

MINUTES

S.C. BOARD OF FUNERAL SERVICE

Board Meeting

February 24, 2000

The Koger Executive Center

The Kingstree Building

110 Centerview Dr., Room 108

Columbia, South Carolina

Mr. Ernest Adams, President of the Board, of Greenville, called the special meeting of the S. C. Board of Funeral Service to order at 10:00 A.M., on Thursday, February 3, 2000, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Other members of the Board present were as follows: Mr. Larry C. Hendrix, of Walhalla, Vice-President; Mr. E. Ward Avinger, of Holly Hill, Secretary/Treasurer; Mr. Julius Cameron, of Winnsboro; Ms. Leigh M. Branch, of Bennettsville; Mr. Sam W. Halls, of Mt. Pleasant; Mr. John B. Eggers, of Spartanburg; Mr. Mike G. Thornwell, of Rock Hill; and Mr. James Adcock, Jr., of Orangeburg; and Mr. Charles Green, of Charleston.

Members of the staff participating at various times in the meeting included: Lou Ann Pyatt, Administrator; Randall Bryant, Assistant Deputy Director-Business and Related Services; Charlie Jones-LLR Investigator; Larry Hall-LLR Investigator; Bill Whitby-LLR Investigator; Sharon Dantzler, Staff Counsel, LLR-Office of General Counsel; Terri Hooper, Administrative Assistant and Sandra Dickert, Administrative Assistant.

Members of the audience included: Vonda R. Priester, Ann Davis, Stokes Hunter, Thomas Halcombe, Hattie S. Scarborough, Chris Burroughs, William Allen, Richard A. Logan, and Thomas B. Carr.

Mr. Adams noted that public notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the S. C. Freedom of Information Act.

Invocation

Mr. John B. Eggers led the Board in prayer.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Introduction of Members and Audience

The Board members and the members of the audience introduced themselves.

Approval of the December 1, 1999 Meeting Minutes and the February 3, 2000 Meeting Minutes

Mr. Halls moved to approve the minutes of the December 1, 1999 meeting. Mr. Green seconded the motion and it carried unanimously.

Mr. Hendrix moved to approve the minutes of the February 3, 2000 meeting. The motion was seconded by Mrs. Branch and carried unanimously.

Administrator's Remarks

Mrs. Pyatt presented the members with copies of a letter from Mrs. Adrienne Youmans, LLR Deputy Director, Professional and Occupational Licensing, in response to a constituent regarding the lack of funeral laws and regulations relating to donor referrals for consideration by the legislative committee. She noted that the legislative committee might wish to consider amendments concerning the regulation of donor referrals.

Mrs. Pyatt the Senate LCI subcommittee favorably passed the proposed regulations on February 23, 2000. She indicated there were no problems with the regulations. She said, as of February 23, 2000 Representative Mack had not yet given staff a decision whether or not he would sponsor the bill. She noted she had consulted Mrs. Misty Goldstein, LLR's legislative liaison who recommended the Board attempt be made to locate a sponsor on the Senate side. She asked for recommendations from the Board for a potential sponsor from the Senate.

Mrs. Pyatt stated the legislative committee meeting held on February 14, 2000 was fruitless. She noted staff still has not received input from the Funeral Director's Association regarding language relating to the retail casket outlet. She understands the language regarding the casket outlet is one of the main concerns of the Funeral Directors' Association. She said Mr. Rampey attended the legislative committee meeting and he indicated he would be attending the Association's board meeting and would send a response to her and the Morticians' Association. As of today, Mrs. Pyatt has not received a response from Mr. Rampey.

Mr. Eggers stated the meeting was much like Mrs. Pyatt said. He said the meeting lasted approximately fifteen minutes. He further stated he has not received anything in writing from Mr. Rampey or the Funeral Directors' Association regarding any language changes to the proposed bill.

Mrs. Pyatt stated there was a question raised at the last meeting regarding the size of the Board and whether or not the Governor had issued a mandate reducing the size of the Board. She checked with the legislative liaison office and they are not aware of any such mandate.

Mrs. Pyatt presented the members with a draft copy of the newsletter. She asked the members to review the draft before the end of the day and give staff input.

Mrs. Pyatt indicated staff needs resume information from Mr. Halls and Mr. Green.

Mrs. Pyatt presented the members with the proposed cemetery bill. She noted the bill was passed favorably by the House LCI full committee on February 22, 2000. She said there were a number of amendments, which are not included in the copy. She further said she would be able to give the Board full details on the amendments later in the day if they wished to know the details.

Mrs. Pyatt presented the members with copies of a letter from Mr. Charles Moore, III. Mr. Moore feels there are possible conflicts of interest by the Board members and he addresses the consumer's right to purchase funeral merchandise. She has prepared a draft response

to Mr. Moore, which she also presented to the Board members. She noted her response advises Mr. Moore that the information is being forwarded to the members for any further action, should any be necessary.

Mrs. Pyatt stated the Board members received copies of the Routine Change of Manager Approvals by the Administrator and the updated Board approved continuing education classes prior to the meeting. She had also mailed copies of the Report of Preceptors Training prior to the meeting. She noted that staff had requested, by mail, that the Board approve the training for continuing education. She had included the report due to a number of Board members who had expressed concern and had questions. When she made the request there was one funeral home, which is part of the training, that had not had an up-to-date inspection. She noted that the funeral home has since been inspected.

Mrs. Pyatt stated Mr. Adams had requested staff to include a copy of the Guidelines for South Carolina Apprentice Funeral Director or Apprentice Embalmer and Supervisors in the members' agenda packages. She requested that this item be placed on the agenda for discussion. She said the preceptor training is in connection with the funeral service program at Piedmont Technical College. She continued by saying that the college, in conjunction with the Board, determined that the training was necessary for those individuals who have agreed to work as preceptors for the students in the program. She attended the training program and found it to be interesting and informative. She said Mr. Skip Michaels of the South Carolina Morticians' Association provided the training.

Mr. Adams stated he had attended the preceptor training. He said it is going very well.

Mr. Thornwell stated in the Report of Routine Change of Manager Application Approval, the Goldfinch Funeral Services, Inc. is listed as expired.

Mrs. Pyatt stated that listing Goldfinch Funeral services on the expired list was found to be an error. She said the firm has paid the appropriate fees for both locations and that both permits had been issued. She noted staff verified that the funds had been received and that the locations had received their permits.

Old Business

1. Jefferson Funeral Home

Mrs. Pyatt stated a previous application had been submitted for a change of manager requesting that Mr. Boatwright be approved as the manager. She further stated the Board determined that it would not be appropriate since Mr. Boatwright was the owner of a competing business. The Board requested that the owner of Jefferson Funeral Home, Mrs. Jefferson, secure a manager elsewhere. The application had been received prior to the December 1999 meeting. However, it was not received until November 30, 1999 which was not enough time to be included on the agenda for the December 1999 meeting. The application lists Mrs. Hattie Scarborough of Sumter as the potential manager of the facility and is being submitted for approval. Mrs. Pyatt stated Mrs. Scarborough is present.

Mr. Halls moved the Board consider the application in executive session. Mr. Hendrix seconded the motion, which carried unanimously.

Mr. Hendrix stated the application is listing Mrs. Scarborough as still being employed at

the Sumter Funeral Service. He asked Mrs. Scarborough if she is actively employed with the Sumter Funeral Service. Mrs. Scarborough answered affirmatively. Mr. Hendrix asked Mrs. Scarborough if she is aware that to be the manager of Jefferson Funeral Home she would have to be a full time employee of Jefferson Funeral Home. Mrs. Scarborough stated she was under the impression that an individual could serve as manager of two different locations. Mr. Hendrix stated an individual could serve as a manager of two locations only if the same entity owns the two locations. He indicated that was the problem the Board had with Mr. Boatwright. Mrs. Scarborough stated she is part owner of the Sumter Funeral Service, however, she has no interest in the Jefferson Funeral Home.

New Business

1. Request for Approval of Change of Facility Manager

- 2.

- a. Carothers Holding Company, d/b/a Mahaffey Funeral Home

Margaret Ann Davis appeared before the Board in this matter.

Mrs. Pyatt stated all of the paperwork is in order. She requested Mrs. Dantzler review the corporate documentation staff has received.

Mr. Eggers asked Mrs. Davis if this was a company which had submitted a form for the Loewen Group. Mrs. Davis replied affirmatively. Mr. Eggers stated that during a previous meeting the Board had asked that they send in a letter for future management. He asked Mrs. Pyatt if the letter had been received. Mrs. Pyatt stated a letter has been received from Mr. William C. Rhinehart, which states that Ms. Davis has full authority to make any 'day to day decisions which pertain to Mahaffey Funeral Home'. She went on to say staff's attorney has reviewed the corporate documentation which indicates it is a South Carolina corporation and that all of the South Carolina paperwork is in order.

Mr. Hendrix stated The Loewen Group owns Carothers Holding Company. He believes the Board is supposed to have a letter on file from The Loewen Group, which states the same as Mr. Rhinehart's.

Mr. Eggers moved the Board accept the application for approval. Mr. Thornwell seconded the motion, which carried unanimously.

- b. Logan Funeral Home, Richard Logan

Mr. Avinger noted to Mrs. Pyatt that question nine on the application is completely blank of employment history.

Mrs. Pyatt pointed out that question fourteen had been answered 'yes'. She went on to say staff has forwarded a Consent Order in this matter. She said Logan Funeral Home had been operating on an expired license.

Mr. Thornwell moved the Board consider this application in executive session. Mrs. Branch seconded the motion and it carried unanimously.

- c. Dillard Memorial Funeral Home, Stokes Hunter

Mrs. Pyatt stated all of the paperwork is in order. She further stated there is a corporate letter from Stewart Enterprises, which states that all of their managers have the authority to make day to day decisions.

Mr. Hendrix moved the Board approve the application for change of facility manager for Logan Funeral Home. The motion was seconded by Mr. Thornwell and carried

unanimously.

d. Seneca Mortuary, Thomas L. Holcombe

Mrs. Pyatt stated all of the paperwork is in order and that staff has included a copy of the corporate letter.

Mr. Hendrix moved the Board approve the application for change of facility manager for Seneca Mortuary. The motion was seconded by Adcock and was carried unanimously.

3. Request for Approval of New Facility

a. Grand Strand Cremation Service, Christopher S. Burroughs

Mrs. Pyatt stated the application is included; however, she failed to ask that Mr. Burroughs bring copies of the original blueprint.

Mrs. Branch moved the Board approve the request of a new facility for Grand Strand Cremation Service pending inspection. Mr. Hendrix seconded the motion and it carried unanimously.

4. Request for Approval of Additional Facility

a. Allen Funeral Home, William A. G. Allen

Mrs. Pyatt stated the application is in order.

Mr. Allen stated the additional facility is approximately eight to ten miles from the main facility.

Mrs. Pyatt stated the information on the parent funeral home is located on the second page. She added that the branch would be a chapel.

Mr. Adams stated question nine, on page two, is not complete. He indicated the position and duties are not listed.

Mr. Hendrix moved the Board approve the request for an additional facility for Allen Funeral Home, pending completion of question nine on the application. Mr. Green seconded the motion and it carried unanimously.

b. Michael's-Reesville Chapel, Michael Bodison

Mr. Halls moved the Board consider this request in executive session. The motion was seconded by Mr. Thornwell, which carried unanimously.

5. Request for Approval of Change of Facility Name

a. George Funeral Homes, Inc. to George Funeral Homes, Downtown Chapel

b. Albert M. George Memorial Chapel to George Funeral Homes, Southside Chapel

Mrs. Pyatt stated Mr. Visotski called this morning and indicated he three bodies and would not be able to attend the meeting. She noted the application is complete and in order.

Mr. Hendrix moved to discuss the request in executive session. Mr. Adcock seconded the motion, which carried unanimously.

6. Request for Approval of Change of Facility Name/Change of Facility Manager

a. Riley's Funeral Home-Hampton Chapel, Vonda R. Priester

Mr. Hendrix moved the Board discuss this request in executive session. The motion was seconded by Mr. Green and passed unanimously.

b. Cannon Funeral Home, Thomas B. Carr, Jr.

Mr. Carr stated the request is for a change of name.

Mrs. Pyatt stated the application is in order with the exception of the SLED report.

Mr. Hendrix moved the Board accept the application for request of change of facility name, pending an approved SLED report. Mr. Halls seconded the motion, which carried unanimously.

Public Comments

There were no public comments made during the February 24, 2000 meeting of the South Carolina Board of Funeral Service.

Other Business

a. Letter from Loewen Group, Inc.

Mrs. Pyatt stated The Loewen Group has continuously updated regarding their restructuring. She indicated this letter is for the Board's information.

b. The Conference Report

Mrs. Pyatt stated she had included copies of the International of Funeral Service Examiners Board Conference Report for Board's information.

c. ICFSEB 2000 Directory

Mrs. Pyatt stated she had also included copies of the International of Funeral Service Examiners Board's Directory.

c. ICFSEB Regulations in Licensing Continuing Education PreNeed

Mrs. Pyatt stated this is also for the Board's information.

Mr. Adams stated the Regulation and Licensing continuing education on page 34 should be 'yes 100%' on both.

Mr. Adams stated that he has been questioned by students as to whether or not they can be students and serve their apprenticeship at the same time.

Mrs. Pyatt stated she had presented the members with a copy of the Guidelines for South Carolina Apprentice Funeral Director or Apprentice Embalmer and Supervisors. She noted the guidelines are mailed with the applications. She indicated number six of the guideline states:

Apprenticeship may be served before or after attending academic college or mortuary college, or a portion served before and a part after college. An apprentice cannot serve his/her apprenticeship while a student in mortuary college or a full time student in academic college. A full time student is one taking twelve or more semester hours or its equivalent in quarter hours.

Mrs. Pyatt stated she thinks the Board had ruled on that aspect. She indicated staff receives calls with questions on this aspect almost daily and the caller is referred to this guideline. She went on to say when staff is speaking with apprentices, the apprentices are encourage to ensure their supervisor also has a copy of the guideline.

Mr. Thornwell asked if the apprentices are to submit quarterly reports. Mrs. Pyatt replied affirmatively. She noted the apprentice and the supervisor sign the report. She indicated when staff finds the reports are not being submitted staff contacts the apprentice to remind them that the reports are to be mailed quarterly.

Mr. Cameron asked if the Board would discuss Mr. Moore's letter at this time. Mr. Hendrix moved the Board discuss this item in executive session. Mr. Cameron seconded the motion, which carried unanimously.

Recess

The Board took a ten-minute break.

Regular Session

The Board returned to regular session.

Mr. Cameron moved the Board go into executive session. Mr. Avinger seconded the motion, which carried unanimously.

Executive Session

The Board entered executive session.

Regular Session

The Board returned to regular session. Mr. Adams noted for the record that no decisions were made during executive session.

Jefferson Funeral Home

Mr. Hendrix moved the Board leave Mr. Boatwright in place as a temporary manager; that the Board cannot name Ms. Scarborough as manager of the funeral home because she is not a full time employee of the funeral home. Therefore, the Board will give Jefferson Funeral Home until March 31, 2000 to have a full time manager in place. At that time, a Cease and Desist Order will be issued if a full time manager is not in place by March 31, 2000. Mr. Halls seconded the motion.

Mrs. Jefferson stated Mr. Boatwright's application for the manager position was submitted last year before the new Board members came aboard. She indicated her husband passed away. Her son received his apprentice funeral director's license. Her son applied to take the exam in 1999; however, his paperwork was not complete. He now has to serve his apprenticeship again. This is why she had asked the Board to consider Mr. Boatwright's application. She said she is in a small area and most every funeral director is associated with a funeral home.

Mr. Adams stated the Board has taken everything into consideration. He noted that the law binds the Board.

Mr. Avinger informed Mrs. Jefferson that Mrs. Pyatt has to be notified prior to March 31, 2000 of the new manager. If Mrs. Pyatt has not been notified prior to March 31, 2000, a Cease and Desist Order will be issued against Jefferson Funeral Home.

Mr. Adams called for question on the motion. The motion carried unanimously.

Logan Funeral Home

Mr. Avinger asked Mr. Logan if his funeral home had been fined \$500.00 under a consent order. Mr. Logan replied affirmatively.

Mr. Avinger moved the Board approve Mr. Logan as manager of Logan Funeral Home under the condition he return the consent order, with his signature, and pays the \$500.00 fine prior to March 31, 2000. If the consent order and the fine have not been received by staff in the time frame indicated, a cease and desist order will be issued at that time. Mr. Thornwell seconded the motion and it carried unanimously.

Michael's-Reesville Chapel

Mr. Green moved the Board approve the application pending a no record report from SLED and an inspection. The motion was seconded by Mr. Thornwell, which carried unanimously.

George Funeral Homes, Inc. to George Funeral Homes, Downtown Chapel and Albert M. George Memorial Chapel to George Funeral Homes, Southside Chapel

Mr. Thornwell moved the Board approve the applications for name change. The motion was seconded by Mr. Hendrix and carried unanimously.

Riley's Funeral Home – Hampton Chapel

Mr. Adcock moved the Board approve the application for change of facility name. Mr. Green seconded the motion, which carried unanimously.

Approval of Reports

Mrs. Branch moved the Board accept the Approval Report as submitted. Mr. Adcock seconded the motion, which carried unanimously.

Mr. Cameron moved the Board approve the Dismissal Report as submitted. Mr. Hendrix seconded the motion, which carried unanimously.

Mr. Thornwell moved the Board advise the administrative staff to send to all firms that effective July 1, 2000 that they must have a full time manager on staff. The motion was seconded by Mrs. Branch and carried unanimously.

Mr. Cameron stated the continuing education committee is currently working on an embalming seminar to be held in the near future.

Mr. Bryant stated staff would be happy to conduct an orientation for the new members following the Board meeting at its April 6, 2000 meeting.

Mr. Adams stated he is attempting to get the twenty-four hour requirement for the pre-need licenses reduced to three hours.

Mrs. Pyatt asked the Board members for input on the newsletter and a sponsor for the proposed bill by the end of next week. Mr. Adams suggested Representative Sandifer.

Adjournment

There being no further business, Mr. Avinger moved the meeting be adjourned. The motion was seconded by Mr. Halls and carried unanimously. The meeting adjourned at 1:10 p.m.