

MINUTES
South Carolina Board of Funeral Service
Board Meeting
9:00 a.m., February 5, 2008
Columbia Metropolitan Convention Center
1101 Lincoln Street
Columbia, South Carolina

Meeting Called to Order

William Horton, vice president, of Kingstree, called the meeting to order at 9:00 a.m. Other members present for the meeting included: Gloria Vessels, Secretary/Treasurer, of Anderson; Todd Caughman, of Lexington; Glen Crawford, of Lancaster; Homer Elwood, of Laurens; Thomas Genoble, of Union; Kip Kiser, of Cheraw; Eddie Nelson, of Blythewood; and Tony Tipton, of Greer.

Staff members participating in the meeting included: Ernest Adams, Inspector; Doris Cubitt, Administrator; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Wendi Elrod, Administrative Specialist; Jeanie Rose, Administrative Specialist.

Members of the public attending the meeting included: Monique Tracy Bennett, LeVaughn Blanding, Jr., Alicia Clark, Brooks Cowles, Audrey Crawford, Jeff Faulkner, Steven K. Hawley, William B. Horton, III, William Lawless, Tami McClain, Chardale Murray, Bob Parks, Reginald Richmond, Simone Richmond, Derrick Robinson, Randall Sanders, Wynona Sanders, and Bill Stephens.

Mr. Horton 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. Elwood 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.

Mr. Bob Parks welcomed the Board and the members of the public to the SC Funeral Directors Association Mid-Winter Conference and recognized Mr. Tipton as the public member of the Board.

Mr. Horton thanked the Association for arranging the meeting and providing the room to hold the meeting. He also thanked the staff for having everything ready for the meeting.

MOTION

Mr. Kiser moved that at this meeting and every other Board of Funeral Service meeting, a time in and out sheet be established for licensed funeral directors and embalmers who attend the meetings so that they can be given continuing education credit for the time in attendance at the meetings. Mr. Crawford seconded the motion, which carried unanimously.

Mr. Kiser suggested the New Business items on the agenda be moved following the Administrator's remarks.

Approval of Excused Absences

James McAlister, of Charleston, was granted an excused absence.

Approval of Minutes for the December 13, 2007 Meeting

MOTION

Mr. Elwood moved the minutes of the December 13, 2007 meeting be approved as submitted. Mrs. Vessels seconded the motion, which carried unanimously.

Election of Officers

MOTION

Mr. Kiser made a motion, seconded by Mr. Crawford and unanimously carried, that the Board nominate Mr. Horton as president.

MOTION

Mr. Crawford moved Mrs. Vessels be elected as vice chairman. Mr. Kiser seconded the motion, which carried unanimously.

MOTION

Mr. Crawford made a motion, seconded by Mr. Tipton and unanimously carried, that the Board elect Mr. McAlister as secretary/treasurer.

Mr. Horton welcomed Mr. Nelson to the Board as a new member.

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 updates given during this meeting.

Mrs. Cubitt stated the Board had informally elected to have Mr. Mikell serve as the Board's representative to the International Exam Conference. She further stated he had asked the Board if they would continue to designate him as the representative to this conference, however, there was not a formal vote on the matter. She went on to say since Mr. Mikell is no longer a Board member she was questioned in regard to Mr. Mikell's designation as the Board representative to the conference. She said she has obtained a copy of the conference bylaws and has spoken with the conference director in the matter. She stated if the Board designates

Mr. Mikell as its representative he may continue to serve. She noted he has been very active with that organization and with the development of the exam. She went on to say emails were sent to the Board members and those members who responded to the poll sent favorable responses to allow Mr. Mikell to serve as the Board's representative.

MOTION

Mr. Kiser moved the Board allow Mr. Mikell to serve as the Board's representative to the International Exam Conference. Mr. Crawford seconded the motion. A discussion ensued in regard to the length of time Mr. Mikell would serve as the representative. It was noted that Mr. Mikell was recently elected as an officer of the national conference. Mr. Kiser amended the motion to state that that the Board designate Mr. Mikell as its representative as long as he keeps his elected position on the International Exam Conference Executive Board. Mr. Crawford seconded the amended motion. The motion carried unanimously.

Mr. Horton stated he joined the Board two and one-half years ago and over that time he has become friends with Mr. Mikell. He went on to say that the Board formally thanks Mr. Mikell for the time and service he has given the Board and to the funeral service in South Carolina and continuing to do so with the national conference.

Mrs. Cubitt stated renewal notices would be mailed on April 15, 2008 and that licenses are to be renewed by June 30, 2008. She further stated licensees are able to renew online and encouraged all licensees to do so. She said those individuals who renew online receive immediate confirmation that the license has been renewed and that the license would be mailed shortly thereafter.

Mr. Horton stated there is some misconception in the profession that staff maintains records of continuing education. He asked that staff contact both associations and ask them to inform their membership that each licensee is responsible for maintaining their continuing education records should that licensee be audited.

Ms. Rose noted that the licensees must obtain three hours of continuing education each year and that six hours of continuing education are needed in order to renew licensure.

Unfinished Business

There was no unfinished business to be discussed during this meeting.

New Business

Approval of New Facility Applications

a. Copeland Funeral Services, Inc., Milton B. Stephens, Manager

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

On January 14, 2008 the Board received an application for change of ownership/new facility from Copeland Funeral Service, Inc. J. Edward Gamble, III is the new owner and the proposed manager is Milton B. Stephens. Mr. Stephens was initially issued a dual license on December 8, 1981. This license remains current. He does not have a criminal background. He lives at the facility.

Milton B. Stephens appeared before the Board at this time and offered the following testimony.

Mr. Stephens stated the facility does meet all local building and zoning ordinances. He further stated Mr. Gamble is licensed and also has a facility in Georgia.

MOTION

Mr. Elwood made a motion, seconded by Mr. Caughman and unanimously carried, that the Board approve this application pending inspection of the facility.

b. Lowcountry Cremation Service, Inc., Milton B. Stephens, Manager

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

On January 14, 2008 the Board received a change of ownership/new facility application from Lowcountry Cremation Services, Coastal Cremation Service which is a crematory and part of Copeland Funeral Services, Inc. The new owner of the facility is J. Edward Gamble, III and the proposed manager is Milton B. Stephens. Mr. Stephens was initially issued a dual license on December 8, 1981, which remains current. He does not have a criminal background. He lives at the facility.

Ms. Rose stated after the crematory opens Mr. Stephens would need to submit documentation reflecting proof of training to operate the crematory.

Milton B. Stephens appeared before the Board at this time and offered the following testimony.

Mr. Stephens has the documentation reflecting the proper training to operate the crematory.

MOTION

Mr. Crawford moved the Board approve this application pending inspection of the facility and receipt of proof of training to operate the crematory. Mr. Caughman seconded the motion, which carried unanimously.

c. Maree-Tracy Funeral Home, Inc., Monique Bennett, Manager

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

On December 20, 2007 the Board received a new facility application from Maree-Tracy Bennett Funeral Home. Monique Bennett is the owner and the proposed manager. She was initially issued a dual license on May 16, 1995 and the license is current. Mrs. Bennett does not have a criminal background and she lives two miles from the facility.

Monique Bennett appeared before the Board at this time and offered the following testimony.

Mrs. Bennett stated her husband was the previous manager of this facility; however, he is now employed with state government. She went on to state that when they contacted staff they were informed they must submit an application within 30 days of the change of manager. She further stated she met with staff and explained they would be completing an entity change at the beginning of the year and they combined the change of manager and entity change on one application. This company was a corporation and has been in business since 1995 with her father as owner and manager.

Mrs. Cubitt informed the Board that Mrs. Bennett is also an attorney and that her office is a short distance from the funeral home. She further stated Mrs. Bennett has stated she would be available to go to the funeral home at any point in time.

Mrs. Bennett stated prior to her husband being named manager she was the facility manager and served as the attorney for the SC Mortician's Association at the same time.

MOTION

Mr. Kiser made a motion, seconded by Mr. Crawford and unanimously carried, that the Board defer this matter to executive session to seek legal advice on this matter.

- d. *Palmetto Funeral Home & Cremation Service, Derrick Stephen Robinson, Manager*
- e. *Palmetto Crematory - Derrick Stephen Robinson, Manager*

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

On December 20, 2007 the Board received a new facility application from Palmetto Funeral Home and Cremation Service. The new owner of the facility is Jack H. Smith and the proposed manager is Derrick Stephen Robinson. Mr. Robinson was initially issued a dual license on October 16, 1995 and the license is current. Mr. Robinson does have a criminal background; however, the matter was dismissed. Mr. Robinson currently lives 29 miles from the facility; however, he plans on relocating to comply with the 25 mile rule.

Derrick Stephen Robinson appeared before the Board at this time and offered the following testimony.

The facility is under construction and he lives within 28 miles of the proposed site. He has two stepchildren who are currently in school; however, he plans to move at the end of the school year. The projected completion date of the facility is June 2008 or July 2008.

MOTION

Mr. Kiser made a motion, seconded by Mr. Caughman and unanimously carried, the Board defer this matter to executive session for legal advice.

- f. *Rock Hill Funeral Home and Cremation Service – Randall Franklin Sanders, Manager*

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

On January 25, 2008 the Board received a new facility application from Rock Hill Funeral Home and Cremation Service. Randall Franklin Sanders and Wynona M. Sanders are the new owners of the facility and Mr. Sanders is the proposed manager. Mr. Sanders was initially issued a dual license on August 27, 1981 and the license remains current. He lives at the funeral home and does not have a criminal background.

Randall Franklin Sanders appeared before the Board at this time and offered the following testimony.

Mr. Sanders was born and raised in South Carolina, however, he has spent time in North Carolina where he worked at a funeral home. While Mr. Sanders has maintained his license in South Carolina he has lived and worked in North Carolina for approximately eight years. He returned to South Carolina in January 2008. The facility is an existing facility which is being renovated. The original target date was March 1, 2008; however, the facility may not open until mid March 2008.

MOTION

Mr. Kiser moved the Board defer this matter to executive session to ask general counsel questions regarding this matter. Mr. Elwood seconded the motion, which carried unanimously.

g. Richmond Funeral Home – Reginald L. Richmond, Manager

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

On January 2, 2008 the Board received a new facility application from Richmond Funeral Home. The owners of this facility and Reginald L. and Simone L. Richmond and the proposed manager of the facility is Reginald LeRoi Richmond. Mr. Richmond was initially issued a dual license on June 19, 1997, which remains current. He lives 15 miles from the facility. His criminal history report reflects a misdemeanor for which he served 18 months. The criminal history report also reflects that he is a fugitive from another state in regard to a felony charge. Mr. Richmond has submitted an Order Revoking and Terminating Probation and Withdrawing Warrant.

Reginald Richmond appeared before the Board at this time and offered the following testimony.

Mr. Richmond's letter of dismissal was not for all of the charges listed on the criminal history report. The dismissal was for a charge in the State of Florida in 1990. He was involved in illegal drugs at that time; however, he has not been involved in illegal drugs since 1992. He was sentenced to probation which he completed in North Carolina. Florida violated the probation after the fact by issuing a warrant for his arrest for violation of his probation. He did not realize there was a fugitive warrant for his arrest until he was arrested on November 25, 2007. An attorney in Florida handled the case for him and the case was dismissed since he had completed his probation. He did not have to appear in a Florida court.

MOTION

Mr. Nelson made a motion, seconded by Mrs. Vessels and unanimously carried, that the Board defer this matter to executive session for legal advice.

h. Crawford Funeral Home, Inc. – Manager: Adis G. Crawford

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

On January 29, 2008 the Board received a new facility application from Crawford Funeral Home, Inc. Adis G. Crawford and Audrey B. Crawford are the owners of the facility and Mr. Crawford is the proposed manager. Mr. Crawford was initially issued a dual license on August

22, 1972 and the license remains current. The facility is an existing facility that is changing locations. He lives four miles from the facility. He does not have a criminal background.

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

Adis G. Crawford appeared before the Board at this time and offered the following testimony.

He is moving the location of an existing facility. The facility was an existing facility and meets all building and zoning laws. He hopes to move into the facility within the next month. He understands all funeral laws as set forth by the Board.

MOTION

Mr. Elwood moved the Board approve this facility application pending inspection of the facility. Mrs. Vessels seconded the motion, which carried unanimously.

Approval of Additional Facility Application

a. *Murray's Mortuary, Hollywood Chapel – Chardale Murray, Manager*

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

On August 21, 2007 the Board received an application for an additional facility from Murray's Mortuary Hollywood Chapel. Chardale Murray is the owner and proposed manager of this facility. She was initially issued a funeral director's license on March 26, 2001, which remains current. Ms. Murray is the owner of the parent facility, Murray's Mortuary. She lives 15 miles from the facility. She does not have a criminal history report.

Chardale Murray appeared before the Board at this time and offered the following testimony.

No embalming will be done at this facility.

MOTION

Mr. Crawford made a motion, seconded by Mr. Nelson and unanimously carried, that the facility application be approved pending inspection of the facility.

Approval of Apprentice Application

a. *LeVaughn Blanding, Jr., Apprentice Funeral Director/Embalmer Applicant*

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

Mr. Blanding is an applicant for a funeral director/embalmer apprenticeship. On January 28, 2008 the Board received a faxed copy of his criminal history report, which shows a felony conviction of the unlawful carrying of a weapon. Mr. Blanding has submitted a Certificate of Pardon dated December 21, 2007. He is seeking the Board's approval of an apprentice license.

LeVaughn Blanding, Jr. appeared before the Board at this time and offered the following testimony.

Mr. Blanding has reviewed the laws regarding apprenticeship and is currently employed at Robinson and Son Mortuary. After successful completion of the exam he will be returning to his

hometown of Manning, and if approved, he would complete his apprenticeship at Samuels Funeral Home of Manning. He will take his exam in approximately 60 days.

MOTION

Mr. Elwood moved the Board consider this application in executive session. Mr. Crawford seconded the motion, which carried unanimously.

At this time Mr. Horton presented Mr. Mikell with a plaque in recognition for his time and service to the Board and his love of the profession. Mr. Horton informed Mr. Mikell he had made remarks earlier stating that Mr. Mikell means much more to the profession than the plaque can indicate.

Disciplinary Reports

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

Mr. Adams stated the IRC has not met since prior to the December 2007 Board meeting.

3. Inspections Report – Ernest Adams

Mr. Adams stated he has inspected 33 funeral homes since the December 2007 Board meeting.

4. Number of Open Complaints

Mr. Adams stated the Board currently has 12 open complaints

Mr. Adams stated he has inspected all of the funeral homes Dr. Fulton made reference to during his presentation at the December 2007 Board meeting. He further stated he has been in contact with all but one of the funeral homes. He went on to say that those funeral homes he has been in contact with have made the corrections to the general price lists, CPLS, and outer burial container price lists. He asked the Board members to check their lists.

Mr. Horton asked Mr. Adams if, in his opinion, the Board needed to complete another mass audit of the price lists. Mr. Adams replied renewals will be under way shortly and to conduct another mass audit at this time would be too much for staff. He asked the Board to address this matter again in August; however, he stated he would bring the matter to the Board between now and August 2008 if he finds a major problem while conducting inspections.

Committee Reports

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

Mr. Kiser stated Mr. Sheridan Spoon has sent him documentation for the committee's review, although he has not yet called a committee meeting. He will address these matters during the next Board meeting.

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

This committee had no report.

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

Mr. McAlister was not present for the meeting. Mr. Horton stated Mr. McAlister was in the process of reviewing the documentation Dr. Fulton had presented during the December 2007 meeting.

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

Executive Session

MOTION

Mr. Kiser made a motion the Board enter executive session following a short break. Mr. Genoble seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

Mr. Horton noted for the record that no motions were offered or made nor were any votes taken during executive session.

Maree-Tracy Funeral Home, Inc., Monique Bennett, Manager

MOTION

Mr. Crawford moved the Board approve this application pending inspection of the facility. Mrs. Vessels seconded the motion, which carried unanimously.

LeVaughn Blanding, Jr., Apprentice Funeral Director/Embalmer Applicant

MOTION

Mr. Elwood made a motion, seconded by Mr. Nelson and unanimously carried, that the Board approve Mr. Blanding's apprentice application.

Palmetto Funeral Home & Cremation Service, Derrick Stephen Robinson, Manager
Palmetto Crematory - Derrick Stephen Robinson, Manager

Mr. Kiser asked Mr. Robinson if he has read the statutes as they pertain to funeral service law. Mr. Robinson replied affirmatively. Mr. Kiser stated Mr. Robinson had testified earlier about his residency being within the 25 mile radius. He noted the 25 mile radius may be a stipulation in a motion made in this matter.

Mr. Kiser stated the statute pertaining to advertising states that no funeral home may advertise in advance and that it has come to the Board's attention that there is possibly a website for Mr. Robinson's funeral home and crematory. Mr. Robinson stated he has been playing with a website; however, the website has not yet been made public. Mr. Kiser asked Mr. Robinson if

he was aware that if the website is on a public domain it can be accessed by the public. Mr. Robinson stated he was not aware of that and would remove the website.

MOTION

Mr. Kiser moved the Board table this matter pending investigation by staff. Mrs. Vessels seconded the motion, which carried unanimously.

Rock Hill Funeral Home and Cremation Service – Randall Franklin Sanders, Manager

MOTION

Mr. Elwood stated Regulation 57-10(c) states that a manager must be a resident of South Carolina for at least one year prior to being named a manager. He made a motion, seconded by Mr. Tipton and unanimously carried, that the Board table this application until such time as a manager of record who is duly licensed and has been a resident of South Carolina for one year can be named.

Richmond Funeral Home – Reginald L. Richmond, Manager

MOTION

Mr. Kiser made a motion, seconded by Mr. Elwood and unanimously carried, that the Board table this application until such time Mr. Richmond has provided the Board with additional information regarding the felony listed on his criminal history report to clarify that this matter did not pertain to the funeral industry.

Public Comments

There were no public comments made during the February 5, 2008 meeting.

Adjournment

MOTION

There being no further business to be discussed at this time, Mr. Crawford made a motion, seconded by Mrs. Vessels and unanimously carried, that the meeting be adjourned.

The February 5, 2008 meeting of the SC Board of Funeral Service adjourned at 11:49 a.m.