

**MINUTES**  
**South Carolina Board of Funeral Service**  
**Board Meeting**  
**9:00 a.m., October 5, 2006**  
**Synergy Business Park**  
**110 Centerview Drive, Kingstree Building, Room 108**  
**Columbia, South Carolina**

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.

**Meeting Called to Order**

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; and Gerard Mikell, of North Charleston.

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: Herbert Fielding, Clyde Goodman, Tommy Harris, Kip Kizer, Lou Ann Pyatt, Leroy Rivers, Mark Smith, Sharon Stahl, Gloria Vessels, and Archie D. Willis, III.

**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 introduced themselves.

**Approval of Excused Absences**

Mr. Tipton was granted an excused absence.

**Approval of Minutes for the August 17, 2006 Meeting**

Mrs. Dickert noted she inadvertently listed Mr. Briggs as attending the meeting and has made that correction.

**MOTION**

Mr. Crawford moved the Board approve the minutes with the correction noted. Mr. Hamilton 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 updates at this time.

Ms. Foster stated staff completed renewals during which time a question arose regarding continuing education hours. She went on to say since the Board is now on a biennial licensure period the number of continuing education hours licensed individuals should report is six hours.

Ms. Foster stated staff is now networking with the Department of Consumer Affairs in regard to pre-need contracts. She went on to say staff is building a relationship with that department.

A brief discussion regarding the reporting of continuing education hours ensued.

Mr. Garrett stated he was able to meet with the Department of Consumer Affairs as well and was impressed with their proactive approach to pre-need. He said the department is working hard on this matter. He stated the Department of Consumer Affairs is very interested in the Board's concerns as funeral directors that would assist them in keeping in touch with the changes.

**MOTION**

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

**Disciplinary Reports**

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

Mr. Tony Kennedy presented the members with the present IRC report and the IRC report of August 8, 2006. He noted six cases have been disposed of since the last meeting.

**MOTION**

Mr. Mikell moved accept the IRC recommendation regarding the following cases from the August 8, 2006 IRC meeting.

*Dismissals*

2005-18      2005-19      2005-31

*Cease and Desist*

2005-16

*Formal Complaint*

2006-13

*Letter of Caution*  
2006-12      2006-3      2006-6      2006-7

*Case Continued to the Next IRC Meeting*  
2005-11

### **Consent Agreement**

Mr. Kennedy briefed the Board regarding the proposed consent order on John A. Pasley.

#### **MOTION**

Mr. Mikell made a motion to accept the consent agreement regarding Mr. Pasley. Mr. Horton seconded the motion, which carried unanimously.

#### 2. Inspections Report – Ernest Adams

Mr. Adams stated he has completed 47 inspections on funeral homes and crematories since the last meeting.

#### **MOTION**

Mr. Mikell moved the inspections report be accepted. Mr. Pennington seconded the motion, which carried unanimously.

#### 3. Number of Open Complaints

Mr. Kennedy stated the Board currently has nine open cases.

### **Committee Reports**

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

Mr. Mikell stated the Legislative Committee met on September 13, 2006. He noted that the three Board members were present as well as members of each association. He further stated Mr. Adams would be providing information in regard to updating facility requirements and Mr. Hamilton would be gathering information regarding display room requirements. He went on to say the committee agreed to make a recommendation to the Board for an amendment to the statute to make unlicensed practice a felony as well as solicitation a felony. He said hopefully the proposed legislation would be distributed to the Board members for review and pre-filed prior to the Board meeting in December 2006.

#### **MOTION**

Mr. Crawford made a motion, seconded by Mr. Horton and unanimously carried, that the Board accept the legislative committee report.

#### 2. Newsletter Committee – Tony Tipton

No report was given by this committee.

#### 3. Continuing Education Committee – Carl Pennington

Mr. Pennington reminded the members that the committee thought it had a program that was acceptable. He went on to say a DHEC representative recently attended a group meeting and the attendees received a one-hour credit. He further stated the committee felt if the program was acceptable the committee would move forward with acceptance of the program without bringing it to the Board.

**MOTION**

Mr. Mikell moved the Board approve the report from the Continuing Education Committee. Mr. Crawford seconded the motion, which carried unanimously.

4. State Law Exam Committee – Gerard Mikell

Mr. Mikell stated the computer-based state law exam is complete and running. He advised that this committee's work is finished.

5. GPL Review Committee – Gerard Mikell and Carl Pennington

Mr. Pennington stated the committee met on October 5, 2006 and the committee is pleased to report it believes the industry is in compliance with the GPL requirements at this time and the Board is ready to be challenged on this issue.

**MOTION**

Mr. Crawford made a motion, seconded by Mr. Caughman and unanimously carried, that the Board accept the GPL Review Committee report.

**Unfinished Business**

There was no unfinished business to be discussed during the October 5, 2006 meeting.

**New Business**

Approval of New Facility

a. *Low Country Crematory – Sharon R Stahl, Manager*

Low Country Crematory has submitted to the Board a new facility application dated September 19, 2006. The facility would be located in Ridgeland, South Carolina. Sharon Stahl is the proposed manager.

Ms. Rose stated Ms. Stahl has been licensed since 1991, she does not have a criminal background and lives within ten miles of the facility.

Sharon Stahl appeared before the Board at this time.

Mr. Mikell asked Ms. Stahl if the facility meets all local zoning requirements. Ms. Stahl replied affirmatively.

**MOTION**

Mr. Mikell made a motion, seconded by Mr. Hamilton and unanimously carried, that the Board approve this application pending final inspection.

b. *McAlister-Smith Funeral Home, Goose Creek – Archie D. Willis, III, Manager*

On September 19, 2006 the Board received a new facility application from McAlister-Smith Funeral Home, Goose Creek. Archie D. Willis, III is the proposed manager.

Ms. Rose stated Mr. Willis has been licensed since 1979 and he lives 24 miles from the facility. She stated that the database currently indicates his license is lapsed; however, staff has researched this matter and found that he is currently licensed. She went on to say the agency's information technology office is researching the problem with the on-line renewal. She noted he renewed on-line on June 27, 2006.

Mr. Willis appeared before the Board at this time. He stated the funeral home would like to replace the chapel currently in use in the Goose Creek area with a new facility. He noted this facility would be a branch.

Mr. Mikell asked Mr. Willis if the facility meets local zoning requirements. Mr. Willis stated the zoning approval is currently in the process.

**MOTION**

Mr. Mikell moved the Board approve Mr. Willis's relicensure activation. Mr. Briggs seconded the motion, which carried unanimously.

**MOTION**

Mr. Mikell made a motion to approve the application pending final inspection and approval from the zoning officials. The motion was seconded by Mr. Hamilton and unanimously carried.

**Approval of Additional Facility**

*a. Crawford Funeral Home, Inc. – Adis Glen Crawford, Manager*

On September 15, 2006 the Board received an additional facility application from Crawford Funeral Home. The facility would be located in Kershaw, South Carolina. Adis Glen Crawford is the proposed manager.

Ms. Rose stated Mr. Crawford has been licensed since 1972 and he does not have a criminal background. She noted he lives 17 miles from the facility.

Mr. Adis Crawford recused himself and did not participate as a Board member in this matter. He then answered questions from the Board. He noted the facility is a building which is being renovated.

Mr. Mikell asked Mr. Crawford if the facility would meet the local zoning requirements. Mr. Crawford answered affirmatively.

**MOTION**

Mr. Horton moved the Board approve the application pending final inspection. Mr. Caughman seconded the motion, which carried unanimously.

*b. Graceland Mortuary at Good Shepherd – Tommy Wayne Harris, Manager*

On September 21, 2006 the Board received an additional facility application from Graceland Mortuary at Good Shepherd. The facility would be located in Boiling Springs, South Carolina. The proposed manager is Tommy Wayne Harris.

Ms. Rose stated Mr. Harris has been licensed since 2003, he does not have a criminal background and he lives 11 miles from the facility.

Tommy Wayne Harris appeared before the Board at this time to answer questions from the members.

Mr. Mikell asked Mr. Harris if the facility meets the local zoning requirements. Mr. Harris replied affirmatively.

**MOTION**

Mr. Mikell moved the Board approve the application pending final inspection. Mr. Horton seconded the motion, which carried unanimously.

*c. McAlister-Smith Funeral Home, Inc. – Marvin Matthew Smith, Manager*

On September 19, 2006 the Board received an additional facility application from McAlister-Smith Funeral Home, Inc. The funeral home would be located in Charleston, South Carolina and the proposed manager is Marvin Matthew Smith.

Ms. Rose stated Mr. Smith has been licensed since 1997, does not have a criminal background, and lives 24 miles from the facility. She noted staff has not received the incorporation documents.

Marvin Matthew Smith appeared before the Board at this time to answer questions from the members.

Mr. Mikell asked Mr. Smith if the facility meets the zoning requirements. Mr. Smith replied affirmatively.

**MOTION**

Mr. Mikell moved the Board approve the application pending receipt of the incorporation documents and final inspection of the facility. Mr. Horton seconded the motion, which carried unanimously.

**Recess**

The Board recessed at 10:20 a.m. and returned to public session at 10:45 a.m.

**Return to Public Session**

Review of Dual Apprenticeship License

*a. Herbert S. Fielding*

On July 18, 2006 the Board received an apprentice funeral director application from Herbert S. Fielding. Mr. Fielding answered yes to the question asking, "Are there any unpaid judgments of debt now outstanding against you?"

Staff researched this matter and determined Mr. Fielding's action resulted in a misdemeanor and he was not required to appear before the Board.

Approval of 2007 Meeting Dates

The Board reviewed the following proposed meeting dates for 2007.

February 15, 2007

April 19, 2007

June 28, 2007

August 30, 2007

October 18, 2007

December 13, 2007

**MOTION**

Mr. Pennington made a motion, seconded by Mr. Mikell and unanimously carried, that the Board accept the meeting dates as presented.

**Public Comments**

There were no public comments made during this meeting.

**Executive Session**

The Board did not enter executive session.

**Election of Officers**

Mr. Garrett asked that the election of officer be held during the December 2006 meeting.

**10:00 A.M. HEARINGS**

1. In the Matter of, Rivers Funeral Home

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Mr. Doug Garrett recused himself from participating and voting in this matter.

Mr. Garrett turned the meeting over to Mr. Briggs at this time.

**MOTION**

Mr. Horton moved the Board accept the Memorandum of Agreement entered into between the Funeral Service Board and Mr. Leroy Rivers, and that the Board place the license of Mr. Leroy Rivers on probation for three years, fine him \$500, and that during the term of probation Mr. Rivers or Rivers Funeral Home be prohibited from accepting and writing pre-need contracts. Mr. Caughman seconded the motion, which carried unanimously.

2. In the Matter of, SC Franks Chapel

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Mr. Doug Garrett recused himself from participating and voting in this matter.

Mr. Garrett turned the meeting over to Mr. Briggs at this time.

**MOTION**

Mr. Hamilton made a motion, seconded by Mr. Mikell and unanimously carried, that the Board accept the Memorandums of Agreement as presented, that the Board revoke Mrs. Dawn Davis' funeral director's license, that the SC Franks Chapel be fined \$500 and placed on a five-year probation during which time the funeral home be prohibited from applying for pre-need licensure for five years and within sixty days of the final order the funeral home must provide documentation to the Board that all refunds to be paid to the remaining pre-need families plus

twenty percent interest, that Luther Johnson be fined \$500, that he be placed on a five-year probation during which time he cannot apply for pre-need licensure, and that Jeffrey Johnson be issued a letter of caution.

3. In the Matter of, Samuels-Richardson Funeral Home

It was noted that this matter was not scheduled for a hearing on this date and would be scheduled at another time.

Approval of Consent Agreement

Mr. Bryant briefed the Board on a consent agreement in regard to Ken David Gilbert.

**MOTION**

Mr. Horton moved the Board accept the consent agreement as presented. Mr. Crawford seconded the motion, which carried unanimously,

**Adjournment**

**MOTION**

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

The October 5, 2006 meeting of the SC Board of Funeral Service adjourned at 1:30 p.m.