

## MINUTES

South Carolina Funeral Board

10:00 a.m., October 5, 2000

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Mr. Larry Hendrix, President, of Walhalla, called the regular meeting of the S. C. Board of Funeral Service to order at 10:00 a.m., Thursday, October 5, 2000. Other members participating during the meeting included: Mr. Mike Thornwell, Vice-President, of Ft. Mill; Mr. Ward Avinger, Secretary, of Holly Hill; Mr. Sam Halls, of Mt. Pleasant; Mr. James Adcock, of Orangeburg; Mr. John Eggers, Jr., of Boiling Springs; Mr. Charles Green, of Charleston; Mr. Bob Parks, of Charleston; Mr. Phillip Caulder, Jr., of Chesterfield; Mr. Clarence Hampton, of Seneca; and Mr. Roger Finch, of Greenville.

Members of staff participating during the meeting included: Ms. Lou Ann Pyatt, Administrator; Mr. Randy Bryant, Assistant Deputy Director; Ms. Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Mr. Dwight Hayes, Assistant Administrator; Mr. Larry Hall, LLR Investigator; Mr. Bill Whitby, LLR Investigator; Ms. Jeanie Rose, Administrative Specialist; Ms. Jackie Carter, Administrative Assistant; Mr. Damon Jeter, Assistant Legislative Liaison; and Ms. Sandra Dickert, Administrative Assistant.

Members of the audience included Ernest Adams, Carolyn Beasley-Shortt, Tom Rampey, Harvin Bullock, Desley McHam, Kimrey Pennington; James Rhodes; Robert Shellhouse, Jr.; Glenn Miller; Mildred Cumbee; Van Watson; Charles Foster; Timothy George; Alberta George; Tony Cooke, and Don Collins.

Mr. Hendrix 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. Eggers gave the invocation.

### Pledge of Allegiance

All present recited the Pledge of Allegiance.

### Introductions

The board members, board staff, and members of the audience introduced themselves.

Approval of Minutes for the August 15, 2000 Meeting and the September 27, 2000

Conference Call Meeting

Mr. Halls moved the minutes from the August 15, 2000 meeting and the September 27, 2000 conference call meeting be approved as submitted. Mr. Thornwell seconded the motion, which carried unanimously.

### President's Remarks – Larry Hendrix

Mr. Hendrix welcomed the new members to the board.

### Administrator's Remarks

## Information Items

### Report of Renewals

Ms. Pyatt stated that as of October 1, 2000, 460 funeral homes, 420 funeral directors and embalmers had renewed their licenses.

### Continuing Education Classes

Ms. Pyatt presented the members with a list of continuing education classes, which have been approved.

### List of New Licenses Issued

Ms. Pyatt presented the members with a list of new licenses that have been issued. She noted that eleven funeral director licenses, 8 apprentice licenses and four funeral home licenses have been issued since the last meeting.

### Report of Approved Routine Change of Managers

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

### Report of Tri-District Meeting, International Conference of Funeral Service Examining Board

Ms. Pyatt presented a report of the regional meeting to the members. She noted that Mr. Halls, Mr. Hendrix attended the meeting in September. She noted that a number of items were discussed.

Ms. Pyatt stated that Piedmont Technical College had their first five individuals to recently graduate from their funeral program. She noted that all five of the graduates have passed the national exam.

### Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given by the Office of General Counsel.

### Legislative Update, If Needed, Legislative Liaison Office

There was no formal legislative update given, although Mr. Damon Jeter, of the Legislative Liaison Office, gave brief remarks.

## Action Items

### Old Business

### Proposed Amendments to Funeral Statute

A discussion regarding the proposed changes submitted by the S. C. Funeral Directors Association ensued. The discussion included the matter of funeral service establishments, crematories or retail sales outlets having cards or brochures in each casket regarding the price of the casket.

The discussion also included adding language to the definition of retail sales outlet in Section 40-19-20 (19). The definition would read 'Retail sales outlet' means an establishment wherein funeral merchandise only is sold or provided, or both, to the general public. A retail sales outlet may not contain lay-out or chapel facilities and is restricted solely to the sale of funeral merchandise and may not handle or arrange for the handling or disposition, or both, of dead human remains and may not offer or execute preneed funeral contracts. Any funeral merchandise preneed pursuant to Section 32-8-10'. It was noted that there are laws regarding preneed sales contracts by retail sales outlets and that these laws are located under the banking rules and regulations.

The discussion encompassed deleting retail sales outlet from Section 40-19-280(E) on page nine.

Mr. Tom Rampey, President of the South Carolina Funeral Directors' Association, stated during the conference call on September 27, 2000 a discussion was held regarding defining particularly merchandise is. He further stated that since the conference call he has reviewed

information and in cemetery legislation introduced during the 2000 legislative session found a definition of merchandise. He stated the definition the definition reads 'Merchandise means items connected with the grave space, niches, mausoleum crypts, granite, memorials, grave liners, and vaults; however, merchandise shall expressly exclude caskets and cremation urns, burial clothing, facilities used for preparation, viewing, and automotive equipment and transportation. Items expressly excluded under the definition of merchandise in this provision must be governed by Chapter 7 of Title 32.'" He feels if a definition of merchandise would be included in the proposed bill to include caskets, urns, burial clothing, etc., but exclude grave space, preset out of containers, grave liners, etc. the board would have better chance with cemetery bill.

Ms. Dantzler stated Mr. Rampey is referring to the definition of funeral merchandise. She went on to say Mr. Rampey is suggesting the definition read "Funeral merchandise means that personal property used in connection with the conduct of funerals or with the transportation and final disposition of a dead human body including caskets, urns, and burial clothing. The term does not mean mausoleum crypts, interment receptacles present in a cemetery, and columbarium niches." She further stated she believes the association is asking the board to be more exact in terms of the receptacle language, which was subject to some interpretation. She noted the question is whether or not the board would support striking the language "receptacle into which the body is directly placed" and replacing it with "caskets, urns and burial clothes".

Mr. Rampey stated that if the proposed language is included to exclude the cemetery items the cemetery bill would stand a better chance of passage.

Mr. Thornwell moved the board discuss this matter in executive session for legal advice. Mr. Halls seconded the motion, which carried unanimously.

New Business

### Request for Approval of New Facility

Good Shepherd Funeral Home, Van D. Watson

Mr. Avinger questioned Mr. Watson concerning the two birth dates in the application package. He further stated the application has the birth date of November 27, 1920 and the SLED report has the birth date of July 4, 1959. Mr. Watson replied the July 4, 1959 birth date is his and the other birth date belongs to Mr. DeVeaux, who is the owner of the facility. He noted that the SLED report and character references were completed on Mr. DeVeaux when it should have been completed on him.

Ms. Pyatt she had questions regarding Mr. Watson's current employment. She noted he currently works at the Baptist Medical Center. Mr. Watson stated he is currently working at the part-time at the Baptist Medical Center and that he is employed on a part-time basis at Collins Funeral Home in Camden. He noted he works at the funeral home on a per call basis. He indicated the hours at the hospital are flex hours which is due to the layoffs. He noted he would be working full time at funeral home if approved would work.

Ms. Pyatt stated no plans have been submitted.

Mr. Watson noted that the facility is an existing funeral home, which was a chapel for Robinson and Son Funeral Home. He said Robinson and Son Funeral Home was not doing much business at the chapel and decided to close the branch. He further stated Collins Funeral Home decided to purchase the home and they are renovating the facility. He indicated they are adding a preparation room, etc.

Ms. Pyatt stated the facility would be inspected prior to the business opening.

Mr. Thornwell moved the board approve the application for Good Shepherd Funeral Home, pending inspection by staff. Mr. Hampton seconded the motion, which passed unanimously. Bullock Funeral Home and Crematorium, Inc., Lucius H. Bullock  
Mr. Bullock stated the request would be for an addition to the original facility.  
Ms. Pyatt stated the application is complete.  
Mr. Caulder moved the board approve the application for Bullock Funeral Home and Crematorium, Inc. Mr. Parks seconded the motion, which passed unanimously.

East Coast Funeral Home and Crematory, James F. Rhodes

Mr. Avinger stated item twelve on the application indicates the facility would be a regular funeral and crematory and just below that he indicates the parent home is East Coast Cremation and Funeral Home. Mr. Rhodes stated the parent home is licensed in North Carolina, but not in South Carolina.

Ms. Pyatt raised the question that Bill J. Jordan is listed as a shareholder and chairman, however, on the application there is another individual listed.

Mr. Donald Collins stated the funds could not be obtained for the facility to be under one name. He said that Mr. Billy Jordan would be the sole proprietor in this facility and the business in North Carolina would be a separate entity. He noted that this business would not be a branch but a brand new facility. Mr. Rhodes stated he lives in South Carolina and has been commuting to North Carolina.

Mr. Thornwell moved the board discuss in executive session. The motion was seconded by Mr. Adcock and unanimously carried.

Request for Approval of Additional Facility Location

Shellhouse Funeral Home, Inc., Robert William Shellhouse, Jr.

Mr. Hendrix asked Mr. Shellhouse who owns the funeral home. Mr. Shellhouse stated his daughter, Trisha Shellhouse, actually owns business. However, Mildred Cumbee owns the building. He noted Ms. Cumbee is listed as an owner since she owns the building, although she is not involved in the business. He noted that his mother is a minority owner of the business.

Ms. Dantzler stated Ms. Cumbee's name is not required on the application since she is not involved with the business.

Mr. Caulder moved the board approve the application for Shellhouse Funeral Home Inc., pending inspection by staff and the removal of Ms. Cumbee's name from the application. Mr. Parks seconded the motion, which passed unanimously.

Request for Approval of Change of Manager

Richie Funeral Home, Inc. (Permit #003), Charles Wayne Foster

Ms. Pyatt stated Mr. Foster answered no to the questions 15 and 16, regarding whether or not he has been arrested and convicted. She indicated his SLED report states otherwise.

Mr. Foster stated he is aware of the SLED report and that he is currently working at Parks Funeral Home.

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

Cook Funeral Home, Tony R. Cooke

Ms. Pyatt stated the applicant had originally requested change of name of facility and change of manager. She noted that when Mr. Cooke learned that he would have to change

the Articles of Incorporation, he decided to only request a change of manager. Mr. Avinger moved the board approve the application requesting the change of manager. The motion was seconded by Mr. Adcock and unanimously carried.

### Approval of Applications

#### Funeral Director - W. Kimrey Pennington

Ms. Pyatt stated Mr. Pennington answered 'no' to questions twelve and thirteen, regarding whether or not he has arrested and if he has any convictions. She further stated his arrest record indicates otherwise.

Mr. Pennington stated he was not aware of the record prior to receiving notice he was to appear before the board. He went on to say he thought everything had been taken care of by Mr. Ed Saleeby. He noted was not trying to hide anything and that it was his error. Mr. Green moved the board discuss this matter in executive session. Mr. Thornwell seconded the motion, which passed unanimously.

#### Funeral Director - Coy L. Carter, Jr.

Ms. Pyatt stated Mr. Carter is requesting the board waiver his 60 semester hours of college credits to qualify for taking the exam to become a license funeral director. She indicated his request is based on his training and work experience. She further stated he does not have education requirements to obtain a license.

Following a brief discussion, Mr. Caulder moved the board disapprove Mr. Carter's request for a waiver. The motion was seconded by Mr. Parks and carried unanimously.

#### Apprentice Funeral Director – Desley S. McHam

Ms. Pyatt stated applicant had answered 'yes' to question 12 regarding whether or not he had been arrested and 'no' to question 13 regarding whether or not he had any convictions. She noted his arrest record does indicate convictions.

Mr. McHam stated he overlooked how he answered the question.

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

#### Request for Approval of Preneed Policies

Ms. Pyatt stated the board does not accept the policies until accepted by S. C. Department of Insurance. She went on to say the representatives have been flying across the country to attend the meetings only to discover the board has no questions. She noted the board would still have to approve the policies at the meetings.

Mr. Hendrix stated he saw no reason for the representatives from across the country appear before the board when there are no questions. He went on to say most of the members do not have the knowledge of what should be in the policies. He noted the policies would still be brought before the board for approval. He went on to say if there is something in the policy which the board would want to discuss the representative the matter could be tabled to the next meeting.

Ms. Dantzler stated the South Carolina Insurance Commission does a comprehensive review of the funding behind the any policies, which is the major concern.

#### Unity Financial Life Insurance Company, Form 98/01

Mr. Parks moved the board approve the preneed policy as presented. Mr. Avinger seconded the motion, which passed unanimously.

### The College Life Insurance Company

Mr. Parks moved to accept the preneed policy as presented. The motion was seconded by Mr. Avinger and unanimously carried.

Mr. Adcock moved to change the board's policy that a representative from the insurance companies not be required to be present for the meeting when a policy is presented unless there are questions raised by the board or staff regarding the insurance policy. Mr. Avinger seconded the motion, which carried unanimously.

### Discussion Items

Ms. Pyatt stated staff does it best to set deadlines regarding receiving information for the meetings. She noted that in accordance with the Freedom of Information Act the agenda must be posted twenty-four hours prior to the meeting. She went on to say staff has been accepting additional information up to twenty-four hours in advance of the meeting. She questioned the board regarding whether or not they wanted to continue accepting information past the deadlines.

Following a brief discussion, Mr. Thornwell moved to not amend the deadline. Further discussion ensued. Mr. Thornwell's motion died due to lack of a second.

Following further discussion, Mr. Caulder moved to allow staff to continue accepting applications until at the discretion of the administrator. Mr. Parks seconded the motion, which carried unanimously.

### Recommendations from Skip Mikell

A discussion regarding a letter from Mr. Skip Mikell ensued. The letter made several recommendations to the board regarding regulatory compliance, preneed funeral contracts and licensing, preparations rooms and internships/preceptor training.

Following some discussion, regarding the letter, Mr. Parks moved the board accept Mr. Mikell's letter as information. Mr. Green seconded the motion, which carried unanimously.

### Development of State Laws Exam by the ICFSEB

Ms. Pyatt stated she had already begun reviewing the possibility of developing a state laws exam by the ICFSEB.

Mr. Hendrix stated that he spoken with members of the ICFSEB regarding the conference developing the state laws exam. He asked the board to review the information regarding the ICFSEB based exam. He added that the board would have to obtain the monies for next year's budget should the board determine to go with this exam.

Mr. Avinger asked Ms. Pyatt if the new fees have been approved. Ms. Pyatt stated the board has approved the fee increase, however, legislature has not yet approved the fee increases. He asked how the conference-based exam would affect the budget. Ms. Pyatt stated there would be no additional costs to the applicant. She further stated the applicant would send the money to staff, which in turn would be paid to the conference for the exam. She said that staff would order and administer the exam and would send the exams to the conference for grading. The conference would notify staff of the exam results. She also said that there is a current charge of \$25 to take the exam. However, if the board determines it would go with conference based exam, there would be a charge of \$50. She recommended the board tack an administrative fee to the \$50 fee. Ms. Pyatt stated she has checked with other examining companies and found they would not be cost effective.

Following a brief discussion regarding the exam fees from other states, Mr. Parks moved the board adopt the ICFSEB based exam. Mr. Caulder seconded the motion, which carried

unanimously.

#### Public Comments

There were no public comments made during the October 5, 2000 meeting.

#### Executive Session

Mr. Parks moved the board enter executive session for legal advice. The motion was seconded by Mr. Adcock and carried unanimously.

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

Mr. Hendrix noted that no votes were taken while the board was in executive session.

#### Proposed Amendments to Legislation

Mr. Avinger moved the board make the following changes to the proposed legislation: line five page three add the following wording at the end of definition (19) to say "may not offer or execute preneed contracts or offer for sale any funeral merchandise preneed pursuant to Section 32-7-10"; line 36 page nine, delete "or retail sales outlet"; page ten, line 25 the language should read "each item of merchandise offered for sale"; page six, line three, for clarification of the definition of funeral merchandise remove the language " the receptacle into which the body is directly placed" and replace that language with language stating "caskets, urns and burial clothing; page eight, line nine, (4) delete the requirement for manager, and out of concern for capitalization, that the retail sales outlet have a performance bond in the amount of \$100,000. Mr. Green seconded the motion, which carried unanimously.

#### East Coast Funeral Home

Mr. Parks moved the board approve the application for East Coast Funeral Home. The motion was seconded by Mr. Thornwell and unanimously passed.

#### Richie Funeral Home

Mr. Green moved the board approve the application providing the applicant pays a fine of \$125 each for the false answers given on questions 15 and 16. Mr. Adcock seconded the motion, which carried unanimously.

#### W. Kimrey Pennington

Mr. Caulder moved the board approve Mr. Pennington's application as presented. The motion was seconded by Mr. Adcock and carried unanimously.

#### Desley S. McHam

Mr. Hampton moved the board approve Mr. McHam's application as presented. Mr. Thornwell seconded the motion, which passed unanimously.

#### DRC Reports

Mr. Thornwell moved to approve the disposition report, with the exception of case #45-136 for . The motion was seconded by Mr. Green and unanimously carried.

Mr. Thornwell moved to accept the case approval report. Mr. Parks seconded passed unanimously

#### Adjournment

There being no further business to be discussed, Mr. Green moved the meeting be adjourned. The motion was seconded by Mr. Thornwell. The meeting adjourned at 2:05 p.m.

The next meeting of the S. C. Board of Funeral Services is scheduled for December 15, 2000.