

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, October 20, 2 0 0 5 - Room 108

Doug Garrett, President, of Greenville, called the regular meeting of the S.C. Board of Funeral Service to order at 9:10 a.m. Other members present for the meeting included: Greg Long, Vice-President, of Anderson; Edward Briggs, Secretary/Treasurer, of Murrells Inlet; Billy Horton, of Kingstree; Tony Tipton, of Greer; Glen Crawford, of Lancaster; Stan Hamilton, of Ridge Spring; Carl Pennington of Hartsville; and Gerard Mikell, of North Charleston.

Todd Caughman, of Lexington was granted an excused absence.

Staff members participating during the meeting included: Randall Bryant, Assistant Deputy Director; Barbara Foster, Program Assistant; Connie Huffstetler, Administrative Assistant; Jeanie Rose, Administrative Specialist; Ed Farnell and Tony Kennedy, 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: Theron E. Shields, Sr. and Theron E. Shields, Jr., Shields Funeral Home; Lawrence R. Meadows, Serenity Funeral Home, Inc.; Benjamin Singleton, The Palmetto Mortuary; Coakley Hilton, Hilton's Mortuary, Inc.; Donald A. Herndon and Barton B. Chassereau, Herndon Funeral Home; Charles Parker, Parker Funeral Home; Bill Lawless and Steve Hawley, SCFDA; James H. Belk, Jr. and Herbert L. McCray, McCray Funeral Home; Bruce Helmsing, Cauthen Funeral Home; Timothy Reardon and Hayes F. Samuels, Jr., Samuels Funeral Home; and Lou Ann Pyatt, Barbara V. Nelson, Bernard R. Fielding and Sam Halls, SCMA.

Meeting Called to Order by the 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: August 18, 2005 Board Meeting

MOTION

Mr. Horton moved to approve the minutes from the August 18, 2005 meeting. Mr. Hamilton seconded the motion, which carried.

Assistant Deputy Director's Remarks

Mr. Bryant commended the members for their diligence in reviewing the General Price Lists during the work session the previous day. He noted that Mr. Mikell and Mr. Pennington would present a report on the GPL later in the meeting.

Mr. Bryant noted that the Legislative Committee had met regarding H.3781 and would be making a recommendation later in the meeting.

President's Remarks

Mr. Garrett welcomed everyone to the meeting. He stated that the Board takes very seriously their duty to uphold the laws and regulations regarding the funeral industry.

Disciplinary Report

Investigative Report

Mr. Farnell introduced Tony Kennedy, who presented the Investigative Report to the Board. Mr. Tipton noted that some cases were recommended for dismissal and asked if the Office of Investigation and Enforcement receives many frivolous complaints. Mr. Kennedy acknowledged that was sometimes the case. Mr. Tipton asked about the criteria for determining the validity of a complaint. Mr. Farnell explained that when a complaint is received, he reviews it and determines if there is a possible violation of the practice act. If no possible violation exists, he notifies the complainant that no case is being opened. When a case is opened, it is investigated by Mr. Kennedy, and referred to the Investigative Review Committee. The IRC then decides if the case should be dismissed or go forward.

Mr. Tipton also noted that many of the cases involve pre-need and observed that perhaps the industry was not well enough informed as to the regulations of pre-need. Mr. Bryant noted that pre-need is a shared situation, with pre-need licenses issued to funeral homes by the Commission of Financial Institutions.

MOTION

Mr. Crawford made a motion to accept the Investigative Report as presented by Mr. Kennedy. Mr. Horton seconded the motion, which carried.

Inspections Report

The members were presented with the inspections report.

MOTION

Mr. Pennington 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 noted that the Legislative Committee met with industry leaders and representatives of industry associations regarding H.3781. He addressed some of the concerns and questions of the SCMA regarding the proposed legislation.

MOTION

Mr. Long moved to defer the matter to Executive Session to give the members further opportunity to review the concerns of the SCMA. Mr. Mikell seconded the motion, which carried.

Continuing Education Committee

Mr. Garrett appointed Mr. Hamilton and Mr. Mikell to serve with Mr. Pennington on the Continuing Education Committee.

New Business

New Facilities

The Palmetto Mortuary, Inc. - Benjamin Z. Singleton

Mr. Singleton appeared before the Board to answer questions regarding his application for a new facility.

MOTION

Mr. Pennington moved to consider Mr. Singleton's application in Executive Session. The motion was seconded by Mr. Hamilton and carried.

Serenity Funeral Service and Chapel - Lawrence R. Meadows

Mr. Meadows appeared before the Board in the matter of his application for a new facility.

MOTION

Mr. Pennington moved to consider Mr. Meadows' application in Executive Session. Mr. Mikell seconded the motion, which carried.

Hilton's Mortuary, Inc. - Coakley A. Hilton

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

MOTION

Mr. Pennington moved to consider Mr. Coakley's application in Executive Session. The motion was seconded by Mr. Mikell and carried.

Additional Facilities

Parker Funeral Home - Ezzard C. Parker

Mr. Parker appeared before the Board to request approval of an additional facility. It will be a branch facility with the embalming done at the original facility.

MOTION

Mr. Crawford moved to approve the additional facility application for Parker Funeral Home, pending a satisfactory inspection. Mr. Briggs seconded the motion, which carried.

McKenzie Funeral Home of Hemingway - Howard McKenzie

Mr. McKenzie appeared before the Board to request approval of a branch location, which will be a chapel. The members questioned Mr. McKenzie regarding advertising for the facility prior to receiving the Board's approval for the application.

MOTION

Mr. Long moved to defer the matter to Executive Session. Mr. Mikell seconded the motion, which carried.

Brice W. Herndon & Sons Funeral Home - Barton B. Chassereau

Mr. Herndon appeared with Mr. Chassereau, who will be the manager, to request approval for an additional facility, which will be newly constructed.

MOTION

Mr. Horton moved to approve Mr. Herndon's application for an additional facility, pending a satisfactory inspection. Mr. Briggs seconded the motion and it carried.

Recess

Mr. Garrett called for a brief recess at this time.

Apprentice Applications

Timothy Reardon

Mr. Reardon appeared before the Board in the matter of his application for apprentice. Mr. Samuels spoke on Mr. Reardon's behalf. The members questioned Mr. Reardon regarding his SLED report.

MOTION

Mr. Horton moved to consider the application in Executive Session. The motion was seconded by Mr. Crawford.

Mr. Hayes explained that he and Mr. Reardon would be unable to stay for the Board's decision, due to a funeral at 1:00. He stated that he would have his attorney clarify whether the incident on Mr. Reardon's SLED report was a felony or a misdemeanor.

Mr. Horton withdrew his motion to consider Mr. Reardon's application in Executive Session.

MOTION

Mr. Mikell moved to hold Mr. Reardon's application in abeyance until such time as the SLED report can be verified, giving staff permission to approve the application if the incident on the report is shown to be a misdemeanor. Mr. Pennington seconded the motion, which carried.

Theron E. Shields, Jr.

Mr. Shields, Jr. appeared before the Board to request an extension of his apprentice license in order to complete the required 50 cases. His father, Mr. Shields, Sr. appeared on his son's behalf and explained that he is only short two or three cases.

MOTION

Mr. Mikell moved to consider Mr. Shields' application in Executive Session. The motion

was seconded by Mr. Crawford and carried.

James Heyward Belk, Jr.

Mr. Belk appeared before the Board in the matter of his apprenticeship, which he completed in the 1970's. He presented documentation from his preceptor, Mr. McCray, who appeared on Mr. Belk's behalf, and from Mr. Mungo. They requested the Board to give Mr. Belk credit for the apprenticeship.

MOTION

Mr. Crawford moved to accept Mr. Belk's apprenticeship. Mr. Mikell seconded the motion, which carried.

Reciprocity Application

Bruce Helmsing

Mr. Helmsing appeared before the Board in the matter of his application for a Funeral Director/Embalmer license. He requested the Board to consider his combined experience in Tennessee and North Carolina to meet the required five years. He attended school in Canada and is licensed as a funeral director in Tennessee and North Carolina. He has passed the State Law exam.

After reviewing Mr. Helmsing's application, the members found that he met the requirements for a funeral director's license, but at this time does not meet the requirements for an embalmer's license.

MOTION

Mr. Pennington moved to approve Mr. Helmsing's application for funeral director. Mr. Crawford seconded the motion, which carried.

Mr. Mikell recused himself from the vote.

Discussion Items

There were no discussion items for the October 20, 2005 meeting.

Public Comments

Judge Bernard Fielding spoke to the Board regarding his concerns about the proliferation of funeral homes in the Charleston area, owned and/or operated by African Americans. He feels that unethical and unprofessional practices are occurring, due to the number of establishments in the area, as well as deterioration in the character and integrity of some individuals in the industry.

Judge Fielding shared with the members some instances the he felt demonstrated his concerns. He urged the Board to use their power to take a strong stance against such unethical and unprofessional practices. Mr. Bryant assured Judge Fielding that the Board and LLR would aggressively pursue any such cases brought to their attention.

Mr. Singleton asked to address the Board in response to Judge Fielding's comments in regards to Mr. Singleton's grandfather. Mr. Bryant explained to Mr. Singleton that it could

taint the Board in regards to any future action to hear information regarding the situation.

Executive Session

MOTION

Mr. Pennington moved to enter Executive Session. Mr. Tipton seconded the motion, which carried.

Return to Public Session to Report on Executive Session

MOTION

Mr. Long moved to return to Public Session. Mr. Mikell seconded the motion, which carried.

The Palmetto Mortuary, Inc. - Benjamin Z. Singleton

MOTION

Mr. Mikell moved to approve the application for The Palmetto Mortuary, Inc., pending verification of the receipt of the application fee and a satisfactory final inspection. Mr. Hamilton seconded the motion and it carried.

Serenity Funeral Service and Chapel - Lawrence R. Meadows

MOTION

Mr. Mikell moved to approve the application for Serenity Funeral Home pending a satisfactory final inspection. Mr. Crawford seconded the motion, which carried.

Hilton's Mortuary, Inc. - Coakley A. Hilton

MOTION

Mr. Hamilton made a motion to approve the application for Hilton's Mortuary, Inc., pending a satisfactory final inspection. Mr. Crawford seconded the motion and it carried.

Theron E. Shields, Jr.

MOTION

Mr. Mikell moved to grant an extension of one year on Mr. Shields' apprenticeship. Mr. Hamilton seconded the motion, which carried.

McKenzie Funeral Home of Hemingway - Howard McKenzie

Mr. Horton and Mr. Briggs recused themselves in the matter of Mr. McKenzie's application.

Mr. Bryant addressed the Board in the matter of the violation of the advertising laws. He suggested that Mr. McKenzie be allowed to sign a consent agreement. Mr. McKenzie accepted responsibility but assured the Board that it was not his intent to break the law.

Mr. Mikell presented Mr. McKenzie with a copy of a letter distributed by him and noted remarks in the letter regarding the General Price List. Mr. Mikell took exception to the inference that the General Price List was being used as a manner in which to defraud the consumer. He stated that the Board had been working diligently to ensure that establishments in SC are in compliance with the FTC rules. Mr. McKenzie stated that the purpose of his letter was not to imply that the GPL was being used to defraud the public.

He apologized to the Board and stated that, although he has several thousand more letters, he will destroy them to make certain that no more are distributed.

MOTION

Mr. Mikell moved to approve the application for McKenzie Funeral Home of Hemingway, upon signing a consent agreement with Mr. McKenzie in the matter of advertising the facility before it was licensed, and pending a satisfactory inspection. Mr. Tipton seconded the motion and it carried.

Report on Review of General Price Lists

Mr. Mikell noted that the members had worked the previous day on reviewing the General Price Lists. They will continue their review and will make a public report upon completion.

H.3781 - Amendment to the Engine Act

The Legislative Committee recommended that the Board endorse H.3781.

MOTION

Mr. Long moved the Board endorse passage of H.3781. Mr. Crawford seconded the motion, which carried.

Adjournment

MOTION

Mr. Long made a motion to adjourn, which was seconded by Mr. Crawford, and carried.