

MINUTES

SOUTH CAROLINA BOARD OF FUNERAL MEETING
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, SC
October 7, 2004

T H U R S D A Y , O C T O B E R 7 , 2 0 0 4 - Room 108

Penn Troy, President, of Mullins, called the regular meeting of the S.C. Funeral Board to order at 9:10 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; Terry Burnham, of Florence; Carl Pennington, of Hartsville; Larry Strom, of Pelzer; Tony Tipton, of Greer; and A.P. Williams, of Columbia.

John Hazzard, of Columbia, was granted an excused absence.

Staff members participating during the meeting included: Rion Alvey, Administrator; Randall Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Charlie Jones, Inspector; Jeanie Rose, Administrative Specialist; and Bill Whitby, Inspector.

Members of the public attending the meeting included: Steven Bates, Ken Beasley, John Coble, Paul Cusaac, Joseph Giordano, Jr., Sam Halls, Stan Hamilton, Kip Kiser, Bill Lawless, Greg Long, Gerard Mikell, Lou Ann Pyatt, Tim Sprenger, and Steven Whitesell.

Meeting Called to Order by President

Mr. Troy announced that this meeting was being held in accordance with Section 30-4-80 of the S.C. Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, and all other requesting persons, organizations or news media. In addition, notice has been posted on the bulletin board at the main entrance of the Kingstree Building.

Review Minutes: August 19, 2004 Board Meeting

MOTION

Mr. Tipton moved the Board approve the minutes of the August 19, 2004 meeting. Mr. Rhoden seconded the motion, which carried unanimously.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Strom delivered the invocation.

Election of Officers

President

Mr. Strom nominated Mr. Rhoden as president. The nomination was seconded by Mr. Jones and carried. Mr. Rhoden was elected president by acclamation.

Vice President

Mr. Troy nominated Mr. Garrett as vice president. Mr. Strom seconded the nomination, which carried unanimously. Mr. Garret was elected vice president by acclamation.

Secretary/Treasurer

Mr. Burnham nominated Mr. Briggs as secretary/treasurer. Mr. Pennington seconded the nomination, which carried unanimously. Mr. Briggs was elected secretary/treasurer by acclamation.

Remarks by Outgoing President - Penn Troy

Mr. Troy stated it has been a pleasure to serve the Board this past year. He further stated it would not have been possible to complete the job without God giving him the strength and knowledge to serve. He went on to thank staff and the Board members. He indicated his term goes on for another year.

Remarks by Incoming President

Mr. Rhoden stated all of the Board members owe a special gratitude to Mr. Troy for the work he has done for the Board. He went on to say Mr. Troy has not missed a meeting and has led the Board during a curious and confusing time. He noted the Board has emerged as a stronger Board. He pledged to the Board that he would always be available to the Board members for their concerns or problems. He welcomed all individuals present for the meeting.

Introduction of Board Members, Staff and Members of the Public

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

OLD BUSINESS

Approval of Reciprocity Licensure

Devin Jonathan Richert (Georgia)

This matter was record by a certified court reporter in order to have a verbatim transcript.

Ms. Rose briefed the Board on Mr. Richert's request. (Mr. Richert's documentation is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Devin Jonathan Richert appeared before the Board.

Mr. Richert stated he has been licensed in Georgia for five years and has applied for licensure in South Carolina by reciprocity.

MOTION

Mr. Troy made a motion, seconded by Mr. Pennington and unanimously carried, to grant

a license to Mr. Richert.

Review of Apprenticeship

Paul N. Cusaac, Funeral Director

This matter was recorded by a certified court reporter in order to have a verbatim transcript.

Mr. Garret arrived at 9:20 a.m.

Ms. Rose stated Mr. Cusaac appeared at the previous meeting with documentation and the Board had determined that he be granted a license after he satisfactorily completes a two-year apprenticeship for funeral director and embalmer and successfully completes the state law exam. She went on to say Mr. Cusaac has located two individuals who know he has taken an apprenticeship program. (Mr. Cusaac's application and documentation are herewith attached and becomes a permanent part of the record retained at the Board's office.)

Paul Cusaac appeared before the Board.

MOTION

Mr. Tipton moved to allow Mr. Cusaac time served for apprenticeship and allow him to take the state law exam. Mr. Garrett seconded the motion, which carried with a majority vote. Mr. Strom abstained from voting.

NEW BUSINESS

Approval of New Facility

Whitesell Funeral Home, Steven Andrew Whitesell

This matter was recorded by a certified court reporter in order to have a verbatim transcript.

Ms. Rose stated Mr. Whitesell's application was complete. She indicated his criminal history report indicates one arrest in 1990. (Mr. Whitesell's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Steven Whitesell appeared before the Board.

Mr. Whitesell stated the matter occurred at his previous funeral home and was dismissed. He has not been employed in the funeral industry for the past five years; however, he kept his license current. He indicated the facility would be in an existing building.

MOTION

Mr. Troy moved the request be granted following an initial inspection of the facility. Mr. Williams seconded the motion. The motion carried. Mr. Pennington abstained from voting.

Approval of the 2005 Board Meeting Dates

The Board members were presented with proposed meeting dates for 2005. (The proposed dates are herewith attached and become a permanent part of the record retained at the Board's office.) The proposed dates are:

February 17, 2005 August 18, 2005

April 21, 2005 October 13, 2005

June 9, 2005 December 15, 2005

MOTION

Mr. Briggs moved the Board accept the proposed meeting dates. Mr. Williams seconded the motion, which carried unanimously.

Old Business (Continued)

Approval of Change of Manager

Woodlawn Funeral Home, Joseph Giordano, Jr.

This matter was record by a certified court reporter in order to have a verbatim transcript.

Ms. Rose stated Mr. Giordano's application is complete and contains a consent order. (Mr. Giordano's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Joseph Giordano, Jr. and Steven Bates, Esq. appeared before the Board.

Mr. Giordano stated the consent order was a result of representing himself as a manager, which he has since rectified.

MOTION

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

The Board entered executive session at 10:05 a.m. and returned to public session at 11:00 a.m.

Return to Public Session

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

MOTION

Mr. Tipton moved the Board approve the application with the understanding that the probation remain in effect. Mr. Troy seconded the motion. Mr. Jones, Mr. Strom and Mr. Garrett recused themselves from voting. The remaining seven members voted in favor of the motion.

PUBLIC SESSION

Vote on Licensure / Investigative / Disciplinary Matters

Mr. Alvey stated the IRC met on October 6, 2004 and discussed the following five cases:

Ongoing Investigation
Case #2004-11

Formal Accusation
Case #45-1423

Dismissal
Case #45-1406

Dismissals with Letters of Caution
Case #2004-10
Case #45-1374

MOTION

Mr. Strom moved to accept the IRC report. The motion was seconded by Mr. Garrett and unanimously carried.

Mr. Alvey discussed the consent agreements and asked the Board to authorize the President to sign the administrative consent agreements.

MOTION

Mr. Pennington made a motion, seconded by Mr. Williams and unanimously carried, that the Board authorize the President to sign the consent agreements.

Mr. Alvey presented the members with an inspection report of the facilities inspected since the previous meeting. (This list is herewith attached and hereby becomes a permanent part of the record retained at the Board's office.)

Public Comments

There were no public comments made during the October 7, 2004 meeting.

MOTION

Mr. Jones moved that Eddie Kerr serve as an alternate to the Port Elsewhere case. Mr. Strom seconded the motion, which carried unanimously.

MOTION

Mr. Pennington made a motion, seconded by Mr. Tipton and unanimously carried, that Ernest Adams, John Dowling, Julius Cameron, Bob Parks, and Mike Thornwell remain as the current IRC members.

Adjournment

MOTION

There being no further business to be brought before the Board at this time, Mr. Pennington moved the meeting be adjourned. The motion was seconded by Mr. Briggs and unanimously carried.

The October 7, 2004 meeting of the SC Board of Funeral Service adjourned at 11:36 a.m.