He stated the Board may wish to address this issue when the regulations are rewritten.

4. State Law Exam Committee – Gerard Mikell

The committee had no report as Mr. Mikell was not present for the meeting.

5. GPL Review Committee – Gerard Mikell and Carl Pennington

The committee had no report as Mr. Mikell was not present for the meeting.

**Unfinished Business**

There was no unfinished business to be discussed during the April 19, 2007 meeting.

**Executive Session**

**MOTION**

Mr. Crawford made a motion, seconded by Mr. Hamilton and unanimously carried, that the Board enter executive session to seek legal advice on proposed policy changes.

**Return to Public Session**

**MOTION**

Mr. Crawford moved the Board return to public session. Mr. Hamilton seconded the motion, which carried unanimously.

Mr. Horton noted for the record that no formal action was taken during executive session.

At this time, Mr. Horton presented plaques to former Board members Doug Garrett and Carl Pennington.

**MOTION**

Mr. Kiser made a motion, seconded by Mr. Hamilton and unanimously carried, as clarification for staff, that changes in ownership be considered the same as it is for permitting a new facility and that the same fees apply for change of ownership and that these changes begin effective this date.

**New Business**

1. Approval of New Facility

a. *Caughman-Harmon Funeral Home, Lexington and Caughman-Harmon Crematory – Stephen Todd Caughman (FDE 1923), Manager*

On March 13, 2007 the Board received a new facility application from Caughman-Harmon Funeral Home, Lexington and an additional facility application from Caughman-Harmon Crematory, Lexington. Both applications reflect Todd Caughman as the proposed manager.

Todd Caughman recused himself from participating and voting in this matter.

Jeanie Rose stated Mr. Caughman was initially licensed in 1986. She further stated Mr. Caughman's criminal history report, provided by the State Law Enforcement Division (SLED), shows no arrests. She noted he lives 15 miles from both facilities.

Todd Caughman appeared before the Board at this time and answered questions from the Board members. He stated the facilities are being purchased by another corporation.

**MOTION**

Mr. Crawford moved the Board approve the facilities pending inspection of the facilities. Mr. Genoble seconded the motion, which carried unanimously.

b. *Caughman-Harmon Funeral Home – Bush River and Caughman-Harmon Chapin – Brent H. Caughman (FD 2093), Manager*

On March 13, 2007 the Board received additional facility applications from Caughman-Harmon Funeral Home – Bush River and Caughman-Harmon – Chapin. The applications reflect Brent Caughman as the proposed manager.

Todd Caughman recused himself from participating and voting in this matter.

Ms. Rose stated Mr. Caughman was issued a dual license in 1991. She went on to say he lives 8.43 miles from both facilities and that his criminal history report, provided by SLED, reflects no arrests.

Brent Caughman appeared before the Board at this time and answered questions from the Board members. He stated the facilities are being purchased by another corporation.

**MOTION**

Mr. Genoble made a motion, seconded by Mr. Hamilton and unanimously carried, that the Board approve the applications pending inspection of the facilities.

*c. Caughman-Harmon Funeral Home at Southland Memorial, Ronald Ashley Hicks (FDE 2253), Manager*

On March 13, 2007 the Board received an additional facility application for Caughman-Harmon Funeral Home at Southland Memorial. The application reflects Ronald Ashley Hicks as the proposed manager.

Todd Caughman recused himself from participating and voting in this matter.

Ms. Rose stated Mr. Hicks was issued a dual license in 1996. She further stated he lives 10 miles from the facility. She went on to say his criminal history report reflects one arrest in 1996; however, it was not a felony charge.

Ronald Hicks appeared before the Board at this time and answered questions from the Board members. He stated the facility is being purchased by another corporation.

**MOTION**

Mr. Tipton moved the Board approve the application pending inspection of the facility. Mr. Genoble seconded the motion, which carried unanimously.

Mr. Caughman returned to the meeting at this time.

*d. Houston Funeral Home, Eric Lynn Houston (FDE 3225), Manager*

On March 12, 2007 the Board received a change of ownership application in regard to Houston Funeral Service. The application states the funeral home will change ownership from R. Eugene Houston to Eric L. Houston, who is also the proposed manager.

Ms. Rose stated Mr. Houston was initially licensed in 2005. She further stated he lives one mile from the facility and that his criminal history report, provided by SLED, reflects no arrests.

Eric Houston appeared before the Board at this time. He stated his uncle currently owns the funeral home and he is the heir to the property. He further stated the uncle is 89 years of age and is becoming incapacitated. He went on to say steps have already been taken for him to become manager of the funeral home and now steps are being taken for him to become owner of the facility upon the Board's approval.

**MOTION**

Mr. Kiser made a motion, seconded by Mr. Crawford and unanimously carried, that the Board approve the application pending inspection of the facility and the payment of fees.

*e. Michael A. Glenn Funeral Home, Michael A. Glenn (FD 2175), Manager*

On March 26, 2007 the Board received a change of facility location in regard to the Michael A. Glenn Funeral Home located in Spartanburg.

Ms. Rose stated Mr. Glenn lives nine miles from the facility. She noted his criminal history report provided by SLED reflects no arrests.

Michael Glenn appeared before the Board at this time. Mr. Glenn stated he is moving the facility from one location to another location, which would make the application a new facility

application. He further stated the facility meets all zoning requirements as it had previously been a funeral home.

**MOTION**

Mr. Tipton moved the Board approve the application pending inspection of the facility and the payment of fees. Mr. Hamilton seconded the motion, which carried unanimously.

f. *Michael A. Glenn Funeral Home, Donald I. Roseboro (FD 313), Manager*

On March 19, 2007 the Board received a change of facility manager application from the Michael A. Glenn Funeral Home in Union. The application reflects Donald Roseboro as the proposed manager.

Ms. Rose stated Mr. Roseboro would be a new manager. She further stated Mr. Roseboro was first licensed in 1995. She went on to say he lives 7.31 miles from the facility. She noted his criminal history report, provided by SLED, reflect no arrests.

Michael Glenn appeared before the Board at this time and answered questions from the Board members. He noted the proposed manager, Donald Roseboro, was unable to attend this meeting due to illness. He stated he is moving the facility from one location to another location. He went on to say if the application is approved he would live 31 miles from the new location, which is why he is proposing Donald Roseboro as the manager. He continued by saying the new location had previously been a funeral home. He said this facility would be an additional facility.

Mr. Glenn stated an application has already been submitted and approved for Mr. Roseboro to become the manager of this facility. He went on to say the application before the Board today is for approval of an additional facility.

**MOTION**

Mr. Tipton made a motion, seconded by Mr. Caughman and unanimously carried, that the Board approve the application pending inspection of the facility.

g. *Ada's Home for Funerals and Chapel, Ada L. Ferguson, (FDE 2295), Manager*

On April 5, 2007 the Board received an application in regard to Ada's Home for Funerals. Ada Ferguson, the facility owner, indicated the application was to change the facility name from Community Funeral Home to Ada's Home for Funerals and to add an additional facility location as a branch.

Ms. Rose stated Ms. Ferguson was initially licensed in 1996 and is the proposed manager of the facility. She further stated Ms. Ferguson lives 21.75 from the funeral home, although there is a question regarding her residency. She believes Ms. Ferguson is currently living in a temporary residence. She went on to say Ms. Ferguson currently owns Community Funeral Home in Walterboro. She said the new facility would be a chapel; however, the name of the chapel has a different name from the parent facility. She noted Ms. Ferguson's criminal history report, provided by SLED, reflects no arrests.

Ada Ferguson appeared before the Board at this time. Ms. Ferguson stated she has been the owner and manager of Community Funeral Home for four years when she felt it was time to

move forward and chose Ada's Home for Funerals and Chapel as the new name for the facility. She further stated the management is the same. She noted she is currently in a temporary residence; however, she does not yet know where she will make her permanent residence. She will live in the City of Walterboro, although she is currently living in Yemassee which is 18 miles from the proposed facility.

Mr. Tipton noted the application states Ms. Ferguson lives 16 miles from the facility, however, a Map Quest reflects she lives 21.75 miles from the facility, and yet another Map Quest reflects a Beaufort address, which is an estimated 49 miles from the facility.

Mrs. Cubitt stated the check Ms. Ferguson submitted for payment of the application fee shows a Beaufort address. She went on to say staff determined it would run a Map Quest from the Beaufort address to the new facility to show the mileage when it was noted the check contained the Beaufort address.

Mr. Tipton asked Ms. Ferguson how long it has been since she lived in Beaufort. Ms. Ferguson stated she has not lived in Beaufort for four years. She further stated her driver's license also reflects the Beaufort address and that she would update her license when it is renewed in November 2007. She went on to say her voter's registration also reflects the Beaufort address.

### **MOTION**

Mr. Caughman moved the Board table this matter until such time Ms. Ferguson shows proof of residency within the required 25 miles of the facility and the facility name change have been resolved. Mr. Hamilton seconded the motion.

During discussion of the motion, it was noted the name of the parent facility would be Ada's Home for Funerals and the branch facility would be named Ada's Home for Funerals Chapel. However, staff does not have an application for the branch facility.

Mr. Caughman withdrew his motion.

The Board asked Ms. Ferguson to submit an application for the parent facility and once the parent facility is fully functional, submit an application for the branch facility. The Board also asked Ms. Rose to guide Ms. Ferguson through the application process.

The Board agreed to conduct a conference call or an electronic meeting to approve the application once a true and correct application has been submitted.

### **Public Comments**

There were no public comments made during the April 19, 2007 meeting.

### **Consent Agreement – Case #2005-17**

Mr. Kennedy and Mrs. Christa Bell, litigating attorney, briefed the Board regarding the consent agreement for case #2005-17.

### **Executive Session**

#### **MOTION**

Mr. Kiser made a motion, seconded by Mr. Crawford and unanimously carried, that the Board discuss this matter in executive session with counsel.

**Return to Public Session**

**MOTION**

Mr. Hamilton moved the Board return to public session. Mr. Caughman seconded the motion, which carried unanimously.

Mr. Horton noted for the record that no formal action was taken during executive session.

**MOTION**

Mr. Hamilton made a motion, seconded by Mr. Crawford and unanimously carried, that the board approve the consent order as written.

**HEARINGS**

**In the Matter of Atu Williams**

This proceeding was recorded by a certified court reporter should an official transcript be necessary.

**Executive Session**

**MOTION**

Mr. Crawford moved the Board enter executive session to seek legal counsel in this matter. Mr. Caughman seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Hamilton made a motion, seconded by Mr. Crawford and unanimously carried that the Board return to public session.

Mr. Horton noted for the record that no formal action was taken during executive session.

Mr. Wilson asked Mr. Williams and Mr. Long should the Board offer an agreement for Mr. Williams to return to the business would he be willing to enter such an agreement. Mr. Williams and Mr. Long answered affirmatively.

**MOTION**

Mr. Kiser moved the Board concurs with the current suspension and that Mr. Williams' license will remain suspended until the following pre-conditions are met: successful completion of an ethics course, that he supply his current continuing education requirements, albeit if he has not taken continuing education and has no record of attending continuing education courses since his license has been suspended, he must meet the continuing education requirements, and upon completing those requirements, along with payment of the appropriate fees, that his license be reinstated with a two-year probation; however, should he violate any law during the two year period, the Board will order his license suspended indefinitely. Mr. Caughman seconded the motion, which carried unanimously.

**Adjournment**

**MOTION**

There being no further business to be discussed by the Board at this time Mr. Crawford moved the meeting be adjourned. Mr. Caughman seconded the motion, which carried unanimously.

The April 19, 2007 meeting of the SC Board of Funeral Service adjourned at 2:00 p.m.