

**South Carolina Board of Funeral Service
Board Meeting
10:00 a.m., October 23, 2008
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina**

Meeting Called to Order

William Horton, president, of Kingstree, called the meeting to order at 10:09 a.m. Other members present for the meeting included: Gloria Vessels, vice president, of Anderson; James McAlister, secretary, of Charleston; Glen Crawford, of Lancaster; Thomas Genoble, of Union; Eddie Nelson, of Blythewood; and Tony Tipton, of Greer.

Staff members participating in the meeting included: Ernest Adams, Inspector; Dorothy Buchanan, Administrative Assistant; Randy Bryant, Assistant Deputy Director; Doris Cubitt, Administrator; Sandra Dickert, Administrative Assistant; Tony Kennedy, Investigator, Office of Investigations and Enforcement; Jeanie Rose, Administrative Specialist; Angela Scott, Administrative Assistant; and Sheridan Spoon, Associate General Counsel, Office of General Counsel.

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. Genoble 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. McAlister made a motion the Board approve excused absences for Todd Caughman, of Lexington, Homer Elwood, of Laurens, and Carl Pennington, of Hartsville. Mr. Genoble seconded the motion, which carried unanimously.

Approval of Minutes for the August 28, 2008 Meeting

MOTION

Mr. Crawford made a motion the Board approve the minutes of the August 28, 2008 meeting. Mr. Genoble seconded the motion, which carried unanimously.

Approval of Agenda

MOTION

Mr. McAlister made a motion the Board approve the agenda as presented. Mr. Crawford seconded the motion, which carried unanimously.

President's Remarks – Billy Horton

Mr. Horton stated Mr. Kiser has won the democratic primary as coroner for Chesterfield County; however, he still faces the general election in November, although he has no opposition. He further stated Mr. Kiser has submitted his resignation from the Board and has asked the SC Funeral Directors Association to submit a nomination as his replacement. He continued by saying it was his understanding the SC Funeral Directors Association has submitted Mr. Carl Pennington's name as a replacement for Mr. Kiser. He went on to say he understands Mr. Kiser has received a letter from Governor Sanford thanking him for his service to the Board.

Mrs. Cubitt stated staff had invited Mr. Pennington and Mr. Temples, who will be replacing Mr. Caughman, to the meeting; however, both individuals had other obligations.

Mr. Horton stated he has been reappointed for another three year term. He went on to say election of officers would be held during this meeting and he would be stepping down as president. He thanked the Board and staff for their work in allowing the meetings to run smoothly. He appreciates staff for their assistance to him during his tenure as president.

Administrator's Remarks – Doris Cubitt

Advisory Opinions, If Needed, Office of General Counsel

Legislative Updates, If Needed, Legislative Liaison Office

Mr. Bryant stated the agency will soon be conducting audio-visual recordings of the Board meetings and placing them on the Internet. He noted this would allow individuals who are unable to attend the meeting to watch the meeting from their location throughout the state. He noted today's meeting is a test meeting.

Mr. Bryant stated the agency has undergone restructuring and has now established an Office of Licensure and Compliance. He noted this office will handle initial licensure as well as renewal licensure. He further stated disciplinary matters associated with licensure will be handled by the Board.

Mr. Bryant stated he has taken on responsibility for additional board during the agency restructuring. He further stated the agency has also purchased a new phone system, which should be installed within the next 45 days.

Mrs. Cubitt stated she believes staff has kept matters under control during the agency's restructuring and believes it will get better soon.

Mrs. Cubitt attended a meeting the National Cemetery Regulators held in Cleveland, Ohio in September. She stated several of the individuals involved with that meeting are also involved with the funeral homes and crematories. She further stated it was a very informative meeting and she came back with a lot of information.

Unfinished Business

1. Approval of New Facility

a. Affordable Funerals & Cremations, Donna M. Harper, Manager

On August 13, 2008 the Board received a new facility application from Affordable Funerals and Cremations. The application states James M. Dunbar, of Dunbar Funeral Homes, is the owner and Ms. Harper is the proposed manager. Donna Harper was issued a dual license on November 21, 1989 which remains current and in good standing. She does have a criminal record; however, there are no new violations since she opened her facility on July 8, 2003. She

states she lives approximately 23.8 miles from the facility. The facility would be housed in Dunbar Funeral Home and would open in 2010.

Donna Harper appeared before the Board during the August 28, 2008 meeting during which time the Board voted to table the decision on this matter, to have an investigation conducted on this matter and requested Ms. Harper and Mr. Dunbar appear before the Board during this meeting.

This proceeding was recorded by a court reporter for a verbatim transcript should one be necessary.

James M. Dunbar appeared before the Board at this time.

Mr. Dunbar stated Ms. Harper was unable to appear at this meeting due to illness.

Mr. Tipton noted the Board discussed this matter during the last meeting and had made a motion that Ms. Harper appear at this meeting with Mr. Dunbar.

MOTION

Mr. Nelson made a motion the Board table this matter until such time Ms. Harper and Mr. Dunbar can appear before the Board. Mr. Tipton seconded the motion, which carried unanimously.

New Business

2. Approval of New Facilities

b. E. D. Stephens Mortuary, Darryl L. Jamison, Manager

On October 14, 2008 the Board received a new facility application from E. D. Stephens Mortuary. The application states Ephriam D. Stephens is the owner of the facility and that Darryl L. Jamison is the proposed manager. Mr. Jamison was issued a dual license on October 24, 2002 and the license is current and in good standing. Mr. Jamison does not have a criminal record. He lives eight miles from the facility. Mr. Jamison has moved his residence and has provided the Board with an updated driver's license.

This proceeding was recorded by a court reporter for a verbatim transcript should one be necessary.

Darryl Jamison appeared before the Board and was sworn to give correct testimony.

Mr. Jamison's legal residence is located in Orangeburg which is approximately 54 miles from the facility. He currently spends approximately two days in Walterboro, which is where the funeral home is located. The projected date of the funeral home opening is January 2009. He does not plan to move his family to Walterboro while he has a child in school. His plans are to spend Monday through Thursday in Walterboro and to be in Orangeburg Friday through Sunday.

MOTION

Mr. Crawford made a motion the Board discuss this matter in executive session to seek legal advice. Mr. McAlister seconded the motion, which carried unanimously.

c. Jones Funeral Home, Charles E. Jones, Manager

On October 8, 2008 the Board received a new facility/change of ownership application from Jones Funeral Home. The application states Fred W. Shumpert is the facility owner and Charles E. Jones is the proposed manager. Mr. Jones was issued a funeral director's license on June 30, 1998, which remains current and in good standing. Mr. Jones lives seven miles from the facility and does not have a criminal record.

This proceeding was recorded by a court reporter for a verbatim transcript should one be necessary.

Charles Jones appeared before the Board and was sworn to give correct testimony.

MOTION

Mr. Nelson made a motion the Board approve the application pending inspection and audit of the pre-need accounts by the SC Department of Consumer Affairs. Mrs. Vessels seconded the motion, which carried unanimously.

d. Charleston Cremation Service, Geoffrey M. Atkins, Manager

On September 29, 2008 the Board received a new facility application from Charleston Cremation Service. The application states Stephen L. Velker is the facility owner and Geoffrey M. Atkins is the proposed manager. Mr. Atkins was issued a dual license on October 15, 1986. His license expired on June 30, 2001. He does not have a criminal record and lives five miles from the facility. He appeared before the Board during the August 28, 2008 meeting at which time the Board voted that he must take the exams prior to reinstatement of his license. Mr. Atkins wants to take the funeral director's exam at this time and is asking the Board if he can become manager of this facility upon passage of the exam or if he has to wait one year prior to becoming manager of record.

This proceeding was recorded by a court reporter for a verbatim transcript should one be necessary.

Geoffrey M. Atkins appeared before the Board and was sworn to give correct testimony.

Mr. Tipton stated Mr. Atkins appeared before the Board during the last meeting on a different matter during which time he recused himself from participating and voting in this matter. He further stated this is a different matter and feels he can give an objective vote. He has not had any contact with Mr. Atkins in the past few years.

Mr. Tipton asked Mr. Spoon if he should recuse himself. Following a brief discussion, it was determined Mr. Tipton could participate and vote in this matter.

Mr. Atkins is scheduled to take the state law exam on October 24, 2008 and the funeral exam on October 27, 2008. The facility will be a wholesale facility, not a retail facility.

MOTION

Mrs. Vessels made a motion the Board discuss this matter in executive session to seek legal advice. Mr. McAlister seconded the motion, which carried unanimously.

e. McAlister-Smith Crematory, Bruce A. Sampson, Manager

On September 25, 2008 the Board received a new facility application from McAlister-Smith Crematory. The application states Archie D. Willis, III and Mark M. Smith are the facility owners and Bruce A. Sampson is the proposed manager. Mr. Sampson was issued a dual license on

June 30, 1996. Mr. Sampson's license remains current and in good standing. Mr. Sampson does not have a criminal record and lives eight miles from the facility.

This proceeding was recorded by a court reporter for a verbatim transcript should one be necessary.

Mr. McAlister recused himself from participating and voting in this matter due to the familiarity in the name and because this applicant was a former employer.

Bruce A. Sampson appeared before the Board and was sworn to give correct testimony.

Discussion on this matter ensued and included, but was not limited to, the fact that Board approval would create two facilities with the same name in the Charleston area and that the Board requires a copy of the certification that an employee was properly trained on the crematory equipment prior to the issuance of a license.

MOTION

Mr. Tipton made a motion the Board approve the application. Mr. Nelson seconded the motion, which carried unanimously.

Mr. McAlister resumed participation in the meeting at this time.

f. Carolina Mortuary, Sabrina W. Brown

On October 16, 2008 the Board received a change of facility manager application from Carolina Mortuary. The application states the facility owner is Kirk G. Lewis and the proposed manager is Sabrina W. Brown. The manager of the facility was the only licensed individual at the facility; however, the manager left the facility prior to July 15, 2008. The facility has not had a licensed manager since July 15, 2008. In September 2008 Mr. Lewis was issued a Cease and Desist Order as well as a Consent Agreement for conducting business without a licensed funeral director in place. Mr. Lewis does not believe it is fair for Ms. Brown to sign the Consent Agreement and to be placed on probation. Ms. Brown was issued a funeral director's license on October 16, 1998, which remains current and in good standing. She does not have a criminal record and lives 25 miles from the facility.

This proceeding was recorded by a court reporter for a verbatim transcript should one be necessary.

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

Kirk Lewis appeared before the Board at this time and was sworn to give correct testimony. He noted Ms. Brown was unable to attend the meeting due to illness.

Mrs. Cubit stated it is the Board's policy to require the manager's presence during an application hearing; however, she asked the Board to review the application prior to making a motion to table the matter to another meeting.

MOTION

Mr. Tipton made a motion the Board hear this matter. Mr. Nelson seconded the motion. Discussion ensued after which Mr. Tipton withdrew his motion.

Executive Session

MOTION

Mr. McAlister made a motion the Board enter executive session to discuss this matter. Mrs. Vessels seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. McAlister made a motion the Board return to public session. Mr. Genoble seconded the motion, which carried unanimously.

Mr. Horton noted for the record the Board took no official action during executive session.

E. D. Stephens Mortuary

MOTION

Mr. Genoble made a motion the Board approve the application pending receipt of documentation of his legal residence. Mrs. Vessels seconded the motion, which carried unanimously.

Charleston Cremation Service

MOTION

Mrs. Vessels made a motion the Board approve the application as manager based on the fact he has been licensed for at least 15 years and due to circumstances beyond his control due to a debilitating accident. Also, he must take and pass the required exams and complete the required continuing education. Mr. Nelson seconded the motion, which carried unanimously.

Carolina Mortuary

Mr. Genoble recused himself from voting in this matter.

MOTION

Mr. Crawford made a motion that before any further action can be taken Ms. Sabrina Brown must be present. Mr. McAlister seconded the motion. A brief discussion ensued. The motion carried unanimously.

3. Approval of Additional Facility

g. Allen Funeral Home, Vivian M. Galloway

On October 7, 2008 the Board received an additional facility location application from Allen Funeral Home. The application states William A. G. Allen is the facility owner and Vivian M. Galloway is the proposed manager. Ms. Galloway was issued a funeral director's license on October 16, 1998. She does not have a criminal record and lives at the funeral home.

This proceeding was recorded by a court reporter for a verbatim transcript should one be necessary.

Vivian Galloway appeared before the Board and was sworn to give correct testimony.

Ms. Galloway currently lives in Ridgeland, which is approximately 45 miles from the funeral home. She does have a residency in Walterboro, which is 113 Elliott Street. The funeral home is an existing building which will be renovated.

The Board informed Ms. Galloway she must first fall under the guidelines to become a licensed manager of a funeral home, which includes meeting the residency requirements of living within the 25 mile radius of the facility.

Mr. William A. G. Allen appeared before the Board at this time and was sworn to give correct testimony. Mr. Allen stated the closing on the purchase of the funeral home is scheduled for later this afternoon and that renovations to the facility should take approximately two months.

MOTION

Mr. McAlister made a motion the Board approve the application on the condition Ms. Galloway meet the residency requirement and that she must provide a valid driver's license or voter's registration card or other legally acceptable document reflecting the Walterboro address and pending inspection. Mr. Crawford seconded the motion, which carried unanimously.

4. Approval of Reinstatement
h. James F. Rhodes

On September 23, 2008 the Board received a dual reinstatement application from James F. Rhodes. Mr. Rhodes was issued a dual license on August 14, 1963, which lapsed on June 30, 2006. Mr. Rhodes does not have a criminal record. He has paid all reinstatement fees. He has provided proof that he has maintained his continuing education hours.

This proceeding was recorded by a court reporter for a verbatim transcript should one be necessary.

James F. Rhodes appeared before the Board and was sworn to give correct testimony.

Mr. Rhodes will be employed with Myrtle Beach Funeral Home; however, he will not be employed as a manager.

MOTION

Mr. Nelson made a motion the Board approve Mr. Rhodes reinstatement application. Mr. Tipton seconded the motion, which carried unanimously.

Discussion Items

5. Interpretation of Consent Agreement – John R. Smith

Mr. Bryant stated the Board had entered into an consent agreement with John R. Smith which ordered him to take a three-hour continuing education class pertaining to the state funeral law. However, there are no continuing education classes that deal solely with the state funeral law.

John R. Smith appeared before the Board at this time.

Mr. Smith stated his consent agreement suspended his license for one year and required him to obtain an additional six hours of continuing education, three of which must be in state funeral law. He has completed three of the additional hours; however, there are no continuing education classes which deal specifically with the funeral law.

MOTION

Mr. Genoble made a motion the Board discuss this matter in executive session. Mr. Nelson seconded the motion, which carried unanimously.

6. Crematories Attached to Funeral Homes – Randy Bryant

Mr. Bryant stated in order for staff to know where the crematories are located Mr. Adams and Mr. Raymond Lee would be distributing applications to all funeral homes with crematories and stand alone crematories.

7. Clarification on Consent Agreements in Regard to Working without License and Who Have/Have Not Responded to the Consent Agreement and Cease and Desist Orders
– Randy Bryant

Mr. Bryant stated there are approximately 500 funeral homes in the state, of which 470 renewed using the online renewal system. He further stated 30 funeral homes have not renewed their license and that cease and desist orders were issued to those 30 funeral homes. He noted those funeral homes were also mailed consent agreements reflecting a \$500 fine as well as a one year probation. He went on to say staff received several calls from the funeral homes stating the licensure renewal and payment of the \$500 fine. He stated he advised those funeral homes to renew licensure and to not pay the \$500 fine until after this meeting. He hesitated to say if the complaints were valid. He asked the Board to discuss the matter in executive session and give the staff guidance on the enforcement of the consent agreement.

MOTION

Mr. Genoble made a motion the Board discuss this matter in executive session. Mr. Crawford seconded the motion, which carried unanimously.

8. Board's position on funeral homes which have not opened within one year after Board approval

MOTION

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

9. Discussion on Continuing Education Courses from Consent Agreements

Mr. Bryant asked the Board to discuss directing licensees to obtain specific continuing education courses when entering into consent agreements. He suggested the Board consider requiring licensees take the state law exam or to obtain legal continuing education classes in other states. He also suggested the Board question staff when issuing a consent order if that particular matter would be something the licensee would be able to complete.

10. Discussion on Approval of Continuing Education Courses through the Academy

Ms. Rose stated the academy had requested earlier in the year that it be allowed to approve all of the continuing education courses. She further stated this action would take the responsibility of approving continuing education courses away from the Board. She noted the majority of the states are using this service.

Mr. Adams stated the academy would be maintaining each individual's continuing education course hours.

Mr. Spoon stated most of the courses would meet with the Board's approval, but suggested that the Board not delegate that authority to a private company.

Mr. Bryant asked that the Board allow staff to further research this matter.

11. Approval of 2009 Board Meeting Dates

MOTION

Mr. McAlister made a motion the Board change the December 18, 2008 meeting to December 5, 2008. Mr. Tipton seconded the motion, which carried unanimously.

The Board reviewed the following proposed meeting dates for 2009.

February 3, 2009	April 23, 2009	June 18, 2009
August 20, 2009	October 8, 2009	December 4, 2009

MOTION

Mr. McAlister made a motion the Board approve the proposed 2009 meeting dates. Mr. Crawford seconded the motion, which carried unanimously.

Disciplinary Reports

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

The Investigative Review Committee has not met since the last meeting.

13. Inspections Report – Ernest Adams

Mr. Adams has inspected 65 to 70 funeral homes and crematories since the August 2008 meeting and is still finding problems with the GPLs. He usually gives the facilities one week to come into compliance. He would be issuing a fine to those who do not come into compliance within the time given.

Mr. Horton asked the association representatives to take that information to their members.

14. Number of Open Complaints

There are currently 14 open cases.

Committee Reports

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

This committee had no report.

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

This committee had no report.

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

This committee had no report.

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

This committee had no report.

Public Comments

Mr. Squires stated the SC Funeral Directors Association welcomes the Board to meet in conjunction with the SC Funeral Directors Association's Mid Winter Conference on February 3, 2009.

Executive Session

MOTION

Mrs. Vessels made a motion the Board enter executive session. Mr. Nelson seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Crawford made a motion the Board return to public session. Mr. Genoble seconded the motion, which carried unanimously.

Mr. Horton noted for the record the Board took no official action during executive session.

Interpretation of Consent Agreement – John R. Smith

MOTION

Mr. Genoble made a motion the Board accept Mr. Smith's application as funeral director on the condition he take an additional three hours of continuing education and on approval by the Board. Mr. Crawford seconded the motion. Mr. Spoon asked that the Board authorize staff approve the application.

Clarification on Consent Agreements in Regard to Working without License / Licensees Who Have/Have Not Responded to the Consent Agreement and Cease and Desist Orders – Possible Penalties and Probation

MOTION

Mr. McAlister made a motion the Board retain the sentence regarding probation in the consent agreements, that the Board adjust the fine to \$250, or the facilities may appear before the Board during a hearing. Mr. Crawford seconded the motion, which carried unanimously.

Board's position on funeral homes which have not opened within one year after Board approval

MOTION

Mrs. Vessels made a motion at the end of one year the applicant must appear before the Board with an updated application and offer an explanation why an extension is needed and at that time no further action is needed. Mr. Tipton seconded the motion, which carried unanimously.

Election of Officers

President

Mr. Tipton nominated Mrs. Vessels as president. There being no further nominations at this time Mrs. Vessels was elected president by acclamation.

Vice President

Mr. Genoble nominated Mr. McAlister as vice president. There being no further nominations at this time Mr. McAlister was elected vice president by acclamation.

Secretary/Treasurer

Mrs. Vessels nominated Mr. Nelson as secretary/treasurer. There being no further nominations at this time Mr. Nelson was elected secretary/treasurer by acclamation.

Adjournment

MOTION

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

The October 23, 2008 meeting of the SC Board of Funeral Service adjourned at 2:31 p.m.