

MINUTES

S. C. BOARD OF FUNERAL SERVICE

**Board Meeting**

August 15, 2000

The Koger Executive Center

The Kingstree Building

110 Centerview Drive, 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 Tuesday, August 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 during 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; Charlie Jones, Investigator, Office of Business and Related Services; Larry Hall, Investigator, Office of Business and Related Services; Bill Whitby, Investigator, Office of Business and Related Services; Mr. Robin Wilkes, CPA, Office of Business and Related Services; Jeanie Rose, Administrative Specialist; and Sandra Dickert, Administrative Assistant.

Invocation

Mr. Cameron led the group in prayer.

**Pledge of Alligence**

All present recited the Pledge of Alligence.

**Introduction of Board Members and Members of the Public**

The board members and members of the public attending the meeting introduced themselves. Among those attending the meeting are Mr. Bob Parks of Charleston and Mr. Phillip Caulder of Chesterfield who are the two new members. Also attending the meeting is Mr. Clarence Hampton of Seneca whose appointment to the board is pending.

Approval of Minutes for the June 15, 2000 Meeting

Mr. Halls moved to approve the minutes of the June 15, 2000 meeting as presented. Mr. Cameron seconded the motion, which passed unanimously.

Administrator's Remarks

Discussion Items

Presentation of Annual Budget and Proposed Fee Increase

Mr. Wilkes presented the members with the budget for the past four years. He briefly discussed the budget and indicated the board has been operating with a deficit for the past two years. He indicated staff is proposing modest fee increases to allow the board to

operate on a balanced budget. He noted it would take a period of time to bring the budget back into balance.

Following a brief discussion, Mr. Green moved the board approve the fee increases. Mr. Cameron seconded the motion, which carried unanimously.

#### Proposed 2001 Board Meeting Dates

Ms. Pyatt presented the members with the proposed meeting dates for the year 2001 and requested the board's approval. She is proposing that the board meeting on the following dates:

February 15, 2001	August 16, 2001
April 5, 2001	October 4, 2001
June 7, 2001	December 13, 2001

Mr. Avinger asked Ms. Pyatt if the August meeting date should be changed from August 16th. Mrs. Pyatt stated staff attempted to have the August meeting on the 15<sup>th</sup>; however, there were no conference rooms available for a meeting on that date.

Mr. Avinger moved the Board accept the proposed meeting dates for 2001. The motion was seconded by Mr. Adcock and passed unanimously.

#### Review of Revised Application

Ms. Pyatt presented the members with revised applications and briefly discussed the changes to the applications.

A brief discussion regarding the revisions ensued. Mrs. Pyatt stated staff would begin using the revised applications as soon as they were printed.

#### Information Items

##### Report of Renewals

Ms. Pyatt stated staff has completed 443 renewals for facilities and 480 renewals for dual, embalmers and funeral directors. She noted that staff would be mailing cease and desist orders shortly to those who have not renewed.

##### Continuing Education Classes

Ms. Pyatt stated there is no report to give on the continuing education classes.

##### List of New Licenses Issued

Ms. Pyatt presented the members with copies of the list of new licenses issued.

##### Report of Approved Routine Change of Managers

Ms. Pyatt presented the members with copies of the approved routine change of managers.

##### Intl. Conference of Funeral Service Examining Board Newsletter

Ms. Pyatt presented the members with the International Conference of Funeral Service Examining Board Newsletter. She brought to the board's attention that the annual meeting, which is usually held in October, has been changed to April 2001 and will be held in Clearwater, Florida.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given.

Legislative Update, If Needed, Legislative Liaison Office

There was no legislative update.

Review of Internet Services

Mr. Bryant welcomed the new members to the board. He then reviewed LLR's web page as well as the web page for the Board of Funeral Service with the members.

Old Business

**1. Request for Additional Facility Location**

A) Gilbert Funeral Parlor North Chapel, King David Gilbert

Mrs. Pyatt stated this matter was tabled at the previous meeting due to lack of information, such as whether or not Mr. Gilbert would be a full time employee. She noted that all of the information has now been received and all of the paperwork is in order.

Mr. Cameron moved to approve the request for the additional facility location. Ms. Branch seconded the motion, which carried unanimously.

Request for Approval of Change of Facility Manager

Green Funeral Home (#47), April L. Gilmore

Ms. Pyatt stated Green Funeral Home has submitted a permanent application for April Lynn Gilmore to become manager. She is employed with Glover Funeral Home and would not be leaving employment with that funeral home.

Mr. Adcock moved to discuss this matter in executive session. The motion was seconded by Mr. Hendrix and carried unanimously.

Poteet Funeral Home, J. M. Posey Memorial Chapel (#567), Richard D. Allen

Ms. Pyatt stated Poteet Funeral Home had requested an extension of time to locate a full-time manager. She added that the funeral home has submitted an application on Mr. Richard D. Allen and that all of his paperwork is in order.

Mr. Cameron moved the board approve Mr. Allen's application. Mr. Avinger seconded the motion, which carried unanimously.

New Business

**1. Request for Approval of Preneed Policy**

A) *Monumental Life Insurance Co.*

Ms. Pyatt stated the policy has been approved by the S. C. Department of Insurance and has been stamped for information purposes.

Mr. Joel Todd, of Monumental Life Insurance Company, spoke briefly.

Mr. Eggers moved the board approve the policy offered by Monumental Life Insurance Company. Mr. Adcock seconded the motion, carried unanimously.

2. Request for Approval of New Facility

*Sauls Funeral Home of Bluffton, L. Martin Sauls, III*

Ms. Pyatt stated all of the paperwork is in order and that Mr. Sauls was present with blueprints for the facility.

Mr. L. Martin Sauls, III presented the members with the plans of the funeral home.

Mr. Green moved the board approve the request for the new facility. Ms. Branch seconded the motion, which carried unanimously.

*Thomas McAfee Funeral Home, Crematory (Additional facility), John F. McAfee*

Ms. Pyatt stated all of the paperwork is in order.

Mr. Hendrix moved the board approve the application. The motion was seconded by Mr. Green and carried unanimously.

3. Request for Approval of Change of Facility Location

*Carolina Funeral Home (#119), Jeremy L. Bethea*

Ms. Pyatt stated all of the paperwork is in order and that Mr. Bethea was present to answer any questions the board may have.

Mr. Bethea stated the new facility location had previously been a funeral home. He noted that the self-inspection report included with the application was conducted on the current location.

Mr. Hendrix moved the board approve application pending staff inspection of the facility. Ms. Branch seconded the motion, which passed unanimously.

4. Request for Approval of Change of Owner/Facility Manager/Facility Name

*North Strand Funeral Home to Shields Funeral Home.*

Ms. Pyatt stated North Strand Funeral Home is requesting a change of owner and is also requesting a name change to Shields Funeral Home.

Mr. Cameron moved the board approve the request to change the owner and name. The motion was seconded by Mr. Hendrix and carried unanimously.

*Herbert K. Knox Mortuary (#156) to Linen-Knox Funeral Home*

Ms. Pyatt stated this request is for change of facility name, owner and manager. She noted all of the paperwork in regard to this matter is in order.

Mr. Halls moved the Board approve the request for change of facility name, owner and manager. Mr. Cameron seconded the motion, which carried unanimously.

Request for Approval of Change of Facility Name

*Riley's Funeral Home to M. F. Riley's Funeral Home, Marion F. Riley, Jr.*

Ms. Pyatt stated Mr. Riley is requesting the name of his funeral home be changed from Riley's Funeral Home to M. F. Riley's Funeral Home. She noted all of the paperwork is in

order.

Mr. Eggers moved the Board approve the request for name change. The motion was seconded by Mr. Adcock and carried unanimously.

Request for Approval of Change of Facility Name

*Greenlawn Memorial Park and Funeral Home (#593), John B. Halloran*

Ms. Pyatt stated this request is for a change of manager and noted that all paperwork concerning this matter is in order.

Mr. Cameron moved the Board approve the request for change of facility name. Mr. Hendrix seconded the motion, which carried unanimously.

*Simmons Funeral Home (#281), Paul A. Simmons*

Ms. Pyatt stated all paperwork concerning this matter is in order. She noted that Mr. Simmons is requesting approval as the funeral director.

Mr. Halls moved the board approve the request for change of funeral director. The motion was seconded by Mr. Cameron and carried unanimously.

Request for approval of Reinstatement

*James Allen Sweatman (#2131 Dual License, Lapsed 6/30/97)*

Ms. Pyatt stated Mr. Sweatman had been dually licensed and that the license had lapsed June 30, 1997. She noted he is currently employed with Dunbar Funeral Home.

Mr. Sweatman stated he is doing administrative work at Dunbar Funeral Home.

Mr. Halls moved the board consider this matter in executive session. Mr. Hendrix seconded the motion, which carried unanimously.

Presentation of Proposed Amendment to Practice Act

Mr. Adams asked Mr. Tom Rampey, President of the S. C. Funeral Directors Association, to appear before the Board.

Mr. Rampey stated the S. C. Funeral Directors' Association will be meeting tomorrow in Columbia. He noted the association would like to reply to the proposed practice act as it is currently written. He indicated he would stop by staff's office to advise them of the result of the meeting.

Mr. Rampey stated for the record that the association is actively supporting the cemetery bill as it is currently written.

Public Comments

Mr. J. D. Field, CEO, Loving Care Casket Company, stated the company is a Georgia based company and he is CEO of Georgia-based several companies which are funeral director related. He further stated his colleague, Mr. Paul Byrd, President of Loving Care Casket Company, addressed the board at its previous meeting. At that time his colleague had expressed commitment to citizens of Charleston, the State of South Carolina and to be an

asset in the communities of South Carolina his company serves. He indicated Mr. Byrd had also stated a willingness to be cooperative and informative with the board.

Mr. Field stated that recent events and actions have caused him to appear before the Board at today's meeting in regard to the Board of South Carolina and in regard the law of product sales.

Mr. Field asked the board the following questions:

Is there any South Carolina statute, state funeral rule or law that prohibits the donation of a casket, an urn, or an out of burial container?

Are there any South Carolina Funeral rules or laws that prohibits the delivery of a casket to a funeral home in South Carolina that is bought on the internet?

Are there any South Carolina rules or laws that prohibit a casket, urn or out of burial container from being bought in another state and delivered to a funeral home in South Carolina?

Mr. Field stated Loving Care Casket Company would be opening a store in Charleston in the near future. He also stated the company anticipates the Board's response to the store's opening to be a cease and desist order and that they are prepared to act to that response.

Mr. Field stated that two things have occurred since the last board meeting that concerns him and his company. He indicated one of those things is when a member or trustee contacts another agency and requests a favor which would delay or detain a legal course of action that could have serious financial implications on Loving Care Casket Company, which could be called obstruction. He further stated in most states obstruction calls for immediate impeachment from the board and/or immediate dismissal of any employee in the state that holds a State Board of Funeral Service office. He would not comment on the civil liabilities which may also exist.

Mr. Field stated that when two funeral homes require and have two special meetings near Charleston and have their association and its members to commit to eliminating by any means necessary the any company which is consumer oriented it is dangerously close to balancing on the borders of the law concerning anti-trust.

Mr. Field stated these issues are a great concern to him and his company and they will continue to monitor any actions or intended actions from the S. C. Board of Funeral Service, a member of this board and administrative included. He added that, if necessary, it is their commitment to pursue any legal action when it is deemed necessary.

Mr. Bryant stated those rumors and innuendoes regarding the board's activities and ethics made by Mr. Field would be, to his knowledge, unsubstantiated.

Mr. Bryant asked Mr. Field for the attorney's name for Loving Care Casket Company. Mr. Field stated the attorney for the Loving Care Casket Company is Mr. Wayne McClochlan of Georgia as well as the Institute of Justice.

Mr. Rampey stated the S. C. Funeral Directors' Association holds high ethical standards and

they are for the families being served.

The Board took a ten-minute recess at 11:20 a.m. and resumed regular session at 11:30.

#### Executive Session

Mr. Cameron moved the Board enter executive session. The motion was seconded by Mr. Green, which carried unanimously.

#### Open Session to Report on Results of Executive Session

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

#### Green Funeral Home

Mr. Eggers moved the board accept the application to approve Ms. April Lynn Gilmore as manager with the condition that she is aware she is the full-time manager of the location and that she abide by the rules and regulations of the State. Mr. Cameron seconded the motion, carried unanimously.

#### James Allen Sweatman

Mr. Thornwell moved the Board approve the application based on the following conditions: that a resolution be made on the existing complaint, that he be placed on probation for one year, that he provide an arrest record, at his own and that he appear before the board before he renews his 2001 license. Mr. Adcock seconded the motion, which carried unanimously.

Mr. Jay Williams, of Dunbar Funeral Home, stated since learning of the matter concerning Mr. Sweatman he has been involved in administrative duties, such as writing obituaries. He noted, however, that Mr. Sweatman had been involved in some transactions shortly after he first became employed with the facility.

#### Proposed Legislation

Mr. Adams suggested the board table a decision on the proposed legislation until after the funeral directors association has reviewed the bill and submitted comments to staff. He then suggested holding a conference call on Monday, August 21, 2000 regarding the bill

Mr. Cameron stated the continuing education committee had attempted to arrange for an embalming seminar, however, the logistics could not be worked. He has since learned that the Mortician's Association and the Association of Embalmers are working on an embalming seminar. He moved the board to allow the committee to work in conjunction with these two associations regarding this seminar. The motion was seconded by Mr. Hendrix and carried unanimously.

Mr. Hendrix moved the board respond to the questions and comments submitted by Mr. Field of the Loving Care Casket Company and that if there is formal proof of the allegations that the casket company file a formal complaint. Mr. Thornwell seconded the motion, which carried unanimously.

Mr. Hendrix moved the board accept the July Disciplinary and Approval Reports as

presented. Mr. Cameron seconded the motion, which passed unanimously.

Mr. Thornwell moved the board accept the August Disciplinary and Approval Reports as presented. The motion was seconded by Mr. Halls and carried unanimously.

#### Election of 2000/2001 Officers

Following a brief discussion regarding whether or not the outgoing members should vote for the new officers, the two new members for the board, Mr. Phillip Caulder, Jr. and Mr. Robert E. Parks joined the board at this time.

Mr. Adams opened the floor for nomination for president. Mr. Halls nominated Mr. Hendrix. Mr. Eggers seconded the nominations. There being no further nominations, Mr. Hendrix was elected president by acclamation.

Mr. Adams opened the floor for nominations for vice-president. Mr. Halls nominated Mr. Thornwell. There being no further nominations, Mr. Thornwell was elected vice-president by acclamation.

Mr. Adams opened the floor for secretary. Mr. Halls nominated Mr. Avinger. There being no further nominations, Mr. Avinger was elected secretary by acclamation.

#### **President's Remarks**

Mr. Adams stated it has been a pleasure working with the Board and has enjoyed the opportunity to serve on the board. He has enjoyed knowing the members and wished the board and the members success in the future.

Mr. Cameron stated it has been a pleasure working on the board and he has enjoyed his tenure on the board. He has renewed old friendships and made some cherished new ones.

Ms. Pyatt asked that the members return confirmation regarding their attendance to the conference to be held at the Fire Academy on September 8<sup>th</sup> as soon as possible. She noted the deadline for confirming attendance is August 18<sup>th</sup>.

#### Adjournment

There being no further business to be brought before the board, Mr. Adams adjourned the meeting of the S. C. Board of Funeral Service adjourned at 12:23 p.m.