

MINUTES
South Carolina Board of Funeral Service
Board Meeting
10:00 a.m., December 13, 2007
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

Meeting Called to Order

Gerard 'Skip' Mikell, president, of North Charleston called the meeting to order at 10:10 a.m. Other members present for the meeting included: William Horton, vice president, of Kingstree; Gloria Vessels, Secretary/Treasurer, of Anderson; Todd Caughman, of Lexington; Glen Crawford, of Lancaster; Thomas Genoble, of Union; Kip Kiser, of Cheraw; Jimmy McAlister, of Charleston, and Tony Tipton, of Greer.

Staff members participating in the meeting included: Ernest Adams, Inspector; Doris Cubitt, Administrator; Sandra Dickert, Administrative Assistant; Wendi Elrod, Administrative Specialist; Tony Kennedy, Investigator, OIE; Jeanie Rose, Administrative Specialist; and Sheridan Spoon, Associate General Counsel.

Members of the public attending the meeting included: Annie Brown, Gray Burroughs, Felicia Clark, Samuel Farmer, Gere Fulton, Tony Ganong, Vivian Galloway, William Galloway, Scott Gordon, Larry Hendrix, Tamie McClain, Steven Moseley, Richard Neal, Mark Patterson, Paula Patterson, Preston Peterson, Lou Ann Pyatt, Mike Squires, and Penn Troy.

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 Excused Absences

Homer Elwood, of Laurens, was granted an excused absence.

Approval of Minutes for the October 18, 2007 Meeting

MOTION

Mr. Crawford moved the minutes of the October 18, 2007 meeting be approved as presented and accepted as information. Mr. Caughman seconded the motion, which carried unanimously.

President's Remarks – Gerard 'Skip' Mikell

Mr. Mikell stated the Board would like to expedite the meeting as quickly as possible. He went on to say the purpose of the Board is to protect the public and to license and regulate the funeral service.

Administrator's Remarks – Doris Cubitt

Advisory Opinions, If Needed, Office of General Counsel

Legislative Updates, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative update for this meeting.

Mrs. Cubitt attended the Mortician's Association December Conference the week of December 3, 2007. She stated that she received the agenda for the ICFSEB Annual meeting and asked that any member who would like to attend the National Conference in San Antonio, Texas, February 28-29, 2008 should complete a travel request before leaving today.

Disciplinary Reports

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

Mr. Tony Kennedy, Investigator with OIE, briefed the Board on the IRC Report of December 11, 2007.

MOTION

Mr. Horton made a motion, seconded by Mr. Genoble and unanimously carried, that the Board accept the report as information and approve the IRCs recommendation on the below referenced cases.

Dismissals

2007-10 2007-19 2007-26 2007-29

Formal Complaints

2007-28 2007-31

2. *Inspection Report – Ernest Adams*

Mr. Adams briefed the Board on the Inspection Report. He noted he has completed inspections on 42 funeral homes and inspections on seven crematories since the last meeting

Mr. Adams stated the agenda includes a discussion topic regarding the General Price List from Dr. Gere Fulton. He went on to say the report states some of the funeral homes are not within the price range on caskets and outer burial containers. He further stated he has contacted several of the funeral homes listed in Mr. Fulton's report and would be receiving corrections shortly. He noted he would be paying closer attention to the price lists when he conducts inspections.

Mr. Horton asked if there was anything the Board could do to correct the violations involved in the General Price Lists. Mr. Adams stated he feels the only way to attract attention to this violation would be to assess a fine.

Mr. Mikell referred this matter to the Regulatory Compliance Committee.

3. Number of Open Complaints

Mr. Kennedy stated there are currently 11 open complaints related to the Board of Funeral Service.

Committee Reports

1. Legislative Committee – Kip Kiser, Tom Genoble, Sheridan Spoon

Mr. Kiser stated the committee has nothing to report at this time. He spoke with Mr. Genoble and Mr. Spoon prior to the meeting and noted that the suggestions made to the regulations have not been formally worded yet.

Mr. Spoon stated he has not yet moved forward with making necessary changes to the draft regulations. He will begin that process shortly and would forward the changes to the committee prior to the next meeting.

2. Examination/CEU/Education – Gloria Vessels, Todd Caughman, Glen Crawford, Skip Mikell, Ernest Adams

Ms. Vessels presented documentation to the members regarding the process for the approval of continuing education courses. She made the recommendation that the sponsors submit their courses to the Academy of Professional Funeral Service Practitioners electronically instead of to staff. She noted the change would take effect in January 2008.

Mrs. Pyatt asked that the associations be given sixty days to notify the districts of this change.

Mr. Mikell stated once the national associations have paid the fees to the Academy there would be no additional charge to the state associations. He noted the Board could have a link on its web page to the Academy.

MOTION

The Committee made a motion the Board approve a change to the process and allow the associations to submit continuing education course electronically to the Academy for approval. Since the motion came from committee no second was needed. The motion carried unanimously.

3. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed – James McAlister, Billy Horton, Tom Genoble, Doris Cubitt

Mr. McAlister presented the members with a copy of a proposed policy in regard to preneed license status and a letter the committee suggests mailing to funeral homes. He further stated disclosure documents in regard selling preneed policies. He noted the policy before the Board at this time is in draft form.

Mr. Horton asked if Mr. McAlister if he is asking that the disclosure statement be prominently displayed. Mr. McAlister stated the disclosure could be displayed with the funeral home license or the preneed license.

The disclosure for funeral homes that are licensed to sell preneed reads:

Funeral homes in South Carolina must be licensed by the South Carolina Department of Consumer Affairs to sell preneed funeral contracts. Our funeral

home is licensed to sell preneed funeral contracts and we can provide information on prearranging and pre-funding funerals.

For firms that are not licensed to sell preneed the disclosure would state:

Funeral homes in South Carolina must be licensed by the South Carolina Department of Consumer Affairs to sell preneed funeral contracts. Our funeral home is NOT licensed to sell preneed funeral contracts and, therefore, we are prohibited from either discussing or offering to sell pre-funded funerals.

The South Carolina Department of Consumer Affairs has licensed approximately 300 funeral homes to sell preneed policies.

Mr. Spoon suggested the Board look at this policy as a safe harbor for licensees. He stated the Board policies do not carry the force and effect of statute or regulations. He went on to say to his knowledge no Board has ever disciplined a licensee for the violation of a policy. He asked the Board to allow him to make necessary edits to bring the policy into legal terms.

MOTION

Mr. McAlister made a motion that the Board allow the committee to work with staff to formulate a policy on preneed licensure. Mr. Kiser seconded the motion, which carried unanimously.

4. *Publications / Newsletter / Website – Tony Tipton, Glen Crawford, Sandra Dickert*
This committee had no report.

Mr. Tipton stated he has asked Mr. Crawford to chair this committee, which he has graciously agreed to do.

Recess

The Board recessed at 11:10 a.m. and returned to public session at 11:25 a.m.

Return to Public Session

New Business

1. New Facility

a. *Blue Ridge Crematory – Manager: Larry C. Hendrix*

Larry Hendrix is the owner and proposed manager of Blue Ridge Crematory. He was originally issued a dual license in July 1976 and his license is current and in good standing. Mr. Hendrix does not have a criminal background and he lives seven miles from the facility.

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

MOTION

Mr. Tipton made a motion the Board grant the facility a license.

Mr. McAlister asked that all applications be considered in executive session. Mr. Tipton withdrew his motion.

MOTION

Mr. McAlister moved this and all applications be considered in executive session. Mr. Crawford seconded the motion, which carried unanimously.

b. Burroughs-Cooper-Kiser – Manager: Alan Gray Burroughs

Alan Burroughs is part owner of this facility along with Kelvin Cooper and Kip Kiser. Mr. Burroughs is the proposed manager. Mr. Burroughs was originally issued a dual license in July 1990 and his license is current and in good standing. He lives three miles from the facility and does not have a criminal background.

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

Mr. Kiser recused himself from participating in this matter.

c. Kornegay and Moseley Funeral Home and Cremation Service – Manager: Steven Gregory Moseley

The owners of this facility are John D. Kornegay and C. Grainger Kornegay, III. Steven Gregory Moseley is the proposed manager. Mr. Moseley was originally issued a dual license in March 1994 and his license is current and in good standing. He does not have a criminal background; however, he lives 36 miles from the facility.

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

d. Living Waters of Wellford, Inc. – Manager: Annie Bree Brown

Mark E. Patterson and Paula Patterson are the owners of this facility. Annie Bree Brown is the proposed manager. Ms. Brown was originally issued a dual license in October 2002 and her license is current and in good standing. She does not have a criminal background and lives 10 miles from the funeral home.

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

During the discussion on this matter it was determined that there another application should be completed for a crematory the company plans to open at a later date.

e. Myrtle Beach Funeral Home, Inc. – Manager: Richard Francis Neal

J. McGregor Everett is the owner of Myrtle Beach Funeral Home, Inc. and the proposed manager is Richard Francis Neal. Mr. Neal was originally issued a dual license in December 1998 and his license is current and in good standing. He does not have a criminal background and lives nine miles from the funeral home.

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

f. Myrtle Beach Funeral Home & Crematory – Manager: Richard Francis Neal

J. McGregor Everett is the owner of Myrtle Beach Funeral Home, Inc. and the proposed manager is Richard Francis Neal. Mr. Neal was originally issued a dual license in December 1998 and his license is current and in good standing. He does not have a criminal background and lives nine miles from the funeral home.

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

g. Ocean View Funeral Home of Horry County, LLC – Manager: Samuel Farmer

This facility is owned by Tammy Williams and the proposed manager is Samuel Farmer. Mr. Farmer was initially licensed as a funeral director in August 1981 and his license is current and in good standing. He does not have a criminal background and lives 14 miles from the facility.

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

h. Shuford-Hatcher Funeral Home – Manager: Samuel Preston Peterson

StoneMor Partners L.P. by Ken Lee, Jr. is the owner of Shuford-Hatcher Funeral Home. Samuel Preston Peterson is the proposed manager. Mr. Peterson was initially issued a dual license in December 1997 and his license is current and in good standing. He does not have a criminal background and lives 11 miles from the facility.

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

2. Additional Facility

*a. Shuford-Hatcher Funeral Home at Frederick Memorial Gardens,
Manager: Samuel Preston Peterson*

StoneMor Partners L.P. by Ken Lee, Jr. is the owner of Shuford-Hatcher Funeral Home. Samuel Preston Peterson is the proposed manager. Mr. Peterson was initially issued a dual license in December 1997 and his license is current and in good standing. He does not have a criminal background and lives 11 miles from the facility.

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

b. Allen Funeral Chapel – Manager: Vivian Galloway

Allen Funeral Chapel is owned by William A. G. Allen. Mr. Allen is proposing Vivian Galloway as the manager. Mrs. Galloway was initially licensed as a funeral director in October 1998 and her license is current and in good standing. She does not have a criminal background and lives 0.01 mile from the facility.

During discussion on this application the Board was informed that the facility had been moved from the original location to another location. William A. G. Allen, the owner of the facility, did not notify the Board that he had closed the chapel and moved the facility to another location.

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

c. Graceland Mortuary at Springhill Chapel, Manager: Floyd Scott Gordon, Jr.

This facility was the branch of Gordon Mortuary. Mr. Floyd Scott Gordon, Jr. purchased Gordon Mortuary from Port Elsewhere II, Inc. and his son is now the manager at that facility. Since Graceland Mortuary at Springhill Chapel does not now have a parent facility, Port Elsewhere II and Tim White are seeking the Board's approval for the facility to become a branch of Graceland Mortuary. Mr. Gordon is the proposed manager for Graceland Mortuary at Springhill Chapel. He was initially issued a dual license in August 1973 and his license is current and in good standing. He does not have a criminal background and lives 22 miles from the facility.

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. Kiser moved the Board enter executive session to seek legal advice on these cases. Mr. Genoble seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Genoble made a 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 executive session.

Mr. Crawford left the meeting at this time.

Blue Ridge Crematory

MOTION

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

Burroughs-Cooper-Kiser

Mr. Kiser recused himself from voting in this matter.

MOTION

Mr. McAlister made a motion, seconded by Mr. Caughman and unanimously carried, that the Board accept the application pending inspection.

Kornegay and Moseley Funeral Home and Cremation Service

MOTION

Mr. McAlister moved the Board accept the application pending inspection. Mr. Genoble seconded the motion, which carried unanimously.

Living Waters of Wellford, Inc.

MOTION

Mr. Tipton made a motion, seconded by Ms. Vessels and unanimously carried, that the Board accept the applications pending inspection.

Myrtle Beach Funeral Home, Inc.

Myrtle Beach Funeral Home & Crematory

MOTION

Mr. Horton moved the Board accept the applications pending inspection. Mr. McAlister seconded the motion, which carried unanimously.

Ocean View Funeral Home of Horry County, LLC

MOTION

Mr. Kiser made a motion, seconded by Mr. McAlister and Mr. Genoble and unanimously carried, that the Board approve the application pending inspection.

Shuford-Hatcher Funeral Home

MOTION

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

Shuford-Hatcher Funeral Home at Frederick Memorial Gardens

MOTION

Mr. Genoble made a motion, seconded by Ms. Vessels and unanimously carried, the Board approve the application pending inspection.

Allen Funeral Home Chapel

MOTION

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

Graceland Mortuary at Springhill Chapel

MOTION

Mr. Genoble made a motion, seconded by Mr. McAlister and unanimously carried, that the Board accept the application pending inspection.

Discussion Item

1. **The South Carolina Funeral Consumer Alliance Biannual Survey of Funeral Pricing Practices in Greater Columbia – Gere Fulton**

Mr. Gere Fulton appeared before the Board to discuss the SC Funeral Consumer Alliance Biannual Survey of Funeral Pricing Practices in the Greater Columbia area. During his discussion, Mr. Fulton stated he would be willing to work with the Regulatory Compliance Committee on the general price lists.

Mr. Kiser asked the Board if the February 2008 meeting could be rescheduled to be held in conjunction with the Funeral Directors' Association's Mid-Winter Conference which is scheduled for February 5-6, 2008. Discussion on this matter ensued. Mr. Mike Squires stated if the Board held the meeting on Wednesday, February 6th a room could be provided at the Columbia Convention Center for the meeting.

Public Comments

There were no public comments made during the December 13, 2007 meeting.

Adjournment

MOTION

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

The December 13, 2007 meeting of the SC Board of Funeral Service adjourned at 2:10 p.m.