

SOUTH CAROLINA BOARD OF FUNERAL SERVICE MEETING  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, SC  
May 5, 2005  
MINUTES

**T H U R S D A Y, May 5, 2 0 0 5 - Room 108**

Lee Rhoden, President, of Walterboro, called the regular meeting of the S.C. Funeral Board to order at 9:21 a.m. Other members present for the meeting included: Doug Garrett, Vice President, of Greenville; Edward Briggs, Secretary/Treasurer, of Murrells Inlet; Greg Long, of Anderson; Tony Tipton, of Greer; Penn Troy of Mullins; Stan Hamilton, of Greer; Carl Pennington of Hartsville; and Gerard Mikell, of North Charleston.

Terry Burnham, of Florence, was granted an excused absence.

Staff members participating during the meeting included: Rion Alvey, Administrator; Connie Huffstetler, Administrative Assistant; Tony Kennedy, Office of Investigations and Enforcement; Jeanie Rose, Administrative Specialist; Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel; and Shannon Poteat, Advice Counsel.

Members of the public attending the meeting included: Ashby Blakely, Blakely Funeral Home; Jimmie Dunbar, Upstate Crematory; Frank Adams, Port Elsewhere II; Carson Sprow, Graceland Mortuary; Tracy Lester, Childs Funeral Home; George Johnson, SC Mortician's Association; Marion F. Riley, Heritage Funeral Home; Henry Jackson McGill, Jackson & McGill Funeral Home; Kip Kiser, SCFDA; Bill Lawless, SCFDA; Linda R. Barnwell; Milton J. Barnwell; Henrie M. Grant; Mike Squires, SCFDA; Lou Ann Pyatt, SCMA; L J Byrd; Atu Williams, W. J. Funeral Home; Tammy Williams, W.J. Funeral Home; Ashley Hicks; Caughman-Harman Funeral Home; Preston Peterson, Shuford-Hatcher; Ernest C. Adams, Jr., SCDFMA, Inc.; Kenneth E. Beasley, SCMA; Donald I. Roseboro; Jim Neal, Rhue Funeral Home; Pete Hoogendonk, Cain Funeral Home; Doris Wood, FCA; Julian Minghi, FCA-SC; and Lee Minghi, FCA-SC.

**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.

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: December 9, 2004 Board Meeting

### MOTION

Mr. Pennington moved to approve the minutes from the December 9, 2004 meeting. Mr. Hamilton seconded the motion, which carried unanimously.

## President's Remarks - Gordon Lee Rhoden

Mr. Rhoden welcomed everyone to the meeting.

## Administrator's Remarks - Randy Bryant

Mr. Bryant explained that Mr. Alvey was at the legislature and would arrive for the meeting at any moment.

Members were presented with a copy of proposed changes to the Engine Bill. Mr. Bryant asked the members to review the information prior to the next meeting and be prepared to discuss the changes at the next meeting. He advised them that the Board would need to take a position, in favor of or opposed to, the amendments and asked that the matter be placed on the agenda for the next meeting.

Mr. Wilson noted that the copy of the proposed amendment as presented shows the current bill on one side of the page and the proposed changes on the other side. Mr. Bryant advised that in some places it may appear that language has been removed from the bill when it has actually been moved to another section of the bill.

Mr. Tipton asked why LLR felt the need for changes to the Engine Bill.

Mr. Bryant explained that the Engine Bill is the overriding bill that ties all of the practice acts together and the amendments are intended to make all of that work more smoothly and to change some of the language to make the bill more organized and easy to understand.

Rick Wilson added that the bill is currently in the house but is not expected to move this session.

Mr. Alvey arrived at this time.

## Disciplinary Actions

### Port Elsewhere II

Mr. Rhoden explained that this case was heard at a Panel Hearing on February 17, 2005. He explained that the Board would now hear the report and recommendation of the Panel and will then make a determination in the case.

## Executive Session

After hearing the report from the Panel Hearing, the Board voted to enter Executive Session to consider the matter.

## Return to Public Session

The Board returned to Public Session to vote in the matter of Port Elsewhere II.

## MOTION

Mr. Mikell made a motion to adopt the Hearing Panel's recommendation and to instruct the Funeral Service Staff to investigate the permit application involved in the case to determine whether any additional permit or licensing violations have occurred. He further moved that a copy of the final order be forwarded to the Cemetery Board. Mr. Pennington seconded the motion, which carried unanimously.

## Investigative Report/ Consent Agreements

Mr. Alvey introduced Tony Kennedy from the LLR Office of Investigations and Enforcement. Mr. Kennedy presented the investigations report to the Board members. Mr. Kennedy stated that there were currently 28 ongoing cases. He noted that the IRC met on April 13 gave the IRC recommendations the following cases:

## Cases Recommended for Dismissal

Case 45-1284

Case 2005-3

Case 2004-20 (Corrective Action Taken)

Case 2004-6 (Corrective Action Taken)

Case 2004-11 (Lack of Evidence)

Case 2004-13 (Dismissed with Strong Letter of Caution)

Case 2004-2 (No Violation Found)

Case 2004-3 (Respondent Left the State)

## MOTION

Mr. Mikell moved that the Board approve the recommendations of the IRC regarding the cases recommended for dismissal. Mr. Pennington seconded the motion, which carried unanimously.

## Executive Session

The Board entered Executive Session to consider disciplinary matters. Mr. Troy and Mr. Briggs recused themselves from deliberation.

## Return to Public Session

The Board returned to Public Session to vote on disciplinary matters. Mr. Troy and Mr. Briggs recused themselves from the votes.

## Rhue's Mortuary Permit # 108

## MOTION

Mr. Pennington moved to accept the consent agreement in the matter of Rhue's Mortuary. Mr. Hamilton seconded the motion, which carried.

### Action Items (Vote Required)

#### Unfinished Business

##### Tracy Lamar Lester - Apprenticeship

Mr. Lester appeared before the Board in the matter of his application for an Apprenticeship. In regard to items on his criminal background report, he explained to the members that the incidents on the report occurred many years ago when he was a young man.

The Board tabled the matter of Mr. Lester's application until Mr. Wilson could research to see if some of the items on the criminal background report were felonies, which would preclude him from being approved.

#### New Business

##### Approval for Student Permits for Students Attending Ogeechee Tech., Georgia

Ms. Rose explained to the Board that students from Ogeechee Tech are requesting to be allowed to do clinicals for embalming at a facility in South Carolina.

#### MOTION

Mr. Mikell moved that the permits be approved providing that the preceptors first be required to participate in a preceptor course. Mr. Pennington seconded the motion, which carried unanimously.

#### Apprentice Approvals

##### Donald Wayne Campbell - Apprenticeship

Mr. Campbell appeared before the Board to answer questions regarding items on his criminal background check. He explained that he was under 21 years of age at the time of the incidents and that he has never been convicted of a felony in the state of SC.

#### MOTION

Mr. Tipton moved to consider the matter of Mr. Campbell's application in Executive Session. Mr. Hamilton seconded the motion, which carried unanimously.

##### Henry J. McGill - Apprenticeship

Ms. Rose explained that Mr. McGill's quarterly report was not submitted within the proper time. He has since submitted evidence that the tasks were completed. Mr. McGill appeared before the Board and answered questions in the matter.

#### MOTION

Mr. Mikell moved and Mr. Troy seconded that the Board grant credit to Mr. McGill and approve his apprenticeship. The motion carried with one vote opposing.

##### Tracy Lamar Lester

Mr. Wilson advised the Board that Mr. Lester does indeed have crimes on his record,

which constitute crimes of moral turpitude, and would require the Board to deny his application. Mr. Wilson recommended that, in light of Mr. Lester's current good standing in his community, that he seek a pardon from the Probation, Pardon and Parole Board. He further suggested that Mr. Lester withdraw his application until such time that these matters would not be an impediment to his approval.

Mr. Lester asked the Board to allow him to withdraw his application.

#### MOTION

Mr. Mikell moved to allow Mr. Lester to withdraw his application. The motion, seconded by Mr. Garrett, carried unanimously.

The Board strongly encouraged Mr. Lester to pursue a pardon and resubmit his application. They commended him for turning his life around and expressed hope that he will be able to appear before the Board again in the near future.

#### New Facilities

Blakely Funeral Home, LLC - Manager - Ashby Lee Blakely

Mr. Blakely appeared before the Board and presented LLC papers, which completed his application.

#### MOTION

Mr. Long moved to approve the application pending a satisfactory inspection. The motion was seconded by Mr. Mikell and carried unanimously.

Carolina Casket Co. - Manager - Laurin Jeter Byrd

Mr. Byrd appeared before the Board to ask that he be allowed to operate a retail casket store.

#### MOTION

Mr. Long moved to consider the application in Executive Session. Mr. Briggs seconded the motion, which carried unanimously.

Graceland Mortuary - Manager - Carson Wade Sprow

Mr. Sprow appeared before the Board to request approval of the application for a new facility.

#### MOTION

Mr. Briggs made a motion, seconded by Mr. Mikell to consider the application in Executive Session. The motion carried unanimously.

Heritage Funeral Home of Allendale - Manager - Marion F. Riley, Jr.

Mr. Riley appeared before the Board. After discussion with the members it was determined that Mr. Riley is already a manager at another funeral home and that the proper course would be for him to submit an application for a branch. Mr. Riley requested that he be allowed to withdraw his application for a new facility.

#### MOTION

Mr. Mikell moved that the Board allow Mr. Riley to withdraw his application for a new

facility. Mr. Pennington seconded the motion and it carried unanimously.

Palmetto Crematory - Manager - William P. Hoogendonk III

Mr. Hoogendonk appeared before the board and explained that the facility is currently operating as funeral home and crematory. They are seeking a permit to operate the crematory separately from the funeral home.

MOTION

Mr. Pennington moved to approve the application for a permit for Palmetto Crematory. Mr. Mikell seconded the motion, which carried unanimously.

The Hamilton Mortuary, LLC - Manager - William Stanley Hamilton

Mr. Hamilton appeared to request approval of a new facility.

Mr. Rhoden noted for the record that no prior discussion had taken place between Mr. Hamilton and other Board members regarding his application. He further stated that Mr. Hamilton had recused himself from voting on the matter.

MOTION

Mr. Long made a motion, seconded by Mr. Tipton, to approve the application pending a satisfactory inspection. The motion carried.

Upstate Crematory - Manager - James M. Dunbar

Mr. Dunbar appeared before the Board to request approval of a new facility.

MOTION

Mr. Tipton moved to approve the application. Mr. Mikell seconded the motion and it carried unanimously.

W. J. Funeral Home - Manager - Atu Williams

Mr. Williams appeared before the Board to request approval of a new facility.

MOTION

Mr. Garrett moved to consider the matter in Executive Session. Mr. Hamilton seconded the motion, which carried unanimously.

Additional Facilities

Shuford-Hatcher Funeral Home at Frederick Memorial Gardens - Manager - Samuel Peterson

Mr. Peterson appeared before the Board to request approval to open a branch facility at a cemetery owned by the funeral home.

MOTION

Mr. Mikell moved to approve the application. The motion was seconded by Mr. Tipton and carried unanimously.

Caughman-Harman Funeral Home at Southland Memorial Gardens - Manager - Ronald Ashley Hicks

Mr. Hicks appeared before the Board to request approval for a branch facility.

## MOTION

Mr. Long made a motion, seconded by Mr. Mikell, to approve the application. The motion carried unanimously.

Michael A. Glenn Funeral Home - Manager - Michael Anthony Glenn

Mr. Glenn did not appear at the May 5, 2005 meeting.

## MOTION

Mr. Briggs moved to table the application until the next Board meeting. Mr. Mikell seconded the motion, which carried unanimously.

## Executive Session

The Board entered Executive Session for deliberation and to seek legal counsel.

## Return to Public Session

The Board returned to Public Session to vote on matters discussed in Executive Session.

Donald Wayne Campbell

## MOTION

Mr. Pennington moved to approve Mr. Campbell's application pending verification that Mr. Campbell has no felony on his criminal record. Mr. Mikell seconded the motion, which carried unanimously.

Carolina Casket Company

## MOTION

Mr. Pennington moved to approve the application to sell retail caskets for at need services only. The motion was seconded by Mr. Mikell and carried unanimously.

Graceland Mortuary

## MOTION

Mr. Tipton moved to deny the application due to the past conduct of the owner. Mr. Mikell seconded the motion, which carried unanimously.

The W.J. Funeral Home

Mr. Rhoden again noted for the record that Mr. Briggs and Mr. Troy recused themselves from deliberation and voting in this matter.

## MOTION

Mr. Hamilton moved to deny the application based on prior conduct of Mr. Atu Williams. The motion, seconded by Mr. Tipton, carried.

## Discussion Items

Gere B. Fulton - Funeral Consumers Alliance Survey

Mr. Fulton reviewed with the members the results of a survey conducted in the Charleston area. He stated that there were a number of concerns, which he felt deserved the attention of the Board as the regulatory body of the funeral industry in South Carolina.

He encouraged the Board to use the information presented to them to further investigate the problems discovered in the survey.

The members thanked Mr. Fulton for the information and expressed their appreciation for the efforts of the Funeral Consumers Alliance.

## Public Comments

Kip Kiser stated that he found the information presented by Mr. Fulton to be very interesting.

Mr. Kiser advised the members of an activity being promoted over internet sites similar to a treasure hunt, which could interfere with funeral services. He noted that there was legislation pending regarding the practice.

Mr. Kiser noted that the convention dates for the SC Funeral Directors Association are June 5, 6 & 7, 2005.

Mr. Mikell asked that the staff send a copy of the FTC sample GPL to every firm so that the firm has something to go by. Mr. Mikell also noted that a permit application requires the embalmers permit. He feels that applicants should be advised that signing such an application if one is not truly the embalmer of record, could result in the revocation of the embalmer's licenses.

Mr. Alvey noted that the staff is implementing an online renewal process and that GPL forms normally required for renewal will not be required. The staff is exploring ways to conduct a survey after the renewals are complete to check for compliance.

## Adjournment

### MOTION

There being no further business, Mr. Troy moved to adjourn the meeting. Mr. Long seconded the motion, which passed unanimously.