

MINUTES

South Carolina Board of Funeral Service

Board Meeting

10:00 a.m., June 1, 2006

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Doug Garrett, President, of Greenville, called the regular meeting of the S.C. Board of Funeral Service to order at 10:00 a.m. Other members present for the meeting included: Edward Briggs, Secretary/Treasurer, of Murrells Inlet; Todd Caughman, of Lexington; Glen Crawford, of Lancaster; Stan Hamilton, of Ridge Spring; Billy Horton, of Kingstree; Gerard Mikell, of North Charleston; Carl Pennington, of Hartville, and Tony Tipton, of Greer.

Staff members participating during the meeting included: Ernest Adams, Inspector; Randall Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant; Barbara Foster, Program Assistant; and Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel.

Members of the public attending the meeting included: Cindy Bullock, Harvin Bullock; Scott Gordon, Dustin Kanott; Kip Kiser, Earl Lanning, Tracy Lester, Lou Ann Pyatt, James Sosebee, and Lamont Stevens.

Meeting Called to Order

Mr. Garrett announced that public notice of this meeting was properly posted at the S. C. Board of Funeral Service office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Introduction of Board Members and Persons Attending the Meeting

The Board members, staff and members of the public attending the meeting introduced themselves.

Invocation

Mr. Crawford delivered the invocation.

Approval of Minutes for the April 25, 2006 Meeting

MOTION

Mr. Tipton moved the Board approve the minutes of the April 25, 2006 meeting as written. Mr. Mikell seconded the motion, which carried unanimously.

President's Remarks - Fred D. Garrett, Jr.

Mr. Garrett welcomed everyone to the meeting.

Assistant Administrator's Remarks – Barbara Foster

Advisory Opinions, If Needed, Office of General Counsel

Legislative Updates, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative update given during the June 1, 2006 meeting.

Ms. Foster thanked the members for encouraging the licensees for renewing online. She noted the online renewals are currently fifty percent over last year's online renewals. She indicated staff is happy to provide assistance to those wishing to renew online or would be happy to mail a generic renewal form to those who do not wish to renew online.

Ms. Foster stated Mr. Bryant mentioned the board member web page and briefed the Board of what the web page entails.

Mr. Garrett thanked Ms. Foster and the staff for their diligent work in getting the website up and ensuring it is comprehensive to the members.

Disciplinary Reports

1. Investigative Review Committee (IRC) Report/Consent Orders/ Number of Open Complaints – Tony Kennedy and Ernest Adams

Mr. Tony Kennedy stated there are currently 9 cases ready for the IRC. He noted the IRC has not met since prior to the April 2006 meeting. Mr. Kennedy stated there are currently 19 open complaints.

Mr. Kennedy briefed the Board on the following cases:

Cases for Dismissal

2005-8	2005-10	2005-11	2005-29
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Mr. Kennedy complimented Ms. Foster and her staff for the job they do for OIE.

MOTION

Mr. Horton moved the Board approve the report as presented. The motion was seconded by Mr. Crawford and unanimously carried.

2. Inspections Report – Ernest Adams

Mr. Adams stated he has conducted more than eleven inspections since the last meeting, however, not all of the inspections have been logged. He briefed the Board on the new licenses issued between April 24, 2006 and May 31, 2006.

MOTION

Mr. Crawford made a motion, seconded by Mr. Mikell and unanimously carried, to accept the report as presented.

Committee Reports

1. Legislative Committee – Stan Hamilton, Gerard Mikell, Tony Tipton

Mr. Hamilton stated the legislative committee met this morning at which time several matters were discussed, which included licensing of pre-need funeral contracts, funeral home requirements, such as the size of the preparation room, equipment, ventilation for the preparation room and modular in-cuts in the selection rooms, licensing and regulation of removal services, requirements for embalmers for centralized services, and license and regulation of religious preparation facilities.

Mr. Mikell stated the committee would make a recommendation to the Board during the August 2006 meeting regarding the pre-need licensing moving from the Board of Financial Institutions to the Department of Consumer Affairs. He indicated he had mentioned a list of items

discussed at the annual convention of the International Conference of Funeral Service Examining Boards. He further stated he hoped the committee would get into further detail on these issues during the August 2006 meeting.

Mr. Bryant stated he has spoken with the Department of Consumer Affairs at which time he offered assistance in regard to the transfer of pre-need licensing authority from the Board of Financial Advisors to that agency. He noted the offer was declined. He indicated he was informed the statute remains the same with the exception of the verbiage moving this program to the Department of Consumer Affairs. He further stated he has spoken with some of the legislators in regard to moving this program to the Department of LLR, however, the legislators are not comfortable with making that move during the 2007 legislative session. He continued by saying he is confident that it probably would be moved to this agency later and noted it is a national trend to move the pre-need licensing issue to the Board of Funeral Service. He suggested Mr. Garrett formulate a letter offering assistance to the Department of Consumer Affairs. Mr. Mikell asked that the letter include a formal request for the transition plan, the staffing plan and when the Board can expect the Department of Consumer Affairs staff to assume its duties. He also asked that the letter include a deadline for this information to be received prior to the August 2006 Board meeting.

Mr. Bryant stated Robin Wilkes, a former LLR employee and a registered CPA, has been selected as a temporary investigative employee and would begin on June 16, 2006. He went on to say Mr. Wilkes would work with the financial aspect and pre-need contracts for the Board of Funeral Service and the Board of Perpetual Care Cemeteries. He continued by saying he would have Mr. Wilkes formulate a letter to offer his services to the Department of Consumer Affairs. He noted that Mr. Wilkes has conducted investigative auditing for the State Law Enforcement Division (SLED) and has testified as an expert witness regarding fraud and deception.

MOTION

Mr. Mikell moved to accept the committee report as information. Mr. Briggs seconded the motion, which carried unanimously.

2. Newsletter Committee – Tony Tipton

Mr. Tipton had no report.

Mr. Garrett noted Mr. Pennington would arrive at a later time in the meeting and excused his absence until his arrival.

3. Continuing Education Committee – Carl Pennington

Mr. Pennington was not present at this time.

4. State Law Exam Committee – Gerard Mikell

Mr. Mikell the state law exam has been developed and is currently with the examination provider. Ms. Foster stated the Board is waiting on a new contract from the examination provider. She noted a date would be set following the authorization of the contract.

MOTION

Mr. Mikell moved to accept the committee report as information. Mr. Hamilton seconded the motion, which carried unanimously.

5. GPL Review Committee – Gerard Mikell and Carl Pennington

Mr. Mikell presented the members with a letter, with five documents to be sent to the managers of all permitted funeral homes. The five documents being sent with the letter are the general price list, the casket price list, the outer burial container price list, the statement of funeral goods and services selected, and the annual facility manager and embalmer verification report. He noted these documents would be required this year due to the online renewals. He indicated the letters would be sent certified mail and must be returned to staff within fifteen calendar days of receipt by the permitted facility. Mr. Garrett asked that the penalties be included with the letter and documents.

A discussion ensued regarding the documents and non-compliance in returning the documents in the designated time frame. Mr. Bryant asked that Mr. Garrett authorize staff to sign the final version of the letter.

MOTION

Mr. Briggs made a motion, seconded by Mr. Hamilton and unanimously carried, that the Board approve the committee's recommendation regarding the letter and the five documents, that the fifteen days begin from the date the permitted facility received the letter and documents, further that the Board accept the GPL review committee's report with the noted improvements.

Unfinished Business

There was no unfinished business for the June 1, 2006 meeting.

Executive Session

MOTION

Mr. Mikell moved the Board enter executive session for legal advice. Mr. Horton seconded the motion, which carried unanimously.

Return to Public Session

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

New Business

Approval of New Facility

a. Woodlawn Funeral Home – James Dennis Sosebee, Manager

On May 16, 2006 the Board received an application from Woodlawn Funeral Home seeking the Board's approval for a change of ownership and change of facility manager. Mr. Sosebee is a dually licensed funeral director/embalmer who has been licensed since January 19, 2005. His SLED Report reflects he does not have a criminal history. He will be purchasing this facility by June 30, 2006 and does not plan to incorporate the company.

Mr. Sosebee appeared before the Board at this time and answered questions from the members. He noted he was employed for the past five years with Sosebee Mortuary Services, which is a trade service.

MOTION

Mr. Hamilton made a motion, seconded by Mr. Caughman and unanimously carried, the Board approve the facility contingent upon a favorable inspection.

a. Gordon Mortuary at Spring Hill – Floyd Scott Gordon, Jr., Manager

On May 3, 2006 the Board received an application from Gordon Mortuary at Spring Hill. The application indicates Mr. Floyd Scott Gordon, Jr. as the proposed manager. Mr. Gordon does

not have a criminal history. He is dually licensed as a funeral director and embalmer and has been licensed since 1973. The incorporation documents are with the original Gordon Mortuary.

Floyd Scott Gordon, Jr. appeared before the Board at this time and answered questions from the Board members. He stated he is the manager for the Gordon Funeral Home and would be the manager for the parent facility and the branch. He noted that the new facility would be a branch, however, it would not contain a preparation room. He continued by saying the funeral home would be located at the Springhill Cemetery. He said he is not involved and would not be involved with the cemetery. He indicated his son would soon be graduating from mortuary school and would be applying for licensure as a funeral director following graduation in August 2006. He is currently recruiting additional employees. He has approximately ten part-time employees. He indicated the funeral home does sell pre-need contracts. He presented a resolution adopted by Port Elsewhere, which indicates Mr. Gordon is vice president of Port Elsewhere.

Earl Lanning, an employee with Gordon Mortuary, appeared before the Board at this time. Mr. Lanning stated, to his knowledge, there are no sales of pre-need merchandise with any of the Port Elsewhere cemeteries. He noted that Port Elsewhere primarily sells cemetery lots and caskets at need, not pre-need.

MOTION

Mr. Mikell moved the application be approved upon construction being completed within one year's time and upon favorable inspection. Mr. Caughman seconded the motion, which carried unanimously.

b. Stevens Funeral Home, LLC – Lamont Stevens, Manager

On May 18, 2006 the Board received a new facility application from Stevens Funeral Home, LLC. The application indicates Mr. Lamont Stevens as the proposed manager. Mr. Stevens is a dually licensed funeral director/embalmer who has been licensed since 2000. His SLED Report indicates he does not have a criminal history.

Lamont Stevens appeared before the Board at this time and answered questions from the members. Mr. Stevens stated the facility would be a new facility and that construction would begin the week of June 5th. He noted that there are three other facilities located in St. George. He further stated he worked for Mr. Simmons for approximately two and one-half years. He said he has been in the funeral profession since 1994. He completed his apprenticeship in New York, became licensed in New York and reciprocated his license to South Carolina. He continued by saying the facility would be a full service facility.

MOTION

Mr. Horton made a motion, seconded by Mr. Hamilton and unanimously carried, that the Board approve the application upon completion of construction within one year and upon a favorable inspection, and should the construction not be completed within one year, Mr. Stevens should resubmit an application to the Board.

d. Pee Dee Cremation Services – Harvin Bullock, Manager

On May 12, 2006 the Board received a new facility application from Pee Dee Cremation Services. The application reflects Mr. Harvin Bullock as the manager. Mr. Bullock is licensed as a funeral director and he has been licensed since 1997. He currently has a permitted funeral home and a crematory and he would be submitting an application to operate the crematory under a different corporation. His SLED Report indicates he has no criminal history.

Mr. Bullock appeared before the Board at this time and answered questions from the members. He noted that the existing crematory would be under a separate corporation and would be a stand-alone facility. He indicated he has seen a shift in the market toward cremation. He noted it is an existing facility with a change of ownership in regard to the crematory. He said there would be a separate telephone line for the Pee Dee Cremation Services.

MOTION

Mr. Mikell moved the application be approved pending modification of the application to show change of ownership and upon a favorable inspection. Mr. Crawford seconded the motion, which carried unanimously.

Approval of Dual Licensure

a. Dustin Kanott

On April 28, 2006 the Board received an application from Dustin Kanott, who is seeking the Board's approval to become dually licensed as a funeral director/embalmer. Mr. Kanott did not have a criminal history at the time he submitted an application for his apprenticeship; however, his application for licensure required an updated SLED criminal background report. The updated SLED report indicates Mr. Kanott was arrested for criminal domestic violence on September 23, 2005. His written report indicates the charge stemmed from an argument with his wife.

Mr. Kanott appeared before the Board at this time and answered questions from the members. He noted that he and his wife have sought counseling. He indicated she then called the police and informed them that he hit her. The report states he did not hit his wife and, following his arrest, she indicated the accusation was fabricated and retracted the accusation. However, since the complaint was filed the police the appropriate procedure had to be followed and he was arrested. He indicated there has not yet been a disposition in the case. He said just had their second child. He continued by saying he has been in the funeral profession since 1999. He has completed mortuary school and has completed his apprenticeship. He indicated he and his wife now share the same residence. He does not have proof that his wife retracted her statement. He has taken and successfully passed the national exam but has not yet taken the state law exam.

MOTION

Mr. Horton moved the Board discuss this matter in executive session with legal counsel. Mr. Briggs seconded the motion, which carried unanimously.

Approval of Inspection Form

Mr. Adams presented the members with an inspection form and asked the members to approve the form. He noted the changes are in red. He noted he usually allows 30 days for corrections of violations, however, he requires that serious violations be corrected within 10 – 15 days. He continued by saying among, other changes, are if the inspection is routine, re-inspection, or a new facility inspection.

MOTION

Mr. Tipton moved the Board accept the inspection report as amended. Mr. Crawford seconded the motion, which carried unanimously.

Public Comments

Mr. Kip Kiser invited the Board members to attend the SCFDA convention June 4-6, 2006. He noted there would be seminars and that they had requested a representative from the Department of Consumer Affairs attend the convention. He hopes that during the convention the membership would vote on nominations to submit to Governor Sanford.

Mr. Lester stated he would like to ask the Board if he could submit an apprentice application. Mr. Bryant stated he has instructed Mr. Lester to submit an application and that Mr. Lester would appear at the meeting immediately following the Board's receipt of the application.

Executive Session

MOTION

Mr. Tipton moved the Board enter executive session to discuss legal matters. Mr. Horton seconded the motion, which carried unanimously.

Mr. Pennington arrived at the meeting at this time.

Return to Public Session to Report on Executive Session

MOTION

Mr. Horton moved the Board return to public session. Mr. Crawford seconded the motion, carried.

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

Dustin Kanott

MOTION

Mr. Mikell moved for the Board's approval of application for examination for licensure. Mr. Horton seconded the motion, which carried unanimously.

Continuing Education Committee – Carl Pennington

Mr. Pennington did not have a report.

Ms. Foster congratulated Mr. Pennington on being named Pee Dee Funeral Director of the Year.

Adjournment

MOTION

Mr. Horton made a motion, seconded by Mr. Tipton and unanimously carried that the meeting be adjourned.

The June 1, 2006 meeting of the SC Board of Funeral Service adjourned at 12:43 p.m.