

SOUTH CAROLINA BOARD OF FUNERAL SERVICE MEETING  
Synergy Business Park, Kingstree Building  
110 Centerview Drive, Columbia, SC  
MINUTES

T H U R S D A Y, August 18, 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 9:15 a.m. Other members present for the meeting included: Edward Briggs, Secretary/Treasurer, of Murrells Inlet; Billy Horton, of Kingstree; Greg Long, of Anderson; Tony Tipton, of Greer; Glen Crawford, of Lancaster; Stan Hamilton, of Greer; Todd Caughman, of Lexington; Carl Pennington of Hartsville; and Gerard Mikell, of North Charleston.

Staff members participating during the meeting included: Randall Bryant, Assistant Deputy Director; Barbara Foster, Program Assistant; Connie Huffstetler, Administrative Assistant; Jeanie Rose, Administrative Specialist; Tony Kennedy, Investigator - Office of Investigations and Enforcement; Ernest Adams, Inspector; and Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel.

Members of the public attending the meeting included: Keenan T. Walsh, Grand Strand Funeral Home; James D. Davis, Davis Funeral Home; Leonard Jackson, Davis Funeral Home; Terry J. Burnham, Stoudenmire-Dowling Funeral Home; Kip Kiser, SCFDA; Bill Lawless, SCFDA; C.B. Harney; Kenneth E. Beasley, SCMA; Sam Halls, SCMA; William Penn Troy; Marvin Scarborough, Scarborough Funeral Services; Wayne Johnson; and Tarence Johnson

#### 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.

Invocation

Mr. Briggs delivered the invocation.

Introduction of Members, Staff and Guests

The members, staff and guests introduced themselves.

## Review of Minutes: June 9, 2005 Board Meeting

### MOTION

Mr. Pennington moved to approve the minutes from the June 9, 2005 meeting. Mr. Hamilton seconded the motion, which carried.

### Election of Officers

Mr. Garrett opened the floor for nominations for officers for the upcoming year.

### MOTION

Mr. Briggs moved that the Board elect the following slate of officers:

President - Doug Garrett

Vice President - Greg Long

Secretary - Edward Briggs

Mr. Tipton seconded the motion, which carried unanimously.

### President's Remarks

Mr. Garrett expressed his thanks to the members for selecting him as president. He noted that he hopes to meet the level of commitment and leadership of those who have served as president in the past.

### Presentation to Outgoing Board Members

Plaques were presented to Terry Burnham and Penn Troy, who have completed their terms on the Board. John Hazard and Lee Rhoden were unable to attend the meeting, but will also receive plaques in appreciation of their service.

### Assistant Deputy Director's Remarks

Mr. Bryant noted that the work session held on the previous day had been very productive and he appreciated the members' hard work.

Mr. Bryant introduced Barbara Foster who will be working with the Funeral and Cemetery Boards, and will supervise Jeanie Rose and Wendi Elrod.

Mr. Bryant explained that he would now be serving as the Administrator for the Funeral Board, as Rion Alvey has been promoted to Assistant Deputy Director with responsibility for the Office of Investigations and Enforcement.

Mr. Bryant introduced Ernest Adams, a former Board member, who is working as an inspector for the Funeral Board, as well as assisting with investigations and the Investigative Review Committee.

Mr. Bryant stated that there were no advisory opinions. He noted that there was one legislative issue, which would be addressed later on the agenda.

Mr. Bryant advised the Board that according to the Board's wishes, a Continuing Education audit would be conducted among 10% of licensees who renewed their licenses.

Mr. Bryant noted that he would provide to the members information regarding the fines schedule for their review, in order that it could be posted on the Internet.

Mr. Bryant welcomed the new members, Mr. Caughman, Mr. Horton and Mr. Crawford, to the Board.

#### Committee Appointments

##### Investigative Review Committee

##### MOTION

Mr. Briggs nominated former Board members Penn Troy and Lee Rhoden to serve on the Investigative Review Committee. Mr. Mikell seconded the motion, which carried unanimously.

##### Newsletter Committee

Mr. Garrett appointed Mr. Tipton and Mr. Hamilton to serve on the Newsletter Committee.

##### Legislative Committee

Mr. Garrett appointed Mr. Long, Mr. Caughman, and Mr. Crawford to serve on the Legislative Committee.

##### State Law Exam Committee

Mr. Garrett appointed Mr. Horton, Mr. Mikell, Mr. Briggs and Mr. Hamilton to serve on the State Law Exam Committee.

##### FTC Compliance Committee

Mr. Mikell and Mr. Pennington will continue to serve on the FTC Compliance Committee.

##### Disciplinary Report

##### Investigative Report

Mr. Bryant introduced Tony Kennedy from the Office of Investigations and Enforcement. Mr. Kennedy presented the DRC report to the Board.

##### Cases Recommended for Dismissal

Case 2004-0014

Case 2005-0005

Case 2005-0004

Case 2004-0015

Case 2005-0013

##### MOTION

Mr. Tipton made a motion to approve the cases recommended for dismissal. Mr. Crawford seconded the motion, which carried.

##### Cases Recommended for Full Hearing

Case 2005-0020

Case 2005-0021

## Case 2005-0001

Mr. Kennedy advised the Board that the above cases would come before the Board for a full hearing.

## Cases Recommended for Consent Orders

Case 2005-0012

Case 2004-0016

Mr. Kennedy briefed the Board on the above cases in which Consent Orders are recommended.

## Inspections Report

The members were presented with the inspections report.

### MOTION

Mr. Crawford moved to accept the inspections report. Mr. Hamilton seconded the motion, which carried.

## Unfinished Business

### Board Position on H.3781 - Amendment to the Engine Bill

Mr. Bryant gave a brief overview of the bill and asked that the members be prepared to take a position on the bill at its next meeting. Mr. Wilson also spoke to the members regarding the bill. The Board referred the matter to the Legislative Committee for review. The Committee will make a recommendation to the full Board at the next meeting.

Mr. Tipton asked Mr. Wilson for clarification of whether or not the Board can give consideration to applicants with criminal backgrounds. Mr. Pennington referred the members to Section 40-19-230. Mr. Mikell noted that in two separate instances the law states that a qualification for licensure is that a person has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude. Mr. Pennington observed that the word "may" is used. Mr. Wilson said that although the word "may" is permissive, the Board in past actions had set a precedent not to allow applicants with a criminal background to become licensed.

## Application of Wayne Johnson

Mr. Bryant advised the Board that Mr. Johnson submitted his application for renewal in June of 2005. The staff was unable to process the renewal due to discrepancies that arose in regards to an application for the W.J. Funeral Home. Subsequently, an investigation was conducted and the staff determined that the matter should be referred to the Board.

Mr. Kennedy presented information to the members regarding the investigation into the matter of Mr. Johnson's residence as provided on an application for a new facility in November of 2004.

Mr. Johnson addressed the Board, after being sworn in by the court reporter. He maintained that he lived at the address in question at the time of the application. Mr. Johnson also claimed that there had been some type of corruption or wrongdoing on the part of the Board and/or staff.

Mr. Wilson presented a statement to Mr. Johnson, signed by his aunt, Helen Johnson, which indicated that Mr. Johnson never lived at her residence. Mr. Johnson read the statement aloud.

Mr. Briggs took issue with remarks made by Mr. Johnson at the beginning of his statement to the Board, accusing the Board and/or staff of wrongdoing.

#### MOTION

Mr. Long moved to defer the matter of Mr. Johnson's application to Executive Session. Mr. Tipton seconded the motion, which carried. The members asked Mr. Kennedy and Mr. Johnson to remain available, in the event the Board had additional questions for them during Executive Session.

#### New Business

##### New Facilities

Grand Strand Funeral Home & Crematory d/b/a GSFD Enterprises LLC -  
Keenan T. Walsh

Mr. Walsh appeared before the Board to request approval of a new facility. Mr. Briggs spoke on behalf of Mr. Walsh, having been associated professionally with him in the past. Mr. Mikell asked for clarification as to whether this was a new facility. Mr. Walsh advised that it is an existing facility that is changing ownership.

#### MOTION

Mr. Long moved to approve the application for Grand Strand Funeral Home & Crematory d/b/a GSFD Enterprises LLC, pending a satisfactory final inspection. Mr. Mikell seconded the motion, which carried.

##### McKenzie Funeral Home of Hemingway - Howard McKenzie

Mr. McKenzie did not appear at the meeting. The Board took no action regarding the application.

##### Scarborough Funeral Service - Marvin Scarborough

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

#### MOTION

Mr. Mikell moved to approve the application for Scarborough Funeral Service. Crawford seconded the motion.

Mr. Mikell then noted a discrepancy in the name of the business on the articles of incorporation filed with the Secretary of State's office, as opposed to the name as it appears on the application. Mr. Scarborough stated that the name would be Scarborough Funeral Home, Inc. d/b/a Scarborough Funeral Service. Ms. Rose advised Mr. Scarborough that the application could be changed to show the correct name.

## MOTION

Mr. Pennington moved to consider Mr. Scarborough's application in Executive Session. The motion was seconded by Mr. Tipton, but was withdrawn to allow the members to ask questions of Mr. Scarborough.

Mr. Scarborough was asked to explain an item on his criminal background report. Mr. Scarborough stated that in 2001, he had been charged with receiving stolen goods, but that the charge had been dropped. Mr. Scarborough was asked if he had any proof of the charges being dropped. He answered that he did not have such proof with him at the meeting, but could provide it at a later time. Mr. Crawford pointed out that the items on Mr. Scarborough's criminal record were all misdemeanors.

Mr. Crawford remarked that Mr. Scarborough had been the manager of a very successful funeral home for some time. Mr. Tipton noted that Mr. Scarborough has a very good reputation in his community, but that it is the duty of the Board to ask questions when such things are part of the application.

## VOTE

Mr. Mikell called for a vote on his motion to approve Mr. Scarborough's application, pending a satisfactory final inspection. The motion carried.

### Lazarus Discount Casket - Shirley May Murray

Ms. Murray appeared before the Board to request approval of a casket store. Mr. Crawford noted that the store would be in Charleston but that her residence is listed on her application as Atlanta, Georgia. Ms. Murray answered that she will be moving her residence to Charleston.

Mr. Long asked if Ms. Murray intended to sell caskets pre-need or at need. Ms. Murray answered that she would be selling at need. Mr. Mikell advised her that only Funeral Homes may sell pre-need and must be licensed by the Board of Financial Institutions to do so.

Mr. Crawford asked if Ms. Murray was a licensed funeral director and she answered that she was.

## MOTION

Mr. Long moved to consider the matter in Executive Session. Mr. Pennington seconded the motion, which carried.

### Additional Facilities

#### Goldfinch Funeral Service - Edward H. Briggs

Mr. Briggs appeared before the Board to request approval of a branch facility. He explained that it is an existing facility currently operating under another name. Mr. Mikell asked if the facility meets all local code requirements and Mr. Briggs stated that it does.

## MOTION

Mr. Crawford moved to approve the application, pending a satisfactory final inspection. Mr. Horton seconded the motion. The motion carried, with Mr. Briggs abstaining.

## Apprentice

Leonard Jackson

Mr. Hamilton recused himself in the matter of Mr. Jackson's application.

Mr. Jackson appeared before the Board to seek approval for 5 months of his apprenticeship, which are unaccounted for in the Board's records. The records indicate that he has completed 19 months. Mr. James Davis spoke to the Board on Mr. Jackson's behalf, stating that Mr. Jackson had completed his apprenticeship in 1997 and since that time, had been completing course work at Piedmont Tech. He would now like to take the exam.

Mr. Bryant concurred that the transition in the records at the time in question could have resulted in Mr. Jackson's last 5 months being lost.

### MOTION

Mr. Crawford moved to grant Mr. Jackson credit for the 5 months for which the records were lost. Mr. Caughman seconded the motion, which carried. Mr. Hamilton abstained.

## Reinstatement

Charles B. Harney

Mr. Harney appeared before the Board to request reinstatement of his Funeral Director's license. Mr. Harney allowed his license to lapse because he planned to relocate to a different area. Mr. Mikell reminded Mr. Harney that if he became a manager of a funeral home, he would no longer be exempt from continuing education.

### MOTION

Mr. Crawford moved to approve Mr. Harney's request for reinstatement. Mr. Mikell seconded and the motion carried.

## Recommendation Regarding Compliance of FTC Funeral Rule

The Committee made the following recommendations:

1. The FTC Regional Office will be requested to provide enough copies of the most current Funeral Rule compliance brochure for mailing to every permitted funeral home. The mailing will be to the manager of the firm.
2. All firms will be required to submit a copy of the firm's GPL, CPL and OBCPL. The required date should be such that all requested price lists should be returned before the end of September.
3. The Board Members are to meet for a Work Day prior to the October Board meeting. The purpose of the Work Day is to review the 2005 GPL's of all the permitted firms.
4. The Board will need to decide on actions to be taken on the following:  
If a permitted firm does not comply with the initial request for GPL, CPL and OBCPL, Labor Licensing and Regulation will issue a cease and desist order or a temporary restraining order on behalf of the Board.

The members reviewed the recommendations of the Committee and a discussion ensued as to the deadline the Board would require for the price lists to be returned.

### MOTION

Mr. Long moved to accept the recommendations of the Committee, with the mail-out to the firms on August 22, 2005, and a response required to the Board with a postmark no later than September 17, 2005. Mr. Pennington seconded the motion, which carried.

Mr. Bryant asked Mr. Pennington to briefly explain what the Committee did to arrive at their recommendations. Mr. Pennington advised the members that a sampling was taken of General Price Lists and sixteen items were identified which were considered critical to having a legitimate price list. From the random sampling, 16% of the price lists, or six funeral homes, were not in compliance. Notices were sent to these six funeral homes advising them to revise their price lists. The Board will now review all the price lists, not for the actual dollar amount of the charges, but for the document itself and the manner in which the charges are presented.

#### Application of Wayne Johnson

Mr. Bryant noted for the record that the application hearing of Mr. Wayne Johnson was hereby reopened and that Mr. Johnson would like to make a statement to the Board.

Mr. Johnson apologized to the Board for his earlier statement and admitted that he had lied on his application. He stated he had been coerced by Mr. Williams to open the establishment and asked to withdraw the application at this time.

#### Executive Session

##### MOTION

Mr. Mikell moved the Board enter Executive Session. Mr. Hamilton seconded the motion and it carried.

#### Return to Public Session

Mr. Pennington moved the Board return to Public Session. Mr. Hamilton seconded the motion, which carried.

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

#### Lazarus Discount Caskets

Mr. Briggs asked Ms. Murray if she intended to operate the store herself and she answered that she did. Mr. Briggs asked if she would have caskets on hand and where she would store them. Ms. Murray stated that it was a very large building and showed a blueprint of the building. She said that it was like a mini-mall and other businesses would operate in the building. Ms. Murray explained that her son, Clarence Murray, would be helping her with a monument business. Mr. Briggs asked where Ms. Murray's primary residence would be and she answered that it would be at her son's address in Charleston, although she owns property in Atlanta and other locations.

##### MOTION

Mr. Briggs moved to approve Ms. Murray's application pending satisfactory inspection of



the facility. Mr. Mikell seconded the motion, which carried.

It was noted that Ms. Murray's application would be amended to show the full name of the business, Lazarus Discount Casket.

#### Discussion Items

There were no discussion items for the August 18, 2005 meeting.

#### Public Comments

There were no public comments during the August 18, 2005 meeting.

#### Adjournment

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