

**MINUTES**  
**South Carolina Board of Funeral Service**  
**Conference Call Meeting**  
**2:00 p.m., September 26, 2007**  
**Synergy Business Park**  
**110 Centerview Drive, Kingstree Building, Room 107**  
**Columbia, South Carolina**

Gerard 'Skip' Mikell, president, called the meeting to order at 2:03 p.m. Other members present during the meeting included: William Horton, vice president, of Kingstree; A. Glen Crawford, of Lancaster; Homer Elwood, of Laurens; Thomas Genoble, of Jonesville; Kip Kiser, of Cheraw; James McAlister, of Charleston; Tony Tipton, of Greer; and Gloria Vessels, of Anderson.

Todd Caughman, of Lexington, did not participate in this meeting.

Staff members participating during the meeting included: Randy Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel, Office of General; Counsel Doris Cubitt, Administrator; Sandra Dickert, Administrative Assistant; and Jeanie Rose, Administrative Specialist;.

Members of the public attending the meeting included: Karl Allen, Attorney, Dawnhaines Davis, and Luther Johnson, III.

**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.

**New Business**

1. Approval of Change of Manager Application – SC Franks Chapel of Remembrance, Luther Johnson, III, Proposed Manager

Mr. Mikell summarized the proposed change of facility manager application for SC Franks Chapel of Remembrance. He noted that question two which asks, "Is business incorporated?" had not been answered. Mr. Karl Allen, attorney, stated the business is incorporated.

Mr. Kiser asked if staff received the Articles of Incorporation with the application. Mrs. Cubitt replied negatively.

The previous manager for this facility is Dawnhaines Davis.

Mrs. Cubitt stated staff found a slight discrepancy in the date of birth. She further stated staff is currently obtaining another SLED Report. The change of manager application was received August 10, 2007 and lacked the SLED Report as well as the Statement of Residency. She noted both of these items had been received by September 25, 2007. Staff considers this application non-routine and asks the Board for guidance.

Mr. Bryant stated staff is uncomfortable processing this application due to facts that could not be disclosed at this time.

The Board questioned the discrepancy contained in the SLED Report. Mr. Mikell stated the SLED Report presented to staff and to the Board reflects Mr. Johnson's year of birth as 1956. He believes the application reflects Mr. Johnson's year of birth as 1957.

Luther Johnson, III was sworn to give correct testimony by Mrs. Dantzler.

Mr. Allen confirmed that the phone number is (864) 233-8361. He is unclear why this change of manager application is non-routine.

Mr. Mikell stated there are extenuating circumstances. He went on to say funeral homes in South Carolina are not permitted to operate without a licensed manager. SC Franks Chapel of Remembrance has been operating without a licensed manager for some time now. He further stated this application for change of manager should actually be an application for a facility manager. He said facilities operating without a manager are non-routine applications for staff or for the Board.

Luther Johnson offered the following testimony at this time.

Mr. Johnson has been a licensed funeral director since 1979 and his license remains current. He has been an active member of the SC Morticians' Association where he has served on the Board of Directors and as Sergeant of Arms. He is currently serving as Chaplin for District III. He holds dual license. He formerly served on the DOMRT (Disaster Organized Mortuary Response Team) team for Homeland Security. He confirmed his year of birth as 1957 and, to the best of his knowledge, used his social security number to obtain his SLED Report. He is associated with the SC Franks Chapel of Remembrance in Greenville for some time. The facility has been in business since 1935. He has been in compliance with all of the South Carolina laws pertaining to the funeral industry.

Mr. Kiser asked Mr. Johnson if he is aware he must be listed as an officer of the corporation on the Articles of Incorporation. Mr. Johnson replied affirmatively.

Mr. Allen stated the Articles of Incorporation with Mr. Johnson listed as an officer would be submitted to staff.

Mr. Mikell asked Mr. Johnson when the meeting was held which named him as an officer of the firm and if he knows who holds the minutes from that corporation meeting. Mr. Johnson replied the meeting was held approximately two months ago, however, he is unsure of the exact date.

Ms. Vessels asked Mr. Johnson who caused the mix up in his year of birth contained in the SLED Report. Mr. Bryant stated SLED had a problem with the mix up on the year of birth. He noted Mrs. Dantzler has reviewed the document and is satisfied there is no criminal record.

Mr. Mikell asked Mr. Johnson if he understands, as manager, that he has fiduciary responsibility for that facility and if the Board of Directors has placed in him the authority to make day to day financial decisions for the facility. Mr. Johnson replied affirmatively.

Mr. Tipton asked if Mr. Johnson has been associated with the facility or if he is a new employee. Mr. Johnson stated he has been with this facility since he was 15 years old.

Mr. Mikell stated Mr. Johnson's application reflects he has been employed as a funeral director/embalmer with SC Franks Chapel in Liberty since August 1998. He further stated his application does not reflect employment with the Greenville facility. Mr. Johnson stated he completed his apprenticeship at the Greenville facility between 1977 and 1979 and he has been a licensed funeral director at this location since 1979.

Mr. Allen stated Mr. Johnson is being promoted to the position of manager for this facility.

### **Executive Session**

#### **MOTION**

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

### **Return to Public Session**

#### **MOTION**

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

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

#### **MOTION**

Mr. Kiser moved the application be accepted with the following conditions: the Articles of Incorporation should reflect Mr. Johnson's position in the corporation, that the correction with the SLED Report be in place and that LLR inform Mr. Johnson as to the conditions and operations of the current facility. Ms. Vessels seconded the motion, which carried unanimously.

### **Adjournment**

The September 26, 2007 conference call meeting of the SC Board of Funeral Service adjourned at 3:34 p.m.