

MINUTES

S. C. BOARD OF FUNERAL SERVICE

Board Meeting

June 7, 2001

Synergy Business Park

110 Centerview Drive, Conference Room 108, Columbia, SC

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., with a quorum present. Other members of the board participating during the meeting included: Mr. Mike Thornwell, Vice-President, of Ft. Mill; Mr. Ward Avinger, Secretary, of Holly Hill; Mr. James Adcock, of Orangeburg; Mr. Charles Green, of Charleston; Mr. Sam Halls, of Mt. Pleasant; Mr. Phillip Caulder, of Chesterfield; Mr. Bob Parks, of Charleston; Mr. Roger Finch, of Honea Path; and Mr. Clarence Hampton, of Seneca.

Mr. John Eggers, of Boiling Springs and Mr. Phillip Caulder, of Chesterfield, were given excused absences.

Ms. Pyatt stated Mr. Finch would be attending another meeting and hoped to be here before this meeting ended.

Staff members participating at various times during the meeting included: Ms. Lou Ann Pyatt, Administrator; Ms. Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Mr. Larry Hall, Investigator; Mr. Randy Bryant, Assistant Deputy Director; Mr. Dwight Hayes, Assistant Administrator, Investigations; Ms. Jackie Carter, Administrative Assistant; and Ms. Sandra Dickert, Administrative Assistant.

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.

Pledge of Allegiance

All those in attendance recited the Pledge of Allegiance.

Invocation

Mr. Green led everyone in prayer.

Approval of Minutes for the April 5, 2001 Meeting

Mr. Halls moved the minutes of the April 5, 2001 meeting be approved as submitted. The motion was seconded by Mr. Thornwell and unanimously carried.

President's Remarks

Mr. Hendrix thanked the board and staff for their thoughts and prayers during his father's illness and death. He thanked Mr. Avinger for attending some meetings on his behalf and thanked Mr. Thornwell for presiding over the April 5th board meeting.

Administrator's Remarks

Information Items

Ms. Pyatt noted that the members have been given a revised agenda and additional information for today's meeting.

Ms. Pyatt also presented the members with a revised set of minutes from the April 5th meeting. She noted that the set originally mailed with the agenda packages contained the wrong date in the title.

Continuing Education Classes

Ms. Pyatt stated the list of continuing education classes was unavailable, however, the classes are listed on the board's web page.

List of New Licenses Issued

Ms. Pyatt stated two funeral home permits have been issued since the last meeting. She went on to say staff is in the midst of renewals at this time.

Ms. Pyatt stated that eleven individuals stood the state law exam on May 11, fifteen individuals stood the national exam on June 11 and 3 took the state law exam on June 11.

Ms. Pyatt stated staff had presented the last continuing education class for this fiscal year in May and indicated the class had been held in Florence.

Ms. Pyatt stated staff has updated the web page to include a general renewal for a licensee for an address change.

Ms. Pyatt stated staff is in the process of printing the revised applications.

Ms. Pyatt informed the board that she is retiring effective June 29th. She further stated she had had presented a letter of resignation to Mr. Hendrix and presented the other board members with a copy of the letter. She went on to say the last five years have been challenging.

Mr. Randy Bryant, Assistant Deputy Director, stated Ms. Rita McKinney, the Agency Director, will be meeting with Mr. Hendrix regarding Ms. Pyatt's vacancy. He indicated he has chosen Mr. Dwight Hayes as the interim program administrator and introduced Mr. Hayes to the board.

Mr. Hayes stated he is looking forward to working with the board.

Report of Approved Routine Change of Managers

Ms. Pyatt presented the members with a list of the routine change of managers for their information.

Ms. Pyatt stated that staff has approximately seventeen complaint cases fifteen of which have been received since the last meeting.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the June 7, 2001 meeting of the S. C. Funeral Board.

Legislative Update, If Needed, Legislative Liaison Office

Ms. Pyatt stated that Bill 3515 is considered contested and will be placed on next year's legislative calendar.

Old Business

1. Review of Manager's Residence

A. Colonial Casket Company, Vanessa D. Bartley

Ms. Pyatt presented the members with a revised letter Ms. Bartley received from the S. C. Department of Revenue.

Mr. Thornwell stated he is not clear on the submission of this documentation. He further stated the document what the Board asked for.

Ms. Pyatt stated Ms. Dantzler had advised Ms. Bartley and the board that documentation from the Department of Revenue would suffice.

Ms. Dantzler stated this document does not indicate whether Ms. Bartley filed a tax return as a South Carolina resident or as a non-resident of the State.

Mr. Thornwell moved the board discuss this matter in executive session.

Mr. Poston asked that written instructions be sent to Ms. Bartley on what she would be required to do.

Mr. Poston stated he has received a copy of the audiotape from the last meeting under F.O.I. A. He asked that in future meetings no further sexist remarks be made.

Mr. Halls seconded Mr. Thornwell's motion, which carried unanimously.

New Business

Request for Approval of Funeral Service Education Program

Ogeechee Technical College, Statesboro, GA, Mr. Stephen D. Posey

Mr. Stephen Posey stated all of the core curriculum must be taken prior to an individual going into a funeral home. He noted that classes retroactively become part of accreditation for the college.

Request for Approval of Funeral Service Internet Courses

Stan A. Stone

Johnny Love, Jr.

Mr. Parks moved the board inform these two individuals, Mr. Stone and Mr. Love, forward a letter to the institution informing them that the board will accept accredited degrees. Mr. Thornwell seconded the motion, which carried unanimously.

Request for Approval of Continuing Education Courses

SCFDA General Business Session, Mike Squires

Mr. Mike Squires stated the program presented at the business meeting is the same class which has been approved for the past three years. He noted that speakers of the national association during the first day of the business meeting discuss various topics. He noted he has mailed in a second request with the topics to be discussed.

Following discussion in this matter, Mr. Parks moved to approve the SCFDA business session as a continuing education course. The motion was seconded by Mr. Adcock and unanimously approved.

Mr. Thornwell suggested that the terminology be changed for future reference.

Merchandising in Action/Weekend on the Ashley, Bruce Sampson/Bobby Goodwin
Mr. Bruce Sampson stated this continuing education class would be geared to one individual taking the class at a time. He further stated the class would be broken down as follows:

first hour – discussion of hard wood caskets
second hour – discussion of vaults
third hour – round table discussion

Mr. Sampson noted that individuals would have to make reservations for the class and that no one would be barred from attending.

Mr. Parks moved the board approve the Merchandising in Action/Weekend on the Ashley as a continuing education class. Mr. Adcock seconded the motion, which carried with a majority vote. Mr. Thornwell voted against the motion.

Ms. Pyatt clarified with the board that the class is approved for next fiscal year.

Request for Reinstatement

Carl M. Days, License #1912 (6/30/97)

Ms. Pyatt stated that Mr. Days' license expired June 30, 1997. She further stated that all of the paperwork is in order and that he has submitted an affidavit indicating he has not practiced in the funeral industry since his license lapsed.

Mr. Days stated he was offered a job in December 2000 contingent upon his reinstatement.

Mr. Hendrix informed Mr. Days that he would have to be a resident of South Carolina for one year prior to becoming manager of the establishment.

Mr. Avinger noted there was no SLED report attached. Ms. Pyatt noted that Mr. Days lives in another state and that the report is different from the report issued by SLED.

Mr. Avinger moved the board approve Mr. Days' reinstatement application. The motion was seconded by Mr. Green and unanimously carried.

Frederick A. Fielding

Ms. Pyatt noted that Mr. Fielding answered 'no' to questions twelve and thirteen regarding whether or not he had ever been arrested and convicted. She went on to say that the SLED

report on Mr. Fielding indicates some arrests and convictions.

Mr. Fielding stated he was unaware that the questions related to misdemeanors. He further stated he has been working in the funeral industry, however, he has not been working in a position that requires licensure.

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

Request for Approval of Change of Manager

A. Abbeville Mortuary, Permit #540, Jerome J. White

Ms. Pyatt stated that Mr. White contacted her this morning and indicated he has a service this morning that he would need to attend. She went on to he does not have a manager in place.

Mr. Parks moved the board approve Mr. White if the funeral home is in need of a manger and that the board ask that he appear at the next meeting with the appropriate information. The motion was seconded by Mr. Thornwell and unanimously carried.

B. Meares Funeral Home, Permit #259, Ernest W. Hannah

Mr. Hannah was not present for the meeting.

Mr. Thornwell asked Ms. Dantzler if there are any laws prohibiting licensure of a felon.

Ms. Dantzler replied that according to the over riding statute the board must review the charges to see if they relate to the industry. She noted that Mr. Hannah has included a pardon and that he has had no convictions since 1981.

Mr. Hendrix noted that Mr. Hannah has indicated he has been living out of state, however, the application indicates he was has been manager of the establishment since September 2000.

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

Request for Approval of Change of Facility Name/Additional Facility Location

W. M. Smith Funeral Chapel, Awendaw, SC, Bryan McNeal, Jr.

Ms. Pyatt stated that W. M. Smith Funeral Chapel is now requesting a name change and change of location. She further stated the application originally indicated the facility was to be incorporated, however, that is not the case now.

Mr. McNeal stated he is now adding his last name to the name of the chapel. He noted that this is a branch facility to be located in Awendaw.

Mr. Parks moved the board approve this request pending inspection of the facility. The motion was seconded by Mr. Thornwell and unanimously carried.

Request for Approval of Additional Facility Location

Brice W. Herndon & Sons Funeral Home, Ehrhardt, SC, Donald A. Herndon

Mr. Herndon stated he was in the process of purchasing an older home for his facility, however, inspection of the home found extensive termite damage and he backed out of purchase. He further stated he has now purchased land to build a new facility.

Ms. Pyatt stated Mr. Herndon has a parent facility and that this facility would be an additional facility.

Mr. Parks moved the board approve this request pending submission of building plans for the facility and an amendment of the facility location. Mr. Thornwell seconded the motion, which carried unanimously.

Floyd's Boiling Springs Chapel (Existing FH – Forest Lawn Mortuary), Glenn C. Miller

Ms. Pyatt stated this request is for an additional facility manager.

Mr. Adcock made a motion, seconded by Mr. Avinger, to approve this request. The motion carried unanimously.

Eggers Funeral Home, Inc., Chesnee, SC, John B. Eggers

Ms. Pyatt stated Mr. Eggers is requesting a branch funeral home and that he has left a copy of the building plans for the board's review. She noted that the paperwork is in order.

Mr. Parks moved the board approve this request for a branch funeral home. Mr. Green seconded the motion, which carried unanimously.

Cain-Poston Funeral Home, Inc., Louin B. Poston

Ms. Pyatt stated that this is a request for an on-site crematory and that the paperwork is in order.

Mr. Poston stated he has rebuilt a garage, which was destroyed by fire last year. He has obtained all of the appropriate permits regarding the crematory.

Mr. Parks moved the board approve this request for an on-site crematory. The motion was seconded by Mr. Avinger and unanimously carried.

Request for Approval of New Facility

Dukes-Harley Funeral Home & Crematory, (Relocation) Orangeburg, SC, A.J. Hutto, Jr.

Ms. Pyatt stated the request for relocation of the Dukes-Harley Funeral Home and Crematory is for an existing funeral home. She noted the original facility was destroyed by fire two years ago.

After reviewing the request and the artist's rendering of the facility, Mr. Thornwell moved the board approve the request for the new facility, pending inspection. Mr. Parks seconded the motion, which carried unanimously.

Ideal Funeral Parlor, Inc., (Relocation) Florence, SC, R. Douglas Hawkins

Ms. Pyatt stated Ideal Funeral Parlor, Inc. is requesting to move the existing funeral home to a new location.

Mr. Douglas Hawkins, with Ideal Funeral Parlor, Inc., stated the funeral home is moving eight blocks from the original location.

After reviewing the request and the blue print of the facility, Mr. Parks moved the board approve Ideal's request for a new facility, pending inspection. Mr. Green seconded the motion, which carried unanimously.

Request for Approval of Preneed Policy

Citizens Security Life Insurance Company (Forms S-1101A-CSL (7/98)SC; S-1103A-CSL (7/98)SC; S1104A-CSL (7/98)SC; CSL 10/96 (1/98) SC; And CSL 10/96 (1/98) GDB SC)
Mr. Avinger moved the board approve the preneed policy as submitted by Citizens Security Life Insurance Company. The motion was seconded by Mr. Thornwell and unanimously carried.

Consideration of Consent Orders

Permit #571/License #2205

Permit #318/License #1358

Mr. Green moved the board accept the consent orders as presented. Mr. Parks seconded the motion, which carried unanimously.

Discussion/Information Items

Re-registration of apprentices who have completed apprenticeship requirements but are not seeking licensure

Ms. Pyatt stated that staff is often faced with requests from apprentices who have completed their apprenticeships and, for whatever reason – either due to not having the education requirement or simply not wanting to be licensed, are not in a position to seek licensure and requesting re-registration of an apprenticeship. She noted that the statute and regulations do not specifically address this problem because the apprenticeship program is a step in licensure. She noted that some individuals use the apprenticeship as a means to legally work in the funeral industry without being properly licensed.

Ms. Pyatt stated she wanted to submit this subject for the board's discussion. She indicated that based on her experience and the calls that staff has been receiving, some direction for policy is needed from the board.

A discussion regarding the tenure of the apprenticeship program ensued. The board determined it would discuss this matter at the next meeting.

Continuing Education Requirements for Preneed Licensure

Mr. Avinger stated Mr. Halls, Mr. Caulder, Ms. Pyatt and he met with Mr. Jim Byrd, Senior Advisor to the Director, S.C. Insurance Commission, in April to discuss the continuing education requirements for pre-need licensure. A summary of the meeting is attached and herewith becomes a permanent part of this record.

Mr. Avinger stated that Mr. Byrd indicated the board stood a better chance at getting the pre-need license under the limited line type of license, which had a better chance at becoming exempt from continuing education rather than reducing the number of hours of

continuing education. He further stated that if the board had a situation where they wanted the number of hours reduced he felt that other groups that had the life insurance license would not agree. He went on to say Mr. Byrd recommended going with the limited line coverage.

Ms. Pyatt stated that of the states Mr. Byrd surveyed approximately one-half do not require continuing education. She further stated she had spoken with Mr. Byrd several times during the past week and he recommendation would be to go for a total exemption or consider revamping the continuing education requirements for licensure as a funeral director. She indicated the board may want to consider requiring that any funeral director who is licensed as an insurance agent, prior to licensure, go through a twelve-hour course related to pre-need and then revamp the continuing education requirement to include some portion of pre-need for the annual certification. She went on to say Mr. Byrd offered to assist the board and/or the associations in reviewing any ground legislation you may want to come up with.

Ms. Pyatt stated the commissioner had indicated he would support the board's decision to move in this direction, however, it would be up to the board or the associations to introduce the legislation.

Mr. Avinger moved the board introduce legislation regarding the reduction of pre-need continuing education requirements. The motion was seconded by Mr. Thornwell and unanimously carried.

The Association of Executives of Funeral Service Boards Newsletter

Ms. Pyatt presented to the members, for their information, with a newsletter from a new organization, The Association of Executives of Funeral Service Boards.

Charleston Funeral Home plans to Build Artificial Reef with Cremated Remains

Ms. Pyatt presented to the members, for their information, an article obtained from WIS TV, via the internet. The article indicates a funeral home in Charleston is offering individuals the chance to have their ashes mixed with concrete to form an artificial reef approximately ten miles off the coast.

Law Requires Casket Firms to Provide Funeral Services

Ms. Pyatt presented to the members, for their information, an article from The State newspaper regarding the closing of Colonial Casket Company.

Midlands Consumers Confused by Funeral Home Pricing

Mrs. Pyatt presented the members, for their information, with a newsletter article regarding consumer confusion on funeral home prices. She noted that Mr. Hendrix had been quoted in the article.

Mr. Hendrix stated he had informed the reporter that he would need to speak with the Federal Trade Commission since the nature of the article would fall under that agency.

Funeral Director Sentenced

Mrs. Pyatt presented the members, for their information, with a newsletter article in regard to the sentencing of Mr. Joe Palmer, of Palmer Funeral Home in Saluda.

Public Comments

Mr. Louin Poston stated he would like to comment on efforts to reduce the continuing education requirements for pre-need insurance or limit the nature of the license to sell pre-need products. He went on to say he thinks that everything that has happened to destroy consumer confidence in the business the last thing the industry needs to consider is reducing the education that the providers should aspire to receiving. He thinks the only thing that could be done to better the industry is to provide higher standards and credentials so that when consumers enter the funeral homes they have a high degree of confidence knowing that the providers have met a certain academic and licensure certification standards. He went on to say that if the board reviews national surveys that the Funeral Service Educational Foundation has regarding pre-need it may offer a good perspective on the value of the education.

Mr. Poston stated the funeral homes would be doing the clients or families a disservice if they did not have a full range of insurance knowledge in order to take the product and compare it fairly to other products the family may be considering for purchase.

Ms. Pyatt stated that Mr. Byrd, of the S. C. Insurance Commission, cautioned that if the board pursues the total exemption the board would put in place something that beginning of certification program to ensure that the educational requirements are met. She further stated that he went to say the board could then include an annual requirement of pre-need insurance in the continuing education requirements for funeral directors to ensure that the licensees are keeping abreast of what is happening.

Recess

The board recessed for fifteen minutes.

Executive Session

On returning to public session, Mr. Halls moved the board enter executive session to discuss disciplinary actions. Mr. Thornwell seconded the motion, which carried unanimously.

Open Session to Report on Results of Executive Session

Mr. Hendrix noted for the record that no motions were made and no votes were taken during the time the board was in executive session.

Colonial Casket Company – Vanessa S. Bartley

Mr. Thornwell moved the board deny the document Ms. Bartley presented to the board, that the proof of burden is placed on Ms. Bartley to submit documentation that she has been a resident of the State of South Carolina for one year prior to applying for a managerial position and that the documentation be submitted prior to June 30, 2001. The documentation may be a tax return, lease agreement, etc. The board has advised staff to review the documentation as submitted in consultation with the board. The motion was seconded by Mr. Avinger and unanimously carried.

Frederick Fielding

Mr. Green moved the board approve Mr. Fielding's application for reinstatement, that he serve a two-year probation and that the board require an annual SLED report, at Mr.

Fielding's expense. Mr. Thornwell seconded the motion, which carried unanimously.

Meares Funeral Home

Mr. Parks moved the board approve Mr. Hannah as manager for Meares Funeral Home until the August 16, 2001 meeting whereas he is expected to appear before the board with the appropriate credentials. The motion was seconded by Mr. Green and unanimously carried.

Adjournment

There being no further business, Mr. Green moved the meeting be adjourned. Mr. Thornwell seconded the motion, which carried unanimously. The June 7, 2001 meeting of the S. C. Funeral Board adjourned at 1:18 p.m.