

## MINUTES

South Carolina Funeral Board

Board Meeting

10:00 A.M., February 19, 2004

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Penn Troy, President, of Mullins, called the regular meeting of the S.C. Funeral Board to order at 10:00 a.m. Other members present for the meeting included: Lee Rhoden, Vice President, of Walterboro; Greg Jones, Secretary/Treasurer, of Greer; Edward Briggs, of Murrells Inlet; Doug Garrett, of Greenville; Bob Parks, of Charleston; Larry Strom, of Pelzer; Tony Tipton, of Greer; and A. P. Williams, III, of Columbia.

Terry Burnham, of Florence, John Hazzard, V, of Columbia, and Carl Pennington, of Hartsville were granted excused absences.

Staff members participating during the meeting included: Ronnie Blackmon, Inspector; 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.

Members of the public attending the meeting included: Michael Bodison, Tony Caruso, Terri Cornell, Woodman Cornell, Charles Johnson, Chardale Murray, Chris Nettles, Lou Ann Pyatt, Gloria Vessels, and Billy Ray Wilson and several students from Piedmont Technical College.

### Meeting Called to Order

Mr. Troy 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 also noted that a quorum was present.

### Pledge of Allegiance

All present recited the Pledge of Allegiance.

### Introduction of Persons Attending the Meeting

The Board members, staff and members of the public attending the meeting introduced themselves for the record.

### Approval of Minutes for the December 11, 2003 Meeting

#### MOTION

Mr. Jones moved the minutes be approved as presented. Mr. Williams seconded the motion, which carried unanimously.

### President's Remarks - Penn Troy

Mr. Troy welcomed all members of the public to the meeting. He made remarks to the students regarding the Board and welcomed to them to the funeral industry.

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

Mr. Hayes stated licenses have been issued to one funeral home, six funeral directors/embalmers and four routine changes of managers.

Mr. Hayes also welcomed the students from Piedmont Technical College.

### Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions to be given during the February 19, 2004 meeting.

### Legislative Update, If Needed, Legislative Liaison Office

There was no legislative update given during the February 19, 2004 meeting.

### Unfinished Business

There was no unfinished business to be discussed during the February 19, 2004 meeting.

### New Business

#### 1. Approval of New Facility

##### a. Murray's Mortuary, Chardale Murray, Manager

Chardale Murray appeared before the Board at this time. She stated she would like to open a new facility in Charleston.

Mr. Hayes stated Ms. Murray had appeared at the December 2003 meeting, however, there had been allegations made against Ms. Murray that staff wanted to investigate prior to the Board making a decision in this matter. He noted that there is not sufficient information and evidence to substantiate the charges. He feels there is nothing substantial to warrant that the Board cannot make a decision in this matter. He indicated there are some matters, which will be handled in a different manner.

Ms. Murray stated she is a licensed social worker and has been licensed as a funeral director since 2000. She further stated she was the manager of a funeral home for two and one-half years and was employed at the funeral home for 11 years. She indicated that her brother would be embalming after receiving his reciprocal license. She noted that Benjamin Singleton and John Pasley would be embalming until her brother became licensed.

### MOTION

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

##### b. The Casket Company, Woodman D. Cornwell, Manager

Woodman D. Cornwell and Terri L. Cornwell appeared before the Board at this time.

Mr. Cornwell stated he would like to open a casket store to be located at 232, Cherry Road, Suite 150 Rock Hill. He indicated this location is a strip mall.

Mr. Hayes stated the application is complete. He noted that the approval of the application is contingent upon: 1) a favorable inspection, 2) that the facility has six caskets on display, 3) the proper pricing on the caskets and 4) has an appropriate price list. He further stated that Mrs. Cornwell has indicated they would not be attempting to sell pre-need policies. He noted that there are currently five casket companies located in the state. He noted that one casket store is located in Charleston and four casket stores are attached to cemeteries and owned by one corporation. He indicated that the advertising is restricted to general advertising and general solicitation. He went on to say the casket stores cannot solicit at health care facilities, nursing homes or at any situation where death is imminent.

Mr. Cornwell stated he plans to have 15 - 18 caskets on display and having two of each casket in storage. He further stated he would have the casket delivered immediately. He also said that his wife's cousin works in a casket manufacturing plant, Southern Craft, which is located in Loretta, Tennessee. He continued by saying that his wife's uncle delivers the caskets. He noted that this company manufactures only steel caskets, although he plans to have one wood casket on display. He is currently reviewing casket companies for wooden caskets.

## MOTION

Mr. Rhoden made a motion, seconded by Mr. Jones and unanimously carried, that the Board carry this matter also to executive session.

## 2. Approval of Reinstatement

### a. Michael Bodison

Michael Bodison appeared before the Board at this time.

Mr. Bodison stated he would like to have his funeral director/embalmer license reinstated. He has been licensed as a funeral director since 1981 and an embalmer since 1982 and did not appear before the Board until 1995 during which time he was involved in a bad business relationship with the ex-partner of his former facility.

Mr. Hayes stated Mr. Bodison was formerly part owner and manager of Michael's Home for Funerals in Walterboro. He further stated that the funeral home permit and Mr. Bodison's funeral director/embalmer license expired on June 30, 2002. He went on to say Mr. Bodison failed to renew the licenses, after which a cease and desist order was issued. He went on to say shortly after that Mr. Bodison conducted funeral service activities after which he entered a consent order but failed to pay the \$1,500 civil penalty contained in the order. He noted that the fine was paid during the week of February 9, 2004. He said that staff received several complaints last year (2003) regarding activity going on at Michael's Home for Funerals and by Mr. Bodison. He noted that Mr. Bodison has entered a Memorandum of Agreement (MOA) in which he admits to the practice of being a funeral director and embalmer, having conducted five funerals after the funeral home permit and

his license expired. He stated that he failed to execute a contract and pricing list during one service. He has paid the fine and all fees up to this point and has obtained his continuing education. He continued by saying the purpose of the MOA is to cut short the hearing process and allows Mr. Bodison to enter a plea that he has committed these violations. He said that the Board must determine whether or not his license can be reinstated and the appropriate sanction for this activity. He has informed Mr. Bodison that the issues must be cleared prior to the Board considering the matter of reinstatement. His facility is now closed and has been re-opened by his former partner with a new name.

Mr. Bodison stated he plans to work for a funeral home at a later time. He is also an ordained minister and spends most of his time at the church.

#### MOTION

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

#### 3. Approval of Application

##### a. Charles Alvin Johnson

Charles Alvin Johnson, of Columbia, appeared before the Board at this time. He is applying for a funeral director's apprentice license.

Mr. Hayes stated staff is requesting the Board review Mr. Johnson's arrest record, which contains three arrests and convictions of driving under the influence. The charges were in 1984, 1988 and 1994.

Mr. Johnson stated he does currently have a driver's license. He is currently employed with Shives Funeral Home and has been at that facility since 1998. He noted that the 1994 charge was taken to court in 1999 at which he was convicted for a second offense. He indicated he was not employed with a funeral home during the time he was arrested and convicted for DUI.

#### MOTION

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

##### b. Billy Ray Wilson

Billy Ray Wilson, of Rock Hill, appeared before the Board at this time.

Mr. Hayes stated staff's concern is that Mr. Wilson's arrest record indicates that he was arrested on June 12, 1998 for embezzlement of public funds. He noted that the conviction, dated November 16, 1998, carried a sentence of three years, 300 hours of community service, and \$1,000 in restitution, with a \$2,100 restitution suspended on five years probation and 300 hours of community service. He indicated he had asked Mr. Wilson to bring the dismissal papers regarding the probation, however, he has not yet been able to obtain that documentation.

Mr. Wilson stated he had been a magistrate judge in Rock Hill and was charged with embezzlement of \$1,375 of public funds. He further stated he completed the 300 hours of community service in less than six months and was hired by the company where he completed the community service. He noted he is now unemployed. He also stated he is currently an ordained minister and is doing volunteer work with Hospice. He is scheduled to take the exam on March 4, 2004.

Tony Caruso, of Hospice Care, stated 95% of their clients are white and only five percent are black.

#### MOTION

Mr. Tipton moved the Board approve this application. Mr. Briggs seconded the motion, which carried unanimously.

#### 4. Approval of Apprenticeship

##### a. Tammy H. Chandler

Tammy H. Chandler and Chris Nettles appeared before the Board at this time.

Mr. Hayes stated Ms. Chandler is here due to the fact that the location of where she would like to complete her apprenticeship is a cemetery and a funeral home. He noted that Mr. Nettles is the manager and will serve as her preceptor. He indicated staff's concern would be how much time she would be able to devote to her apprenticeship since she works with the cemetery as well as the funeral home.

Ms. Chandler stated she has been employed with Greenlawn Cemetery for 15 years. She further stated she has responsibilities for the funeral home as well as the cemetery.

Mr. Nettles stated that since the facility is both a funeral home and cemetery he would assure the Board that she would obtain her 40 hours a week in the apprenticeship program. He became licensed in South Carolina in 2001 and was licensed in Georgia in 1993. He is the funeral home location manager. He noted Service Corporation, Int'l owns the facility. He indicated he is the manager of record on the Board's documentation. He said he answers to Ms. Chandler on the budget.

Ms. Chandler stated the cemetery serves approximately 650 families and the funeral home serves approximately 250 families. She stated her title is general manager, however, she actually serves as coordinator for both the cemetery and funeral home.

Ms. Dantzer stated within the organizational structure she has responsibilities to both facilities. She went on to say it sounds like this is a legal arrangement.

#### MOTION

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

## 5. Approval of Quarterly Reports

### a. John Wayne Brown

Mr. Hayes stated he spoke with Mr. Brown this morning and informed the Board that Mr. Brown and the facility manager are involved in a service and would not be attending the meeting today.

Mr. Hayes stated Mr. Brown has been involved in the apprenticeship program for two years and that staff has received only two quarterly reports during that time. He went on to say the quarterly report indicates that the documents are to be submitted within 30 days after the end of the quarter. He further stated it is now time for Mr. Brown to complete his apprenticeship. He said that Mr. Brown has indicated he mailed some of the reports and that his supervisor has mailed reports. He noted staff just received six reports for 18 months. He continued by saying that Mr. Brown is asking the Board to waive the requirement of submitting the quarterly reports within 30 days of the end of the quarter.

## MOTION

Mr. Strom moved the quarterly reports be denied until such time the Board can meet with Mr. Brown and his preceptor at which time the Board will make a ruling. The motion was seconded by Mr. Williams and unanimously carried.

## 6. Approval of Plan to Pay Churches

### a. Herbert U. Fielding

Mr. Hayes stated he spoke with Mr. Fielding recently at which time he indicated he would like the Board to review a plan mailed to churches in December 2003. The letter sent to Mr. Hayes indicates his attorney has questioned the "advisability of the proposed change from a legal and/or ethical point of view." The plan sent to churches announced a change in the funeral home policy toward the churches. The plan indicates that for every regular funeral the facility conducts in a church the funeral home would send a check payable to the church for \$100 and a check to the pastor for \$100 as an honorarium. None of these expenditures would be charged to their clients.

It was noted that similar activities are being practiced in communities across the state.

Mr. Hayes stated that the Board issue a statement regarding this type of activity if the Board does not wish to give the plan a blessing.

Ms. Dantzler stated she would not advise the Board to endorse the letter.

## MOTION

Mr. Rhoden made a motion, seconded by Mr. Strom and unanimously carried, that the Board frown upon the practice of donating money to the church and pastor based on South Carolina law.

Mr. Strom suggested that if an individual knows of this type of practice that the information be brought to staff.

#### Discussion Items

There were no discussion items to be discussed during the February 19, 2004 meeting.

#### Public Comments

A brief discussion regarding the honorariums to the churches, pastors and musicians ensued.

#### Recess

The Board recessed at 11:55 a.m. and returned to public session at 12:05 p.m.

#### Return to Public Session

Mr. Hayes stated Herbert Boatwright and his daughter, Theresa Boatwright, are present. He indicated this request did not make the agenda deadline. He explained the twenty-four month apprenticeship program and the fact that an apprentice can take up to five years to complete the twenty-four month program. Ms. Boatwright began the apprentice program in 1999 and has renewed her apprentice permit twice, however, she has earned only seven months of the apprenticeship. He noted that she could renew the permit one more time (for a 12 month period); however, the third permit would allow her to complete nineteen month. He went on to say she would then lack five months of the twenty-four month program. She is asking that the Board grant a fourth permit to allow her to complete the five months she could not complete with the third permit.

Herbert Boatwright and Theresa Boatwright appeared before the Board at this time.

#### MOTION

Mr. Garrett moved the Board allow Ms. Boatwright be approved to continue with her apprenticeship under the auspices of a twelve month period and the extension being granted upon her completion. Mr. Williams seconded the motion. After a brief discussion regarding the importance of the priority of quarterly reports being submitted on time, the motion carried unanimously.

#### Billy Ray Wilson

Mr. Rhoden stated that earlier in the meeting the Board approved Mr. Billy Ray Wilson's request for application approval. He asked that the minutes be reflected that he opposed the motion.

Mr. Jones stated he refrained from voting in this matter and asked that the minutes reflect that he, too, opposes the motion.

#### Executive Session

#### MOTION

Mr. Strom moved that the Board enter executive session to seek legal advice on matters discussed in the meeting. Mr. Williams seconded the motion, which carried unanimously.

Mr. Williams left the meeting at this time.

Return to Public Session to Report on Executive Session

MOTION

Mr. Strom moved the Board return to public session. Mr. Garrett seconded the motion, which carried unanimously.

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

The Board determined it would hold a work session meeting at 1:30 p.m., Monday, March 29, 2004. The Board also determined it would reschedule the April 8, 2004 meeting for 9:00 a.m., Tuesday, March 30, 2004.

Murray's Mortuary, Chardale Murray, Manager

MOTION

Mr. Strom moved the Board approve this application pending an inspection. The motion was seconded by Mr. Rhoden and carried unanimously.

The Casket Company, Woodman D. Cornwell, Manager

Mr. Briggs made a motion, seconded by Mr. Jones and carried with a majority vote, that this application is in order and that the Board approve the application. Mr. Strom abstained from voting in this matter

Reinstatement of License - Michael Bodison

MOTION

Mr. Tipton moved, that in view of the severity of the violations admitted to by Mr. Bodison against the rules and regulations of the Funeral Board and the public that his license as a director and embalmer be permanently revoked. Mr. Garrett seconded the motion. Mr. Rhoden recused himself from voting in this matter, as he is privy to information that has not been disclosed. The motion carried with a majority vote.

Approval of Application - Charles Alvin Johnson

MOTION

Mr. Garrett made a motion, seconded by Mr. Jones and unanimously carried, that Mr. Johnson's application for apprenticeship be approved, that there be a mandatory probationary period throughout the extent of the apprenticeship, that he appear before the Board at the completion of the apprenticeship, and that he present the Board with a SLED report.

Approval of Apprenticeship - Tammy H. Chandler

MOTION

Mr. Rhoden moved the Board approve this application for apprenticeship, noting that the members among the Board harbor some reservations about the structure at the company and the situation where an apprentice in essence has direct supervision over the preceptor. The motion was seconded by Mr. Jones and unanimously carried.

Mr. Hayes stated House bill H3617 establishes a recovery fund for the pre-need issue. He further stated the bill increases the fee on a pre-need contact to \$25. He noted that the bill would put \$5 in a recovery fund. The bill is now in conference committee.

The Board briefly discussed the issue of embalming the body of an individual with CJD. The discussion was based on a question from a student from Piedmont Technical College.

#### Adjournment

There being no further business to be brought before the Board at this time, Mr. Jones made a motion, seconded by Mr. Strom and unanimously carried, that the meeting be adjourned,

The February 19, 2004 meeting of the SC Board of Funeral Service adjourned at 1:58 p. m.