

MINUTES

South Carolina Funeral Board

Board Meeting

10:00 a.m., February 20, 2003

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Mike Thornwell, of Ft. Mill, called the regular meeting of the S.C. Funeral Board to order at 10:00 a.m. Other Board members present were: Robert Parks, Vice President, of Charleston; Gregory Jones, Secretary, of Greer; Ward Avinger, of Holly Hill; Charles Green, of Charleston; Larry Strom, of Pelzer; Tony Tipton, of Greer; William Troy, of Mullins; and A. P. Williams, III, of Columbia.

James Adcock, of Orangeburg, Phillip Caulder, of Chesterfield, and Clarence Hampton, of Seneca, were given excused absences.

Staff members participating at various times during the meeting included: Randall Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel, LLR - Office of General Counsel; Sandra Dickert, Administrative Assistant; Dwight Hayes, Administrator; Jeanie Rose, Administrative Specialist and Adrienne Youmans, Director.

Members of the public attending the meeting included: Jimmy Blake, Charles Brown, Thomas Brown, Chris Burroughs, Ada Ferguson, Merry Halfacre, Sam Halls, Dwayne Harrington, Jonathon Holly, David Martin, Barbara Nelson, Lou Ann Pyatt, Jim Rhinehart, Abby Rolls, Shawn Simmons, Marti Sioussat, Gloria Vessels and Jerry White.

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. He noted that a quorum was present.

Pledge of Alligence

All present recited the Pledge of Allegiance.

Invocation

Mr. Parks delivered the invocation.

Introduction of Board Members, Staff and Members of the Public Attending the Meeting
The Board members, staff and the members of the public introduced themselves.

Mr. Thornwell welcomed Mr. Tipton and Mr. Troy as new Board members

Approval of Minutes for the December 11, 2002 Meeting

MOTION

Mr. Green moved the Board approve the minutes of the December 11, 2002 meeting. Mr. Williams seconded the motion, which carried unanimously.

Election of Officers

Mr. Thornwell the floor for nominations for president. Mr. Strom nominated Mr. Parks as president. Mr. Williams seconded the nomination, which carried unanimously. Mr. Parks was elected president by acclamation.

Mr. Thornwell opened the floor for nominations for vice president. Mr. Troy nominated Mr. Hampton for vice president. Mr. Williams seconded the nomination, which carried unanimously. Mr. Hampton was elected vice president by acclamation.

Mr. Thornwell opened the floor for nominations for secretary/treasurer. Mr. Troy nominated Mr. Williams. The nomination carried. Mr. Williams was elected secretary/treasurer by acclamation.

President's Remarks

Mr. Thornwell thanked the Board and staff for their support during his reign as president.

Mr. Parks thanked the associations for their support and recognized Mr. Thornwell for his service to the Board and the industry.

Mr. Parks stated there has been a continuing effort from the agency to support the needs of the Board does in funeral service. He recognized Mr. Hayes, his staff and Ms. Dantzler for their efforts. He also recognized Mr. Bryant for his efforts in keeping the Board focused.

Mr. Parks discussed the NASA community and its endeavors in exploring space, industry and the funeral service.

Administrator's Remarks, For Information - Dwight Hayes

Mr. Hayes thanked Mr. Thornwell for his service to the Board and stated he looked forward to working with him in the years to come.

Mr. Hayes stated 38 funeral homes have been inspected since the last meeting. He further stated that there have been five changes of managers, one new facility and six new licensees since the last meeting.

Mr. Hayes stated the legislation passed last session has been incorporated into the statute and is now on the Board's webpage. He went on to say the agency is in the process of producing a new statute book to reflect the changes and is also in the process of revising the forms in accordance with the changes. He indicated these changes would be completed and presented at the next meeting.

Mr. Hayes stated there is one piece of legislation in the works.

Mr. Hayes stated that because of the changes in the state law exam would be reviewed and rewritten to reflect the new law. He hopes to have a draft of the state law exam available for the next meeting.

Mr. Hayes stated that the budget cuts made last fiscal year by the House Ways and Means Committee are permanent and that the Committee is looking at the possibility of budget cuts.

Mr. Hayes welcomed the Piedmont Technical students to the meeting.

Advisory Opinions, If Needed, Sharon Dantzler, Office of General Counsel
There were no advisory opinions given during the February 20, 2003 meeting.

Legislative Update, If Needed, Legislative Liaison Office
There was no legislative update given during the February 20, 2003 meeting.

Action Items

Unfinished Business

Mr. Parks stated that the laws governing the industry are some of the best in the nation, however, there are some areas that need to be modified.

New Business

MOTION

Mr. Parks moved that as immediate past president, the Board ask Mr. Thornwell, to serve on the Board for another year as a non-voting member. Mr. Troy seconded the motion, which carried unanimously.

1. Approval of Additional Facility

a. Litchfield-Pawleys Funeral Home and Cremation Service - Dwayne Colon Harrington, License # 1833

Mr. Dwayne Colon Harrington appeared before the Board at this time.

Mr. Harrington stated he is proposing to open a new facility in Pawley's Island, which is just below Myrtle Beach.

Mr. Hayes stated the Board no longer requires blueprints prior to building a new facility, however, staff reviews blueprints as a courtesy should the manager request it. He further stated staff ascertains that everything is in order during the facility inspection. He noted that, at this point, this facility has submitted the required documentation. He indicated that since construction has not yet begun there is no planned opening date. He said an inspection would be conducted following construction and the facility has received a Certificate of Occupancy from the local jurisdiction.

MOTION

Mr. Troy made a motion, seconded by Mr. Green and unanimously carried, that this application be approved, and following inspection, be granted a license.

2. Approval of New Facility (New Name)

a. Community Funeral Home - Ada Ferguson

Mr. Hayes stated this is a facility that was formerly run by Mr. Tommy Capers in Walterboro. He further stated that Mr. Capers' permit and personal license expired in 1999. He further stated the structure has gone mostly unused since then. He went on to say it is a former funeral home, but he understands there is a new management and ownership structure. He said that the only question he has with the application is that there is currently an ongoing investigation in the area concerning a former funeral director who is operating without a license. He went on to say staff wants to ensure that this individual does not have a relationship to this new facility. He does not have any evidence that this individual does have such a relationship, however, he wanted some assurance that he would not be associated with this facility. He cautioned the owners and the manager that if this individual did become involved it would be a serious endeavor. He indicated the individual is Michael Bodison. He noted staff has received several complaints regarding Mr. Bodison.

Ms. Ferguson stated she lives approximately 35-40 miles from the facility.

MOTION

Mr. Jones moved the Board discuss this application in executive session. The motion was seconded by Mr. Williams seconded and carried unanimously.

3. Approval of Dual License Reinstatement

a. Julius P. Fielding, II

Mr. Fielding was not present for the meeting.

Mr. Parks noted that this is the second time he has not appeared.

Mr. Hayes stated Mr. Fielding is lacking six hours of continuing education and was anticipating getting those hours complete in the near future.

MOTION

Mr. Strom moved the Board table this matter until submission of the proper paperwork. Mr. Avinger seconded the motion, which carried unanimously.

b. Shawn P. A. Simmons

Mr. Shawn P. A. Simmons appeared before the Board at this time.

Mr. Simmons is attempting to become reinstated as a dual licensee. He further stated he allowed his license to expire due to health issues.

Mr. Hayes noted that Mr. Simmons is appearing before the Board as a result of an arrest

record. He further stated he wanted to ensure the Board felt comfortable with Mr. Simmons' situation.

Ms. Dantzler stated Mr. Simmons' arrest record shows a series of warrants dated approximately September 21, 2000. She further stated the arrest record does not show any disposition of the warrants and asked if Mr. Simmons has had a court date on the warrants. Mr. Simmons stated he has not been to court on the warrants and indicated he would not be appearing in court due to a thorough investigation that did not uncover sufficient information to support the allegations. Ms. Dantzler asked Mr. Simmons who informed him he would not be required to be in court regarding the warrants. Mr. Simmons replied that his attorney informed him of this news. Ms. Dantzler asked Mr. Simmons if, at this time, he had any documentation regarding the dismissal of the charges. Mr. Simmons indicated he did have documentation from the result of the investigation. Ms. Dantzler asked Mr. Simmons who conducted the investigation. Mr. Simmons replied that the Department of Social Services (DSS) conducted the investigation.

MOTION

Mr. Jones made a motion, seconded by Mr. Green and unanimously carried, that the Board discuss this matter in executive session.

4. Approval of Dual License Apprentice

a. Thomas Duane Brown

Thomas Duane Brown appeared before the Board at this time.

Mr. Brown stated he is currently attending Piedmont Technical College and is attempting to obtain dual apprentice licensure with Parker-White-Pruitt Funeral Home.

Mr. Hayes stated Mr. Brown's application includes a SLED report that indicates several arrests and convictions for fraudulent checks.

MOTION

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

5. Review of Exam Fees

Mr. Hayes stated the state exam fees have been increased by \$5.00. He asked the members if they wished to raise the fee or if the Board wished to absorb the cost. He noted that staff has been paying \$75 for the exam and are now paying \$80. He noted that the national organization for state exams customized the exam for the state. He said that the Board is paying the additional fee when the exams are ordered and received by staff.

The Board briefly discussed this issue.

MOTION

Mr. Strom made a motion, seconded by Mr. Jones and unanimously carried, that the Board raise the fee by \$5.00 to cover the cost of the exam.

6. Review of Proposed Cremation Regulations

MOTION

Mr. Parks moved that this topic be tabled to the next meeting so that the legislative committee may be here to discuss this matter. Mr. Williams seconded the motion, which carried unanimously.

Mr. Thornwell stated he believes the committee has submitted an analysis of what they would like to see in the new regulations. Ms. Dantzler stated she has not received the analysis. Mr. Thornwell suggested staff ask the committee submit an analysis so it can be reviewed during the discussion.

Discussion Items

Piedmont Tech Program Update - Gloria Vessels

Ms. Gloria Vessels appeared before the Board at this time.

Ms. Vessels gave the Board an update on the program and voiced some concerns regarding the industry. One of Ms. Vessels' concerns involved students attending school and completing the apprenticeship at the same time. She asked that the Board notify all licensees that students may now attend school and work at their apprenticeship at the same time. Mr. Parks asked Mr. Hayes to put this information on the Board's web page.

Ms. Vessels stated another concern is the exam. She further stated the Board's web site indicates a national exam is given, which makes individuals believe that once they have passed the exam they are Board certified. She indicated that to be nationally Board certified an individual must graduate from an accredited mortuary school. She believes some clarification is needed. Mr. Parks stated that could be easily clarified by edification on the web page.

Mr. Parks asked Ms. Vessels questions regarding the national exam.

Mr. Thornwell thanked Ms. Vessels for appearing at today's meeting. He further stated the Board should be proud of this program and should support it.

Discussion with Randall Bryant Regarding Continuing Education

· Continuing Education Information

Mr. Bryant recommended the Board audit a percentage of the licensees regarding their continuing education hours. He indicated the renewal notices would have a statement indicating that the individual swears or affirms that the continuing education has been successfully completed. The Board would then conduct a certain percentage of the licensees approximately 30 - 45 days following renewal. The licensee would be mailed a letter asking for documentation if the continuing education was completed. He indicated that if the licensee fraudulently answers yes when, in fact, continuing education was not

completed the IRC and the Board would take disciplinary action.

Mr. Bryant suggested that the licensees be encouraged to retain their copy of attend the continuing education class.

Discussion regarding the continuing education audit ensued.

The Board suggested Mr. Hayes submit a letter to the presidents of both associations notifying them of the new continuing education process. The Board also suggested that those licensees who are not members of the associations be notified of this new process.

MOTION

Mr. Troy moved the Board approve the auditing of continuing education and that the Board is authorizing staff to relinquish the videotapes and approve videotapes by approved providers. The motion was seconded by Mr. Williams and unanimously carried.

- Continuing Education Tapes (Will the Board obtain a new video tape)

Mr. Bryant stated the National Funeral Directors Association offers a continuing education tape and that staff would be referring licensees to toll free number to obtain this continuing education videotape.

Mr. Hayes stated that the videotape includes written material and test questions and costs \$85.

- Board Sponsored Continuing Education Classes

This item was not discussed.

Discussion Regarding Education Requirements - A. P. Williams, III

Mr. Williams suggested the Board consider the academic requirements of the funeral industry and require a four-year degree. He noted that an associate's degree is currently required. He also suggested that only dual licenses be issued. He suggested a committee be formed to study this matter.

MOTION

Mr. Thornwell moved the Board accept Mr. Williams report as information. The motion was seconded by Mr. Green and unanimously carried.

Public Comments

Piedmont Technical College invited the Board to hold a meeting at the college. The Board briefly discussed this possibility and determined it would discuss this matter in executive session.

Mr. Sam Halls, former Board member, questioned biennial licensure and the exam fees. He asked the Board's position regarding issuing of licenses with Board member signatures. He asked the Board to support Piedmont Tech in its endeavors.

Ms. Adrienne Youmans appeared before the Board at this time.

Mr. Williams left the meeting at this time.

Executive Session (To Consider Disciplinary Matters and/or Seek Legal Advice)

MOTION

Mr. Avinger made a motion, seconded by Mr. Strom and unanimously carried, that the Board enter executive session.

Return to Public Session to Report on Executive Session

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

Community Funeral Home

Mr. Jones moved that the application be denied due to failure to meet manager requirements of the funeral service statute. Mr. Green seconded the motion, which carried unanimously.

Shawn P. A. Simmons

MOTION

Mr. Green moved to approve the application with the stipulation that Mr. Simmons be placed on probation until such time he can obtain documentation that will change the proof of charges that were levied against him be dropped and he provides verification saying this on a SLED report. The motion was seconded by Mr. Avinger and unanimously carried.

Thomas Duane Brown

Mr. Jones made a motion, seconded by Mr. Green, the application be denied based on the pattern of regular criminal activities. The motion carried with a majority vote. Mr. Strom voted nay.

Mr. Jerry White asked the Board if Mr. Brown should drop out of school. Ms. Dantzler stated she does not believe the motion indicates Mr. Brown can never be licensed. She further stated the motion states that based on the application presented before the Board today reflects a pattern of problems comes up to approximately two years. She went on to say historically an individual who has been clean for approximately the previous five years could be issued a license.

Mr. Parks stated there was a great deal of discussion regarding this motion during executive session.

Disciplinary Report

MOTION

Mr. Avinger moved the Board accept the Disciplinary Report. Mr. Troy seconded the motion, which carried unanimously

Dismissal Report

MOTION

Mr. Strom moved the Board approve the Dismissal Report. The motion was seconded by Mr. Jones and unanimously carried.

Mr. Parks stated there committee assignments would be discussed at the April 3, 2003 meeting.

Adjournment

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

The meeting adjourned at 3:00 p.m.