

## MINUTES

### S. C. BOARD OF FUNERAL SERVICE

Board Meeting

June 15, 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, June 15, 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. 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, Office of Business and Related Services; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Kent Lesesne, Staff Counsel, LLR-Office of General Counsel; Dwight Hayes, Assistant Administrator, Business and Related Services Investigations; Larry Hall, 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. John Eggers led the Board in prayer.

#### Pledge of Allegiance

All present recited the Pledge of Allegiance.

#### Approval of Minutes from the April 6, 2000 Meeting

Mr. Halls moved the Board approve the minutes from the April 6, 2000 meeting as written. The motion was seconded by Mr. Green and carried unanimously.

#### President's Remarks – Ernest Adams

Mr. Adams welcomed all members of the public attending the meeting. The Board members introduced themselves after which time the members of the audience introduced themselves.

#### Action Items

#### Old Business

### ***Request for Approval of Additional Facility***

a. Greater Columbia Funeral Service – Timothy Glover

Ms. Pyatt stated Greater Columbia Funeral Service is requesting approval for an additional facility, which had been denied at the April 6, 2000 meeting due to lack of common ownership between the parent ownership and the branch. She indicated the application has been resubmitted and that all of the documentation on the proposed manager is in order. She went on to say Mr. Glover has submitted a nolle prossed regarding the two arrest charges on June 19th which were pending. She continued by saying drawings are available for the facility for the Board's review.

Mr. Thornwell asked if the other issues of concern from the initial application have been rectified. Mr. Glover replied affirmatively.

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

New Business

***Request for Approval of Preneed Policy***

Mayflower National Life Insurance Company, James Zurrella

SC-IFPDA, Flexible Premium Deferred Annuity Policy Form

I-FPDA-APP(10/99), Flexible Premium Deferred Annuity Application

GEF-SC-001(10/99), Group Enrollment Form

MN-CCF-001(8/99), Coverage Change Form

Insurance Enrollment Form GEF-SC-001(10/99)

Coverage Change Form MN-CCF-001(8/99)

Ms. Pyatt stated the Board has a request from the Mayflower National Life Insurance Company for approval on a preneed policy. She noted that the different forms are listed and have been presented and approved by the S. C. Department of Insurance.

Mr. James Zurrella, a representative of the Mayflower National Life Insurance Company, stated the policy is a routine requirement for approval. He noted that the first two forms are new and have been stamped approved by the S. C. Department of Insurance. The second two forms have been reviewed by the S. C. Department of Insurance and stamped for information purposes because they are group policies. He noted this is not a new issue because for the past year there have been some policies approved by the S. C. Department of Insurance for use in South Carolina. He continued by saying the group forms update or replace earlier forms.

Mr. Halls moved the Board approve the preneed policy offered by the Mayflower National Life Insurance Company. The motion was seconded by Mr. Avinger and carried unanimously.

***Request for Approval of New Facility***

S. C. Cremation and Memorial Society, Inc. – Raymond J. Vistoski

Ms. Pyatt stated the Board has a request for approval of a new facility by the S. C. Cremation and Memorial Society and Mr. Raymond J. Vistoski. She noted that Mr. Vistoski has updated his application, which has been previously submitted to the Board. She continued by saying that all of the documentation is in order and that Mr. Vistoski is present should the Board have any questions regarding this matter. She also said that Mr. Vistoski's current application did not include his employment history. His employment information has now been included and is interchangeable with his other applications currently on file.

Mr. Hendrix moved the Board approve the request for the additional facility as requested by S. C. Cremation and Memorial Society. Mr. Green seconded the motion, which carried unanimously.

**Bostick-Tompkins Funeral Home (New Location) – Willie A. Tompkins**

Ms. Pyatt stated Bostick-Tompkins Funeral Home is requesting approval for a new facility. She noted that this is an existing funeral home that is moving to a new location. She continued by saying that all of the documentation is on file and in order. She also stated that Mr. Willie Tompkins is present should the Board have any questions and that he has drawings for the Board's review.

Following a brief discussion regarding the name of the funeral home and the relocation of the funeral home, Mr. Thornwell moved the Board accept and approve the request for a new location of Bostick-Tompkins Funeral Home. The motion was seconded by Mr. Cameron and carried unanimously.

***Request for Approval of Additional Facility***

**Aiken-Augusta Crematory – Raymond J. Vistoski**

Ms. Pyatt stated that all of the documentation in this matter is in order.

Mr. Green moved the Board approve the request for approval of an additional facility by Aiken-Augusta Crematory. Mr. Hendrix seconded the motion, which carried unanimously.

**Grand Strand Funeral Home – Christopher S. Burroughs**

Ms. Pyatt stated that all of the documentation in this matter is in order.

Mr. Burroughs presented the Board with drawings for the Board's review. He asked the Board when staff conducts the inspection on the new facility and a showroom has the end caps, would the end caps count as the six caskets as required by law. He also asked that if the law allows the facility to have a showroom and have the six caskets in storage. Mr. Adams replied negatively. The Board agreed that the law indicates that six adult caskets must be shown.

Mr. Cameron moved the request for approval of an additional facility by Grand Strand Funeral Home be approved. The motion was seconded by Ms. Branch and carried unanimously.

**Gilbert Funeral Parlor North Chapel, King David Gilbert**

Ms. Pyatt stated this additional facility request is for a chapel. She further stated that the parent location for this chapel is Gilbert's Funeral Home located in Seneca. She noted that all of the documentation is in order and that a sketch of the facility is available.

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

***Request for Approval of Change of Facility Name/Facility Manager***

**Chisholm Funeral Home to Chisholm Galloway Home for Funerals, Edith Galloway**

Ms. Pyatt stated all of the documentation for this request for approval of change of facility name/facility manager is in order.

Mr. Cameron moved the Board approve this request for approval of change of facility name/facility manager. The motion was seconded by Mr. Green and carried unanimously.

***Request for Approval of Change of Manager***

**Green Funeral Home – Vonda R. Priester**

Ms. Pyatt stated that Mrs. Green had notified staff that her husband had passed away and that Green Funeral Home is requesting that Ms. Vonda R. Priester be approved as manager of the funeral home. She is also requesting that the Board waive the twenty-five mile radius as required by law. She also stated that all of the other documentation is on file.

Mr. Hendrix asked Ms. Priester if she would be selling ownership of her own funeral home.

Ms. Priester replied she would still own her funeral home. Mrs. Green stated in speaking with staff she understood that she would not be able to have Ms. Priester as a manager and that she is now requesting that Mr. George Green be approved as manager so the funeral home may operate until such time that she can obtain her license. She is also requesting a waiver of the twenty-five mile requirement as Mr. Green lives twenty-seven miles from the funeral home. Mr. Adcock moved the Board discuss this matter in executive session. Ms. Branch seconded the motion, which carried unanimously.

Cave Funeral Service, Inc. – Michael G. Cave

Ms. Pyatt stated all of the documentation in this matter is in order. She brought the Board's attention to the fact that Mr. Cave answered 'no' to question #16, however, he has included a statement with his application regarding that matter. She noted Mr. Cave is currently licensed by the Board and is in good standing.

Mr. Cave stated his cousin, Benjamin Cave, is the current manager.

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

### ***Request for Reinstatement***

William L. Rucker

Ms. Pyatt stated Mr. Rucker has completed his application, has met his required continuing education hours, has paid the appropriate fees, and has provided a statement to the Board that he has not been practicing funeral service in South Carolina during the time his license was lapsed.

Mr. Rucker stated he has been living in Charlotte since his license lapsed.

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

Wayne Cayruth

Ms. Pyatt stated Mr. Cayruth is requesting reinstatement of his license, which has been lapsed since June 30, 1995. She further stated he has submitted all of his required documentation and has submitted a statement that he has not been practicing funeral service in South Carolina during the time his license has been lapsed. She noted that Mr. Cayruth is unable to be present at today's meeting but has requested that the Board consider this request during his absence. She added that Mr. Cayruth has completed his continuing education.

Mr. Avinger moved the Board accept Mr. Cayruth's application for reinstatement, however, if he becomes licensed he needs to be notified that he should keep the license active and not become inactive to dodge continuing education and license fees. The motion was seconded by Mr. Hendrix and carried unanimously.

Ms. Pyatt stated that all individuals requesting reinstatement must complete all required continuing education hours and pay back fees as well as late fees prior to becoming reinstated.

### ***Request for Extension of Time to Name Manager***

Poteet Funeral Homes, J. M. Posey Chapel – Thomas C. Poteet, Sr.

Ms. Pyatt stated Mr. Poteet is requesting the Board extend the required thirty-day period to name a new manager until August 1, 2000. She reminded the Board that an application for approval of manager was denied in November 1999 as a result of the applicant's residence being located in Georgia. She noted that the named manager, Mr. Brice Harris, resigned effective April 13, 2000. She continued by saying Mr. Poteet is currently attempting to find

a new manager. She spoke with Mr. Poteet on the phone at which time he indicated he would be unable to attend today's meeting due to a funeral service.

Mr. Poteet is currently serving as the manager. He is licensed by South Carolina however he resides in Georgia.

Mr. Hendrix moved the Board grant Mr. Poteet's request for an extension to August 1, 2000. The motion was seconded by Mr. Thornwell and carried unanimously.

### ***Request for Extension of Time to Name Manager***

Timothy R. Sprenger

Ms. Pyatt stated the Board has a request from Mr. Timothy Sprenger, President of Palmetto Professional Services, that they waive the requirement for the licensed funeral director as manager or that they consider waiving his requirement to serve his funeral director's apprenticeship and grant a license for funeral director. She went on to say that Palmetto Professional Services does have a funeral home permit although it is an embalming and transportation company. She went on to say Mr. Sprenger has passed both parts of the national exam, however, he has not served his funeral director's apprenticeship. She indicated Mr. Sprenger is present to answer any questions the Board may have.

Mr. Sprenger stated he was denied the opportunity to serve his funeral director's apprenticeship at Palmetto Professional Services because the company is not a full service funeral home.

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

### **Public Comments**

Mr. Paul Berg, a representative of Timeless Burial Systems, Inc., spoke to the Board regarding the caskets manufactured by this company as well as the Lasting Care Association of Independent Funeral Directors, which is a retail company and Loving Care Caskets, Inc. Mr. Berg stated he does not think it should require a funeral director's license to sell funeral products. However, if the retail operators have an advantage over the funeral homes by not requiring liability insurance or product liability, they should have to register with the Board. He said his company is fully prepared to register with all of the necessary documentation as well as drawings. He noted he is willing to be involved in drafting legislation for retailers. He indicated his company carries \$3,000,000.00 of product liability.

### **Discussion Items**

#### **Amended Funeral Regulations**

Ms. Pyatt presented the Board with copies of the summary for the proposed funeral regulations which were ratified. She further stated that staff would be working on revising the current regulations to present to the Board.

#### **Refiling of Bill 4782 (Funeral Service)**

Ms. Pyatt also presented the Board with copies of the bill, which had been filed this past year. She requested the Board direct her to re-file the bill in its current status or if they wished to refer the bill to the legislative committee for revisions prior to re-filing. She noted that the final version of the proposed bill must be submitted to the agency's Legislative Liaison Office by November 1, 2000. She said that the bill failed during the last legislative session. She continued by saying that since the bill was an amendment to the funeral service bill it would not be re-filed automatically.

Mr. Hendrix moved the Board refer the bill to the legislative committee and asked that the

committee meet with the South Carolina Mortician's Association as well as the South Carolina Funeral Director's Association to discuss revisions to the bill. The motion was seconded by Mr. Thornwell and carried unanimously.

Mr. Adams directed Ms. Pyatt to keep the Board aware of the time line of when the bill is submitted to the legislature.

Mrs. Pyatt stated she would ask the legislative committee to meet in July, as the full Board would have to approve the bill prior to submission.

#### Information Items

Proposed Plan of Restructuring – The Loewen Group, Inc.

Ms. Pyatt stated the Board has received a proposed plan of restructure of The Loewen Group. She further stated that after consulting with Ms. Dantzler there is no requirement of instruction or action from the Board.

The International Conference of Funeral Service Examining Boards, Inc.

Ms. Pyatt stated the Board has also receive an information package from ICFSEB, which is notifying the Boards that the number of questions on the national exam is being reduced from 500 to 300 questions. She noted that this reduction would not affect the South Carolina exam since that exam is specifically designed for the State of South Carolina.

Ms. Pyatt stated the conference usually has an annual meeting in the autumn of every year; however, that has now changed. She indicated the meeting will take place April 7 – 9, 2001 in Clearwater, Florida.

Mr. Adams strongly recommended that an individual from the Board attend the conference next year.

Ms. Pyatt stated the Board has copies of the national board's position on The Model Endorsement Plan. She also said that the national conference is giving the Board information on projections on appointments of funeral directors throughout the nation.

#### 3. Accreditation of Piedmont Technical College by The American Board of Funeral Service Education

Ms. Pyatt stated the Board as well as the State of South Carolina should be proud that The American Board of Funeral Service has accredited the funeral program located at Piedmont Technical College. She noted that the accreditation is good for seven years.

#### Report of Approval of Routine Change of Manager Applications

Ms. Pyatt presented the members with the report of approval of routine change of managers.

#### Approved Funeral Service Continuing Education Courses

Ms. Pyatt presented the members with an updated list of approved funeral service continuing education courses approved by the committee.

#### Report of Licenses/Permits Issued

Ms. Pyatt presented the members with a report of the licenses and permits issued since the April 2000 meeting.

#### Break

Mr. Cameron moved the Board recess for ten minutes. Mr. Halls seconded the motion, which carried unanimously.

#### Executive Session

Following a ten-minute recess, Mr. Halls moved the Board enter executive session. The motion was seconded by Mr. Hendrix and unanimously passed.

#### Regular Session

Mr. Adams noted for the record that no votes were taken while the Board was in executive session.

Ms. Dantzler stated for the record that the casket store license application case is on appeal at this time by Casket Sales and Garment. No briefs can be filed until the record has been prepared for the Supreme Court. At this time all parties are waiting on the transcripts. Until the record is complete and the Department's brief is drafted and ready for review, the board does not need to take any action on this matter.

#### Greater Columbia Funeral Service

Mr. Thornwell moved the Board approve the named manager, Timothy Glover; however, Mr. Glover is to be placed on a five-year probation, that he is to submit to the Board quarterly reports from the treatment program in which he is currently enrolled, and that an annual SLED report also be submitted. Mr. Green seconded the motion, which carried unanimously.

#### Gilbert Funeral Parlor North Chapel

Mr. Avinger moved the Board deny the application due to lack of sufficient information, such as the Board does not know if the named manager will be full-time. The motion was seconded by Mr. Cameron and carried unanimously.

#### Green Funeral Home

Mr. Hendrix moved the Board deny the application based on the fact that the manager would not be a full-time employee; however, that the Board issue a temporary permit to allow Mr. Green to serve as manager until the August 15, 2000 meeting of the Board. This temporary permit would allow Mrs. Green sufficient time to locate a manager of the funeral home. Mr. Thornwell seconded the motion, which carried unanimously.

#### Cave Funeral Service, Inc.

Mr. Cameron moved the Board approve the request for approval of change of manager. The motion was seconded by Mr. Eggers and carried unanimously.

#### William L. Rucker

Mr. Thornwell moved the Board approve Mr. Rucker's request for reinstatement. Mr. Eggers seconded the motion, which carried unanimously.

#### Timothy R. Sprenger

Mr. Avinger asked Mr. Sprenger if he had any record showing he was denied the opportunity to serve his funeral director's apprenticeship. Mr. Sprenger replied negatively. He went on by saying that when he had applied for the funeral director's apprenticeship he was informed that Palmetto Professional Services was not a funeral home and he could not serve his apprenticeship at that company. He noted that Mr. Todd Hardee might be able to expand on that issue since he was the owner of the company at that time.

Mr. Hendrix moved the Board grant Mr. Sprenger's request for a funeral director's license under the following conditions: 1) that Mr. Sprenger submit three affidavits, one preferably from Mr. Todd Hardee and two other funeral directors in the area; 2) that Mr. Sprenger be placed on a two-year probation (the length of the apprenticeship); 3) that Mr. Sprenger keep a licensed funeral director on staff during this time; 4) that Mr. Sprenger not attempt to expand the business to make it into a full funeral home during this time; and 5) that should he move to another facility the funeral director's license issued to him would not be

moved to another facility during the two-year period. The motion was seconded by Mr. Avinger and carried unanimously.

Mr. Cameron moved the Board approve the Disposition Report and the Case Approval Report as submitted. Mr. Green seconded the motion, which carried unanimously.

Mr. Hendrix moved the Board approve the consent order regarding Mr. McAlister-Smith. The motion was seconded by Mr. Eggers and carried unanimously.

Mr. Halls briefly discussed the Board members certifying the attendance of the participants attending the continuing education classes. He asked that the members be given the full three hours of the class.

Mr. Halls asked the members to have their signatures scanned into the computer so that when a licensee has passed the exam, the license may be issued without having to wait for each Board member to individually sign the license.

Mr. Thornwell moved the members take the appropriate action to have their signature scanned into the computer. The motion was seconded by Mr. Hendrix and carried unanimously.

The Board briefly discussed Mr. Halls' question regarding the certification of participants during continuing education.

Mr. Halls was advised also that any member wishing to receive the three hours would also need to sign in as a participant of the class.

Adjournment

Mr. Thornwell moved the meeting be adjourned. Mr. Halls seconded the motion, which carried unanimously. The June 15, 2000 meeting of the S. C. Board of Funeral Service adjourned at 1:03 p.m.