

MINUTES

South Carolina Funeral Board

Board Meeting

10:00 a.m., June 12, 2003

Piedmont Technical College

James C. Self Conference Center, Room 102-C

620 N. Emerald Road

Greenwood, SC

Bob Parks, President, of Charleston, called the regular meeting of the S.C. Funeral Board to order at 10:00 a.m. Other members present for the meeting included: Clarence Hampton, Vice President, of Seneca; A. P. Williams, III, Secretary/Treasurer, of Columbia; Greg Jones, of Greer; Larry Strom, of Pelzer; Tony Tipton, of Greer; Penn Troy, of Mullins; and Mike Thornwell, of Ft. Mill.

Jim Adcock, of Orangeburg; Ward Avinger, of Holly Hill; Phillip Caulder, of Chesterfield; and Charles Green, of Charleston were granted excused absences.

Staff members participating during the meeting included Dwight Hayes, Administrator, and Sandra Dickert, Administrative Assistant.

Members of the public attending the meeting included: Warren Butler, Shantrice Cato, Walter Chandler, Kim Crowder, Don Crunkilton, Lizzie Foster, Trenice Gadson, Gina Garrison, Merry Green, David Halfacre, Merridy Halfacre, Clifton Holliday, Ben Hood, Aven Martin, Eric McElrath, Louise Rice, Theron Shields, Tiffany Smith, Marti Sioussat, Gloria Vessels, Lynnette Walle, Dr. Lex Walters, Craig Wingard, and Dahmon Wood.

Meeting Called to Order

Mr. Parks announced that public notice of this meeting was properly posted at the S. C. Board of Funeral Service office, Synergy Business Park, Kingstree Building, Piedmont Technical College, 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.

Mr. Parks welcomed Dr. Walters and all present to the meeting. He thanked Dr. Walters and his staff for facilitating the meeting.

Invocation

Mr. Thornwell delivered the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of Minutes for the April 3, 2003 Meeting

Mr. Jones noted one change to the first paragraph. He noted he was present at the

meeting.

MOTION

Mr. Troy moved the minutes be approved as amended. Mr. Williams seconded the motion, which carried unanimously.

President's Remarks

Dr. Walters, President of Piedmont Technical College, stated it was a pleasure to have the Board meeting at the college. He further stated Piedmont Technical College has grown tremendously in recent years and serves the largest geographical area (seven counties) within the state's technical college system. He noted that the college would have close to 5,000 students enrolled during the fall semester and serves close to 6,200 students in the various college credit programs. He briefed the Board members on the background of the funeral service program.

Mr. Parks stated Mr. Troy's son just safely returned from Iraq where he flew with the Air National Guard. He indicated Mr. Troy's son has now flown in 15 combat missions.

Mr. Parks thanked Ms. Vessels and Ms. Sioussat for their assistance in preparing for the Board meeting and for their time and effort in the funeral service program at Piedmont Technical College. He believes there is a great opportunity for funeral service.

Administrator's Remarks

Mr. Hayes presented the members with a Routine Change of Manager Report, New Funeral Director/Embalmer Licenses Report, and a New Funeral Home Permit Report. (These reports are herewith attached and become a permanent part of this record.) He noted that three new funeral home permits, six new funeral director/embalmer licenses, and seven changes of managers have been issued since the last meeting. He stated approximately 25% of the funeral homes and 27% percent of the individual licensees have renewed. He noted that staff has conducted 39 inspections since the last meeting.

Mr. Hayes stated Governor Sanford has appointed a Management, Accountability and Performance (MAP) Commission and presented the members with a list of members. He believes the Commission has already had its first meeting. He indicated the Commission would be reviewing the management and accountability of state government and providing recommendations to the Governor.

Mr. Parks stated the Department of LLR's budget has been cut approximately 46% over the past two to three years. He noted staff has done an incredible job with the cuts.

Mr. Thornwell stated the Board has discussed having a meeting with the Director of LLR to inform her of what Mr. Hayes has been dealing with and the shortfalls occurring due to the budget cuts. He noted that the Board should be self-supporting. He indicated the meeting should take place between the Board officers and the Director.

Mr. Parks asked Mr. Hayes to facilitate a meeting with Ms. Youmans.

Advisory Opinions, If Needed, Sharon Dantzler, Office of General Counsel
There were no advisory opinions given during the June 12, 2003 meeting.

Legislative Update, If Needed, Legislative Liaison Office
There was no legislative update given during the June 12, 2003 meeting.

Unfinished Business
There was no unfinished business to be discussed during the June 12, 2003 meeting.

New Business

Approval of Applications

1. New Facility

a. Williams Funeral Home - Atu Williams, Manager
Atu Williams appeared before the Board at this time.

Mr. Williams stated this would be a new facility located in Myrtle Beach, SC. He further stated he was employed as manager with Rhue's Mortuary from September 1998 until February 2001. He indicated he was owner of a bail bonding company since leaving this facility. He noted the facility would be located in an existing building and that renovations have been completed; however, he has not yet purchased a hearse.

Mr. Hayes stated the application is complete, however, the facility has not yet been inspected.

MOTION

Mr. Hampton moved the matter be discussed in executive session. Mr. Williams seconded the motion, which carried unanimously.

b. Shellhouse-Rivers Crematory -Curtis Mitchell Rivers, Manager
Curtis Rivers appeared before the Board at this time.

Mr. Rivers stated he is seeking approval to open a crematory on the grounds where his funeral home is located. He indicated the crematory would be a separate building from the existing facility.

Mr. Hayes stated this application lacks incorporation papers and the appropriate fees. He noted the facility has not yet been inspected.

MOTION

Mr. Jones moved the Board accept the application, pending inspection and receipt of the incorporation papers and the fees. The motion was seconded by Mr. Williams and unanimously carried.

2. Additional Facility

a. Greene Funeral Home, Northwest Chapel - Susan Greene Fischer, Manager
Frank Greene appeared before the Board at this time.

Mr. Greene stated he is the president of the northwest chapel and the manager of the downtown chapel and that Ms. Fischer would be the manager of the northwest chapel. He indicated a cremation facility would be built on the premises of the northwest chapel and would be separate from the mortuary.

Mr. Hayes stated the application is complete. He indicated an inspection would be conducted once construction on the facility has been completed.

MOTION

Mr. Strom made a motion, seconded by Mr. Williams and unanimously carried, that the Board approve this application pending a favorable inspection.

Discussion Items

Review of Crematory Regulations

Mr. Hayes stated the Board received a copy of the crematory regulations that had been developed by the committee. He asked the Board for a consensus prior to packaging the document for the Legislative Liaison Office. He went on to say he has spoken with the committee members in regard to adding 57-14.1(F), which states:

Crematories may only cremate human remains, the cremation of animals is forbidden.

Mr. Hayes stated staff must have a firm commitment on the regulations by August 2003. He further stated the agency's staff would begin pre-filing statutes and regulations in early Autumn 2003.

The Board will discuss this matter during the next meeting.

Test Scores from Conference

Mr. Hayes stated the exam scores were recently brought to staff's attention. He indicated the International Conference of Funeral Service Examining Boards (ICFSEB) has indicated that when the funeral director and embalmer exams are taken at the same time the conference requires an average score of 75 to pass. He further stated that in the past he assumed the 75 or greater was on each portion of the exam, however, an individual could make below 75 and still pass the exam. He noted that when the funeral director and embalmer exams are taken at different times the scores are not averaged.

During a discussion on exams Ms. Vessels stated there would no averaging after January 2004.

Mr. Jones stated that during the annual CFSD conference he recently attended it was indicated computerized testing would begin soon. He further stated a student is required to take the national exam prior to graduation from an accredited mortuary school,

although the student is not required pass the exam at that time.

Mr. Jones gave a brief synopsis of the annual conference and indicated the members can visit the conference's web site at www.cfsd.org. He noted that Board Administrators may now attend conference meetings.

Mr. Hayes stated the exam given at the agency is not considered the national exam. Ms. Vessels stated only individuals who have graduated from an accredited mortuary college may take the national exam and that the exam scores can only be released to the state which the individual requests the results be mailed to. She indicated the state exam results could not be sent to any state across the United States, other than that state in which the exam was taken.

Public Comments

Mr. Hayes stated Mr. Eric McElrath has questioned staff regarding license verification in North Carolina. He went on to say staff has not sent a license verification to North Carolina and that staff has not found records on him. He said that Mr. McElrath has asked to address the Board regarding this issue.

Mr. McElrath stated he appeared before the Board in April 2002 and received his funeral director's license. He further stated he completed his apprenticeship at Brown Mortuary in Greer, SC. He further stated he had moved to North Carolina and had sent his pocket license to North Carolina's Funeral Board in Raleigh. He went on to say the North Carolina Board contacted him and stated that LLR has no record of his licensure. He said he has spoken with Mr. Hayes, his staff and Mr. Randy Bryant regarding his records. He continued by saying he asked the North Carolina Board to fax him a copy of his pocket card he received this year, however, he was informed on June 11, 2003 that Mr. Bryant informed them not to fax a copy of the card because he felt it was fraudulent. He said he worked with Brown's Mortuary for two years; however, Mr. Brown is now deceased and is unable to speak to the Board on his behalf. He went on to say the license number on his pocket card is 1549. He continued by saying that staff has informed him that the license number issued to him had been issued to another individual. He said he had signed a death certificate that had to be amended. He indicated Mr. Hampton and Ms. Pyatt assisted him with his apprentice documentation.

Mr. McElrath stated he is not the only one who has had problems with the agency's licensing. He further stated he was recently contacted by another individual who asked if he wanted to join in a class action lawsuit against the agency regarding their records. He went on to say he thinks "we need to ask SLED for an investigation." He said he is not attempting to threaten the Board, however, there are more individuals who have the same problem and it needs to be addressed. He said he had to send his pocket license card to North Carolina when he was attempting to reciprocate his license. He continued by saying that North Carolina indicated he had not been licensed. He stated his wall certificate was destroyed in a house fire.

Mr. Hayes stated Ms. Jeannie Rose has researched all written documentation and he has

researched all of the databases and has found no record of Mr. McElrath being licensed or completing an apprenticeship. He further stated he contacted the International Conference, which has indicated they have no record of Mr. McElrath taking the exam. He went on to say the license number Mr. McElrath had given him was 1659. He noted the license numbers Mr. McElrath had mentioned had been issued in the 1980s.

Mr. Thornwell suggested Mr. McElrath contact the North Carolina Funeral Board and have them fax a copy of his pocket license card to the school so the Board could review the copy during the meeting. He stated it is incumbent on Mr. McElrath to provide the Board with the necessary information. He indicated it was ironic that the North Carolina Board would ask an applicant to mail the original license when they normally accept a copy of the license.

Mr. Hayes stated when the North Carolina Board needs licensure verification the Board sends a verification form, which is completed by the state in which the applicant is originally licensed.

Mr. Parks stated if North Carolina could fax a copy of the license for the Board's review, his next question would be how Mr. McElrath obtained a license number that was issued in 1980.

Mr. Williams asked Mr. McElrath if he was aware that he must register his license number with the Clerk of Court's Office. Mr. McElrath stated he did not register his license with the Clerk of Court's Office.

Mr. Hayes asked Mr. McElrath if he has a cancelled check indicating payment of his license fees. Mr. McElrath stated he had contacted Mrs. Brown who indicated she is now obtaining the information from the bank. He indicated the checks came from the mortuary.

MOTION

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

Executive Session

The Board entered executive session to discuss disciplinary actions.

Return to Public Session to Report on Executive Session

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

Williams Funeral Home - Atu Williams, Manager

MOTION

Mr. Jones moved the Board table the Williams Funeral Home application to the August 2003 meeting. Mr. Tipton seconded the motion, carried unanimously.

Eric McElrath

MOTION

Mr. Williams made a motion, seconded by Mr. Strom and unanimously carried, that the Board's consideration is pending upon proof of findings in this matter, which is left to Mr. McElrath's proper presentation to the Board.

Adjournment

There being no further business to be discussed at this time, Mr. Tipton moved the meeting be adjourned. The motion was seconded by Mr. Strom and unanimously carried.

The June 12, 2003 meeting adjourned at 12:20 p.m.

Following the meeting the Board had a Question and Answer Period with the students of Piedmont Technical College.