

## MINUTES

South Carolina Funeral Board

Board Meeting

10:00 a.m., October 9, 2003

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

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: A. P. Williams, III, Secretary/Treasurer, of Columbia; Edward Briggs, of Murrells Inlet; Terry Burnham, of Florence; Doug Garrett, of Greenville; Greg Jones, of Greer; Carl Pennington, of Hartsville; Larry Strom, of Pelzer; Tony Tipton, of Greer; Penn Troy, of Mullins; and Mike Thornwell, of Ft. Mill.

Lee Rhoden, of Walterboro, was granted an excused absence. John Hazzard, V, of Columbia, was not present for the meeting.

Staff members participating during the meeting included: Randy Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant, Dwight Hayes, Administrator, Jim Knight, of the Office of Public Information; and Jeanie Rose, Administrative Specialist.

Members of the public attending the meeting included: James Bates, Albert Brown, Jerome Brown, Arthur Caldwell, Gere Fulton, Ronnie Kennedy, Robert McCreight, Julian Menghi, Lou Ann Pyatt, Randolph Shives, and Edward Taylor.

### 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, 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.

### Invocation

Mr. Jones delivered the invocation.

### Pledge of Allegiance

All present recited the Pledge of Allegiance.

### Approval of Minutes for the August 21, 2003 Meeting

Mr. Troy noted one correction to the third paragraph of the first page. He noted that John Fielding's first name is Julius.

## MOTION

Mr. Troy moved to approve the minutes as amended. Mr. Williams seconded the motion,

which carried unanimously.

#### Introduction of Members, Staff and Members of the Public

The Board members, staff and members of the public introduced themselves.

#### President's Remarks - Robert E. "Bob" Parks

Mr. Parks stated there is a composite of individuals represented in attendance of today's meeting. He further stated the Board has never divided itself during the meetings. He continued by saying there is a check and balance system on the Board. He said he has been pleased to be able to serve on the Board for the past three years. He thanked the Funeral Directors Association and the Morticians Association. He appreciates the support the associations have had in him. He noted that Mr. Thornwell has served the Board and thanked him for the time he has served on the Board.

#### Election of Officers

##### President

Mr. Parks opened the floor for nominations for president.

Mr. Garrett nominated Mr. Troy.

#### MOTION

Mr. Strom moved the nominations be closed. The motion was seconded by Mr. Williams and unanimously carried.

Mr. Troy was elected president by acclamation.

##### Vice President

Mr. Parks opened the floor for nominations of vice president.

Mr. Jones nominated Mr. Rhoden as vice president. Mr. Strom seconded the nomination, which carried unanimously. There being no further nominations Mr. Rhoden was elected vice president by acclamation.

##### Secretary

Mr. Parks opened the floor for secretary.

Mr. Tipton nominated Mr. Jones as secretary. The nomination was seconded by Mr. Strom, which carried unanimously. Mr. Jones was elected secretary by acclamation.

Mr. Troy presided over the meeting at this time and asked Mr. Parks to remain on the Board.

#### Administrator's Remarks, For Information - Dwight Hayes

Mr. Hayes stated staff has issued new 11 funeral director/embalmer licenses, completed 11 routine changes of manager and has permitted four new funeral homes since the August 2003 meeting. He noted that several inspections have taken place, however, he

noted that Mr. Whitby has had an accident and burned his hand.

Mr. Hayes presented Mr. Thornwell with a small gift of appreciation. He noted that Mr. Thornwell and Mr. Parks would become members of the IRC.

Mr. Hayes presented Mr. Parks, as the outgoing president, with a silver tray.

Mr. Hayes stated because of time constraints, Mr. Fulton must be in Charlotte at 1:00 p. m. and asked that his topic be moved up as the next item on the agenda.

Advisory Opinions, If Needed, Sharon Dantzler, Office of General Counsel  
There were no advisory opinions given during the October 9, 2003 meeting.

Legislative Update, If Needed, Legislative Liaison Office  
There was no legislative update given during the October 9, 2003 meeting.

#### Discussion Item

Funeral Practice Survey for 2003 - Gere B. Fulton

Mr. Gere Fulton, of the Funeral Consumer Alliance of South Carolina, appeared before the Board at this time and made a presentation regarding a survey he conducted on product lists from area funeral homes. (His remarks are herewith attached and become a permanent part of this record.) He noted in his report corrections to the report on the J. P. Holley Funeral Home.

The Board members questioned Mr. Fulton regarding his report.

Mr. Hayes stated that a number of the funeral homes were the small funeral homes. He further stated he generally concurs with the report; however, he was encouraged that there is a little bit wrong with almost every business. He continued by saying most of what he found was not a lot wrong than any one. He indicated the biggest problem seems to be in the alternate container and the use of an individual's own casket, which is confusing and emotional. He noted that he informed the funeral homes that the product lists must be distributed.

Mr. Parks suggested Mr. Fulton review the possibility of being included in a continuing education at Piedmont Technical College. He indicated Piedmont Technical College has the facilities to satellite continuing education courses to approximately 24 facilities across the state.

#### Unfinished Business

There was no unfinished business to be discussed during the October 9, 2003 meeting.

#### New Business

1. Additional Facility/Facility Name Change

a. Elmore-Hill-McCreight Funeral Home and Crematory

Elmore-Hill-McCreight Funeral Home is requesting the Board's approval on a crematory

on-site at their existing facility in Sumter, SC and a change of name from Elmore-Hill-McCreight Funeral Home to Elmore-Hill-McCreight Funeral Home and Crematory. The facility manager, Robert S. McCreight, will remain the same. (This application is herewith attached and hereby becomes a permanent part of this record.)

Robert McCreight appeared before the Board at this time. Mr. McCreight stated the crematory is almost complete. He further stated all of the equipment is in place. He indicated the gas is being installed as well the electricity on this date. He noted the manufacturer must test the equipment, train the employees and provide training certificates. He indicated that the Department of Health and Environmental Control has completed an air quality inspection and has issued an operating permit. He noted that the Funeral Board staff must now inspect the facility.

#### MOTION

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

#### 2. Apprentice Funeral Director Applicants

##### a. Ronnie Harland Kennedy

Mr. Hayes suggested that this matter be discussed in executive session.

##### b. James Bates, Jr.

Mr. Hayes suggested that this matter be discussed in executive session.

#### 3. Approval of Reinstatement Application

##### a. Arthur D. Caldwell (Dual)

Mr. Hayes stated Mr. Caldwell's license lapsed June 30, 2000. He further stated that Mr. Caldwell has engaged in the practice of funeral service during the time his license has been lapsed. He noted that staff has received the certificate from the NFDA indicating Mr. Caldwell has completed that nine-hour continuing education course. He said Mr. Caldwell has paid the appropriate fees (\$460). He indicated the file is in order.

Arthur Caldwell appeared before the Board at this time and answered several questions from the Board members. He noted that sometimes he has paid the renewal fees and sometimes the firm has paid the renewal fees.

Mr. Hayes noted that at the time Mr. Caldwell's license lapsed (2000) notices were not sent indicating that the license had lapsed. He further stated that notices are now sent with a consent order and a cease and desist order. He indicated that these notices are sent following the August meeting of the Board. He said that staff asks the Board during August to authorize the mailing of the orders. He went on to say that once a license has been lapsed for one year staff assumes the individual is no longer in the industry or has moved out of state.

#### MOTION

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

A discussion ensued regarding the payment of renewal fees.

#### 4. Reinstatement of License/Waiver of Fine

##### a. Edward N. Taylor, Shives Funeral Home

Staff has not received Mr. Taylor's license renewal and he was subsequently sent a cease and desist notice and a consent order that indicated he would need to pay a \$500 fine.

Randolph Shives and Edward Taylor appeared before the Board at this time.

Mr. Shives stated the omission of Mr. Taylor's fee was an error and not an intentional act of either him or the funeral home. He noted the firm pays the fees of all of the funeral directors and embalmers. He indicated that Mr. Taylor has not been in violation of practicing without a license.

Mr. Taylor stated the day the bookkeeper was gathering the licenses to be renewed he asked that his not be left. The bookkeeper asked Mr. Taylor about his application at which time he indicated he had left the application with Mr. Shives. At that time the bookkeeper noted staff would obtain another renewal notice and that his application would be remitted. However, the notice was misplaced and he was unaware the notice was not mailed until the consent order and cease and desist order were received.

#### MOTION

Mr. Strom moved that Mr. Taylor's license be reinstated and that the fine be waived. The motion was seconded by Mr. Williams and unanimously carried.

#### 5. Approval of Additional Facility

##### a. Midland Funeral Service, LLC, Alexander Gibson, Manager

Jerome B. Brown appeared before the Board at this time.

Mr. Alexander Gibson would manage Midland Funeral Home. Mr. Brown noted that Mr. Gibson has served in the industry for 52 years. Mr. Gibson has served as the manager of Gibson Funeral Services in Winnsboro for the past 27 years. The facility would be located in Columbia and Mr. Gibson is the owner. Mr. Brown noted that this facility would be an additional branch facility. He further stated that the facilities are 23 miles apart. Mr. Brown would be as a business manager and would not be as a funeral director or embalmer.

Mr. Hayes noted staff has not yet received the SLED Report on Mr. Gibson. He noted that the license could not be issued until such time that the report has been received.

#### MOTION

Mr. Strom moved that the Board table this matter until after executive session and then

take action. Mr. Jones seconded the motion, which carried unanimously.

#### Jenkins Funeral Service

Mr. Hayes noted this matter did not get placed on the agenda. He presented a letter from Geneva Bovain and a summary of activities regarding this matter. He further stated Ms. Bovain is requesting that she be allowed to renew her license without paying the \$500 fine. He suggested that the Board review the information during executive session.

#### Discussion Items

There were no further discussion items to be discussed during the October 9, 2003 meeting.

#### Recess

The Board took a five-minute recess at 12:15 p.m. and returned to public session at 12:20 p.m.

#### Return to Public Session

##### Public Comments

Mr. Hawkins stated that unless the Board makes continuing education mandatory there would continue to be problems with GPLs. He further stated that three hours of continuing education per year for each funeral director is not enough.

Mr. Jerome Brown stated that if the staff could visit the funeral homes at least three times a year it would assist the facilities in staying in compliance with the funeral rule.

#### Executive Session

##### MOTION

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

#### Return to Public Session to Report on Executive Session

##### MOTION

Mr. Jones moved the Board return to public session. The motion was seconded by Mr. Williams and unanimously carried.

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

#### Ronnie Harland Kennedy

##### MOTION

Mr. Williams made a motion, seconded by Mr. Tipton and unanimously carried, that the Board approve Mr. Kennedy's apprenticeship license; that he be under Mr. Hawkins' care with the provision that he provide a SLED report to the Board when the two-year apprenticeship ends.

James Bates, Jr.

## MOTION

Mr. Garrett moved the Board deny this application. Mr. Jones seconded the motion, which carried unanimously.

Arthur D. Caldwell (Dual)

## MOTION

Mr. Strom moved the Board reinstate Mr. Caldwell's license and that he be fined \$1,500, which is \$500 for each year practicing without a license, payable within ninety (90) days. The motion was seconded by Mr. Jones and unanimously carried.

Midland Funeral Service

Mr. Gibson's arrest record indicates he has not been arrested since 1984. It was noted that the only disposition noted on the arrest record was in regard to the 1975 charge of driving under the suspension. There were no dispositions on the other items listed on the arrest record.

## MOTION

Mr. Garrett made a motion, seconded by Mr. Williams and unanimously carried, that the Board table this matter to the next meeting to allow Mr. Gibson the opportunity to discuss this matter with the Board.

Jenkins Funeral Service/Geneva Bovain

## MOTION

Mr. Pennington moved the Board deny the request of Jenkins Funeral Service/Ms. Bovain's to waive the \$500 consent order and that the fine be paid within ten (10) days. The motion was seconded by Mr. Tipton and unanimously carried.

Mr. Thornwell thanked the Board for the appreciation gift (business card holder).

## Adjournment

There being no further business to be discussed at this time, Mr. Williams moved the meeting be adjourned. Mr. Tipton seconded the motion, which carried unanimously.

The meeting adjourned at 2:53 p.m.