

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., June 16-17, 2016
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

Thursday & Friday, June 16 - 17, 2016

1. Meeting Called to Order

William B. Horton, Jr., President, of Kingtree, called the regular meeting of the South Carolina State Board of Funeral Service to order on June 16, 2016 at 10:06 a.m. Other Board members present for the meeting included: Eddie Nelson, Vice President, of Blythewood; Michelle Cooper, of Moncks Corner; John L. Petty of Landrum; S. Lee McMillian, Jr. of Myrtle Beach; D'Michelle P. DuPre, of Chapin; Stephen R. Gantt, of Greenwood; and Charvis K. Gray, of Piedmont;

Staff members participating in the meeting included: Donnell Jennings, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Disciplinary Counsel, Office of Disciplinary Counsel; Lamont Gleason, Administrative Assistant, Office of Disciplinary Counsel; Amy Holleman, Administrator; Monaca Harrelson, Administrative Assistant; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; Rodney Pigford, Investigator, Office of Investigations and Enforcement; Kathy Meadows, Investigator, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and Enforcement; Valerie Lawrence, Administrative Assistant, Office of Disciplinary Counsel and William O'Shields, Law Clerk, Office of Disciplinary Counsel

Members of the public attending the meeting included: Elizabeth Simmons of South Carolina Morticians Association (SCMA); Franklin P. Cannon, II of Cannon & Sons Mortuary; Fran Jackson, Hugh Jackson, and Sandra Rickenbaker of Thompson Funeral Home; Kathleen McDaniel, of Callison Tighe and Robinson Law Firm; Justin Jones of South Carolina Department of Consumer Affairs(SCDCA), Mike Malone of Malone Thompson; Larry Weaver of Simmons Funeral Home; Stacey A. Hagood and Thomas Sims of Heritage Funeral Home; Sarah Miller, Nancy Johnson and Roy Miller of Tryon, North Carolina.

A. Public Notice

Mr. Horton announced that public notice of this meeting was properly posted at the South Carolina State Board of Funeral Service office, Synergy Business Park, Kingtree 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.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Introduction of Board Members and Persons Attending the Meeting

The board members, staff, and all other persons attending the meeting introduced themselves.

3. Approval of Excused Absences

Wallace McKnight, Jr. of Andrews was not in attendance. Michelle Cooper and Jeffrey K. Temples would be arriving later.

MOTION

Mr. O'Steen made a motion to approve the absences, Mr. Gray seconded, and the motion was passed unanimously.

Ms. Cooper arrived at 10:10 am.

4. Approval of Minutes for the May 16, 2016 board meeting

MOTION

Mr. Horton called for a motion to approve the minutes from the May 16, 2016 board meeting. Mr. McMillan made a motion to approve the minute; Dr. DuPre seconded the motion, which carried unanimously.

5. President's Remarks – Billy Horton

Mr. Horton welcomed everyone.

6. Administrator's Remarks – Amy Holleman

A. Financial report

Ms. Holleman presented financials which show a -\$619,071.78 cash balance at the end of May 2016.

7. Reports

A. Inspection Report – Buddy Poole

Mr. Poole informed the Board that he and Mr. Adams conducted 49 inspections from May 10, 2016 to June 9, 2016.

B. Investigative Review Committee (IRC) Report – Sharon Wolfe

1. June 8, 2016 IRC Report.

Ms. Wolfe noted that the IRC recommended that the Board dismiss case numbers 2016-2, 2016-7, 2016-15, 2016-19, and 2016-23.

MOTION

Mr. McMillan made a motion to approve the IRC recommendations, Mr. Gray seconded, and the motion was passed unanimously.

C. Office of Investigations and Enforcement (OIE) Report – Sharon Wolfe

Ms. Wolfe stated that the Office of Investigations and Enforcement (OIE) currently has 23 active investigations, two do not open cases, one opened case, two cases pending Investigative Review Committee (IRC), five cases pending Board action, and 35 closed cases from January 1, 2016 through June 7, 2016. The oldest active case is 499 days.

D. Office of Disciplinary (ODC) Counsel - Tracey Perlman

Ms. Perlman presented the Board with the report from the Office of Disciplinary Counsel (ODC). She included in the report that ODC has 35 open cases, 17 cases are pending hearings, and three cases pending final orders.

8. Approval of Consent Agreement (CA) – Tracey Perlman

1. Case No. OIE 2014-71

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Marshel's Wright-Donaldson Funeral Home ("Respondent") serves as a funeral establishment in Beaufort, South Carolina. Mr. William H.B. Marshel (License No.: FDE.1327 .DUAL) serves as the licensed funeral director/embalmer for the establishment and is recognized by the Board as the manager of record for the establishment. Respondent was licensed with the Board at all times relevant to the matters set forth herein.

Pursuant to S.C. Code Ann. § 40-19-115 (1976, as amended), the Board has jurisdiction over the Respondent and the subject matter contained herein.

The Respondent stipulates and admits that:

On or about September 1, 2014, Julius C. Sanford (hereinafter "decedent") passed in Rockledge, Florida. The decedent was embalmed, placed in a casket and provided a funeral at Buggs Funeral Home in Melbourne, Florida. The Respondent was contacted by decedent's family to pick up the remains/casket from the airport, house the decedent until the burial service, and take him to rest at the National Cemetery in Beaufort, South Carolina.

Respondent failed to provide the decedent's family a signed contract for funeral services before the decedent was transferred to South Carolina.

Decedent's family (hereinafter "Complainant") was charged \$4,249.00 by the funeral home in Florida for the embalming, the price of the casket, the funeral service, the initial shipping and the airline fair for decedent. Complainant believes Respondent overcharged Complainant for the services rendered. Complainant notified the South Carolina Department of Labor, Licensing and Regulation ("LLR") of Respondent's failure to provide a contract and/or a general price list to submit to Veterans Administration and their concerns that they were overcharged.

The Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

1. Respondent admits that the conduct in this matter is in violation of S.C. Code Ann. § 40- 19-290(A) in that Respondent failed to make every reasonable attempt to fulfill the desires of the deceased and persons making arrangements both as to services and merchandise, and a full disclosure of all its available services and merchandise must be made before selection of the casket. Before the arrangements are completed, the licensee of the funeral service firm shall disclose fully what is included in the funeral and identify other related expenses such as cemeteries and florists.
2. Respondent admits that the conduct in this matter is in violation of S.C. Code Ann. § 40- 19-290(D)

failed to provide to the persons making the arrangements, at the time the arrangements are completed and before the time of rendering the service, a written statement signed by a representative of the funeral home and by the person authorizing the services showing to the extent then known, the price of the service that the persons have selected and what is included in the service; the price of each of the supplemental items of service and merchandise requested; the amount involved for each of the items for which the funeral service firm shall advance monies as an accommodation to the family; and the method of payment.

3. Respondent admits that the conduct in this matter is in violation of S.C. Code Reg. § 57- 13 (A)(3) in that Respondent failed to explain to the family of the deceased costs of the services and the merchandise and disclose the range of prices for funeral goods and services available.
4. Respondent admits that the conduct in this matter is in violation of S.C. Code Reg. § 57- 13 (A)(S) in that Respondent failed to provide a statement of goods and services for the family to approve showing the price of the services and merchandise that was selected, the price of each of the supplemental items of the service, and the amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family.
5. Respondent hereby waives any further conclusions of law with respect to this matter.

THEREFORE, IT IS AGREED, WITH RESPONDENT'S CONSENT, THAT:

1. Respondent's license shall be publicly reprimanded.
2. Respondent's license shall be placed in a probationary status for a period of one (1) year from the effective date of this Agreement.
3. Respondent shall pay a civil penalty of One Thousand Five Hundred Dollars (\$1, 500.00) to the Board within sixty (60) days of the effective date of this Agreement. Said fine is not deemed paid until received in full by the Board. Failure to pay the fine as ordered shall result in the immediate administrative suspension of the referenced licenses until such time as the civil penalty is paid in full.

MOTION

Mr. Nelson made a motion to approve the Consent Agreement, Mr. O'Steen seconded, and the motion was passed unanimously.

9. Approval of Memorandum of Agreement (MOA) and Stipulation of Facts – Tracey Perlman

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Respondent Stacey A. Hagood, (License No.: FDE.2308.DUAL) was the Funeral Director/Embalmer at Heritage Funeral Home (License No.: FE.707.PAR) located at 352 Mill St. in Allendale, South Carolina
Thomas Sims is the legal counsel for Respondent.

Respondent was acting as the supervising manager for the Funeral Establishment and the apprentices. Respondent is required to keep a full time employee schedule and must be present a minimum of 35 hours per week for the entire normal year of operation. When Respondent was asked by the Board to verify that he was working the required 35 hours a week, the Respondent could not provide any documents, time cards or pay stubs to confirm that his work schedule was met.

Respondent waives any further findings of fact with respect to this matter.

Upon information and belief, by the conduct described above, the Respondent has violated the following statutory provisions governing the practice of funeral services in this State:

Respondent admits that the conduct in this matter is in violation of S.C. Code Ann. § 40-1-110 (l)(f) in that Respondent has committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public.

Respondent admits that the conduct in this matter is in violation of S.C. Code Reg. § 57-01 (D) in that Respondent failed to provide verification whose work schedule indicated that he was present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

Respondent hereby waives any further conclusions of law with respect to this matter.

Ms. Perlman asked that the MOA be amended to include Section 40-19-20(16), which defines "manager."

MOTION

Mr. O'Steen made a motion to go into Executive Session to receive legal advice. Dr. DuPre seconded, and it was approved unanimously.

Return to Public Session

MOTION

Dr. DuPre made a motion that the Board return to public session. Mr. Gray seconded the motion, which carried unanimously.

Mr. Horton stated, for the record, that no votes were taken during executive session.

MOTION

Ms. Cooper made a motion that the terms of the amended MOA be adopted with Respondent's license being publically reprimanded, payment of a civil penalty of \$500, plus investigative cost, within 90 days of the final order, and for the license to be placed on probation for two years.

Mr. McMillan seconded the motion, and it passed unanimously.

Disciplinary Hearings – Tracey Perlman

10. 1. Case Nos. OIE – 2015-14, 2015-15

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Cannon & Sons Mortuary (hereinafter "Respondent-Establishment") is duly licensed by the South Carolina Board of Funeral Services (hereinafter "Board") as a Funeral Establishment. Franklin P. Cannon II (hereinafter "Respondent-Director") is licensed as a Funeral Director/Embalmer and is the manager of record for the Respondent-Establishment. Respondent-Director was first licensed on December 8, 1981. For purposes of this complaint, Respondent-Establishment and Respondent-Director will be referred to collectively as "Respondents."

The Board received an initial complaint and has investigated the conduct of Respondents. Pursuant to S.C. Code Ann. § 40-19-115 (1998, as amended), the Board has jurisdiction over Respondents and the subject matters contained herein.

The Respondents have a prior disciplinary action against them, including a November 14, 2014 Consent Agreement for failure to perform contractual obligations. The Respondents were issued public reprimands, subject to a period of probation for a period of one (1) year, and a civil penalty for \$2,000.

Upon information and belief, Respondent has violated the Rules and Regulations of the Board of Funeral Services, S.C. Code Ann. § 40-19-5, *et seq.* (1976, as amended) by committing the following acts:

On or about March 16, 2014, Respondent was contacted to provide for the arrangements of Ernestine Sheppard (hereinafter "decedent"). Complainant informed Respondent knows that the decedent had a preneed contract established on or about November 1, 2012 and a burial plot already purchased. Respondent asked and was paid approximately \$1,180 for funeral arrangements towards the death certificate, flowers, program and grave marker and told Complainant that any money given would be refunded once the terms of the preneed arrangement were found. Complainant was not provided with a new contract when she paid the fee.

On the date of the funeral, Complainant's discovered that the decedent was interred in the wrong grave space, even though the family advised Respondents that the space marked for the decedent's burial was incorrectly marked. When inquiring about a potential reimbursement of fund after the preneed arrangement receipts were tallied, Complainant's concerns were not acknowledged. On or about February 2, 2015, Complainant filed a complaint against Respondent with the South Carolina Department of Labor, Licensing and Regulation ("LLR").

When questioned by the Board regarding the errors surrounding decedent's arrangements, Respondent acknowledged that mistakes might have been made from his father, the Funeral Director at the time. Respondent admitted that his father was not good at the financial aspect of the funeral business and had communication problems coupled with his memory loss prior to his father's death in December 2014. Respondent acknowledged that he would make a concerted effort to reimburse Complainant.

As a result of the conduct as described above, the Respondents have violated the following statutory provisions governing the practice of funeral services in this State:

S.C. Code Ann. § 40-1-110(l)(f), in that the Respondents have committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public;

S.C. Code Ann. § 40-19-110(14), in that Respondents have intentionally violating a state or federal law or municipal or county ordinance or regulation concerning funeral establishments or the practice of funeral service;

S.C. Code Ann. § 40-19-290(D), in that Respondents failed to provide a written statement signed by a representative of the funeral home and by the person authorizing the services showing to the extent then known he prices of services and merchandise rendered;

S.C. Code Reg. 57-13(A)(5), in that Respondents failed to provide a statement of goods and services for the family to approve showing the price of the services and merchandise that was selected, the price of each of the supplemental items of the service, and the amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family.

For the record, Mr. Nelson left at 12:29 p.m.

MOTION

Mr. Gray made a motion to go into Executive Session to receive legal advice. Mr. McMillan seconded, and it was approved unanimously.

Return to Public Session

MOTION

Dr. DuPre made a motion that the Board return to public session. Mr. O'Steen seconded the motion, which carried unanimously.

Mr. Horton stated, for the record, that no votes were taken during executive session.

MOTION

Ms. Cooper stated that the Board found that Respondent violated all four statutes and regulations. Ms. Cooper made the motion that Respondent be fined \$500 for each violation, plus investigative costs of \$450, for a total of \$2,450 to be paid within 90 days of the Final Order. Respondent will be placed on probation for two (2) years. In addition, the Respondent is required to take continuing education classes, in addition to the six (6) hours of continuing education required every two years for all licensees, in Federal Trade Commission (FTC) rules, preneed funeral contracts, and ethics.

Mr. McMillan seconded the motion, and it passed unanimously. Mr. Petty abstained from the vote.

10. 2. and 3. Case Nos. OIE – 2015-46, 2015-47

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Ms. Perlman asked that both 2015-46 and 2015-47 both be heard at the same hearing because they both dealt with the same case. The Board granted Ms. Perlman's request. Kathleen McDaniel was the legal counsel for Respondents.

Apprentice Respondent, Fran O'Cain Jackson (License No.: FD.3800. APPR). is a Funeral Director Apprentice at Thompson Funeral Home located at 1012 Whitman Street in Orangeburg, South Carolina under the supervision of Funeral Director, Sandra K. Rickenbaker (License No.: FD.1816).

Preceptor Respondent is the Funeral Director at Thompson Funeral Home located at 1012 Whitman Street in Orangeburg, South Carolina and is the preceptor of Apprentice Respondent,

On or about June 12, 2014, the Board approved Apprentice Respondent's application to serve her apprenticeship pending a letter showing work hours and a work schedule of hours performed to be

submitted with each quarterly report. The Funeral Director Apprenticeship hours were to be completed during normal working hours, which are 8:30 a.m. to 5:00 p.m., even though the funeral homes answers calls 24 hours a day, seven days a week. Apprentice Respondent did not receive a salary as an apprentice so thereby; she also maintained a full-time job.

Apprentice Respondent submitted quarterly reports signed by her Preceptor stating that she was properly supervised and that her statements are true and correct to the best of her knowledge and belief. Apprentice Respondent also provided a work schedule which evidenced that on many occasions her hours worked did not amount to the thirty-five hours as required by statute. Additionally, the hours submitted evidenced times she was working as a funeral director without direct supervision of her preceptor.

The Apprentice Respondent's submitted time showed that many of the hours she worked were after normal working hours and Apprentice Respondent admitted to working from home at night by answering phone calls.

Respondent Preceptor signed the quarterly reports submitted by the Apprentice Respondent stating that she was properly supervised and that her statements are true and correct to the best of her knowledge and belief. Respondent Preceptor also provided a work schedule of hours performed by the Apprentice Respondent, although on many occasion these hours did not amount to the thirty-five hours as required by statute. Additionally, the hours submitted evidence times Apprentice Respondent was working as a funeral director without the direct supervision of a preceptor as required.

Many of the hours approved by Respondent Preceptor were after normal working hours and the Respondent Preceptor admitted that she allowed the Apprentice Respondent to work from home.

After discussion Ms. Perlman announced that the State and the Respondents agreed on a settlement agreement if the Board was willing to accept the terms of the agreement. Both parties agreed that there were some issues with accurate time-keeping; however, Apprentice Respondent began full-time employment with the funeral home in February 2016. Both parties agreed that, for apprenticeship requirements, only quarterly reports from February 2016 onward would receive credit. The renewal of Apprentice Respondent's apprenticeship shall be approved at staff level. Respondents forgo the right to appeal this settlement. The State will not ask for disciplinary action or reprimands relating to this case.

MOTION

Mr. Petty made a motion to accept the settlement, Mr. O'Steen seconded, and it passed unanimously.

11. Executive Session Item

Ms. Perlman provided an update on the Administrative Law Court decision in relation to Whitesell Funeral Home.

MOTION

Dr. DuPre made a motion to go into Executive Session to receive legal advice. Mr. McMillan seconded, and it carried unanimously.

Return to Public Session

MOTION

Mr. Gray made a motion that the Board return to public session. Mr. O'Steen seconded the motion, which carried unanimously.

Mr. Horton stated, for the record, that no votes were taken during executive session.

MOTION

Mr. O'Steen then made a motion to dismiss any further actions regarding Whitesell Funeral Home and OIE Case No. 2014-8. Ms. Cooper seconded the motion, and it carried unanimously.

12. Public Comments (no votes taken)

There were no public comments

13. Adjournment

MOTION

Mr. Petty made a motion the Board adjourn until the next day. Dr. DuPre seconded the motion, which carried unanimously.

The June 16, 2016, meeting of the South Carolina Board of Funeral Service adjourned at 5:20 p.m.

The meeting continued June 17, 2016.

14. Meeting Called to Order

The regular meeting of the SC Board of Funeral Services was called to order at 10:03 a.m. on June 17, 2016 by William B. Horton, Jr., President, of Kingstree. Other Board members present for the meeting included: Eddie Nelson, Vice President, of Blythewood; Jeffrey K. Temples, Secretary, of Columbia; Michelle Cooper, of Moncks Corner; Wallace McKnight, Jr., of Andrews; John L. Petty, III, of Landrum; Stephen R. Gantt, of Greenwood; and Dr. D'Michelle P. Dupre, of Chapin.

Staff members participating in the meeting included: Donnell Jennings, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Assistant; Norma McAllister, Program Assistant; Ernest Adams, Inspector, Office of Investigations and Enforcement; and Buddy Poole, Inspector, Office of Investigations and Enforcement;.

Members of the public attending the meeting included: Danny Gilliam, Manager, Genesis Funeral Cremation Services & Chapel, Inc.; Tott Griffin, owner, Genesis Funeral Cremation Services & Chapel, Inc.; Darryll Griffin, owner, Genesis Funeral Cremation Services & Chapel, Inc.; William Brent Taylor, manager, Miller-Rivers-Caulder Funeral Home, Inc.; Tanoka Acker, owner/manager, Webb-Settles Funeral Home; Willie Jackson, Webb-Settles Funeral Home; David E. Tompkins, Bostick-Tompkins Funeral Home; Patricia King, Rhue's Mortuary, LLC; Elizabeth Simmons, South Carolina Morticians

Association (SCMA); and Justin Jones, Staff Attorney, South Carolina Department of Consumer Affairs (SCDCA).

A. Public Notice

Mr. Horton announced that public notice of this meeting was properly posted at the SC 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.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance

Mr. Horton informed fellow board members, staff, and the public that, in a concurrent resolution, the South Carolina General Assembly declared June 17, 2016, as Mother Emanuel Nine Day and that the resolution encouraged all to reflect on the progress made in improving race relations and economic equality for minorities as well as the efforts to help the homeless in South Carolina. He then asked all in attendance to remain standing in a moment of silence to remember and honor the Emanuel Nine.

15. Approval of Excused Absences

Charvis K. Gray, of Piedmont; S. Lee McMillan, Jr., of Myrtle Beach; and Mark R. O’Steen, of Spartanburg, were absent.

MOTION

Mr. McKnight, Jr, made a motion to approve the absences.
Mr. Nelson seconded the motion, which carried unanimously.

Ms. Holleman asked that the Board approve Mr. Jeff Temples’ absence on June 16, 2016, as he planned to attend but was unable to due to a funeral.

MOTION

Mr. Nelson made a motion to approve Mr. Temples’ absence.
Dr. DuPre seconded the motion, which carried unanimously

New Business

16. New Funeral Home or Change of Ownership

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

1. Genesis Funeral Cremation Services & Chapel, Inc. – Danny Gilliam

Mr. Danny Gilliam, Mr. Tott Griffin, and Darryll Griffin were present on behalf of the funeral home. Mr. Gilliam requested approval of this new facility and to be manager.

Ms. Holleman stated in order to complete the application Mr. Gilliam must submit the following items: a favorable letter from the Cherokee County Building Safety Inspection, South Carolina Secretary of State Articles of Incorporation, zoning documentation, and final inspection. Ms. Holleman recommended the Board approve the application pending the receipt of the aforementioned items

Mr. Nelson asked Mr. Gilliam if he read and fully understood the laws and the responsibilities of a manager. Mr. Gilliam said that he had.

Mr. Temples asked Mr. Gilliam if he is aware that even though Mr. Griffin is the owner, he, Mr. Gilliam, will be fully responsible and liable for the daily operation/decisions of the facility. Mr. Gilliam said that he did. Mr. Griffin said he will be offering pre-need in South Carolina, but has not submitted an application yet. Mr. Griffin stated the business will not be providing cremation services.

MOTION

Mr. Nelson made a motion approve the facility and manager pending completion of the recommended items submitted by the Administrator.

Mr. Gantt seconded the motion, which passed unanimously.

2. Miller-Rivers-Caulder Funeral Home Inc. - William Brent Taylor

Mr. William Taylor was present on behalf of the funeral home. Mr. Taylor requested approval of this new facility and to be manager. Mr. Taylor stated he will sell pre-need and has a favorable letter from South Carolina Department of Consumer Affairs.

Ms. Holleman stated the application is complete. Mr. Taylor resides 1.1 miles from the funeral home. He does not have a criminal record and has been licensed since 2004.

Mr. Adams told the Board that he inspected the facility.

MOTION

Mr. Temples made a motion to approve the facility and manager.

Mr. Nelson seconded the motion, which passed unanimously.

3. Webb-Settles Funeral Home – Tanoka R. Acker

Ms. Tanoka R. Acker and Mr. Willie Jackson were present on behalf of the funeral home. Mr. Acker requested approval of this new facility and to be manager. She stated that she will be selling pre-need in the future.

Ms. Holleman stated the application is complete. Ms. Acker resides 1.62 miles from the funeral home. She has been licensed since June 8, 2015, and she does not have a criminal background.

MOTION

Mr. Nelson made a motion to approve the facility and manager pending a favorable inspection.

Mr. Temples seconded the motion, which passed unanimously.

17. Change of Manager

1. Bostick-Tompkins Funeral Home – David Edward Tompkins

Mr. David E. Tompkins was present on behalf of the funeral home. He requested approval to be the manager for the funeral home.

Ms. Holleman stated Mr. Tompkins originally licensed in 2003, but his license was suspended for two years and just reinstated May 16, 2016.

Ms. Holleman told the Board that she brought this request to them based on the policy they approved in March 2015, in reference to the one year requirement in 40-19-20(16), which said:

The Board determines “one year” for the purpose of managing a funeral home means that as long as a license was not lapsed for more than the six month late renewal period, then the one year could count. If a license lapses for more than the six month late renewal period, and the licensee has to reactivate the license, then the year starts over again from the date of reactivation. Mr. Nelson seconded the motion, which carried unanimously.

Ms. Holleman noted that, while the Board’s policy gave staff guidance on how to handle a request to manage a funeral home from someone whose license lapsed, it does not address how staff should handle a request to manage a funeral home from someone whose license was under suspension within in the one year preceding an application to manage a funeral home.

Mr. Horton called for a motion to go into Executive Session to receive legal advice.

MOTION

Mr. Nelson made the motion.

Dr. DuPre seconded the motion, which passed unanimously.

Return to Public Session

Mr. Horton stated, for the record, no votes were taken in Executive Session.

MOTION

Mr. Temples made a motion that the Board return to public session

Mr. Nelson seconded the motion, which passed unanimously.

Mr. Temples asked Mr. Tompkins if he was aware of the manager’s responsibilities and liabilities for the daily operation/decisions of the facility. Mr. Tompkins said yes. Ms. Cooper asked Mr. Tompkins has he read and fully understood the laws and responsibility of a manager. Mr. Tompkins said yes.

MOTION

Mr. Temples made a motion to approve Mr. David E. Tompkins as the manager of record for Bostick-Tompkins Funeral Home.

Ms. Cooper seconded the motion, which passed unanimously.

18. Funeral Director

1. Patricia Gaither King

Ms. King is requesting approval of her Apprenticeship.

Ms. Holleman explained that Ms. King completed her apprenticeship and submitted her quarterly reports timely with the correct number of completed cases and with the preceptor’s signature affixed; however, Mr. Sherman L. Barno, Jr., Ms. King’s preceptor, refused to sign the

Verification of Completion of Apprenticeship form. Ms. King believes there was tension in the workplace after she questioned some of Mr. Barno's techniques which could have led to his refusal to sign the verification. Mr. Barno was not present.

MOTION

Mr. Petty made a motion to approve Ms. King's apprenticeship.
Ms. Cooper seconded the motion, which passed unanimously.

19. Approval of Meeting Dates/Calendar

The Board approved the following changes/additional meeting dates:

July 18, 2016 Board meeting will begin at 9:00am

August 24, 2016

September 15, 2016

October 28, 2016

December 8, 2016

20. Executive Session for Legal Advice, not needed

21. Public comments (no votes taken)

Mr. Justin Jones, Staff Attorney, South Carolina Department of Consumer Affairs, introduced himself to the Board.

22. Adjournment

MOTION

Mr. Temples made a motion to adjourn the meeting.

Mr. Nelson seconded the motion, which passed unanimously.

Mr. Horton, after ensuring there being no further business to discuss, adjourned the June 2, 2016 meeting for the South Carolina Board of Funeral Service at 10:56am.

The next meeting of the South Carolina Board of Funeral Service is scheduled for July 18, 2016 at 9:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingtree Building, Room 108, Columbia, South Carolina.