

MINUTES
South Carolina Board of Funeral Service
Board Meeting

10:00 a.m., May 31, 2012
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, May 31, 2012

1. Meeting Called to Order

Michelle Cooper, President, of Moncks Corner, called the regular meeting of the SC Board of Funeral Service to order at 10:15 a.m. Other Board members present for the meeting included: Thomas E. Baker, II, Secretary, of Kershaw; Charlie Bradford Evans, of Abbeville; Wallace McKnight, Jr., of Andrews; Eddie J. Nelson, of Blythewood; Mark R. O'Steen, Spartanburg; John L. Petty, III, of Landrum; and, Jeffrey K. Temples, of Columbia.

Staff members participating in the meeting included: Doris Cubitt, Administrator; Wendi Elrod, Program Assistant; Jeanie Rose, Administrative Assistant; Sheridan Spoon, Advice Counsel, Division of Legal Services; Holly Pisarik, Agency Director; Darra Coleman, Chief Advice Counsel, Division of Legal Services; Christa Bell, Division of Legal Services; Ernest Adams, Inspector, Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and Enforcement; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; and, Sharon Cook, Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Lou Ann Pyatt, SC Morticians Association (SCMA); Danny Collins, of SC Dept of Consumer Affairs (SCDCA); Matalie Mickens, of SC Dept of Consumer Affairs (SCDCA); Kelsey Dickinson, Dickinson Funeral Home; Kip Kiser, Kiser Funeral Home; Rachel Kiser; Wallace Hunter, Hunter Funeral Home; Kelvin Lewis; Michael Ray; Stanley Rice, Goins Funeral Home; Jalair Leamon, Goins Funeral Home; Michael Burgess, Hartley-Burgess Funeral Home & Crematory; Melissa Arant, Hartley-Burgess Funeral Home & Crematory; and, Bruce Swan.

A video of this meeting can be viewed at www.lfr.state.sc.us/POL/Funeral. On the Board's home page, click 'Board Information' and follow the link to the video.

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

a. Public Notice

Ms. Cooper 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.

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

Kenneth E. Beasley, of Fountain Inn; and, William B. Horton, Jr., of Kingstree were granted an excused absence.

MOTION

Mr. Baker made a motion that the Board approve Mr. Horton's and Mr. Beasley's absences. Mr. Nelson seconded the motion, which carried unanimously.

4. Introduction of Senior staff – 11:00am

Ms. Cooper introduced Ms. Darra Coleman as the new chief advice counsel and Holly Pisark as the new agency director.

Ms. Coleman and Ms. Pisark spoke briefly to the Board and stated that they are available if the Board needs them.

5. Approval of Minutes for the April 5, 2012, April 18, 2012 and April 25, 2012 Meetings

MOTION

Mr. O'Steen made a motion that the Board approve the minutes for all three meetings. Mr. Temples seconded the motion, which carried unanimously.

6. Reports

A. Investigate Review Committee (IRC) Report

Ms. Wolfe said the IRC recommended are to continue four cases, dismiss five cases, to issue a formal complaint for one case, and issue letters of caution for six other cases.

MOTION

Mr. Evans made a motion that the Board approve the IRC recommendations. Mr. Temples seconded the motion, which carried unanimously.

B. OIE Report

Ms. Wolfe stated that there are 22 active cases, three do not open cases, 24 closed cases and three under current investigation.

MOTION

Mr. Baker made a motion that the Board takes this report as information only. Mr. Nelson seconded the motion, which carried unanimously.

C. Inspection Report

Mr. Adams reported that he and Mr. Poole have completed about 90 inspections since February 8, 2012.

MOTION

Mr. Evans made a motion that the Board take this report as information only. Mr. McKnight seconded the motion, which carried unanimously.

D. Division of Legal Services

Ms. Bell presented the Board with the report from the Division of Legal Services (DLS). She included in the report that DLS currently has 10 open cases, seven cases pending actions, and three pending cases will be presented today. Of those being presented today one is a hearing, and two are consent agreements.

MOTION

Mr. Temples made a motion that the Board takes this report as information only. Mr. Baker seconded the motion, which carried unanimously.

7. President's Remarks – Michelle Cooper

Ms. Cooper welcomed everyone to the meeting and thanked everyone for attending.

8. Administrator's Remarks – Doris Cubitt

Ms. Cubitt informed the Board that only 685 of the licensees have renewed their license thus far. Mr. Nelson inquired of those renewals received how many were by paper and how many were online. Ms. Cubitt stated that currently they are half and half.

Ms. Cubitt stated that the Death Care Regulators conference is from September 16, 2012 thru September 19, 2012, in Michigan. She stated the travel cost is \$1,200, and if the Board would like her to attend then a motion needs to be made.

MOTION

Mr. Petty made a motion that the Board approve Ms. Cubitt to attend the Death Care Regulators conference from September 16, 2012 thru September 19, 2012. Mr. Temples seconded the motion, which carried unanimously.

9. Disciplinary Hearing

Case No. 2011-20 – Bruce A. Swan (FDE 3570)

Executive Session

MOTION

Mr. Temples made a motion that the Board enter into executive session. Mr. Nelson seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Evans made a motion that the Board return to public session. Mr. Temples seconded the motion, which carried unanimously. Ms. Cooper noted for the record that no official action was taken during executive session.

MOTION

Mr. Nelson made a motion to fine Mr. Swan \$500 and to revoke his license. Also forward information for criminal charges in accordance with Section 40-19-200. Mr. Temples seconded the motion, which carried unanimously.

Case No. 2011-8 – Michael Paul Shaffer (FDE 2064)

MOTION

Mr. Evans made a motion that the Board accepts the consent agreement. Mr. Temples seconded the motion, which carried unanimously.

Case No. 2011-37 – Angela Elaine Campbell (FD 3551)

MOTION

Mr. Evans made a motion that the Board accepts the consent agreement for Ms. Campbell to voluntarily and permanently surrender her license. Mr. Nelson seconded the motion, which carried unanimously.

10. IRC procedures

MOTION

Mr. Evans made a motion that the Board tables this item until the next meeting when more Board members and Mr. Homer Elwood, IRC member can be present. Mr. Nelson seconded the motion, which carried unanimously

11. Discussion to remove bond requirement for pre-need

Mr. Kip Kiser discussed with the Board the possibly of removing the bond requirement from the pre-need law, which is governed by Consumer Affairs. Mr. Collins stated Bill 4763 is at the State House and covers funds.

Mr. Evans suggested that this issue be tabled until the next Board meeting and a work session needs to be scheduled.

Executive Session

MOTION

Mr. Temples made a motion that the Board enter into executive session. Mr. McKnight seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Petty made a motion that the Board return to public session. Mr. Baker seconded the motion, which carried unanimously. Ms. Cooper noted for the record that no official action was taken during executive session.

Old Business

12. Application Hearings

Owner/Manager change

1. Goins Funeral Home – Stanley E. Rice

Mr. Rice was made temporary manager in September 2011 pending a completed application be submitted to the Board and appear at the November 2011 meeting. Mr. Rice stated he realizes that he cannot become manager of Goins Funeral Home since he is employed as a trade embalmer with many other funeral homes so he will not be able to perform the duties as manager.

Mr. Rice said that he and Mr. Leamon have discussed this and they have a different person in mind for manager. Mr. Rice requested an extension for him to remain as temporary manager until the next Board meeting so they can prepare the application for manager change and send it to the Board.

MOTION

Mr. Baker made a motion that the Board grant Mr. Rice's request until the next meeting on August 2, 2012. He stated if at that time the completed application and supporting documentation is not submitted and he does not appear before the Board, then the licensee will receive a cease and desist order. Mr. Nelson seconded the motion, which carried unanimously.

New Business

13. Application Hearings

New Facility

1. Dickinson Funeral Home, LLC – James Kelcey Dickinson

Ms. Rose said this is actually an ownership change not a new facility. She indicated the funeral home name was Conway Funeral Service, and that Mr. Dickinson is requesting ownership change and funeral home name change.

MOTION

Mr. Nelson made a motion that the Board approve the application pending passing final inspection and a favorable letter from Consumer Affairs regarding pre-need. Mr. Baker seconded the motion, which carried unanimously.

2. Hartley-Burgess Funeral Home & Crematory, LLC – Melissa A. Arant
3. Hartley-Burgess Crematory – Michael J. Burgess

Mr. Burgess is purchasing Hartley Funeral Home and is requesting an ownership and name change. He said Ms. Arant will be the manager of the funeral home and he will be the manager of the crematory.

MOTION

Mr. Baker made a motion that the Board approve both applications pending passing final inspection and a favorable letter from Consumer Affairs regarding pre-need. Mr. Temples seconded the motion, which carried unanimously

Request for Apprenticeship/Each applicant has other full-time employment

1. Calvin Lavon Haygood/Apprentice Funeral Director

Ms. Rose said that Mr. Haygood has applied to be an apprentice funeral director. In reviewing his application she noticed that he already had a full-time teaching job at a high school.

Can he serve an apprenticeship if he already works a full-time job? The law requires an apprentice to be a full-time employee and work a minimum of 35 hours a week.

Mr. Haygood said that he is currently working as a teacher; however, after this school year ends, which will be in less than a month, he will not be returning to the school system.

MOTION

Mr. Nelson made a motion that the Board grant Mr. Haygood's request. Mr. Evans seconded the motion, which carried unanimously

2. Isaiah Syboid Holcomb/Apprentice Funeral Director/Embalmer

Tabled until the next meeting since Mr. Holcomb was not present.

3. Terdell Mealing/Apprentice Funeral Director

Tabled until the next meeting since Mr. Mealing was not present.

Request for Consideration to continue apprenticeship

1. Kelvin F. Lewis

Mr. Lewis said that he started his apprenticeship in 2005 thru 2007 and again in 2010 thru 2011. However, in 2005 he became ill, so he is 3 ½ months short from completing his apprenticeship. Mr. Lewis requests the Board to give him the chance to complete his apprenticeship.

Mr. Evans asked if Mr. Lewis has other employment. Mr. Lewis said he does own another business and has other odd jobs. He also stated that he intends to work full time on his apprenticeship and he will be traveling about 50 to 60 miles so he may serve his apprenticeship under Mr. Timothy McKenzie.

Mr. Lewis asked if he is granted approval, how long it will be good for since he will also be attending school for a year.

MOTION

Mr. Evans made a motion that the Board grant Mr. Lewis' request. Mr. Temples seconded the motion.

RESCIND MOTION

Mr. Evans rescinded his motion. Mr. Temples seconded the motion, which carried unanimously

MOTION

Mr. Evans made a motion that the Board grant Mr. Lewis' request to serve his apprenticeship for one year so he may complete his 3 ½ months for his apprenticeship. It is Mr. Lewis' and Mr. McKenzie's responsibility to ensure Mr. Lewis is to work 35 hours a week. Mr. Nelson seconded the motion, which carried unanimously

Request for extension to pass exam

1. Wallace Hunter

Mr. Hunter stated that he completed his apprenticeship in 2001 and completed school in 2005. In November 2011 he appeared before the Board requesting to take the exams. The Board granted his request to count the apprenticeship and allow him six months from the date of that meeting to take and pass the exams. Mr. Hunter stated he has passed the SC Law exam; however, he has not been successful in passing the funeral director exam. Ms. Rose stated The Conference has a 30 day wait time between each exam if you do not pass.

MOTION

Mr. Evans made a motion that the Board approve Mr. Hunter's request until August 2, 2012, for him to take and pass the exam or he will have to complete the apprenticeship again. Mr. McKnight seconded the motion, which carried unanimously.

14. Items

1. Approval of all CE classes / committee members

Tabled to be discussed at the next board meeting or work session.

2. Outside full time employment for apprenticeship/manager?

Tabled to be discussed at the next board meeting or work session.

15. Committee Reports

A. Legislative Committee – Brad Evans, Eddie Nelson

This committee had no report.

MOTION

Mr. Evans made a motion that the Board appoints Mr. Nelson to serve on this committee with Mr. Evans. Mr. Baker seconded the motion, which carried unanimously.

B. Examination/CEU/Education – Jeff Temples, Mark O'Steen

This committee had no report.

MOTION

Mr. Evans made a motion that the Board appoint Mr. Temples and Mr. O'Steen to serve on this committee. Mr. Baker seconded the motion, which carried unanimously.

C. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed – Billy Horton, Doris Cubitt

This committee had no report.

MOTION

Mr. Evans made a motion that the Board appoint Mr. Petty to serve on this committee with Mr. Horton and Ms. Cubitt. Mr. Baker seconded the motion, which carried unanimously.

D. Publications / Newsletter / Website – Jeff Temples

MOTION

Mr. Temples made a motion that the Board eliminate the publications/Newsletter report. Mr. Baker seconded the motion, which carried unanimously.

16. Public Comments

No comments were made during the meeting.

17. Adjournment

MOTION

Mr. Nelson made a motion the Board adjourn. Mr. Baker seconded the motion, which carried unanimously.

The May 31, 2012 meeting of the SC Board of Funeral Service adjourned at 2:28 p.m.

The next meeting of the SC Board of Funeral Service is scheduled for August 2, 2012.