

MINUTES

South Carolina Funeral Board

Board Meeting

10:00 a.m., December 11, 2002

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 111

Columbia, South Carolina

Mike Thornwell, President, of Ft. Mill, called the regular meeting of the Board of Funeral Service to order at 10:00 a.m. Other members present included: Bob Parks, Vice President, of Charleston; Greg Jones, Secretary, of Greer; Jim Adcock, of Orangeburg; Phillip Caulder, of Chesterfield; Roger Finch, of Honea Path; Clarence Hampton, of Seneca; Larry Strom, of Pelzer; and A. P. Williams, of Columbia.

Ward Avinger, of Holly Hill, was granted an excused absence.

Staff members participating in 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, Investigator.

Members of the public attending the meeting included: Curtis "Mitch" Rivers, Robert Shellhouse, Sharon Stahl, and Ray Vistoski.

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 111 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. He also noted that a quorum was present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Adcock delivered the invocation.

Introduction of Members and Other Persons Attending the Meeting

The board members, staff and members of the public introduced themselves. (The listing of members of the public attending the meeting is noted above.)

Approval of Minutes for the October 3, 2002 Board Meeting and Work Session Meeting

MOTION

Mr. Parks moved the minutes be approved as submitted. Mr. Williams seconded the motion, which carried unanimously.

President's Remarks - Mike Thornwell

Mr. Thornwell reminded the members of the reason for the season.

Administrator's Remarks, For Information - Dwight Hayes

Mr. Hayes stated that since the last meeting staff has issued 17 new dual licenses and completed one routine change of manager. He also said that there are currently 498 permitted facilities, 832 dual licensees, 525 funeral directors, and 12 embalmers.

Mr. Hayes stated that since staff has been short for the past year or two inspectors from other areas have assisted in inspections. He further stated 81 inspections have been taking place since July 1, 2002. He noted that the Budget and Control Board meeting on December 10, 2002 would delay any hope of hiring a full time inspector.

Mr. Parks questioned Mr. Hayes how staff is handling inspections. Mr. Hayes stated the oldest inspections are being handled first. He indicated the new legislation requires a manager to be full time.

Mr. Parks commended Mr. Hayes on the inspections.

Mr. Charles Green, of Charleston, arrived at the meeting at this time.

Advisory Opinions, If Needed, Sharon Dantzler, Office of General Counsel
There were no advisory opinions given during the December 11, 2002 meeting.

Legislative Update, If Needed, Legislative Liaison Office
There was no legislative update given during the December 11, 2002 meeting.

Unfinished Business

There was no unfinished business to be discussed during the December 11, 2002 meeting.

New Business

Approval of License Reinstatement

Condrae´ McFadden (Dual Applicant)

Mr. Hayes stated Mr. McFadden is in Baltimore, Maryland and would not be appearing at the meeting today.

Mr. Thornwell questioned Mr. Hayes regarding Mr. McFadden's address.

Mr. Hayes stated it is Mr. McFadden's intent to return to South Carolina. He hopes to return to work at Bostick-Tompkins.

Mr. Hayes stated Mr. McFadden answered yes to question 10. He noted that he would clarify the answer to this question.

MOTION

Mr. Parks moved to accept pending Mr. Hayes clarifying the answer to question #10. The motion was seconded by Mr. Williams, and unanimously carried.

Julius P. G. Fielding (Dual Applicant)

Mr. Hayes stated Mr. Fielding would not be appearing today as he was unable to complete his continuing education in time for this meeting. He further stated Mr. Fielding's application would be placed on the agenda for the next meeting.

There was a brief discussion regarding this matter.

MOTION

Mr. Caulder made a motion, seconded by Mr. Williams and unanimously carried, to hold this matter in abeyance until the next meeting.

Approval of Additional Facility

S.C. Cremation and Memorial Society of the Lowcountry, Sharon N. Richardson Stahl
Ms. Sharon Stahl appeared before the board at this time.

Ms. Stahl stated the name of the facility comes from an alliance with the South Carolina Cremation Society. She is currently manager of the branch facility of the Island Funeral Home.

Mr. Ray Visotski, President of the South Carolina Cremation Society, appeared before the board at this time. He further stated this society serves those individuals who do not believe in funerals or funeral homes. He indicated the society is currently located in his funeral home in Aiken, South Carolina.

MOTION

Mr. Adcock moved this matter be discussed in executive session. Mr. Caulder seconded the motion, which carried unanimously.

Approval of Additional Facility, Change of Owner, Change of Name

a. Shellhouse-Rivers Funeral Home, Curtis M. Rivers

Mr. Curtis "Mitch" Rivers and Mr. Robert Shellhouse appeared before the board at this time.

This facility will be merging their businesses for this one location.

MOTION

Mr. Parks moved the board accept this application. The motion was seconded by Mr. Caulder and unanimously carried.

Discussion Items

"Lie in state" Listing in the Obituaries

Mr. Williams stated the funeral directors were taught that "lie in state" was reserved for heads of state. He is concerned with what the funeral homes are terming "lie in state". He feels that these funeral homes should receive a complimentary letter from the board on what is correct and incorrect regarding this practice.

Ms. Dantzler stated that the board could not register a complaint regarding the obituary listing in the newspaper unless the obituary can be classified as misrepresentation or fraud.

MOTION

Mr. Caulder moved the board accept this phrase and the discussion as information and take no action. The motion was seconded by Mr. Parks and carried with a majority vote. Mr. Green voted nay in this matter.

Public Comments

There were no public comments made during the December 11, 2002 meeting.

Recess

The board took a brief recess at 11:25 a.m. and immediately entered executive session at 11:40 a.m. to seek legal advice.

Executive Session

The board entered executive session immediately following a brief recess.

Return to Public Session

Mr. Thornwell noted for the record that no motions were made and no votes were taken during executive session.

S.C. Cremation and Memorial Society of the Lowcountry

MOTION

Mr. Parks moved that the board accept the application with the caution that this type of organization creates an opportunity potentially for misleading advertising and urged consideration of this fact and noted that the personal and facility licenses can be disciplined. Mr. Green seconded the motion, which carried unanimously.

Case Disposition Report and Dismissal Report

MOTION

Mr. Adcock moved the board accept the Dismissal Report and the Case Disposition Report with the exception of case #45-769, which is to be sent back to the IRC. The motion was seconded by Mr. Parks and carried unanimously.

Mr. Hayes presented plaques to Mr. Adcock, Mr. Green and Mr. Thornwell for their time served on the board.

These board members will remain in their active status until such time that the Governor has made the appropriate appointments.

Adjournment

There being no further business to discuss at this time, the meeting adjourned at 1:04 p. m.