

MINUTES
Board Meeting
10:00 a.m., June 28, 2007
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

Gerard 'Skip' Mikell, acting president, called the meeting to order at 10:20 a.m. Other members present during the meeting included: William Horton, secretary, of Kingstree; Todd Caughman, of Lexington; Glen Crawford, of Lancaster; Thomas Genoble, of Jonesville; Stan Hamilton, of Ridge Springs; Kip Kiser, of Cheraw; James McAlister, of Charleston; Tony Tipton, of Greer; and Gloria Vessels, of Anderson.

Staff members participating during the meeting included: Christa Bell, Attorney, Office of General Counsel; Sandra Dickert, Administrative Assistant; Pat Hanks, Attorney, Office of General Counsel; Jeanie Rose, Administrative Specialist; and Sheridan Spoon, Attorney, Office of General Counsel.

Members of the public attending the meeting included: Ed Briggs, Eric Campbell, Angel Dillard, Ada Ferguson, Randall Harreld, Eric Houston, Lisa Huffman, Steven Jackson, John R. C. King, Bryan McNeal, Jr. Rick Miles, Eddie Nelson, Lou Ann Pyatt, Andrew Weatherford, and Mitchell Willoughby, Esq.

Meeting Called to Order

Mr. Mikell 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. McAlister delivered the invocation.

Introduction of Board Members and Persons Attending the Meeting

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

Approval of Agenda

MOTION

Mr. Crawford moved the Board approve the agenda as presented. Mr. Hamilton seconded the motion, which carried unanimously.

Approval of Excused Absences

All Board members were present.

Approval of Minutes for the April 19, 2007 Meeting

MOTION

Mr. Crawford made a motion, seconded by Mr. Genoble and unanimously carried, the minutes of the April 19, 2007 meeting be approved as presented.

President's Remarks – Skip Mikell

Mr. Mikell stated he is acting as president for this meeting and at this time presented Mr. Eddie Briggs with a plaque for his service with the Board as a member and as president.

HEARINGS

Reconsideration Hearing

In the Matter of Dawn Haines Davis, SC Franks Chapel of Remembrance

This hearing has been continued to another meeting.

In the Matter of Steven A. Jackson, Harris Funeral Home

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

In the Matter of Steven A. Jackson, Chandler-Jackson Funeral Home

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. Hamilton moved the Board enter executive session to seek legal advice in this matter. Mr. Crawford seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Horton made motion, seconded by Mr. McAlister and unanimously carried, that the Board return to public session.

Mr. Mikell noted for the record that no motions were offered or made during the time the Board was in executive session.

In the Matter of Steven A. Jackson, Harris Funeral Home

In the Matter of Steven A. Jackson, Chandler-Jackson Funeral Home

MOTION

Mr. Hamilton made a motion, seconded by Ms. Vessels and unanimously carried, that the Board fine the respondent \$500, with probation for two years, and he obtain, at his own expense, additional continuing education concerning preneed for funeral contracts within two years.

Administrator’s Remarks – Doris Cubitt

Mr. Bryant stated there were a number of items Mrs. Cubitt wanted to discuss; however, she was ill and would not be attending today’s meeting.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during this meeting.

Legislative Updates, If Needed, Legislative Liaison Office

Mr. Mikell stated the proposed legislation to increase the Board’s authority to levy fines and other penalties for solicitation and unlicensed practice did not pass during this session, hopefully would pass next session with the Board’s support. He further stated Representative Sandifer is working to revise the current preneed law.

Disciplinary Follow up

Mr. Bryant had no report for this meeting.

Disciplinary Reports

- 1. Investigative Review Committee (IRC) Report/Consent Orders – Tony Kennedy

Mr. Bryant briefed the Board regarding the IRC report from June 25, 2007.

MOTION

Mr. Crawford moved the Board approve the IRC Report as information. Mr. Horton seconded the motion, which carried unanimously.

Cases for Dismissal

MOTION

Mr. Horton made a motion, seconded by Mr. Genoble and unanimously carried, the Board approve the IRCs recommendation on the following cases.

2006-14 2006-26 2006-31 2007-13 2007-16

Formal Complaints – Consent Agreements

MOTION

Mr. Hamilton moved the Board approve the IRCs recommendation regarding the cases for formal complaints/consent agreements. Mr. Genoble seconded the motion, which carried unanimously.

2007-8 2007-11 2007-12

Letter of Caution

MOTION

Mr. Horton made a motion, seconded by Mrs. Vessels and unanimously carried, the Board approve case # 2007-9 for a Letter of Caution.

2. Approval of Consent Agreement – Case #2004-16
Mr. Bryant briefed the Board regarding this consent agreement.

MOTION

Mr. Tipton moved the Board approve the consent agreement for case # 2004-16. Mr. Hamilton seconded the motion, which carried unanimously.

3. Approval of Consent Agreement – Case #2005-24
Mr. Bryant briefed the Board regarding this consent agreement.

Mr. Hamilton moved the Board consider this consent order to executive session. Mr. Tipton seconded the motion, which carried unanimously.

4. Inspections Report – Ernest Adams
Mr. Bryant briefed the Board on the inspections conducted since the last meeting.

MOTION

Mr. Caughman moved the Board receive the Inspection Report as information. Mr. Genoble seconded the motion, which carried unanimously.

Mr. Horton asked Mr. Bryant how many licensed funeral homes are in South Carolina. Mr. Bryant replied there are approximately 500 licensed facilities in South Carolina. Mr. Horton then asked Mr. Bryant how many crematories are licensed in South Carolina. Mr. Bryant replied there are approximately 30 crematories in South Carolina.

5. Number of Open Complaints
There was no report on open complaints.

Committee Reports

1. Legislative Committee – Gerard Mikell, Stan Hamilton and Tony Tipton
This committee had no report.

2. Newsletter Committee – Tony Tipton
This committee had no report.

3. Continuing Education Committee
This committee had no report.

4. State Law Exam Committee – Gerard Mikell
This committee had no report.

Ms. Rose stated the state law exam is now under contract with Pearson under the International Conference.

5. GPL Review Committee – Gerard Mikell

Mr. Mikell asked that a member make a motion for the Board to send a letter to the southeastern division of the Federal Trade Commission (FTC) requesting authority for the South Carolina Board of Funeral Service to enforce compliance with the funeral rule in South Carolina unless there are major violations.

MOTION

Mr. Crawford moved the Board ask for an exemption from enforcement action from the FTC and that South Carolina will provide the FTC with information of what has been done in South Carolina. Mr. Genoble seconded the motion, which carried unanimously.

Unfinished Business

1. Approval of Additional Facility

a. *Ada's Home for Funerals and Chapel, Ada Ferguson, Manager*

On June 3, 1996 license # FDE 2295 was issued to Ada Ferguson. The license is current. On February 20, 2003 Ms. Ferguson appeared before the Board seeking approval of a new facility/new name. The facility was located in Walterboro and Ms. Ferguson's residence was in Beaufort which was 35 to 40 miles from the facility. The Board denied the application at that time. Ms. Ferguson appeared before the Board during the April 28, 2003 meeting again seeking approval of the new facility and allow her to be the manager. At that time, Ms. Ferguson stated she had been living on Red Comet Road in Walterboro since March 15, 2003. The application as approved and license # PAR 662 was issued to Community Funeral Home with Ada Ferguson as manager. On April 19, 2007 Ms. Ferguson appeared before the Board seeking the Board's approval to open a new funeral home.

Ada Ferguson appeared before the Board at this time and offered the following testimony.

Ms. Ferguson was a legal resident of and was living in Beaufort County in 2003, 2004, 2005 and 2006. She has read and understands the state law regarding legal residency for a manager. She was living in Yemassee when she first obtained her permit. She has obtained a new driver's license and voter's registration since her move. At the time she was living in Beaufort and had the facility in Walterboro she was unsure of what 'reasonable distance' was. She lived in Yemassee with her sister for awhile, but then returned to live in Beaufort.

Eric Campbell spoke on behalf of Ms. Ferguson.

MOTION

Mr. Kiser moved the Board discuss in executive session. Mr. Hamilton seconded the motion, which carried unanimously.

b. *Houston Funeral Home, Eric Lynn Houston (FDE 3225), Manager*

Mr. Eric Houston was issued a dual license (FDE 3225) on October 27, 2005. The license is current. On April 14, 2007 Mr. Houston appeared before the Board at which time the facility was approved pending an inspection. During the inspection, Mr. Ernest Adams, Inspector, found that Mr. Houston has a full time job in the medical field. His application did reflect this

information. Mr. Houston does not do much business and wants the Board to consider him as manager since he lives and the funeral home. He can work at least 35 hours a week. He has indicated he can leave his current job in the medical field at any time he is needed. His SLED report does not reflect any arrests. He is requesting consideration for approval as manager and an inspection of the facility.

Section 40-19-20 reflects the definition of, “‘Manager’ means a licensed funeral director who has been licensed in this State for at least one year, who is a full time regular employee, and who is responsible for and has the binding authority from the owner for the day-to-day management of funeral establishments or crematories including compliance with all applicable laws governed by this chapter and Chapters 7 and 8 of Title 32.”

Regulation 57-01(D) stated “Full-Time Employee” means a person whose work schedule requires that the employee be present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

Eric Houston appeared before the Board at this time and offered the following testimony.

Eric Houston’s uncle was approximately 86 years old when he approached Mr. Houston in regard to buying the funeral home.

Mr. Bryant read into record a letter from Hampton Regional Medical Center:

Dear Mrs. Cubit:

I’m writing on behalf of Eric Houston in reference to Houston’s Funeral Service, located at 468 East Railroad Avenue, Estill, SC.

Mr. Houston has been employed by Hampton Regional Medical Center as Director of Cardiopulmonary Services since November 8, 2005. Mr. Houston is a highly valued member of our clinical team and is well as respected among his peers, as well as the community at large.

When Mr. Houston interviewed for his position at Hampton Regional Medical Center he was very clear from the onset about his commitment to Houston Funeral Service. He accepted his position with the understanding that he would be able to maintain an active role in his family business and if necessary he would be honored to move into the director’s role at the funeral home.

Mr. Houston has dedicated years of his time in school and on the job training to ensure he would be prepared to do so. This is a family business in which Mr. Houston has played an active role for the past several years. Due to the fact that Mr. Houston has proved to be such a valuable asset in a small community hospital we are more than willing to make the necessary allowances for him to effectively transition into the funeral service business. We fully understand the support Mr. Houston dedicates to his family and business and we will work with him in any manner to ensure his success in doing so.

Mr. Houston is fortunate in the fact that we are a small facility with a great deal of flexibility in scheduling and he is also privileged to manage a small staff of long term employees that require little supervision to maintain their daily routine. He

has proven himself to be a man of honor and principle and he would certainly be an asset to this community given the opportunity to pursue a lifelong dream of opening a thriving family operated funeral service.

We are humbly asking for your assistance in this matter. Please do not hesitate to call us if there are any questions or concerns. Thank you so much for guidance and your view of information.

Sincerely,
Lynn C. Bowers
Human Resources Director

Mr. Houston's firm has conducted five funerals since August 2006. He appeared before the Board during the April 2007 meeting with the Board's approval pending inspection. The day Mr. Adams was scheduled to conduct the inspection, Mr. Houston contacted him to ensure the inspection would be conducted. Mr. Adams stated there was a question concerning the manager position since Mr. Houston was employed on a full-time basis. He did not deny his job status. The license in question at that time was the ownership of the facility. He is asking the Board to grant a waiver in the event he does not fit the bill for a manager. He is the only licensed person at the facility and he lives at the facility. There are individuals at the funeral home that can maintain the facility and make removals.

MOTION

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

New Business

1. New Facility

a. *Carolina Green Burial Society – Randy Harreld, Manager*

On August 22, 2000 Cremation Society of SC Inc was issued license #617 as a stand alone crematory. On April 23, 2002 Palmetto Funeral Service was issued license #648 at the same location. A crematory was added onto the crematory to provide full service funerals. Randall G. Harreld is the primary owner. On May 22, 2007 Mr. Harreld applied for a new facility license for Carolina Green Burial Society, and it is at the same location. Mr. Harreld wants to use and market this name just for "direct burial" with no embalming. He anticipates that all burials using this facility name would be held at the Ramsey Creek Preserve in Westminster, SC. The Cremation Society of SC Inc is the primary entity, and is using DBA for Palmetto Funeral Service, and Carolina Green Burial Society. He would file one tax return to include all of the businesses.

The application is complete. Mr. Harreld lives 13 miles from the facility. His criminal history report from SLED reflects no arrests. He has paid all required fees.

Randy Harreld appeared before the Board at this time and offered the following testimony.

Mr. Harreld has submitted an application for a new name, which would be a subset to his existing license #648. The facility would be a separate entity, although it would be housed in the same facility as Palmetto Funeral Service. He would be keeping the entities separate. He would file tax returns in two separate returns. Cremation Society of SC and Palmetto Funeral Service would be filed under one tax return and Carolina Green Burial Society would be filed

under a separate facility. He offers green burials under Palmetto Funeral Services; however, he prefers to have different names for the green burials and traditional burials.

MOTION

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

b. Nelson Funeral Home – Eddie James Nelson, Manager

On August 1, 1978 license #FDE 1592 was issued to Eddie Nelson. His license is current. Mr. Nelson's arrest record from SLED reflects no arrests. He lives 20.4 miles from the facility.

Eddie Nelson appeared before the Board at this time and offered the following testimony.

Mr. Nelson's facility meets all local zoning codes and will be able to obtain a business license. He has acquired a building with four acres of land. He is adding new construction to the existing building. He expects to be open in three to four months.

MOTION

Mr. Crawford moved the Board approve the application pending a favorable inspection. Mr. Kiser seconded the motion, which carried unanimously.

c. Carolina Funeral Home, LLC – Ricky C. Miles, Manager

On January 24, 1978 Ricky Miles was issued license #FDE 1549. His license remains current. His criminal history report indicates no arrests. He currently lives more than the required 25 miles from the funeral home. His current residence is up for sale and he plans to move within the required 25 mile radius once his current residence is sold. He is building a new facility.

Mr. Horton recused himself from participating and voting in this matter.

Rick Miles appeared before the Board at this time and offered the following testimony.

Mr. Miles would be constructing a new facility which would meet the local zoning laws. He has not yet sold his current residence.

MOTION

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

2. Approval of Apprentice License

a. Angel I. Dillard – Apprentice Quarterly Reports

Angel Dillard was issued an apprentice permit on April 8, 2005. On April 17, 2006 the Board received quarterly reports showing services from April 24, 2005 to October 12, 2005. Apprentices are required to submit reports within 30 days from the end of the quarter for which they are reporting. Ms. Dillard should have submitted a report no later than July 30, 2005 for the months of April, May and June 2005 and submitted a report no later than October 31, 2005 for the months of July 2005 through September 2005. She did not report these months in a timely manner, however, she was given five and one-half (5 ½) months of credit.

Ms. Dillard was informed it is her responsibility to ensure staff receives her reports in a timely manner and that in the future she would not be allowed to receive credit unless the reports were received in a timely manner.

The Board staff did not receive a quarterly report for October 2005 through December 2005. The Board staff did receive a report for January through March 2006 in a timely manner. Ms. Dillard received three months of credit.

On August 12, 2006 the Board staff received a quarterly report for April 2006 through June 2006 in a timely manner. Ms. Dillard received three months of credit.

The Board staff did not receive a quarterly report for July 2006 through September 2006.

Ms. Dillard's preceptor was Dawnhaines Davis, whose license was revoked by the Board in October 2006. Ms. Davis received the final order in December 2006.

On February 13, 2007 the Board's staff received the quarterly report for October 2006 through December 2006 in a time manner. Ms. Dillard received three months of credit.

Ms. Dillard did not notify the Board's staff of her new preceptor.

On April 16, 2007 the Board's staff received the quarterly report for January 2007 through March 2007. However, this report was signed by another preceptor.

Ms. Dillard is asking the Board to accept all of her quarterly reports. The Board's staff has not received six months of quarterly reports and has received three months of training under an unapproved preceptor. The Board's staff has received 14 ½ months of credit.

Ms. Dillard's apprentice permit expired on April 8, 2007.

Angel Dillard appeared before the Board at this time and offered the following testimony.

She is asking the Board to approve missing quarterly reports from 2005. She has copies of documentation mailed which the office says was not received. She was given incorrect information on how to complete the quarterly reports.

MOTION

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

b. Tiffany Y. Myers – Criminal Background

On April 6, 2007 The Board received an apprentice application from Tiffany Y. Myers. Her application included a criminal history report from SLED, which revealed she was arrested and charged with a felony on August 7, 1995. The criminal history report also reflects the case was nolle prossed and she was convicted of misdemeanor on January 23, 1996.

Ms. Myers did not appear at this meeting.

3. Approval of Reinstatement

a. Andrew Weatherford, Dual Licensee

On June 3, 1996 license #FDE2299 was issued to Andrew M. Weatherford. The license expired on June 30, 2004. On June 13, 2007 the Board received an application from Mr. Weatherford seeking reinstatement of his dual license. The application included a criminal history report which reflects he has not been arrested. He has paid the appropriate fees of \$580.00. He has provided continuing education certificates documenting 12 hours of continuing education. He has also provided an affidavit stating he has not engaged in the practice of funeral service in South Carolina during the period since his license lapsed.

Andrew Weatherford appeared before the Board at this time and offered the following testimony.

Mr. Weatherford would like to perform embalming on a contract basis. He was working at Dillard Funeral Home when he was terminated.

MOTION

Mr. Hamilton made a motion, seconded by Mr. Caughman and unanimously carried, the Board reinstate Mr. Weatherford's license.

Executive Session

Mr. Hamilton moved the Board enter executive session. Mr. Kiser seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

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

Approval of Additional Facility

Ada's Home for Funerals and Chapel, Ada Ferguson, Manager

MOTION

Mr. Crawford moved the Board grant a permit to Ada's Home for Funerals and Chapel pending inspection of the facility. Ms. Vessels seconded the motion, which carried unanimously.

Houston Funeral Home, – Eric Houston, Manager

MOTION

Mr. Hamilton made a motion, seconded by Mr. McAlister and unanimously carried, the application be approved.

Approval of New Facility

Carolina Green Burial Society – Randy Harreld, Manager

MOTION

Mr. Kiser moved the Board approve the facility upon inspection and that he be aware of the local and other ordinances regarding green burials. Mr. Genoble seconded the motion, which carried unanimously

Carolina Funeral Home, LLC – Rick Miles, Manager

MOTION

Mr. McAlister made a motion, seconded by Mr. Caughman and unanimously carried, the Board approve the application upon favorable inspection and Mr. Miles meeting the residency requirement. Mr. Horton abstained from voting in this matter.

Approval of Apprentice License

Angel T. Dillard

MOTION

Mr. Kiser moved Ms. Dillard reapply for a one-year apprenticeship, that in that one year she complete 9 ½ months and report the hours in a timely manner to the agency, that she find a properly licensed preceptor, and that she complete all the necessary forms and pay the appropriate fees. Mr. Caughman seconded the motion, which carried unanimously.

Consent Agreement

Case #2005-24

MOTION

Mr. Caughman made a motion, seconded by Mr. McAlister and unanimously carried, the Board approve the consent agreement as presented.

Discussion Topics

1. Unlicensed Practice

This matter was deferred to the August 30, 2007 meeting.

2. Approval of Letter to Funeral Homes Regarding PreNeed Funeral Contracts

This matter was deferred to the August 30, 2007 meeting.

3. Legislative Issues

- a. Modification of Application for Establishment Permits

This matter was deferred to the August 30, 2007 meeting.

- b. Modification of Regulation Regarding Caskets

This matter was deferred to the August 30, 2007 meeting.

- c. Written Requirements for Funeral Establishments

This matter was deferred to the August 30, 2007 meeting.

Election of Officers

1. Election of President

Mr. Horton moved the Board elect Mr. Mikell as president. Mr. Caughman seconded the motion, which carried unanimously.

2. Election of Vice President

Mr. Hamilton made a motion, seconded by Mr. McAlister and unanimously carried, that Mr. Horton be elected as vice chairman.

3. Election of Secretary/Treasurer

NOMINATION

Mr. Crawford nominated Gloria Vessels as secretary/treasurer. Mr. Hamilton seconded the nomination, which carried unanimously.

Mr. Mikell stated he has been elected District Governor for this District Three of the ICFSEB. The district includes South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi and Puerto Rico. He believes there will be a tri-district meeting in New Orleans.

Election of Committee Members

1. Legislative Committee
2. Newsletter Committee
3. Continuing Education Committee
4. State Law Exam Committee
5. GPL Review Committee

Mr. Mikell will appoint the committee members prior to the next meeting.

Public Comments

There were no public comments made during this meeting.

Adjournment

MOTION

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

The June 28, 2007 meeting of the SC Board of Funeral Service adjourned at 2.45 p.m.