

MINUTES

South Carolina Funeral Service Board

Board Meeting

10:00 a.m., December 13, 2001

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Mr. Mike Thornwell, President, of Ft. Mill, called the regular meeting of the S. C. Funeral Service Board to order at 10:00 a.m. Other board members participating during this meeting included: Mr. Bob Parks, Vice-President, of Charleston; Mr. Greg Jones, Secretary, of Greer; Mr. Jim Adcock, of Orangeburg; Mr. Ward Avinger, Holly Hill; Mr. Phillip Caulder, of Chesterfield; Mr. Roger Finch, of Greenville; Mr. Charles Green, of Charleston; Mr. James L. "Larry" Strom, of Pelzer; and Mr. A. P. Williams, III, of Columbia.

Members of staff participating at various times during the meeting included: Ms. Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Ms. Sandra Dickert, Administrative Assistant; Mr. Dwight Hayes, Administrator; and Ms. Jeanie Rose, Administrative Specialist.

Members of the audience included: Curt Copeland, James Crawford, John R. Demery, David Farr, Harold Frazier, Jr., Henry Henryhand, Mrs. Henryhand, Pete Hoogendonk, II, Connie Jackson, Rubin W. Jackson, Ada Mungo, Ted Oxner, J. Lawrence Smith, Robert Snider, Joyce Tew, Anthony Waymyers.

Mr. Thornwell announced public notice of this meeting was properly posted at the S. C. Board of Funeral Service office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance Section 30-4-80 of the South Carolina Freedom of Information Act.

Approval of Minutes for the October 4, 2001 Meeting

Mr. Caulder noted he was absent from the October 4, 2001 meeting due to family illness. He asked that he be given an excused absence.

Mr. Avinger noted Mr. Caulder had contacted him regarding his absence, however, due to the untimely death of his cousin he was also absent.

Mr. Thornwell noted one grammatical error on the last page.

Mr. Parks moved the board accept the minutes of the December 13, 2001 meeting. Mr. Jones seconded the motion, which carried unanimously.

President's Remarks

Mr. Thornwell welcomed all present.

Introduction of Members and All Persons Present

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

Mr. Hayes noted that Mr. Hampton is running late.

Administrator's Remarks

List of New Licenses Issued

Mr. Hayes presented the member with a list of new funeral home permits issued since the last meeting. (This list is attached as Addendum A and hereby becomes a permanent part of this record.)

Mr. Hayes also presented the members with a list of new Funeral Director/Embalmer licenses issued since the last meeting. (This list is attached as Addendum B and hereby becomes a permanent part of this record.)

Mr. Hayes stated the board had discussed having Mr. Louie Jacobs, of the S. C. Board of Financial Institutions, attend the meeting with regard to conducting an audit on the Barrow-Glenn Funeral Home since there have been a number of legal problems connected to that facility and pre-need regulations. He went on to say he has received a letter from Mr. Jacobs which indicated he is investigating the pre-need contract of the funeral home. The letter further indicated Mr. Jacobs would be unable to attend today's meeting.

Mr. Hayes stated the board received a request yesterday (December 12, 2001) from an individual who did his apprenticeship from 1987 to 1989. He further stated the individual wanted to submit an application for licensure. He went on to say that after checking the records, staff was only able to locate a ledger sheet showing he was a licensed apprentice during the time indicated. He continued by saying the individual forwarded to staff some documentation of his apprenticeship.

Mr. Hayes questioned the board on whether or not they wanted to entertain the concept of licensing an individual if staff is able to document his

apprenticeship twelve or thirteen years ago.

Mr. Avinger stated he has a problem with going back ten years and not having full documentation of apprenticeship being served. He went on to say if full documentation of apprenticeship being served is available he believes the board would be interested in entertaining an application for licensure.

Mr. Avinger moved the board not entertain this issue at this time. Mr. Caulder seconded the motion, which carried unanimously.

Mr. Hayes stated staff has had an inquiry from an individual who owns funeral homes regarding tag line in their advertising. He further stated an example would be a funeral home is currently licensed as ABC Funeral Home and the facility would run an advertisement for ABC Funerals and Cremations. He indicated that would not be exactly how the facility is licensed however it is not false or misleading. He continued by saying he is requesting the board's advisement in this matter.

Mr. Parks moved the board discuss this issue in executive session. The motion was seconded by Mr. Jones and unanimously carried.

Mr. Green entered the meeting at 10:15 a.m.

Report of Approved Routine Change of Managers

Mr. Hayes presented the members, for their information, with a report of Approved Routine Change of Managers. (This report is attached as Addendum C and hereby becomes a permanent part of this record.)

Advisory Opinions, if Needed, Office of General Counsel

There were no advisory opinions given during the December 13, 2001 S. C. Funeral Board meeting.

Legislative Update, if Needed, Legislative Liaison Office

There was no legislative update given during the S. C. Funeral Board meeting.

Action Items

Old Business

Johnny R. Demery

Mr. Hayes stated Mr. Demery appeared before the board at the last meeting regarding a conviction on his arrest record. He went on to say staff has received information on Mr. Demery's conviction which is different from his

statement at the last meeting. He further stated the incident report indicates Mr. Demery was charged with, and pled to, the willful burning of another's land. He continued by saying the incident report states Mr. Demery was seen at the scene of the fire with no other individuals present. He also stated Mr. Demery had indicated at the last meeting that he was burning trash and the fire got out of hand.

Mr. Demery stated he was unable to obtain a copy of the incident report and was unsure of what the record indicated regarding the incident. He further stated his attorney had indicated he did not have a copy of the incident report on file.

Mr. Hayes stated staff received its copies of the incident report came from the Sheriff's Department and other records were obtained from the Florence County Clerk of Court's Office. (Copies of the incident report and all other reports relating to this matter are located in Mr. Demery's license file.)

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

New Business

1. Request for Approval of New Facility

Cumbee Funeral Home

David Farr appeared on behalf of the funeral home. He indicated this request is for a primary funeral home and that he is purchasing the facility from Mrs. Cumbee.

Mr. Parks moved the application be approved pending inspection. The motion was seconded by Mr. Avinger and Mr. Caulder and unanimously carried.

Mungo Funeral Home

Ada Mungo appeared on behalf of the funeral home.

Ms. Mungo stated the facility is the only location of Mungo Funeral Home and would be located in Lancaster.

Mr. Parks moved the board approve this application pending a favorable inspection. Mr. Williams seconded the motion, which carried unanimously.

The People's Mortuary

Connie Jackson, Reubin Jackson, and Anthony Whitmyers appeared on behalf

of this funeral home.

Ms. Jackson does not plan to resign her position with the S. C. Department of Social Services. She further stated she would be employed with the Department of Social Services for another two years. She indicated she has made arrangements with her current job to be available between 9:00 a.m. and 5:00 p.m., which is when the funeral home would be open.

Mr. Caulder moved the board discuss this issue in executive session. The motion was seconded by Mr. Parks and unanimously carried.

Coastal Cremation Services

Curt Copeland appeared on behalf of this facility.

Mr. Copeland stated this facility is located on the same property as the parent funeral home, however, he did not want to call this facility the same as the parent facility.

Motion

Mr. Parks moved the board approve this application. Mr. Adcock seconded the motion, which carried unanimously.

2. Request for Additional Facility

Smith's Funeral Home

J. Lawrence Smith appeared on behalf of the funeral home.

Motion

Mr. Caulder moved the board accept the application pending inspection. The motion was seconded by Mr. Adcock and unanimously carried.

Woodside Memorial Chapel

Harold Frazier, Jr. appeared on behalf of Mr. Mungo.

Mr. Frazier stated he is an employee of the funeral home. He further stated the facility would be an additional facility of Mungo Funeral Home under a different name.

Motion

Mr. Parks moved the board approve this application upon proper completion of the application and pending an inspection of the facility. Mr. Avinger seconded the motion, which carried unanimously.

Request for Change of Facility Manager

Cain-Poston Funeral Home, Inc.

Ted Oxner appeared on behalf of the funeral home.

Mr. Oxner stated he is a retired certified public accountant and one of the original incorporators of Cain-Poston Funeral Home. He further stated that approximately one year the company began to realize there were some serious managerial problems. He continued by saying the other stockholders engaged him to become financial manager of the facility. He began working at the facility on July 5, 2001 and the manager resigned on August 21, 2001. He went on to say the company has been without a manager and after interviewing applicants chose an individual whom he felt was best qualified and submitted an application for the board's approval. He also stated he was unaware of the requirement that the manager has to be a resident of South Carolina for one year prior to being named manager. He is asking the board's consideration in this matter. He went on to say there is one individual on staff who has been a resident of the State of South Carolina for one year, however, that individual just became licensed last week.

Motion

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

Tew Community Funeral Home

Mr. Hayes stated this application is before the board due to the distance between the facility in Moncks Corner and Mr. Henryhand's residence in Kingstree.

Mr. Henryhand stated he had earlier applied to be the manager of this facility unaware that he could not work but for one facility. He asked to withdraw his application as manager since he owns a funeral home in Kingstree of Tew Funeral Home and asked the board to allow 60 days to hire a manager for Ms. Tew.

Motion

Mr. Caulder moved the board allow the facility until February 21, 2002 to secure a manager, as this is a hardship case. Mr. Parks seconded the motion, which carried unanimously.

Discussion Items

The Conference Report

The board was presented with a copy of The Conference Report for their information. (This report is attached as Addendum D and hereby becomes permanent part of this record.)

Public Comments

Mr. Strom stated Mr. Eddie Kerr had a stroke on December 4, 2001 is now at the Anderson Area Medical Center. He asked the members to keep Mr. Kerr in their thoughts and prayers.

Executive Session

Mr. Avinger moved the board enter executive session to seek legal advice in the above matters. Mr. Caulder seconded the motion, which carried unanimously.

Mr. Avinger left the meeting at 12:10 p.m. while the board was executive session.

Return to Public Session to Report on Executive Session

Mr. Hampton arrived at the meeting at 12:25 p.m.

Mr. Thornwell noted for the record that no actions were taken during the time the board was in executive session.

People's Community Mortuary

Motion

Mr. Parks moved the board deny the permit based on lack of evidence presented for accessibility. The motion was seconded by Mr. Caulder and unanimously carried.

Cain-Poston Funeral Home, Inc.

Motion

Mr. Caulder moved the board deny this application based on current statutory requirements regarding residency and that they be allowed thirty days to remit a new application. Mr. Green seconded the motion, which carried unanimously.

Johnny R. Demery

Motion

Mr. Green moved the board deny the application for manager of this new facility as long as Mr. Demery is being considered for the position because Mr. Demery has not been fully candid nor forthcoming regarding the criminal

aspect of his application. The motion was seconded by Mr. Caulder and unanimously carried.

Dismissal Report Motion

Mr. Caulder moved the Dismissal Report be approved as presented. Mr. Parks seconded the motion, which carried unanimously.

February 2002 Board Meeting

The board discussed having the February 2002 meeting at the Sheraton Hotel and Conference Center in conjunction with the mid-winter meeting. This meeting will be held February 4-6, 2002.

Mr. Thornwell stated the board would meet on February 6, 2002 if space could be provided at the Sheraton Hotel and Convention Center and the board receives confirmation in a timely fashion. He further stated that if the arrangements cannot be made, the board would meet on February 21, 2002.

Continuing Education Committee

Mr. Thornwell stated he would like for the continuing education committee to visit the various communities and would like to assign two individuals to each area. He would like to begin this at the beginning of the year and asked the members to review the congressional district map and write their name in the area(s) best suited to them.

Miscellaneous

Mr. Thornwell stated he has formed an executive legislative committee that will meet this afternoon to iron out any problems with the proposed legislation.

Mr. Strom asked the members if the board should take a position on the embalming of Creutzfeldt-Jacob disease. The board briefly discussed the difficulty the funeral directors are having with deceased individuals with this disease.

Ms. Dantzler suggested the board meet with the S. C. Hospital Association regarding coordination of working with deceased individuals with Creutzfeldt-Jacob disease. She further stated she would locate the contact person's name for the board.

Mr. Parks asked Ms. Dantzler to submit to the board a written legal opinion

on the constitutionality of residency requirement.

Mr. Parks briefly discussed the decision of the majority of family members to cremate a body and a written letter from a probate judge on behalf of a missing family member. He requested the board authorize Mr. Hayes to draft a letter to the Supreme Court regarding the funeral directors' plight regarding locating missing family members and their willingness as a probate judge to write a letter on behalf of a missing family member to have a body cremated.

Ms. Dantzler stated the board could request that this issue be considered as part of the probate judge's judicial continuing education on the scope of that statute.

Adjournment

There being no further business to be brought before the board at this time, Mr. Green moved the meeting be adjourned. Mr. Strom seconded the motion, which carried unanimously.

The December 13, 2001 meeting of the S. C. Board of Funeral Service adjourned at 1:02 p.m.

The next meeting of the S. C. Board of Funeral Service is tentatively scheduled for February 21, 2002.