

MINUTES
South Carolina Board of Funeral Service
Board Meeting
10:00 a.m., August 17, 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: Todd Caughman, of Lexington; Glen Crawford, of Lancaster; Stan Hamilton, of Ridge Spring; Billy Horton, of Kingstree; Gerard Mikell, of North Charleston; and Tony Tipton, of Greer.

Staff members participating during the meeting included: Ernest Adams, Inspector; Mike Anderson, Investigator; Randall Bryant, Assistant Deputy Director; Doris Cubitt, Administrator, Board of Accountancy; Sandra Dickert, Administrative Assistant; Barbara Foster, Program Assistant; Tony Kennedy, Investigator; Jeanie Rose, Administrative Assistant; Louis Rosen, Hearing Advice Attorney; Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel; and Robin Wilkes.

Members of the public attending the meeting included: Gordon Cole, Creighton Coleman, Timothy Glover, Kip Kiser, Bill Lawless, Tracy Lester, Lou Ann Pyatt, Duncan Keith Smith, Betty Strudwick, and Gloria Vessels.

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.

Invocation

Mr. Crawford delivered the invocation.

Introduction of Board Members and Persons Attending the Meeting

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

Approval of Minutes for the June 1, 2006 Meeting

MOTION

Mr. Tipton moved the Board approve the minutes from the June 1, 2006 meeting as written. Mr. Caughman seconded the motion, which carried unanimously.

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

Mr. Garrett welcomed everyone to the meeting. He hoped the meeting would be informative as well as educational.

Assistant Administrator's Remarks – Barbara Foster

*Advisory Opinions, If Needed, Office of General Counsel
Legislative Updates, If Needed, Legislative Liaison Office*

Ms. Foster presented the members with an updated instruction sheet for the board member site on the agency's web page. She briefed the members on the change to the instructions. She further stated certified letters are being mailed in regard to the general price lists and the manager/embalmer verification form for 2006. She went on to say the state law exam is now being offered online. She indicated three individuals have been mailed documentation to take the online exam. She advised that 590 renewed individuals and/or firms renewed online. She noted the Board currently has a total of 2,252 licensees.

Disciplinary Reports

Investigative Review Committee (IRC) Report/Consent Orders – Tony Kennedy and Ernest Adams

Mr. Kennedy stated the IRC met on August 8, 2006 to discuss ten cases.

MOTION

Mr. Horton moved the Board accept the IRC recommendations on the following cases as listed below. Mr. Crawford seconded the motion, which carried unanimously.

Letters of Caution

2006-12 2006-3 2006-6 2006-7

Cases for Dismissal

2005-18 2005-19 2005-31

Case for Cease and Desist

2005-16

Formal Complaint

2005-13

Case for Further Investigation

2005-11

Mr. Bryant introduced Mr. Mike Anderson of the Office of Investigations (OIE) to the Board and briefed the Board on his background. Mr. Anderson now supervises the Board's investigations.

Excused Member Absences

Mr. Garrett stated neither Mr. Pennington nor Mr. Briggs would be attending this meeting. He noted Mr. Briggs had an accident. Ms. Rose noted he may not be at the next meeting. Mr. Garrett stated Mr. Pennington had two funeral services scheduled for today.

MOTION

Mr. Crawford made a motion, seconded by Mr. Horton and unanimously carried, that the Board excuse the absences of Mr. Briggs and Mr. Pennington.

Number of Open Complaints

Mr. Kennedy stated there are four open cases. He went on to say five cases have now been completed and will be presented at the next IRC meeting.

Inspections Report – Ernest Adams

Mr. Adams stated 109 inspections have been conducted since the last meeting.

MOTION

Mr. Crawford moved the Board accept the inspections report as information. The motion was seconded by Mr. Mikell and unanimously carried.

Committee Reports

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

Mr. Mikell stated the legislative committee met on July 12, 2006 at which time regulations were discussed. The committee will be reviewing regulations that need rewording and regulations that need language provided. He briefed the Board on the areas that will be discussed: method of internship, modifying the limit of apprentices working at only one funeral home, make a recommendation to the Board regarding the licensure requirements for managers, clarification of criminal background checks, modification of facilities, reciprocity, solicitation and signage, unlicensed practice, enforcement of intern supervision, removal services, centralized embalming facilities, religious preparation facilities (going to discourage), and hearing procedures.

Mr. Mikell noted the next committee meeting will be held on September 13, 2006.

MOTION

Mr. Crawford made a motion, seconded by Mr. Horton and unanimously carried, that the board accept this report as information.

2. Newsletter Committee – Tony Tipton

Mr. Tipton had no report.

Mr. Adams presented the members with the newsletter last published. He indicated the Board may want to include articles regarding a message from the president, GPL information, continuing education information, member information, and board meeting dates. He went on to say the Board may want to submit articles.

3. Continuing Education Committee – Carl Pennington

Mr. Pennington was not present to present his report.

4. State Law Exam Committee – Gerard “Skip” Mikell

Mr. Mikell stated the computer-based exam is now being offered. He noted the National Conference has changed testing companies. He went on to say there are three testing locations in South Carolina as well as testing locations now in Charlotte, North Carolina, Augusta, Georgia and Savannah, Georgia.

5. GPL Review Committee – Gerard “Skip” Mikell and Carl Pennington

Mr. Mikell stated Ms. Foster updated the Board earlier in the meeting.

MOTION

Mr. Mikell moved the Board add a statement to the front of all general price lists notifying the public that solicitation is a violation of state law and include a brief definition of solicitation beginning with the 2007 list. Mr. Crawford seconded the motion, which carried unanimously.

Unfinished Business

There was no unfinished business for discussion.

New Business

Approval of New Facility

a. Cole Funeral Home and Cremation Service - Gordon Carl Cole, III, Manager

In August 2006 the Board received a new facility application from Cole Funeral Home and Cremation. The proposed manager is Gordon Carl Cole, III. Mr. Cole has been licensed since 1980. He has no criminal record and will live at the funeral home.

Gordon Carl Cole, III appeared before the Board at this time. Mr. Cole stated he is renovating an existing facility and that the facility will meet all local codes. He went on to say he is licensed in Georgia and South Carolina.

MOTION

Mr. Crawford moved the Board approve the funeral home pending a favorable inspection. The motion was seconded by Mr. Hamilton and unanimously carried.

b. Keith Smith Funeral Service – Duncan Keith Smith, Manager

On July 10, 2006 the Board received a new facility application from Keith Smith Funeral Service. The proposed manager is Duncan Keith Smith who has been licensed since 1974. Mr. Smith has one arrest on his record dating back to 1994; however, this arrest was not a felony. He lives four miles from the funeral home.

Duncan Keith Smith appeared before the Board at this time. Mr. Smith stated he is renovating an older home and is approximately eighty-five percent complete. He noted the facility has met all local codes. He went on to say he was in business with his father and when his father died, complications arose with his estate. He said the matter has since been resolved.

MOTION

Mr. Hamilton moved the Board approve the facility pending a favorable inspection, verification of all necessary paperwork, and that the facility be in operation within one year. Mr. Caughman seconded the motion, which carried unanimously.

c. Allendale Community Funeral Home – Betty D. Strudwick

On July 24, 2006 the Board received a new facility application from Allendale Community Funeral Home. The proposed manager is Betty Strudwick who has been licensed since 2005. Ms. Strudwick does not have a criminal history and lives one mile from the funeral home.

Betty D. Strudwick appeared before the Board at this time. She stated she is building a new facility, which is approximately ninety percent complete. She indicated the facility will meet all local codes. She noted she holds a funeral director's license and that she has employed Mr. Paul Simmons as the embalmer.

Mr. Mikell questioned Ms. Strudwick if she would be living in Allendale at the time the facility opens. Ms. Strudwick replied she has a residence in Allendale.

MOTION

Mr. Mikell moved the Board approve the facility pending a favorable inspection and that the business be in operation within one year. Mr. Caughman seconded the motion, which carried unanimously.

Approval of Dual License Reinstatement

a. *Timothy N. Glover*

On July 19, 2006 the Board received an application for reinstatement from Timothy N. Glover. Mr. Glover, whose license lapsed in 2004, is seeking the Board's approval for reinstatement as a dual licensee. Mr. Glover had been licensed since 1979. Mr. Glover has a criminal history containing arrests and convictions pertaining to felonies.

Timothy N. Glover appeared, with counsel, before the Board at this time. Mr. Glover stated he has been dealing with a drug problem for several years. He further stated he is doing better than he was during the past two years. He noted he does not wish this addiction on any individual. He further stated he is at the Board's mercy.

Mr. Creighton Coleman, Esq., briefed the Board on Mr. Glover's background. He stated Mr. Glover's father has been very ill and was diagnosed with ALS approximately four years ago. He went on to say Mr. Glover no longer has his father to pull the weight in the funeral business. He indicated Mr. Glover served on city council for eight years. He went to say Mr. Glover has been dealing with his drug addiction for years and is currently serving probation. He noted he would be released from probation after he completes another five alcohol and drug addiction classes. He said Mr. Glover is also going through rehabilitation.

Mr. Glover stated he is in charge of the day-to-day activities in the funeral home and he does not handle any funeral service practices since he is not currently licensed.

Mr. Glover answered several questions from the Board regarding his background. He indicated he had been licensed for approximately 28 years. He feels his life has become better in the last two years and feels he deserves a chance to run his funeral home.

MOTION

Mr. Mikell moved the Board discuss this matter of reinstatement in executive session. Mr. Crawford seconded the motion, which carried unanimously.

Review of Dual Apprentice License Application

a. *Tracy Lester*

On June 22, 2006 the Board received a dual license application from Tracy Lester. Mr. Lester's criminal records history shows arrests and convictions dating back to 1986. In May 2005 the Board granted permission for Mr. Lester to withdraw his application.

Tracy Lester appeared before the Board at this time. Mr. Lester stated he is asking the Board for reconsideration of his application to serve his apprenticeship with Childs Funeral Home. He noted Ms. Childs was unable to attend today's meeting due to a scheduled funeral service. He went on to say Ms. Childs had mailed a letter to the Board regarding his apprenticeship at that funeral home. He indicated he is participating in the Workforce In Action (WIA) program, which prepares individuals for employment. He said the program and the funeral home would each pay half of his salary. He said the program would also pay for his tuition if the Board approves his application. He indicated he is scheduled to begin school in the autumn.

MOTION

Mr. Caughman made a motion, seconded by Mr. Mikell and unanimously carried, that the Board discuss this matter in executive session.

Discussion Item

Presentation by Louis Rosen, Hearing Advice Attorney
Mr. Rosen did not give a presentation at this time.

Executive Session

MOTION

Mr. Hamilton moved the Board enter executive session to seek legal advice from counsel. Mr. Mikell seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

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

Timothy N. Glover

MOTION

Mr. Tipton made a motion, seconded by Mr. Crawford and unanimously carried, that the Board deny the reinstatement of Mr. Glover.

Mr. Garrett stated Mr. Glover would receive a written order in this matter.

Tracy Lester

MOTION

Mr. Hamilton made a motion, seconded by Mr. Mikell and unanimously carried, that the Board table this application until such time that Ms. Childs can appear before the Board personally, or by phone if necessary, to answer questions from the Board.

Mr. Hamilton stated the Board prefers Ms. Childs personally appear before the Board. He noted Mr. Lester would be responsible for seeing that Ms. Childs appear before the Board.

Public Comments

Mr. Lawless thanked the staff and the Board for all they do for the funeral profession and the consumers in South Carolina. He stated the mid-winter conference is scheduled for February 5-7, 2007. He noted the association is currently working on seminars for the conference and asked the members to inform the association of any trends in the industry which may be used for training in the seminars.

Mr. Horton congratulated Mr. Lawless on being elected president of the South Carolina Funeral Director's Association.

Executive Session

MOTION

Mr. Horton moved the Board enter executive session to seek legal advice from counsel. Mr. Crawford seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Horton moved the Board return to public session. The motion was seconded by Mr. Crawford and unanimously carried.

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

Election of Officers

Election of officers was tabled to the October 5, 2006 meeting.

Adjournment

MOTION

There being no further business to be brought before the Board at this time Mr. Tipton moved the meeting be adjourned. Mr. Crawford seconded the motion, which carried unanimously.

The August 17, 2006 meeting of the SC Board of Funeral Service adjourned at 1:45 p.m.