

MINUTES
South Carolina Board of Funeral Service
Board Meeting
9:00 a.m., April 17, 2008
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 201-03
Columbia, South Carolina

Meeting Called to Order

William Horton, president, of Kingstree, called the meeting to order at 9:06 a.m. Other members present for the meeting included: James McAlister, secretary, of Charleston; 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; LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Wendi Elrod, Administrative Specialist; Paula Magargle, Attorney; Jeanie Rose, Administrative Specialist; Sheridan Spoon, Deputy General Counsel.

Members of the public attending the meeting included: Bill Baumgartner, Eric A. Caughorn, Patrick Conway, Kelvin Cooper, Paula Petty Dotson, Wayne Gantt, Dale Gresham, Clyde Goodman, Jamico Graham, Billy R. Haire, Tim Hayes, Thomas Isley, Buster Lawson, Rodney Lawson, David Martin, Sandra Martin, Glenn Miller, Danny Parris, Preston Peterson, John Petty, IV, Reginald Richmond, Derrick Robinson, Ogden Sutton, Mike Squires, Steve Whitesell, and Archie Willis, III.

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. Kiser 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

MOTION

Mr. Crawford made a motion, seconded by Mr. Nelson and unanimously carried, that the Board grant Gloria Vessels, vice president, of Anderson, and Todd Caughman, of Lexington, excused absences.

Approval of Minutes for the February 5, 2008 Meeting

MOTION

Mr. Nelson moved the Board approve the minutes from the February 5, 2008 meeting. Mr. McAlister and Mr. Crawford seconded the motion, which carried unanimously.

President's Remarks – Billy Horton

Mr. Horton welcomed everyone to the meeting. He thanked staff for their diligence in preparing the items for the agenda.

Mr. Horton stated the Board's and staff's thoughts and prayers are with Mr. Tipton as he suffered a great loss two months ago.

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 given during this meeting.

Mrs. Cubitt stated staff has the capability of sending the agenda information on a compact disc (CD). She stated any member who wishes to receive the meeting agenda and documentation on a CD should contact staff for assistance.

Mrs. Cubitt stated the renewal forms would be mailed on Monday, April 21, 2008 and would include information regarding continuing education. She reminded the members that although the licenses are renewed every two years, licensees are required to obtain three hours of continuing education each year.

Mrs. Cubitt stated a committee chairman should inform staff when a committee would be meeting. She further stated an agenda must be posted for committee meetings as well as for Board meetings.

Mrs. Cubitt stated she attended the International Conference meeting February 28-29, 2008, which she found very informative and beneficial.

Disciplinary Reports

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

- a. Approval of Consent Agreement

- i. 2004-23

Paula Magargle, of the Office of General Counsel, presented the members with a consent agreement in reference to 2004-23.

MOTION

Mr. Elwood made a motion, seconded by Mr. Crawford and unanimously carried, that the Board accept the consent agreement in case 2004-23.

2. Inspections Report – Ernest Adams

Mr. Adams stated he is still finding problems with casket ranges during his inspections.

3. Number of Open Complaints

There are currently 25 open complaints involving the funeral profession.

Committee Reports

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

This committee does not have a report at this time; however, it is the committee's intentions to move forward with the regulations.

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

This committee had no report.

4. Publications / Newsletter / Website – Glen Crawford, Tony Tipton, Sandra Dickert

This committee had no report.

*Mr. Genoble arrived at 9:21 a.m.

Unfinished Business

There was no unfinished business for discussion.

Mr. Kiser stated he believes it would be pertinent for the Board to have some type of notation from the Department of Consumer Affairs regarding pre-need when there is a transfer of ownership of a funeral home. He further stated it would behoove the Board to obtain a letter from the Department of Consumer Affairs stating the pre-need affairs of that funeral home are in order prior to the actual transfer of ownership.

Mr. Spoon stated a motion could be made to approve or deny any application or grant licensure with conditions. He further stated since this item was not on today's agenda the Board could not take official action but asked that the Board consider that thought as these applications come before the Board on an individual basis.

New Business

1. New Funeral Home Facility

- a. *Palmetto Funeral Home & Cremation Service, Derrick Stephen Robinson, Manager*
- b. *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 and in good standing. Mr. Robinson's criminal history report reflects 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 once this school year has ended.

This application was discussed by the Board discussed during the February 5, 2008 meeting at which time the Board voted to table the application until staff conducted an investigation into the application.

On February 20, 2008 Ms. Jeanie Rose received an e-mail from Jeff Faulkner, Business Manager for Mr. Jack Smith, owner of Palmetto Home and Cremation Service. The e-mail states that Mr. Faulkner had engaged the services of AT&T to develop a website for this facility and that Mr. Robinson was unaware of this practice. He attached to his e-mail an e-mail from Nichole Washington of AT&T informing him that the website for Palmetto Funeral Home and Cremation Service had been taken down and replaced with a 'coming soon page'.

Ms. Rose stated the facility had requested to name the crematory Palmetto Crematory; however, there is already a crematory with that name. She further stated the facility is aware that the name of the crematory would have to be changed.

Derrick Stephen Robinson and Jack Smith appeared before the Board.

Mr. Robinson presented the members with e-mails stating the web site has been removed.

Mrs. Cubitt informed the members that staff has reviewed the documents and that the web site has been removed.

MOTION

Mr. Crawford made a motion, seconded by Mr. Genoble and unanimously carried, that the Board grant licensure to the facility pending a favorable inspection and proof of residency.

Palmetto Crematory, Derrick Stephen Robinson, Manager

MOTION

Mr. Crawford moved the Board approve the application. Mr. Elwood seconded the motion, which carried unanimously.

c. Burroughs-Cooper-Kiser Funeral Home, Inc., Kelvin O. Cooper, Manager

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

Kip Kiser recused himself from participating in this matter as he is part owner of the business.

On April 4, 2008 the Board received a new facility application from Burroughs-Cooper-Kiser Funeral Home, Inc., d/b/a Rogers Funeral Home. The owners of this facility are William A. Burroughs, Alan G. Burroughs and R. Kip Kiser. Kelvin O. Cooper is the proposed manager. Mr. Cooper was initially issued a dual license on June 20, 1994, which is current and in good standing. He does not have a criminal background. Staff obtained mileage between Mr. Cooper's residence and the facility from Mapquest and Google. Mapquest shows a route from his residence to the facility and reflects the mileage as 25.7 miles. Google shows a different route and reflects the mileage as being 23.75 miles to the facility.

Kelvin O. Cooper and Kip Kiser appeared before the Board at this time and offered the following testimony.

Mr. Kiser stated the corporation is purchasing Rogers Funeral Home and would like for the name to be Burroughs-Cooper-Kiser Funeral Home, Inc. dba Rogers Funeral Home.

Mr. Kiser asked the Board if there are current discrepancies in the pre-need as they currently stand would the previous manager or the manager the Board named during this meeting be held responsible. Mr. Spoon stated when ownership of a facility changes the current licensees, including the person or persons reflected on the license as the manager(s), is the person or persons the department or the Board views as the current licensee(s) and are responsible for compliance with the funeral practice act as well as Title 32, which regulates the Department of Consumer Affairs. He noted this would be the ruling for all applications.

MOTION

Mr. Crawford moved to grant licensure pending favorable inspection, clarification of the application, and a letter from the Department of Consumer Affairs stating the pre-need accounts have been audited and are in order. Mr. Elwood seconded the motion, which carried unanimously.

d. Petty Cremation Service, Paula Petty Dotson, Manager

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

On February 11, 2008 the Board received a new facility application from Petty Cremation Service. John L. Petty, III is the owner of the facility and Paula Petty Dotson is the proposed manager. Ms. Dotson was initially issued a dual license on December 4, 1995 and the license is current and in good standing. She lives 1.5 miles from the facility and does not have a criminal history.

Paula Petty Dotson appeared before the Board at this time.

MOTION

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

e. Sutton Funeral Home, Ogden C. Sutton, Manager

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

On February 28, 2008 the Board received a new facility application from Sutton Funeral Home. William A. Baumgartner, Jr. is the facility owner and the proposed manager is Ogden C. Sutton. Mr. Sutton was initially issued a dual license on August 10, 1956. His license is current and is in good standing. He does not have a criminal background and lives next door to the funeral home. The facility is not incorporated.

Ogden C. Sutton and William A. Baumgartner, Jr. appeared before the Board at this time.

Mr. Kiser questioned Mr. Baumgartner regarding his embalmer number.

MOTION

Mr. Kiser moved the Board approve the application pending receipt of a letter from the Department Consumer Affairs stating the pre-need accounts have been audited and are in order. Mr. Elwood seconded the motion, which carried unanimously.

IRC Report

Mr. Kennedy stated the IRC met on April 11, 2008 and briefed the Board on the results of that meeting.

MOTION

Mr. Kiser moved the Board approve the IRCs recommendation in reference to the cases for dismissal, letter of caution and forward a case to the next IRC meeting. Mr. Crawford seconded the motion, which carried unanimously.

MOTION

Mr. Kiser made a motion, seconded by Mr. Genoble and unanimously carried, that the Board approve the IRCs recommendation for formal complaints.

f. Richmond Funeral Home, Reginald LeRoi 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 are Reginald L. and Simone L. Richmond. The proposed manager of the facility is Reginald L. Richmond. Mr. Richmond was initially issued a dual license on June

19, 1997 and hid license remains current and in good standing. He lives 15 miles from the facility. His criminal history report reflects a misdemeanor for which he served 18 months in prison. 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.

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 a fugitive warrant for his arrest had been issued 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 in regard to that matter.

This application was brought before the Board during the February 5, 2008 meeting at which time the Board voted to table the application until Mr. Richmond 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.

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

Mr. Richmond was with the wrong crowd in the 1990s and was arrested for dealing illegal drugs.

MOTION

Mr. Nelson moved the Board take this matter to executive session to seek legal advice. Mr. Elwood seconded the motion, which carried unanimously.

Mr. Horton asked that the Board hear all applications prior to going into executive session.

g. Rock Hill Funeral Home and Cremation Service, Clyde Reuben Goodman, 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 Rock Hill Funeral Home and Cremation Service. Randall F. Sanders and Wynona M. Sanders are the owners of this facility. Clyde Reuben Goodman is the proposed manager. Mr. Goodman was initially issued a funeral director's license on July 13, 1988, which is current and in good standing. Mr. Goodman does not have a criminal background and lives 13.6 miles from the facility.

The Board discussed this matter during the February 5, 2008 meeting at which time staff informed the Board they learned that the proposed manager who appeared before the Board during that meeting had been living in North Carolina and had not been living in South Carolina for a full year. At that time the Board asked the facility to locate another manager.

Randall Sanders and Clyde Goodman appeared before the Board at this time.

MOTION

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

h. Kornegay Funeral Home & Crematory, George Van Metre Kornegay, Jr., Manager

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

On March 31, 2008 the Board received a new facility application from Kornegay Funeral Home & Crematory. George Van Metre Kornegay, Jr., John D. Kornegay, Jr., and C. Grainger Kornegay, III are the facility owners. George Van Metre Kornegay, Jr. is the proposed manager. Mr. Kornegay was initially issued a funeral director's license on March 26, 2001. His license remains current and in good standing. He lives four miles from the funeral home and his criminal history report does not reflect a criminal history.

George Van Metre Kornegay, Jr. appeared before the Board at this time and offered testimony.

Mr. Kornegay stated the facility is a crematory at this time although a new funeral home will be built at a later time.

MOTION

Mr. Elwood moved the Board approve the application pending favorable inspection and proof of training on the retort. Mr. Nelson seconded the motion, which carried unanimously.

i. Graceland Mortuary, Sandra K. Martin, Manager

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

On March 31, 2008 the Board received a new facility application from Graceland Mortuary. StoneMore of South Carolina is the facility owner and Sandra K. Martin is the proposed manager. Ms. Martin was initially issued a dual license on August 18, 2003. Her license is current and in good standing. She lives 1.58 miles from the facility and does not have a criminal record. The facility is a pre-existing facility which is changing ownership.

Sandra K. Martin appeared before the Board at this time.

Discussion ensued on the prior owner history of this facility. It was brought out during the discussion that Alderwoods had previously sold the facility to Port Elsewhere and Port Elsewhere is now selling the facility to StoneMore of South Carolina.

Ms. Martin stated the facility's pre-need files have been inspected and passed by the Department of Consumer Affairs.

MOTION

Mr. Kiser moved the Board table this matter to seek legal advice in executive session regarding this matter. Mr. Elwood seconded the motion, which carried unanimously.

j. Graceland Mortuary at Spring Hill, Samuel Preston Peterson, Manager

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

On March 31, 2008 the Board received a new facility application from Graceland Mortuary. StoneMore South Carolina is the facility owner and the proposed manager is Samuel Preston Peterson. Mr. Peterson was initially issued a dual license on December 5, 1997. His license remains current and in good standing. He does not have a criminal history and he lives 23.37 miles from the facility.

Samuel Preston Peterson appeared before the Board at this time.

MOTION

Mr. Kiser moved the Board table this matter to executive session to seek legal advice. Mr. Tipton seconded the motion, which carried unanimously.

k. Fort Mill Funeral Home, Billy Ray Haire, Manager

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

On April 2, 2008 the Board received a new facility application from Fort Mill Funeral Home. Steven A. Whitesell is the facility owner and the proposed manager is Billy Ray Haire. Mr. Haire was initially issued a dual license on December 4, 1996. His license is current and in good standing. His criminal history report reflects he has not been arrested. He lives 2.7 miles from the facility.

Billy Ray Haire and Steven A. Whitesell appeared before the Board at this time.

MOTION

Mr. Tipton made a motion, seconded by Mr. Genoble and unanimously carried, that the Board approve the facility pending inspection.

l. T. G. Lanford Funeral Home Cedar Hill Chapel, Rodney D. Lawson, Manager

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

On March 28, 2008 the Board received new facility applications from T. G. Lanford Funeral Home and T. G. Lanford Funeral Home Cedar Hill Chapel. T. G. Lanford Funeral Home Cedar Hill Chapel is the parent facility. Terry Glenn Lanford is the owner of this facility and Rodney D. Lawson is the proposed manager. Mr. Lawson was initially issued a dual license on January 2, 2007 and his license is current. He does not have a criminal background and lives 5.4 miles from the facility.

Rodney Lawson appeared before the Board at this time.

MOTION

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

m. T. G. Lanford Funeral Home, Rodney D. Lawson, Manager

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

Terry Glenn Lanford is the owner for both facility locations. Rodney D. Lawson is the proposed manager for this facility. Mr. Lawson was initially issued a dual license on January 2, 2007 and his license is current and in good standing. He does not have a criminal background and lives 7.4 miles from this facility.

Rodney D. Lawson appeared before the Board at this time.

Mrs. Cubitt stated the original building burned, the owner moved the facility to another location and has now built a new facility to which the facility is moving. She further stated staff classified this application as a new facility since a new building was built. She noted the building in which the facility has been located during construction will be closed.

MOTION

Mr. Elwood made a motion, seconded by Mr. Nelson and unanimously carried, that the Board approve the application pending inspection

n. Wright – Pollard Funeral Home, LLC, John Rocky Pollard, Manager

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

On April 2, 2008 the Board received a new facility application from Pollard Funeral Home, LLC. John Rocky C. Pollard is the facility owner and proposed manager. Mr. Pollard was initially issued a funeral director's license on August 28, 1984. His license is current and in good standing. Mr. Pollard will be living at the facility until he is able to move his family to the area. He does not have a criminal history. The application is for a change of ownership.

John Rocky C. Pollard appeared before the Board and offered the following testimony.

Mr. Pollard is in the process of moving into the apartment in the facility. He is aware the permit cannot be issued until such time that he has moved into the apartment. He is retiring from the fire service effective May 8, 2008.

MOTION

Mr. Kiser moved the Board approve the application pending inspection, receipt of documentation that proof of residency has been established, and a letter from the Department of Consumer Affairs stating the facility has been audited and approved to sell pre-need policies. Mr. Elwood seconded the motion, which carried unanimously.

2. New Retail Sales Outlets Facility

a. Caskets & Stones, Eric Alan Caughorn, Manager

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

On March 10, 2008 the Board received a new retail sales outlet facility application from Caskets & Stones. Eric Caughorn is the facility owner and proposed manager. The facility was issued a Cease and Desist Order on March 13, 2008 for operating a facility with a license.

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

Eric Alan Caughorn appeared before the Board and offered the following testimony.

Mr. Caughorn was unaware that he could not open the outlet until after he appeared before the Board for approval.

MOTION

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

b. Graceland Funeral Merchandise Outlet, Samuel Preston Peterson, Manager

c. Spring Hill Funeral Merchandise Outlet, Samuel Preston Peterson, Manager

d. Good Shepherd Funeral Merchandise Outlet, Samuel Preston Peterson, Manager

e. Forest Lawn Funeral Merchandise Outlet, Samuel Preston Peterson, Manager

f. Whispering Pines Funeral Merchandise Outlet, Samuel Preston Peterson, Manager

These proceedings were recorded by a court reporter in order to produce verbatim transcripts if requested in accordance with the law.

Samuel Preston Peterson will be the manager of these merchandise outlets as well as Graceland Mortuary at Springhill. Forest Lawn Funeral Merchandise Outlet is a new sales outlet; however, the other facilities are change of ownership from Port Elsewhere to Stonemore of South Carolina.

MOTION

Mr. Nelson made a motion, seconded by Mr. Crawford and unanimously carried, that the Board table these items to executive session to seek legal advice.

MOTION

Mr. Kiser moved the Board adjust the agenda to move the discussion items before the apprentice applications. Mr. Crawford seconded the motion, which carried unanimously.

Discussion Items

1. Discussion on Substantially Equivalent Education

Mrs. Cubitt stated the statute regarding licensure by endorsement states an individual who holds a valid license in another state or territory with substantially similar requirements may apply for licensure in South Carolina. Staff informs the applicant that he or she may take the state law exam if the exam from the initial state of licensure is accepted. She has spoken with Piedmont Technical College and Paul Harris, the executive director of the North Carolina Board of Funeral Service, in regard to education. She went on to say that in North Carolina the accrediting agency only allows accreditation for the full program for dual licensure. North Carolina has a one year funeral director certificate program for individuals who do not wish to hold a dual license. After completion of the one year program these individuals are allowed to take the state exam. Mrs. Cubitt was concerned about which exam is equivalent and was informed North Carolina's state exam is administered through the conference as South Carolina's state exam. Mrs. Cubitt is asking the Board for clarification on what education is equivalent to South Carolina's education requirements. The funeral service certificate program through Piedmont Technical is not accredited; however some of the classes taken in the certificate course are accredited courses since they are also part of the associate degree program. The certificate program is a 32 hour program. An individual with the 32 hour certificate program cannot take the state exam; however, an individual with the certificate program and an additional 30 hours from an accredited program can take the state exam.

Mr. Mikell stated he believes once Piedmont Technical College develops an appropriate program that satisfies the hours and the courses for the Board then the members could say that the educational requirement is equivalent and the Board would then have something else to which a comparison could be made. He further stated if an individual applies from another state the Board could compare the courses and hours to Piedmont Tech and Fayetteville Tech to see if their training is equivalent.

Mrs. Cubitt asked the Board to form a committee to determine substantially equivalent requirements.

Mrs. Cubitt asked that the committee also consider substantial experience. She stated South Carolina statute requires 50 cases in 24 months while other states require 25 cases in 12 months.

MOTION

Mr. Kiser moved that the committee be comprised of Gloria Vessels, Todd Caughman, Glen Crawford, Kip Kiser, David Martin and Dedrick Gantt from Piedmont Tech, Skip Mikell, Ernest Adams, a representative from each association if they wish to participate, and Doris Cubitt. Mr. McAlister seconded the motion, which carried unanimously.

Mr. Kiser asked that Mr. Mikell chair the committee.

The Board asked that the committee bring a recommendation to the Board during the June 3, 2008 meeting.

2. Discussion on Apprenticeship Guidelines

Mrs. Cubitt asked that the committee consider if the Board would keep the 50 case, two year apprenticeship requirement and allow the individual to renew one year at a time and if the four years of apprenticeship is continuous or consecutive.

Mrs. Cubitt stated item nine in the guidelines states an individual who has completed the apprenticeship and has met all requirements but has not passed the exam cannot practice in that capacity.

Mrs. Cubitt stated item eight in the guidelines states that because of constant changes in the industry an individual who begins an apprenticeship and did not complete it within five years must complete another apprenticeship prior to being eligible for licensure. She asked the Board if an individual completes an apprenticeship within five years but does not become licensed could take the exam five or ten years later.

Ms. Rose stated she has previously informed individuals that the apprenticeships completed years ago would still be valid.

3. Discussion on Reciprocity/Endorsement

Mrs. Cubitt stated there is a little conflict between Statute 40-10-235 and Regulation 57-08 in regard to experience. She further stated the statute states if the applicant is substantially equivalent, the applicant does not have to be licensed for five years, but is required to be licensed for five years if substantial equivalency has not been met. However, the regulation states a license may be issued if an applicant submits proof of active licensure for at least five years and shows evidence of a passing score of 75 on a Board approved examination. She noted the regulation does not mention substantial equivalency.

Mr. Mikell stated reciprocity and endorsement are two separate issues. He further stated reciprocity says there is a standard and the applicant meets that standard and the Board reciprocates between states. He said endorsement means the Board is satisfied with the education and experience the applicant has and will grant licensure.

4. Discussion on Legal Incorporation Documents

Mrs. Cubitt stated the Board had stated a facility which initially submits incorporation documents could then submit an incorporation resolution each time there is a manager change to state the new manager can make decisions on behalf of the facility. She further stated she checked with the Secretary of State and was informed the facility is not required to file the corporate resolution with that office, but can do so if the corporation so wishes. She asked the Board if it wants the corporation to actually file the corporate resolution with the Secretary of State or if the Board is okay with the corporation giving staff the corporate resolution.

Mr. Kiser stated he does not feel the corporation has to file the corporate resolution with the Secretary of State because if it is part of their board minutes it automatically becomes an issue of the Secretary of State. He went on to say the Secretary of State has right to examine those Board minutes.

5. Discussion on Felonies and Active Apprentices with Prior Felonies

Mrs. Cubitt stated staff wanted to bring this topic to the Board for their discussion. She further stated the Board may want to seek legal advice on this matter.

Executive Session

MOTION

Mr. McAlister made a motion, seconded by Mr. Elwood and unanimously carried, that the Board enter executive session to seek legal advice.

Return to Public Session

MOTION

Mr. Elwood moved the Board return to public session. Mr. McAlister seconded the motion, which carried unanimously.

Mr. Horton noted for the record that no official action was taken during executive session.

Richmond Funeral Home

MOTION

Mr. Tipton moved the Board approve the application for Mr. Richmond under the agreement that he agree to the possibility of random drug tests for a period of five years; refusal to take the test or a drug test that has a positive result would result in suspension of his license until such time as he appears before Board to resolve the matter. Mr. Crawford seconded the motion, which carried unanimously.

Graceland Mortuary

MOTION

Mr. Kiser made a motion the Board approve the application pending receipt of a letter from the Department of Consumer Affairs stating the facility has been audited and approved to sell pre-need policies. Mr. Nelson seconded the motion. Mr. Kiser asked Ms. Martin if she has read the statutes as they pertain to funeral service and pre-need law in South Carolina and asked if she is aware of those laws. Ms. Martin replied affirmatively. Mr. Kiser asked Ms. Martin if she is aware that as manager she is responsible for and carries the liability for any actions of that firm. Ms. Martin replied affirmatively. The motion carried unanimously.

Graceland Mortuary at Spring Hill

MOTION

Mr. Kiser moved the Board approve the application pending receipt of a letter from the Department of Consumer Affairs stating the facility has been audited and approved to sell pre-need policies. Mr. Elwood seconded the motion. Mr. Kiser asked Mr. Peterson if he has read the statutes as they pertain to funeral service and pre-need law in South Carolina and asked if he is aware of those laws. Mr. Peterson replied affirmatively. Mr. Kiser asked Mr. Peterson if he is aware that as manager he is responsible for and carries the liability for any actions of that firm. Mr. Peterson replied affirmatively. The motion carried unanimously.

Graceland Funeral Merchandise Outlet, Samuel Preston Peterson, Manager
Spring Hill Funeral Merchandise Outlet, Samuel Preston Peterson, Manager
Good Shepherd Funeral Merchandise Outlet, Samuel Preston Peterson, Manager
Forest Lawn Funeral Merchandise Outlet, Samuel Preston Peterson, Manager
Whispering Pines Funeral Merchandise Outlet, Samuel Preston Peterson, Manager

MOTION

Mr. Genoble moved the Board approve these applications pending inspection of the facilities. Mr. Tipton seconded the motion. Mr. Genoble asked Mr. Peterson if he was aware that there is a public consent agreement in regard to Forest Lawn Funeral Merchandise Outlet. Mr. Peterson replied negatively. Mr. Genoble asked Mr. Peterson if he is aware that as manager he now carries the liability of that consent agreement. Mr. Peterson asked the Board to explain the consent agreement. Mr. Genoble noted that the consent agreement was dated awhile back and a copy of the agreement was provided to Mr. Peterson. Mr. Peterson asked the Board if the

retail sales outlets would affect his funeral director's license. The Board replied affirmatively. The motion carried unanimously.

Caskets and Stones

Eric Caughorn and Dale Gresham appeared before the Board at this time.

MOTION

Mr. McAlister made a motion that the Board accept the application for Caskets and Stones pending payment of a \$1,500.00 civil penalty for operating a casket store without a license in hand prior to opening. Mr. Caughorn stated the company was unaware they had to appear before the Board prior to opening and that they would not have leased the building they are currently in had they known they had to appear before the Board. Mr. Horton noted the civil penalty was for operating without a license. Mr. Tipton seconded the motion. Mr. Horton read Section 40-17-265 which states, "C) A permit for a retail sales outlet may be issued if the applicant: (1) submits an application on a form approved by the board; (2) submits to and successfully passes an inspection approved by the board; (3) submits the applicable nonrefundable fee; (4) is in full compliance with Section 40-19-290." Mr. Gresham stated he had contacted Mrs. Cubitt's office, however, he did not write down the name of the staff member to whom he spoke. He went on to say he also contacted Mr. Ernest Adams to see what the inspection would entail and then he had a long conversation with Mrs. Cubitt. He stated there was no intention of wrong doing on their part and it was their assumption that the business could open pending inspection. The motion carried unanimously.

3. Apprenticeship Applications

a. *Thomas Murray Isley*

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

On December 19, 2007 the Board received an apprentice funeral director application from Thomas Murray Isley. Mr. Isley took the one year funeral director course at Fayetteville Technical College and became licensed as a funeral director in North Carolina in July 2007. Staff informed Mr. Isley he could not apply for reciprocity as he did not complete an accredited course. He does not have a criminal history.

Staff is seeking the Board's guidance in this matter to determine substantially similar education requirements.

Thomas Murray Isley appeared before the Board and offered the following testimony.

Mr. Isley attended Elon University to major in music although he did not graduate. He took the 39 hour funeral director certificate program at Fayetteville Technical College. The college credit hours he has earned between Elon University and Fayetteville Technical College are equivalent to an Associate's Degree although he does not hold an associate's degree. He conducted more than 75 funerals during the time he has been licensed in North Carolina. He is not seeking to be manager of the funeral home.

Archie Willis, Mr. Isley's supervisor, appeared before the Board at this time. Mr. Willis stated Mr. Isley is more than qualified to do the job he was hired to do.

MOTION

Mr. Kiser moved the Board take this matter to executive session for legal advice. Mr. Elwood seconded the motion, which carried unanimously.

b. *John Lawson Petty, IV*

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

On February 15, 2008 the Board received a funeral director examination application from John Lawson Petty, IV. Mr. Petty completed his apprenticeship in 1998. He was informed by staff that his apprenticeship would remain valid since he had completed the program. However, during the October 2007 meeting the Board voted that an individual must apply for licensure within five years after completing the apprenticeship program and individuals who completed the apprenticeship program more than five years must complete a current apprenticeship program to become eligible for licensure. His criminal history report reflects misdemeanor DUI and open container charges from September 2005.

John Lawson Petty, IV appeared before the Board and offered the following testimony.

Mr. Petty has been with the family owned business for 15 years. His father, who is still living, was his preceptor.

MOTION

Mr. Kiser made a motion, seconded by Mr. Crawford and unanimously carried, that the Board grant Mr. Petty licensure pending fulfillment of all requirements for licensure.

c. Patrick James Conway

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

On February 25, 2008 the Board received an apprentice funeral director application from Patrick James Conway. Mr. Conway's criminal history report reflects multiple fraudulent check charges in 1988 and 1989. Mr. Conway participated in an apprenticeship between 1992 and March 1999; however, he only completed 20 ½ months of the apprenticeship.

Mr. Horton recused himself from participating in this matter as he is a friend of Mr. Conway and turned this hearing over to Mr. McAlister.

Patrick James Conway appeared before the Board and offered the following testimony.

Mr. Conway went through a rough time with his ex-wife during the time of the fraudulent check charges, which involved 19 checks during the year 1989. The charges on his criminal history also include non-payment of child support that he did not pay for a couple of months from 1990.

MOTION

Mr. Kiser moved the Board approve Mr. Conway to serve a consecutive two year apprenticeship. Mr. Elwood seconded the motion, which carried unanimously.

Mr. Genoble left the meeting at this time.

d. Jamico Graham

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

On February 14, 2008 the Board received an apprentice funeral director/embalmer application from Jamico Graham. Mr. Graham completed Gupton-Jones College of Funeral Service in 2002. He was first licensed as an apprentice between December 10, 2002 and December 10, 2004 and again between January 31, 2007 and January 31, 2008. His preceptor became ill and ultimately died and Mr. Graham was unable to complete the required cases. He is now seeking

a third extension to his apprentice license. Mr. Graham's criminal history report reflects an arrest and conviction of possession of less than one gram of ice/crack cocaine. He was sentenced to two years in jail, fined \$2,500, suspended to a \$300 fine and two years of probation in October 2000. In November 1999 he was charged and convicted of possession of drug paraphernalia; however the report reflects that the sentence in this conviction is unknown.

Jamico Graham appeared before the Board.

Mr. Graham admitted he made a mistake when he was young has now changed his life around. He received a mortuary degree from Gupton-Jones and, in November 2007, received a certificate as a nursing assistant .

MOTION

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

e. Derrick Lewis Hall

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

On April 2, 2008 the Board received a letter from Derrick L. Hall stating that he served his dual apprenticeship at Palmer Memorial Chapel between October 1993 and September 1995. The letter also states that his preceptor was E. Perry Palmer. He is petitioning the Board to reinstate his apprenticeship and allow him to take the exam to become licensed as a funeral director and embalmer. Staff was unable to locate his quarterly reports. He does not have a criminal history. Anthony A. Dicks, Sr. provided a letter stating he was Mr. Hall's preceptor during his apprenticeship.

Derrick Lewis Hall appeared before the Board.

He has been employed with A.A. Dicks Funeral Home since 2004 and graduated from Gupton-Jones in 1991. He took the national exam; however, he did not pass. He kept all copies of his quarterly apprentice reports and presented those reports to staff.

MOTION

Mr. Nelson moved the Board allow Mr. Hall the right to sit for the exam. Mr. Crawford seconded the motion, which carried unanimously.

Executive Session

MOTION

Mr. Kiser made a motion, seconded by Mr. Elwood and unanimously carried, that the Board enter executive session to seek legal advice.

Return to Public Session

MOTION

Mr. Kiser moved the Board return to public session. Mr. Elwood seconded the motion, which carried unanimously.

Mr. Horton noted for the record that no official action was taken during executive session.

Thomas Murray Isley

MOTION

Mr. Elwood made a motion, seconded by Mr. Kiser and unanimously carried, that the Board approve Mr. Isley for licensure pending passage of the state law exam and submittal of all documents for licensure.

Jamico Graham

MOTION

Mr. Tipton made a motion, seconded by Mr. Nelson and unanimously carried, that the Board approve Mr. Graham's application for dual apprenticeship with the stipulation that Mr. Graham agree to random unannounced drug screenings for five years, refusal to have the drug screening or positive screenings will result in temporary suspension of his license until such time a hearing is held before the Board. Mr. Tipton amended the motion to state that the five years would include his dual license once the apprenticeship has been completed. Mr. Crawford seconded the amendment. The amendment and the motion carried unanimously.

Public Comments

There were no public comments made during this meeting.

Adjournment

MOTION

There being no further business for discussion at this time, Mr. Kiser moved the meeting be adjourned. Mr. Crawford seconded the motion, which carried unanimously.

The April 17, 2008 meeting of the SC Board of Funeral Service adjourned at 4:00 p.m.

AGENDA
South Carolina Board of Funeral Service
Board Meeting
9:00 a.m., April 17, 2008
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 201-03
Columbia, South Carolina

Meeting Called to Order - 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

Introduction of Board Members and Persons Attending the Meeting

Approval of Excused Absences

Approval of Minutes for the February 5, 2008 Meeting

President's Remarks – Billy Horton

Administrator's Remarks – Doris Cubitt

Advisory Opinions, If Needed, Office of General Counsel
Legislative Updates, If Needed, Legislative Liaison Office

Disciplinary Reports

4. Investigative Review Committee (IRC) Report/Consent Orders – Tony Kennedy and Ernest Adams
 - a. Approval of Consent Agreement
 - i. 2004-23
5. Inspections Report – Ernest Adams
6. Number of Open Complaints

Committee Reports

5. Legislative Committee – Kip Kiser, Tom Genoble, Sheridan Spoon
6. Examination/CEU/Education – Gloria Vessels, Todd Caughman, Glen Crawford, Ernest Adams
7. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed – James McAlister, Billy Horton, Tom Genoble, Doris Cubitt
8. Publications / Newsletter / Website – Glen Crawford, Tony Tipton, Sandra Dickert

Unfinished Business

New Business

4. New Funeral Home Facility
 - a. Palmetto Funeral Home & Cremation Service, Derrick Stephen Robinson, Manager
 - b. Palmetto Crematory, Derrick Stephen Robinson, Manager
 - c. Burroughs-Cooper-Kiser Funeral Home, Inc., Kelvin O Cooper, Manager
 - d. Petty Cremation Service, Paula Petty Dotson, Manager

AGENDA
South Carolina Board of Funeral Service
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Columbia, South Carolina
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- e. Sutton Funeral Home, Ogden C. Sutton, Manager
- f. Richmond Funeral Home, Reginald LeRoi Richmond, Manager
- g. Rock Hill Funeral Home and Cremation Service, Clyde Reuben Goodman, Manager
- h. Kornegay Funeral Home & Crematory, George Van Metre Kornegay, Jr., Manager
- i. Graceland Mortuary, Sandra K. Martin, Manager
- j. Graceland Mortuary at Spring Hill, Samuel Preston Peterson, Manager
- k. Fort Mill Funeral Home, Billy Ray Haire, Manager
- l. T. G. Lanford Funeral Home Cedar Hill Chapel, Rodney D. Lawson, Manager
- m. T. G. Lanford Funeral Home, Rodney D. Lawson, Manager
- n. Wright – Pollard Funeral Home, LLC, John Rocky Pollard, Manager

5. New Retail Sales Outlets Facility

- a. Caskets & Stones, Eric Alan Caughorn, Manager
- b. Graceland Funeral Merchandise Outlet, Samuel Preston Peterson, Manager
- c. Spring Hill Funeral Merchandise Outlet, Samuel Preston Peterson, Manager
- d. Good Shepherd Funeral Merchandise Outlet, Samuel Preston Peterson, Manager
- e. Forest Lawn Funeral Merchandise Outlet, Samuel Preston Peterson, Manager
- f. Whispering Pines Funeral Merchandise Outlet, Samuel Preston Peterson, Manager

6. Apprenticeship Applications

- a. Thomas Murray Isley
- b. John Lawson Petty, IV
- c. Patrick James Conway
- d. Jamico Graham
- e. Derrick Lewis Hall

Discussion Items

- 6. Discussion on Substantially Equivalent Education
- 7. Discussion on Apprenticeship Guidelines
- 8. Discussion on Reciprocity/Endorsement
- 9. Discussion on Legal Incorporation Documents
- 10. Discussion on Felonies and Active Apprentices with Prior Felonies

Public Comments

Executive Session

Return to Public Session

Adjournment

The next meeting of the SC Board of Funeral Service is scheduled for June 3, 2008.