

MINUTES
South Carolina Board of Funeral Service
Board Meeting
10:00 a.m., February 15, 2007
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

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.

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; Glen Crawford, of Lancaster; Thomas Genoble, of Jonesville; Stan Hamilton, of Ridge Spring; Billy Horton, of Kingstree; Gerard Mikell, of North Charleston; Carl Pennington, of Hartsville; and Tony Tipton, of Greer.

Staff members participating during the meeting included: Michael Anderson, Chief Investigator, Office of Investigations; Doris Cubitt, Administrator, Board of Accountancy; Sandra Dickert, Administrative Assistant; Barbara Foster, Program Assistant; Jeanie Rose, Administrative Assistant; Shirley Robinson, Hearing Advice Attorney; Sheridan Spoon, Litigating Attorney; Shunna Vance, Office of Legal Services; and Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel.

Members of the public attending the meeting included: Alicia Clark, Danny Collins, Renee Dzek, Freddie Faison, W. E. Jenkinson, Esq., Bill Lawless, Ken Middlebrooks, Barbara Morris, Lou Ann Pyatt, Myra Richardson, James Ross, and Barry Watson.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Briggs 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 Excused Absences

The Board granted an excused absence to Todd Caughman, of Lexington.

Approval of Minutes for the December 14, 2006 Conference Call Meeting

MOTION

Mr. Pennington moved the Board approve the minutes of the December 14, 2006 conference call as presented. Mr. Crawford seconded the motion, which carried unanimously.

President's Remarks – Doug Garrett, Jr.

Mr. Garrett welcomed everyone to the meeting. He hoped the meeting would be informative. He welcomed Mr. Genoble as the new Board member.

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 given during this meeting.

Mrs. Foster welcomed everyone to the first meeting of 2007. She briefed the Board of the accomplishments completed in 2006.

Mrs. Foster presented the members with Statement of Economic Interest forms. She stated the members must complete the forms and submit them to the State Ethics Commission no later than Monday, April 16, 2007. She noted that failure to submit the completed forms by the deadline would result in penalties beginning at \$100.00.

Disciplinary Reports

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

Mr. Michael Anderson, of the Office of Investigations, briefed the Board on the cases discussed during the IRC meeting on October 31, 2006.

MOTION

Mr. Mikell moved the Board accept the report as information and accept the IRCs recommendations in regard to the following cases. Mr. Hamilton seconded the motion, which carried unanimously.

Dismissal
2005-27

Formal Complaints
2005-24 2006-1 2006-16 2006-17 2006-5 2006-8 2006-9

2. Inspections Report – Ernest Adams

Ms. Foster stated between October 2, 2006 and February 14, 2007 Mr. Adams conducted 165 funeral home inspections and 14 crematory inspections.

3. Number of Open Complaints

Committee Reports

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

This committee had no report at this time.

2. Newsletter Committee – Tony Tipton

Mr. Tipton stated he has been responsible for the newsletter. He has come to realize over time that being a public member of the Board puts him at a disadvantage as he does not receive information as a funeral director/embalmer. He went on to say he would be willing to serve on the committee if another member would chair the committee. The President agreed to appointing a member who is in the funeral industry to assist with the newsletter.

3. Continuing Education Committee – Carl Pennington

MOTION

Mr. Pennington stated the committee is making a motion that licensed funeral directors and embalmers attending Board meetings receive one or two hours of continuing education credit, but not more than two hours, and that individuals attending a group meeting where there is a speaker receive one hour of continuing education credit. Mr. Mikell seconded the motion. Following a lengthy discussion on this matter it was suggested that the committee meet with staff and bring recommendations to the Board during the next meeting.

MOTION

Mr. Pennington made a motion, seconded by Mr. Hamilton and unanimously carried, that the Board table this matter to the next meeting.

Mr. Garrett asked Mr. Mikell and Mr. Horton to serve on the continuing education committee.

4. State Law Exam Committee – Gerard Mikell

Mr. Mikell stated all of the exams are now computer-based.

5. GPL Review Committee – Gerard Mikell and Carl Pennington

Mr. Mikell stated the committee feels everyone is now in compliance.

MOTION

Mr. Mikell made a motion, seconded by Mr. Crawford and unanimously carried, that the Board send a letter to the Federal Trade Commission advising of the South Carolina Board of Funeral Service's agreement to regulate the FTC funeral rule.

Unfinished Business

There was no unfinished business for discussion.

New Business

1. Approval of New Facilities

- a. *Palmetto Memorial Funeral Services, LLC – Barry Anthony Watson, Manager*

On December 18, 2006 the Board received a new facility license application from Palmetto Memorial Funeral Services, LLC. The facility's proposed manager is Barry A. Watson and would be located in Conway.

Ms. Rose stated Mr. Watson holds a dual license and has been licensed since 1979. She further stated he lives approximately 22 miles from the facility and that he has purchased the building, which has been a funeral home. She went on to say Mr. Watson does not have a criminal background. She noted that the application is in order.

Barry Watson appeared before the Board at this time. Mr. Watson stated he got out of the funeral practice in 1984 and moved to Charleston during which time he served with the highway patrol for 14 years. He further stated he worked part time in the funeral industry during his tenure with the highway patrol. He said the facility was sold at public auction in December 2006 at which time he attempted to purchase the facility and had been outbid. He said the individual could not obtain the money to purchase the facility which led to another public auction and he was the successful bidder. He said he now resides in Conway. He further stated the facility had been Palmetto Funeral Home and he would change the name to Palmetto Memorial Funeral Services, LLC. He said he is making cosmetic renovations, such as painting, to the facility.

MOTION

Mr. Crawford made a motion, seconded by Mr. Hamilton and unanimously carried, that the Board accept the application pending a favorable inspection.

b. Wamer Funeral Home – James Albert Ross, Manager

On December 27, 2007 the Board received a new facility application from Wamer Funeral Home. James A. Moss is the proposed manager.

Mrs. Rose stated Mr. Ross is a licensed funeral director and has been licensed since 2001. She further stated he does not have a criminal background and lives 11 miles from the funeral home.

James A. Ross appeared before the Board at this time. Mr. Ross stated the facility has been closed for approximately three years and the building has not been in use during this time. He noted the facility's manager is now incarcerated and has not been licensed during his incarceration. He went on to say the Wamer family still owns the facility and he would be working as manager for the facility. He said he would have to check with the local jurisdiction to see if the facility meets the local zoning ordinances.

MOTION

Mr. Pennington moved the Board discuss this matter in executive session. Mr. Horton seconded the motion, which carried unanimously.

Recess

The Board recessed for five minutes and returned to public session.

Return to Public Session

Mr. Wilson stated Section 40-19-30 of the Board's practice act forbids including the name of an unlicensed individual in a funeral home's name.

MOTION

Mr. Mikell made a motion, seconded by Mr. Horton and carried with a majority vote, that the Board approve an amended application for a permit without Wamer in the name, pending receipt of all appropriate documents and a favorable inspection. Mr. Pennington abstained from voting in this matter.

Public Comments

Mr. Bill Lawless of the SC Funeral Director's Association thanked everyone from the Department of LLR for their participation in the conference held during the previous week.

Election of Officers

MOTION

Mr. Hamilton made a motion, seconded by Mr. Crawford and unanimously carried, that the Board hold election of officers following the hearing.

Hearings

In the Matter of, Samuels-Richardson

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

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. Mikell made a motion, seconded by Mr. Pennington and unanimously carried, that the Board return to public session.

Mr. Garrett noted for the record that no motions were offered or made during executive session.

MOTION

Mr. Mikell moved the Board deny the dismissal of the case. Mr. Pennington seconded the motion, which carried unanimously.

MOTION

Mr. Mikell made a motion, seconded by Mr. Pennington and unanimously carried, that the Board place Mr. Faison's license on probation for ninety days and that the permit of the Samuels-Richardson Funeral Home of Lake City be placed on probation for one year during which time the facility is prohibited from selling or applying for a pre-need license.

Election of Officers (continued)

MOTION

President and Vice President

Mr. Horton moved the Board elect Mr. Briggs as President and Mr. Mikell as vice president. Mr. Pennington seconded the motion, which carried unanimously.

Secretary/Treasurer

MOTION

Mr. Genoble made a motion, seconded by Mr. Mikell and unanimously carried, that the Board elect Mr. Horton as secretary/treasurer.

Adjournment

MOTION

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

The February 15, 2007 meeting of the SC Board of Funeral Service adjourned at 2:20 p.m.