

## **SOUTH CAROLINA BOARD OF FUNERAL SERVICE MEETING**

Synergy Business Park, Kingstree Building, Room 108

110 Centerview Drive, Columbia, SC

December 9, 2004

MINUTES

**T H U R S D A Y , D E C E M B E R 9 , 2 0 0 4 - Room 108**

Lee Rhoden, President, of Walterboro, called the regular meeting of the S.C. Funeral Board to order at 10:08 a.m. Other members present for the meeting included: Doug Garrett, Vice President, of Greenville; Edward Briggs, Secretary/Treasurer, of Murrells Inlet; Terry Burnham, of Florence; John Hazzard, V, of Columbia; Greg Jones, of Greer; Greg Long, of Anderson; Tony Tipton, of Greer; and A. P. Williams, of Columbia.

Penn Troy, of Mullins, was granted an excused absence.

Staff members participating during the meeting included: Rion Alvey, Administrator; Sandra Dickert, Administrative Assistant; Susan Duncan, Office of Communication and Governmental Affairs; Ed Farnell, Office of Investigations and Enforcement; Charlie Jones, Inspector; Jeanie Rose, Administrative Specialist; and Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel.

Members of the public attending the meeting included: Ken Beasley, Stan Hamilton, Wayne Johnson, Kip Kizer, Bill Lawless, Lawrence Jackson, Tracy Lester, Skip Mikell, and Lou Ann Pyatt.

### **PUBLIC SESSION**

Meeting Called to Order by President

Mr. Rhoden 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.

Invocation

Mr. Tipton delivered the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Introduction of Members, Staff and Guests

The members, staff and guests introduced themselves.

Review Minutes: October 7, 2004 Board Meeting

#### MOTION

Mr. Williams moved to approve the minutes from the October 7, 2004 meeting. Mr. Jones seconded the motion, which carried unanimously.

Mr. Rhoden stated there are three members who are rotating off the Board. He presented plaques to Mr. Jones and Mr. Williams and thanked them for their time serving on the Board. He went on to say Mr. Strom was also rotating off the Board; however, he was unable to attend today's meeting. He indicated Mr. Strom's plaque would be delivered to him.

Mr. Alvey introduced Mr. Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel.

Carl Pennington, of Hartsville, arrived at this time.

#### EXECUTIVE SESSION

Presentation of Consent Agreement

#### PUBLIC SESSION

#### MOTION

A motion was made by Mr. Pennington and seconded by Mr. Tipton that the Board return to public session. The motion carried unanimously.

Mr. Rhoden noted for the record that he was recusing himself from participating in the vote regarding the consent agreement and turned the meeting over to Mr. Garrett.

Mr. Garrett noted for the record that no votes were taken during executive session.

#### MOTION

Mr. Jones moved that the Board accept the consent order regarding FD004-0017. The motion was seconded by Mr. Briggs and carried unanimously.

Mr. Rhoden resumed chairmanship at this time.

#### Approval of New Facility

a. W. J. Funeral Home - Wayne Allen Johnson, Manager

W. J. Funeral Home has submitted an application for a new facility in Myrtle Beach. The facility is pending inspection. (The application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Wayne Allen Johnson appeared before the board at this time. He indicated the facility is approximately 1,500 square feet and will be located in an existing building. He has been licensed for approximately three years and lives 18 miles from the facility. He noted

everything would be done on site. He continued by saying the facility would have a conference room, two offices, a chapel, embalming room and a selection room.

#### MOTION

Mr. Garrett moved the Board approve the facility pending a favorable inspection. Mr. Pennington seconded the motion, which carried unanimously.

#### Approval of Funeral Director/Embalmer Apprenticeship

##### a. Tracy Lamar Lester

Tracy Lester appeared before the Board at this time. He stated he has a criminal record and that he had been arrested for driving under suspension, which was thrown out. In 2000 he was convicted of having improper insurance on a vehicle. He served 5 years for possession of cocaine. (Mr. Lester's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

#### MOTION

Mr. Jones made a motion to discuss this matter in executive session. The motion was seconded by Mr. Tipton and unanimously carried.

##### b. Jody Clarence Hellams

Mr. Hellams was not present for the meeting. This application was continued to the February 2005 meeting.

#### Approval of Dual License Reinstatement

##### a. Christopher Julius Lee

Mr. Lee has submitted an application for reinstatement of a dual license. His application is complete, which included the required continuing education hours and appropriate fees. (Mr. Lee's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Christopher Julius Lee appeared before the Board at this time. He stated he had moved from Hilton Head to Nashville, Tennessee and was there for approximately ten months; however, he has since moved to Statesboro, Georgia. He would like to reinstate his license since he lives near the state line. He went on to say he has seven years of experience in the funeral industry and that his license lapsed on June 30, 2003. He indicated he would like to reinstate the South Carolina license in order to reciprocate with Georgia.

#### MOTION

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

##### b. Lawrence Jackson, III

Lawrence Jackson has submitted an application for reinstatement of a dual license, which expired on June 30, 2003. His application is complete, which includes the appropriate

fees and the required continuing education hours. (Mr. Jackson's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Lawrence Jackson, III appeared before the Board at this time. He stated he moved from Laurinburg, North Carolina to Inman, South Carolina. He further stated he graduated from Gupton-Jones Mortuary School in 1979 and that he became licensed in North Carolina in 1979 and that his license is current and in good standing.

#### MOTION

Mr. Briggs moved the Board accept this application. Mr. Garret seconded the motion, which carried unanimously.

#### Approval of Exam Waiver

##### a. James Marshall Davis

Mr. Marshall was licensed as a funeral director and embalmer since 1977 during which time he was a partner in the Belk-Davis Funeral Home in Darlington as well as an associate with Kistler Funeral Home in Darlington for many years. He has been disabled for quite sometime and allowed his licenses to lapse, however, he would now like to have the licenses reinstated. (Mr. Davis's documentation is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Ms. Rose stated Mr. Davis was not present for the meeting. She further stated since his licenses lapsed more than five years ago he would be required to take the exams to reinstate his licenses, however, he feels he is too old to take the exam and is seeking the Board's approval to reinstate his licenses without taking the exams.

This matter was continued to the February 2005 meeting.

##### b. Cleveland P. McBride, Jr.

Ms. Rose stated there was no record of Mr. McBride's licensure. She further stated he is asking for approval to take the exams or be reinstated. (Mr. McBride's request and copies of his funeral director's and embalmer's licenses are herewith attached and become a permanent part of the record retained at the Board's office.) She noted he has been undergoing chemotherapy treatments and was unable to attend today's meeting.

This matter was continued to the February 2005 meeting.

#### Discussion Topics

##### (1) Legislation Process - Susan Duncan

Ms. Duncan briefed the Board on the legislative process.

#### EXECUTIVE SESSION

#### MOTION

Mr. Pennington moved the Board enter executive session to seek legal advice. Mr. Jones seconded the motion, which carried unanimously.

## RETURN TO PUBLIC SESSION

### MOTION

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

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

Tracy Lamar Lester

### MOTION

Mr. Long moved the Board table the approval of this application until the February 17, 2005 meeting. The motion was seconded by Mr. Williams and unanimously carried.

Christopher Julius Lee

### MOTION

Mr. Pennington made a motion, seconded by Mr. Williams and unanimously carried, that the Board reinstate Mr. Lee's funeral director and embalmer's licenses.

Mr. Pennington stated he is disappointed in Mr. Lee's dress code and suggested that Mr. Lee appear properly dressed when conducting business for the funeral profession.

## PUBLIC COMMENTS

Mr. Kizer invited everyone to the South Carolina Funeral Director's Association's Mid Winter conference to be held February 7-9, 2005 at the Columbiana Hotel and Conference Center. He stated Mr. Alvey and Mr. Bryant would be speaking during the conference regarding the Department of Labor, Licensing and Regulation.

Ms. Rose introduced Wendi Elrod to the Board members.

## Adjournment

### MOTION

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

The December 9, 2004 meeting of the SC Board of Funeral Service adjourned at 12:50 p. m.