

MINUTES

South Carolina Funeral Board

Board Meeting

10:00 a.m., October 3, 2002

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room

Columbia, South Carolina

Mike Thornwell, President, of Ft. Mill, called the regular meeting of the S.C. Board of Funeral Service to order at 10:00 a.m. Other Board members present were: Robert "Bob" Parks, Vice President, of Charleston; Gregory Jones, Secretary, of Greer; James Adcock, of Orangeburg; Ward Avinger, of Holly Hill; Clarence Hampton, of Seneca; Larry Strom, of Pelzer; and A. P. Williams, III, of Columbia.

Staff members participating during the meeting included: Sharon Dantzler, Deputy General Counsel, LLR - Office of General Counsel; Sandra Dickert, Administrative Assistant; Dwight Hayes, Administrator; Jeanie Rose, Administrative Specialist; and Bill Whitby, Inspector.

Phillip Caulder, of Chesterfield and Charles Green, of Charleston were granted excused absences.

Members of the public present for the meeting included: Maurie Brashaw, William Craig, Otis Elmore, Jr., Donna Harper, Byron Harrison, Richard Lewis, Frances Rizer, Christopher Robinson.

Mr. Thornwell announced that public notice of this meeting was properly posted at the S. C. Board of Funeral Service office, Synergy Business Park, Kingstree Building, Room 108 and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Invocation

Mr. Avinger delivered the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of the August 15, 2002 Meeting Minutes

MOTION

Mr. Williams moved the minutes be approved with necessary corrections if needed. The motion was seconded by Mr. Hampton and unanimously carried.

President's Remarks

Mr. Thornwell stated he hopes the Board would receive a report from the Legislative Committee during the meeting today.

Administrator's Remarks

Mr. Hayes presented, for the Board's information, copies of the list of new funeral home permits issued since the August 2002 meeting. He further stated that five permits have been issued to new funeral homes.

Mr. Hayes also presented for the Board's information a list of new funeral director/embalmer licenses that have been issued since the August 2002 meeting. He indicated that thirteen licenses have been issued to funeral directors/embalmers.

Mr. Hayes presented to the Board a report of managers of new facilities and routine change of managers. He noted that the report lists 7 changes made since the August 2002 meeting.

Mr. Hayes stated most of the individuals who would be renewing have renewed. He would be discussing consent orders on individuals who have not renewed in executive session.

Mr. Hayes stated self-inspection forms have been mailed. He noted that when the inspector completes an inspection he would be able to view the self-inspection report. He feels it has been a teaching tool for everyone. He further stated that all self-inspection forms should be in by October 15th.

Roger Finch, of Greenville, arrived at this time.

Advisory Opinions, If Needed, Sharon Dantzler, Office of General Counsel
There were no advisory opinions given during the October 3, 2002 meeting.

Legislative Update, If Needed, Legislative Liaison Office
There was no legislative update given during the October 3, 2002 meeting.

Unfinished Business

1. New Facility

Harper Embalming and Funeral Service, Donna Harper, Manager

Ms. Harper appeared at the August 15, 2002 meeting, at which time her application was for an embalming service only. The Board denied the application because it did not qualify in any existing class of license. Ms. Harper has submitted a new application and has added a funeral home to the embalming facility.

Mr. Hayes stated he has met with Ms. Harper and viewed her floor plans to qualify the facility for a funeral home. He has determined that the floor plans do qualify for a funeral service establishment so she could become licensed as funeral service establishment.

Mr. Strom asked if the Board could approve embalming services establishments on a case-by-case basis. Ms. Dantzler replied the Board could not approve such cases.

MOTION

Mr. Strom moved to approve without delay, pending an inspection of the facility. The motion was seconded by Mr. Parks and unanimously carried.

Reinstatement

a. Byron Percival Harrison, Funeral Director

Mr. Harrison was scheduled to appear before the board at its April 4, 2002 meeting, however he did not appear at that time. During the April meeting Mr. Hayes indicated that Mr. Harrison was duly licensed in the State of Georgia. At that time Mr. Harrison's application did not indicate where he would be employed. The Board tabled its decision until Mr. Harrison submitted all of the appropriate documentation. Mr. Harrison is to bring his photo and SLED report with him today. Mr. Harrison is attempting to become reinstated in South Carolina so he may reciprocate licensure to the State of Georgia. He was last licensed in South Carolina in 1997. He is not currently licensed, nor has he been licensed, in Georgia. He has brought his fees up to date.

Mr. Harrison's application notes a yes answer to the question regarding arrests. He was arrested in 1996. The matter has been resolved. His arrest record from Atlanta indicates no arrests.

MOTION

Mr. Parks moved the Board approve the application. The motion was seconded by Mr. Adcock and carried unanimously.

New Business

New Facility

Lewis Funeral Home, Richard Scott Lewis

Mr. Lewis submitted an application for a new facility (funeral home). The application was missing the correct fee of \$250 and Mr. Richard Scott Lewis' statement of residence, which Mr. Lewis brought to the Board today. Mr. Lewis' SLED report indicates an arrest in 1987 and again in 1997. He has had no further arrests since December 1997.

MOTION

Mr. Adcock moved the Board accept the application. Mr. Parks seconded the motion, which carried unanimously

Elmore-Cannon-Stephens Funeral Home, Otis Jamison Elmore, Jr.

Mr. Elmore has submitted an application for a new facility. The application is complete with the exception of the incorporation documents that Mr. Elmore has requested from the Secretary of State's office. Mr. Elmore presented a copy of the incorporation documents today.

MOTION

Mr. Avinger moved the Board approve the application pending inspection. The motion was seconded by Mr. Adcock and carried unanimously.

Additional Facility

Robinson Funeral Home, Christopher Robinson

Mr. Robinson has submitted an application for an additional facility location, which would be a funeral home as well as a crematory. The application is complete. The additional facility is approximately three miles from the main facility

Mr. Hayes stated there is a discrepancy on the agenda regarding the name of the facility. He indicated Mr. Robinson has indicated on the application crematory and the agenda indicates on a funeral home. He indicated that there had been discussion up to the last minute regarding the name of the facility.

MOTION

Mr. Jones made a motion, seconded by Mr. Williams and unanimously carried, that the Board approve the application.

Transport Plan, Maurie J. Brashaw, American Pre-Arrangement Services

Mr. Hayes stated that during the August Board meeting discussed a phone call he had received regarding a transport company engaged in transporting remains through funeral homes. He further stated at that time the Board made the determination that this would fall under the scope of practice of funeral service. He indicated Mr. Brashaw, with the American Pre-Arrangement Services, is here today to further discuss this operation.

Mr. Brashaw stated his operation operates only through licensed funeral homes. He further stated he is not performing a funeral, he is arranging for a funeral service to be performed at an individual's legal residence. His company contacts a licensed funeral home to inform them that they would be receiving an individual's remains. He explained his product is marketed through licensed funeral homes.

A discussion on this matter ensued. It was noted that the personnel handling the phone calls are located near Princeton, New Jersey.

MOTION

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

Further discussion in this matter ensued.

Approval of the 2003 Meeting Dates

Staff presented the members with a list of proposed meeting dates for 2003. These dates are:

February 20, 2003 August 21, 2003

April 3, 2003 October 9, 2003

June 12, 2003 December 11, 2003

Mr. Hayes stated the December meeting was scheduled for December 12th; however, the rooms are not available that day. Staff presented the members with other available dates. The Board determined it would meet on December 11th.

The Board approved the meeting dates for 2003.

Discussion Items

There were no discussion items for the October 3, 2002 meeting.

Public Comments

There were no public comments made during the October 3, 2002 meeting.

Executive Session

The Board entered executive session to discuss consent orders and to seek legal advice.

Return to Public Session to Report on Executive Session

Mr. Thornwell announced that no motions were made and no votes were taken during executive session.

Approval of Consent Orders

Mr. Avinger moved the Board accept the Consent Orders presented by Mr. Hayes (one funeral establishment and 13 individuals). Mr. Parks seconded the motion, which carried unanimously.

Transport Plan, Maurie J. Brashaw, American Pre-Arrangement Services

Mr. Strom moved the Cease and Desist Order remain in place until AAI is properly licensed under the laws and regulations. The motion was seconded by Mr. Williams and unanimously carried.

Recess

The Board recessed at 12:52 p.m. for lunch.

Ward Avinger and Jim Adcock left the meeting at this time.

Working Session Meeting

The Board resumed its meeting with a working session meeting with the legislative committee at 2:00 p.m.

Cecil "Sandy" Sandifer, Bobby Stubenrauch, and Ezekial Trezvant were present.

Mr. Sandifer, Mr. Stubenrauch, and Mr. Trezvant briefed the Board on the items discussed from the legislative committee.

Mr. Finch left the meeting at 2:30 p.m.

There was some discussion regarding the testing of the crematory operator.

Mr. Thornwell discussed continuing education seminars that would include the Board putting on a three-hour course in the annual conference of the Morticians' Association and the Funeral Directors' Association.

Mr. Parks made remarks on how the seminars could be conducted.

Adjournment

There being no further business at this time, the meeting adjourned at 3:45 p.m.