

MINUTES

S.C. BOARD OF FUNERAL SERVICE

Board Meeting

April 6, 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 meeting of the S.C. Board of Funeral Service to order at 10:00 A.M., on Thursday, April 6, 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, Vice-President, of Walhalla; Mr. E. Ward Avinger, Secretary-Treasurer, of Holly Hill; Ms. Leigh M. Branch, of Bennettsville; Mr. Julius Cameron, of Winnsboro; Mr. Sam W. Halls, of Mt. Pleasant; Mr. John B. Eggers, of Spartanburg; Mr. Mike G. Thornwell, of Rock Hill; Mr. Frank M. Way, III, of Charleston; and Mr. James Adcock, Jr., of Orangeburg.

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

Mr. Adams announced the meeting was being held in accordance with the Freedom of Information Act [§ 30-4-80 (e)] by notice mailed to The State newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards located at both of the main entrances of the Kingstree Building where the Board office is located.

Invocation

Mr. Sam Halls led the Board in prayer.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of Minutes

Mr. Hendrix moved the minutes of the February 24, 2000 meeting be approved. The motion was seconded by Mrs. Branch and passed unanimously.

Mr. Adams stated the first sentence of the third paragraph should begin 'Members of the public'.

Mr. Avinger moved the Board approve the minutes of the March 24, 2000 conference call meeting as amended. Mr. Adcock seconded the motion, which passed unanimously.

President's Remarks

Mr. Adams stated he would reserve his remarks until later in the meeting.

Administrator's Remarks

Mrs. Pyatt presented the members with copies of an article from The Greenville News regarding the Board's decision to appeal Judge Brogdon's order regarding the retail casket store. She also presented the members with an updated list of approved continuing education classes and noted the list contained the continuing education classes approved by the committee since the last meeting.

Mrs. Pyatt presented the members with the Report of Routine Change of Managers and a list of licenses issued since the last Board meeting.

Mrs. Pyatt stated the Board's proposed bill has been well received by committee. She informed the Board that she had spoken with the clerk of the committee to clarify questions the committee had concerning the bill.

Mr. Adams informed the members the cemetery bill has moved from the House of Representatives to the Senate.

Mr. Adams stated he had spoken with Senator Anderson in regard to submitting a bill to reduce the number of continuing education units a funeral director must have for the pre-need insurance license from 24 to three. However, Senator Anderson felt the reduction to three would be difficult to pass. He indicated the bill was introduced with a reduction of hours to 12. He presented the members with a copy of the bill and a list of the Senate Banking and Insurance members.

Mr. Halls moved the Board support the bill. Mr. Thornwell seconded the motion, which carried unanimously.

Mr. Adams stated the Board should contact the South Carolina Funeral Directors' Association and the South Carolina Morticians' Association asking for their support of this change.

Mrs. Pyatt stated she would request staff's legislative liaison to track this bill to keep the Board apprised of the status.

Old Business Request for Approval of Change of Facility Manager, Jefferson Funeral Home

Mrs. Pyatt stated Mr. Freddie Faison has submitted an application for change of facility manager for Jefferson Funeral Home located in Lynchburg. She further stated he lives within the twenty-five mile radius as required by law.

Mr. Faison noted he is employed with another facility, however, he would be a full time employee of this facility should his application be approved.

Mr. Halls moved the Board approve the application. Mr. Avinger seconded the motion, which carried unanimously.

New Business Request for Approval of CNA Life Pre-Need Guaranteed Issue Product

Mrs. Pyatt stated the South Carolina Department of Insurance has approved this document.

Mr. Eggers moved the Board approve the CNA life pre-need guaranteed issue product. The motion was seconded by Mr. Thornwell and carried unanimously.

Request for Approval of New Facility, Wise Choice Funeral Home

Mrs. Pyatt stated Mr. Wise's application is complete and noted staff had requested Mr. Wise bring in the blue prints of the renovation of the funeral home. However, Mr. Wise did not have the blue print at this time. She also stated Mr. Wise answered 'no' to the question which asks if he has been convicted. She said his arrest record indicates he does have two convictions.

Mr. Halls moved the Board approve the new facility. Mr. Thornwell seconded the motion, which carried unanimously.

Request for Approval of Additional Facility Parker Funeral Home, Charles Parker

Mrs. Pyatt stated Mr. Parker's application is incomplete at the time pending his character references, the SLED report and two forms, which have not been notarized.

Mr. Halls moved the Board discuss this matter in executive session. Mrs. Branch seconded the motion, which carried unanimously.

Greater Columbia Funeral Service, Timothy N. Glover

Mr. Halls moved the Board discuss this matter in executive session. The motion was seconded by Mrs. Branch and carried unanimously.

Request for Change of Owner/Name/Facility Manager

Sullivan Funeral Home, Anthony A. Dicks (New Owner)

Mrs. Pyatt stated the application summary indicated the application was complete at the time with the exception of the articles of incorporation. She indicated staff has since received this documentation. Mr. Dicks has purchased an existing funeral home, which would require the change of owner and change of name.

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

Request for Approval of Funeral Director/Embalmer Application, Stephen L. McMillan, Jr.

Mrs. Pyatt stated Mr. McMillan answered 'no' to question twelve which asks if the applicant has ever been arrested. The SLED report indicates Mr. McMillan was arrested although he was not convicted.

Mr. Thornwell moved the Board discuss this matter in executive session. The motion was seconded by Mr. Hendrix and carried unanimously.

Request for Reinstatement

Daniel P. Denler

Mr. Denler stated he had worked as a funeral director and embalmer while his license was expired.

Mr. Hendrix moved the Board discuss this matter in executive session. The motion was seconded by Mr. Thornwell and carried unanimously.

Joseph T. Palmer, Sr.

Mrs. Pyatt stated Mr. Palmer's license expired June 30, 1998. His application is in order and he has submitted all back continuing education units and fees.

Mr. Thornwell moved the Board discuss this matter in executive session. Mr. Halls seconded the motion, which passed with a majority vote. One member voted nay.

Request for Hearing Regarding Penalty of Operating with Expired Permit

Palmer Funeral Home, Joseph Palmer, Sr.

Cumbee-Palmer Funeral Home, Joseph Palmer, Sr.

Mrs. Pyatt stated cease and desist orders and consent orders have been issued against the two funeral homes for operating with expired permits as of June 30, 1999. Mr. Palmer has requested the Board waive or reduce the fines. Each penalty was \$500, which totals \$1,000. He has paid the fees; however, he has not paid the penalties.

Mr. Palmer stated he has documentation of funeral homes that covered for him while he was in and out of the hospital for the previous two years. He also has statements from the physician regarding the status of his health. He indicated it was an office oversight as he was in the hospital at that time. Shale House Funeral Home handled the day to day activities

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

Other Business

There was no other business to discuss at this meeting.

Public Comments

There were no public comments made during this meeting.

Mr. Halls moved the Board enter executive session. Mr. Thornwell seconded the motion, which carried unanimously.

Executive Session

The Board entered executive session.

Public Session

Mr. Adams noted for the record that no votes were taken and no decisions were made during executive session.

Request for Approval of Additional Facility Parker Funeral Home, Charles Parker

Mr. Avinger moved the Board deny the application due to the incomplete application. He said that if Mr. Parker would reapply with a complete application the Board may reconsider the matter. Mr. Hendrix seconded the motion.

Mrs. Pyatt stated the application has been notarized; however, staff has not received the SLED report of the notarized copy of the statement of residency. She also stated staff does have the character references.

Mr. Avinger withdrew his previous motion. He then moved that upon receipt of a favorable SLED report on Mr. Parker and a notarized copy of his statement of residence the Board approve the additional facility pending staff's inspection. Mr. Hendrix seconded the motion, which carried unanimously.

Greater Columbia Funeral Service, Timothy N. Glover Mr. Avinger stated the application shows no common ownership between the parent location and the branch location. He noted the Board has not received plans for the additional location and that Mr. Glover's SLED report is rather lengthy. He moved the Board deny the application. Mr. Halls seconded the motion. Following a brief discussion on the matter, the Board voted unanimously to deny the application.

Request for Change of Owner/Name/Facility Manager

Sullivan Funeral Home, Anthony A. Dicks (New Owner)

Mr. Thornwell moved the Board approve the additional facility pending inspection of the facility. Mr. Hendrix seconded the motion, which carried unanimously.

Request for Approval of Funeral Director/Embalmer Application

Stephen L. McMillan, Jr.

Mr. Adcock moved the Board approve the application. Mrs. Branch seconded the motion, which carried unanimously.

Request for Reinstatement

Dan P. Denler

Mr. Way moved the Board approve Mr. Denler's request for reinstatement pending payment of an additional fine of \$250.00 for each year he was not in compliance, which will total

\$1,000.00. Mr. Halls seconded the motion, which carried unanimously.

Joseph T. Palmer, Sr.

Following a short discussion on this matter, Mr. Hendrix moved the Board approve Mr. Palmer's application for reinstatement. The motion was seconded by Mr. Way and carried unanimously.

Request for Hearing Regarding Penalty of Operating with Expired Permit

Palmer Funeral Home and Cumbee-Palmer Funeral Home, Joseph T. Palmer, Sr.

Mr. Hendrix moved that based on Board policy, the consent stands as issued. Mr. Halls seconded the motion, which carried unanimously.

Mr. Thornwell moved the Board enter executive session to discuss the complaint and case reports. The motion was seconded by Mr. Way and carried unanimously.

Executive Session

The Board entered executive session.

Regular Session

Mr. Adams noted for the record that no votes were taken or decisions were made during executive session.

Case Approval Reports

Mr. Hendrix moved the Board accept the Case Approval Reports as submitted. Mr. Cameron seconded the motion, which carried unanimously.

Disposition Reports

Mr. Hendrix moved the Board accept the Disposition Reports as submitted. The motion was seconded by Mr. Thornwell and carried unanimously.

Notice of Cease and Desist Unlawful Activity, Hamilton's Funeral Home

Mr. Halls moved the Board approve the notice of cease and desist issued against Hamilton's Funeral Home. Mr. Hendrix seconded the motion, which carried unanimously.

Consent Orders Issued Against Mr. Ralph F. Patterson, Jr., Ms. Brendolyn L. Jenkins, and Mr. George D. Hamilton

Mr. Hendrix moved the Board approve the consent orders issued to Mr. Ralph F. Patterson, Jr., Ms. Brendolyn L. Jenkins and Mr. George D. Hamilton. Mr. Halls seconded the motion, which carried unanimously.

Adjournment

The meeting adjourned at 1:20 p.m.