

SOUTH CAROLINA BOARD OF FUNERAL SERVICE MEETING  
Synergy Business Park, Kingstree Building, Room 108  
110 Centerview Drive, Columbia, SC  
June 9, 2005  
MINUTES

**T H U R S D A Y, June 9, 2 0 0 5 - Room 108**

Doug Garrett, Vice President, of Greenville, called the regular meeting of the S.C. Funeral Board to order at 10: a.m. Other members present for the meeting included: Edward Briggs, Secretary/Treasurer, of Murrells Inlet; Terry Burnham, of Florence; 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.

Gordon Lee Rhoden, President, of Walterboro and John Hazzard, V of Columbia, were granted an excused absence.

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

Members of the public attending the meeting included: Brad Holtzclaw, Liberty Cremation Services; Kay Cauthen, Wolfe Funeral Home; Lawrence Jackson, Serenity Funeral Home; Donald I. Roseboro, Serenity Funeral Home; Paul Simmons, Orangeburg; Elizabeth Simmons, Williston; Marshall Davis, Kistler-Hardee Funeral Home; Todd Hardee, Kistler-Hardee Funeral Home; Chris Nettles, SC Funeral Services, Inc., Woodridge Memorial Park & Funeral Home; Tammy Chandler, Woodridge Memorial Park; John Coble, SC Funeral Services, Inc.; Glen Miller, Floyd Mortuary; Homer Elwood, Gray Funeral Home; and Michael A. Glenn, Michael A. Glenn Funeral Home.

**PUBLIC SESSION**

Meeting Called to Order by Vice President

Mr. Garrett 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: May 5, 2005 Board Meeting

### MOTION

Mr. Pennington moved to approve the minutes from the May 5, 2005 meeting. Mr. Mikell seconded the motion, which carried unanimously.

### Vice President's Remarks

Mr. Garrett, noted that it was an honor and a privilege to preside over the meeting for the first time. He remarked that, as always, the intent of the Board is to promote the highest standards of professionalism and ethics for the funeral service industry in the State of SC and to protect and serve the public and consumer.

### Administrator's Remarks

Mr. Alvey noted that the members needed to vote on whether or not to excuse the absences of Mr. Rhoden and Mr. Hazard.

### MOTION

Mr. Troy moved to grant excused absences from the June 9, 2005 meeting for Mr. Rhoden and Mr. Hazard. The motion was seconded by Mr. Mikell and carried unanimously.

Mr. Alvey reminded the members of Dr. Gere Fulton's report to the Board at the June 9, 2005 meeting regarding compliance with the FTC requirements for GPL's. He advised that as part of the renewals for 2004, facilities were required to submit a GPL and asked that the Board appoint an FTC Compliance Committee to assist the staff in reviewing the GPL's. Mr. Alvey further explained that the GPL was not required as part of the 2005 renewals, as many of the renewals were done on-line. A letter and an information packet will be sent to all licensees who are required to maintain a GPL requesting them to submit one. The packet will include an example of a GPL as required by the FTC.

### MOTION

Mr. Garrett moved that Mr. Mikell and Mr. Pennington serve on the FTC Compliance Committee. Mr. Long seconded the motion, which carried unanimously.

### Disciplinary Report

#### Investigative Report/ Consent Agreements

Mr. Alvey reported that there were 23 ongoing investigations, none of which are ready to be presented to the Board at this time.

Mr. Alvey advised the members that 40 complaints were received during the last fiscal year.

### Unfinished Business

#### Additional Facility

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

Mr. Glenn appeared before the Board to request approval for an additional facility. The new facility will be a chapel with embalming to be done at the original facility.

### MOTION

Mr. Long moved to approve the application for an additional facility pending a satisfactory final inspection. Mr. Hamilton seconded the motion, which carried unanimously.

#### New Business

##### New Facilities

Serenity Funeral Home - Manager - Lawrence W. Jackson, III

Mr. Jackson appeared before the Board to request approval for a new facility. Mr. Jackson was licensed in 1995, his license lapsed for one year and he was reinstated in 2004. Mr. Jackson explained that the lapse in his license was due to a clerical oversight. He continued to practice in North Carolina, where he has been licensed since 1979. Mr. Jackson stated that he did not practice in SC during the time that his license was lapsed. Mr. Tipton asked if Mr. Jackson had appeared before the Board before. Mr. Jackson answered that he had appeared at the December 2004 meeting, at which time his license was reinstated.

##### MOTION

Mr. Long moved to consider the matter of Mr. Jackson's lapse in licensure during executive session. Mr. Briggs seconded the motion, which carried unanimously.

Woodridge Memorial Park & Funeral Home - Manager - Christopher Lee Nettles

Mr. Nettles appeared before the Board to request approval for a new facility.

##### MOTION

Mr. Tipton moved to approve the application for Woodridge Memorial Park & Funeral Home pending a satisfactory inspection. The motion was seconded by Mr. Mikell and carried unanimously.

The W.J. Funeral Home - Manager - Jerome Greene

Mr. Greene appeared before the Board and requested permission to withdraw the application for a new facility.

##### MOTION

Mr. Mikell made a motion to allow Mr. Greene to withdraw the application for The W.J. Funeral Home. Mr. Pennington seconded the motion, which carried unanimously.

Simmons Memorial Chapel of Elko - Elizabeth D. Simmons

Ms. Simmons appeared before the Board to request approval for a new facility.

##### MOTION

Mr. Mikell moved to approve the application for Simmons Memorial Chapel of Elko, pending a satisfactory final inspection. The motion was seconded by Mr. Burnham and carried unanimously.

#### Additional Facilities

Liberty Cremation Services, Inc. - Manager - Bradley Eugene Holtzclaw

Mr. Holtzclaw appeared before the Board to request approval for an additional facility.

##### MOTION

Mr. Long moved to approve the application for Liberty Cremation Services, Inc., pending a satisfactory final inspection. Mr. Tipton seconded the motion and it carried unanimously.

Mr. Holtzclaw asked the Board if the inspection should be done before or after the crematory is fired up. Mr. Alvey advised that it would be arranged for the inspector to be at the facility for the inspection when the crematory is fired up.

Lancaster Funeral Home & Cremation Service - Manager - Kay Carnes Cauthen  
Ms. Cauthen appeared before the Board to request approval of an additional. The original facility is in Fort Mill and her daughter will be the manager at that facility.

MOTION

Mr. Troy moved to approve the application for Lancaster Funeral Home and Cremation Service pending a satisfactory final inspection. The motion, seconded by Mr. Burnham, carried unanimously.

Reinstatement of License

James Marshall Davis

Mr. Davis appeared before the Board to request that his licenses be reinstated. He has a debilitating disease and has been unable to practice since 1996. Although he is no longer able to work but would like to have his licenses reinstated without re-examination in light of his life-threatening illness.

MOTION

Mr. Hamilton moved to consider Mr. Davis' request in Executive Session. The motion was seconded by Mr. Long and carried unanimously.

Review of H.3781 - Amendment to the Engine Bill

The Board decided to table the matter of H.3781 until a later date in order to allow more time to review the proposed legislation.

Executive Session

MOTION

Mr. Troy moved to enter Executive Session to seek legal counsel on several matters before the Board. Mr. Burnham seconded the motion and it carried unanimously.

Return to Public Session

MOTION

Mr. Tipton moved to return to Public Session. The motion was seconded by Mr. Long and carried unanimously.

Mr. Garrett noted for the record that no motions were made and no votes taken during Executive Session.

Serenity Funeral Home - Manager - Lawrence W. Jackson, III

Mr. Garrett recused himself and Mr. Troy assumed control of the meeting at this time.

The Board asked Mr. Jackson how many hours he works at S.C. Franks Funeral Home and he answered about 30 hours a week. Mr. Jackson was asked if he was aware that the manager of a funeral home must be a full-time employee of that facility. He responded

that he had not understood that and his intent is to continue working at S.C. Franks. Mr. Jackson requested to withdraw the application to be manager at Serenity Funeral Home.

#### MOTION

Mr. Mikell moved that the Board allow Mr. Jackson to withdraw the application for Serenity Funeral Home. Mr. Pennington seconded the motion, which carried. Mr. Garret did not vote on the matter.

#### James Marshall Davis

Mr. Wilson, Office of General Counsel, explained to Mr. Davis that the statute and regulations do not allow the Board to consider waiving the requirements for reinstatement. The members expressed to Mr. Davis their regret in not being able to grant his request.

#### Discussion Items

Mr. Mikell advised the other Board members of a matter of concern regarding the facility where Ms. Simmons, who was approved earlier in the meeting as manager of Simmons Memorial Chapel of Elko, was previously employed. Mr. Alvey stated that the funeral home in question had submitted an application but it was not received in time to be considered in the June 9, 2005 meeting. Ms. Rose explained that a facility usually has 30 days to submit a change in management. Mr. Mikell expressed concern as to who was in charge during that 30 days. Ms. Simmons explained that her last day at Simmons Funeral Home of Williston was April 7. Ms. Simmons brother explained that it had been a family business and the family was now going separate ways. Mr. Alvey explained that the application was not complete and was still being handled by staff.

Mr. Alvey asked Kent Lesesne to update the members on the Port Elsewhere case. Mr. Lesesne advised the members that the administrative law judge had ruled to allow four locations to continue to operate pending appeal, but ordered the Greenville location to cease doing business. It was also ordered that a disclaimer be included in the company's contracts, advising that consumers are doing business with the casket retail store and not the cemetery.

#### Public Comments

There were no public comments during the June 9, 2005 meeting.

#### Adjournment

There being no further business, Mr. Hamilton moved to adjourn the meeting. Mr. Long seconded the motion and it carried unanimously.