

MINUTES
South Carolina Board of Funeral Service
Board Meeting
9:00 a.m., February 3, 2009
Columbia Metropolitan Convention Center
1101 Lincoln Street
Columbia, South Carolina

Meeting Called to Order

Gloria Vessels, president, of Anderson, called the meeting to order at 9:10 a.m. Other members present for the meeting included: James McAlister, vice president, of Charleston; Eddie Nelson, secretary, of Blythewood; Glen Crawford, of Lancaster; Homer Elwood, of Laurens; Thomas Genoble, of Union; Carl Pennington, of Hartsville; Jeff Temples, of Columbia; and Tony Tipton, of Greer.

Staff members participating in the meeting included: Ernest Adams, Inspector; Doris Cubitt, Administrator; Sharon Dantzler, Deputy General Counsel, Office of General Counsel; Amy Holleman, Administrative Specialist; Connie Huffstetler, Administrative Assistant; Tony Kennedy, Investigator, Office of Investigations and Enforcement; Jeanie Rose, Administrative Specialist.

Mrs. Vessels announced that public notice of this meeting was properly posted at the S. C. Board of Funeral Service office, Synergy Business Park, Kingtree 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.

Invocation

Mr. Tipton 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

William Horton, of Kingtree, was granted an excused absence.

Approval of Minutes for the October 23, 2008 Meeting

MOTION

Mr. Crawford made a motion the Board accept the minutes of the October 23, 2008 meeting as information. Mr. Genoble seconded the motion, which carried unanimously.

President's Remarks – Gloria Vessels

Ms. Vessels welcomed everyone to the meeting. She thanked the SC Funeral Directors Association for inviting the Board to meet in conjunction with the association's meeting. She thanked the members in advance for assisting her in the meeting.

Ms. Vessels made the following appointments to committees: Mr. Pennington was appointed to the Legislative Committee and Mr. Temples and Ms. Vessels to the Publications / Newsletter / Website Committee.

Ms. Vessels presented a plaque to Mr. Todd Caughman for his time and service to the Board.

Administrator's Remarks – Doris Cubitt

A. *Advisory Opinions, If Needed, Office of General Counsel*

B. *Legislative Updates, If Needed, Legislative Liaison Office*

There were no advisory opinions or legislative updates given during the February 3, 2009 meeting.

Mrs. Cubitt reminded the members to complete the Statement of Economic Interest forms and submit them to the State Ethics Commission.

Mrs. Dantzler suggested the Board members complete the forms online so they could receive verification that the State Ethics Commission received the completed form.

Mrs. Cubitt stated the national exam conference would be held at the end of February 2009. She noted staff would submit a travel request form for approval on behalf of Mrs. Vessels.

David Christian, III, Assistant Deputy Director, Office of Licensure and Compliance

Mr. Christian did not appear during this meeting.

Mrs. Cubitt stated Mr. Christian wanted to meet with all of the Boards regarding the Office of Licensure and Compliance. She further stated he would be at the next meeting.

Unfinished Business

There was no unfinished business for discussion during the February 3, 2009 meeting.

Discussion Topic

Board Discussion with Gere Fulton Regarding GPLs

Mr. Gere Fulton appeared before the Board and discussed the general price list report with the Board.

New Business

Approval of New Facility

Carolina Mortuary – Manager: Sabrina Watson 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.

Kirk Lewis appeared before the Board during the October 23, 2008 meeting and noted at that time Ms. Brown was unable to attend the meeting due to illness.

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

Sabrina Watson Brown did not appear during this meeting.

The Board tabled action on this matter until such time Ms. Brown is able to appear before the Board.

Greater Columbia Funeral Service - Manager: P.L. Griffin

On January 8, 2009 the Board received a new facility application from Greater Columbia Funeral Service. The application reflects the owners of the facility are P. L. Griffin, Jr. and Henry P. McFadden and that P. L. Griffin, Jr. is the proposed manager. Mr. Griffin was issued a funeral director's license on October 7, 2003, which remains current and in good standing. He does not have a criminal background and lives approximately 6.30 miles from the facility.

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

P. L. Griffin appeared before the Board and was sworn to give correct testimony.

Greater Columbia Funeral Service was not satisfied with the facility it was in and moved in December 2008. However, the facility is not currently operating.

MOTION

Mr. McAlister made a motion the Board take this matter to executive session for legal advice. Mr. Tipton seconded the motion, which carried unanimously.

Newton-Dash Funeral Home – Manager: Ronald D. Ray

On November 21, 2008 the Board received an application for a new facility, with change of facility name and change of ownership from Newton-Dash Funeral Home. The application reflects the owner of the facility is Franklin D. Dash and the proposed manager is Ronald D. Ray. Mr. Ray was issued a funeral director's license on August 25, 1980, which remains current and in good standing. He does not have a criminal background and lives approximately 3.83 miles from the facility.

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

Franklin Dash appeared before the Board at this time; however, Ronald Ray did not appear during this meeting due to hospitalization.

Mr. Dash stated the facility is requesting an additional name added to an existing facility. He noted Mr. Ray is the current manager of the facility.

MOTION

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

Blyth Crematory – Jerry Clifton Thomas, III

The Board has received a new facility application dated January 27, 2009 from Blyth Crematory. The application reflects the owner of the facility is L. Wayne Gantt and the proposed manager is Jerry Clifton Thomas, III. Mr. Thomas was issued a dual (funeral director/embalmer) license on November 9, 2000. He does not have a criminal background and lives approximately two miles from the facility.

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

Jerry Clifton Thomas, III appeared before the Board and was sworn to give correct testimony.

MOTION

Mr. Elwood made a motion the Board approve the application pending final inspection. Mr. Nelson seconded the motion, which carried unanimously.

Approval of Additional Facility

J. H. Robinson Funeral Home – Maynard T. Robinson

On January 5, 2009 the Board received an additional facility location application from J. H. Robinson Funeral Home, Lexington Branch. The application reflects the owner of the facility is Bernard Robinson and the proposed manager is Maynard T. Robinson. Mr. Maynard Robinson was issued a dual funeral director/embalmer license on July 11, 1990. His criminal history report reflects a misdemeanor charge; however, there was no conviction in the matter. He lives 23.79 miles from the facility.

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

Maynard Robinson appeared before the Board at this time and was sworn to give correct testimony.

MOTION

Mr. Nelson made a motion the Board approve the application pending final inspection. Mr. Crawford seconded the motion, which carried unanimously.

Henryhand Funeral Home – Manager: Alpha Melinda Henryhand

On January 20, 2009 the Board received an additional facility location from Henryhand Funeral Home. The application reflects the owner of the facility is William C. Henryhand, Sr. and Alpha M. Henryhand and the proposed manager is Alpha Melinda Henryhand. Ms. Henryhand was issued a funeral director's license on May 17, 2005 which remains current and in good standing. She does not have a criminal history and she lives 25 miles from the facility.

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

Alpha Melinda Henryhand appeared before the Board and was sworn to give correct testimony.

MOTION

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

Reciprocity - Criminal Background Questions

Ferrell Mowell – FDE

On January 9, 2009 the Board received a reciprocity dual licensure application from Ferrell J. Mowell. Mr. Mowell's application included a criminal history report which includes a felony charge. A letter from Mr. Mowell's attorney states the felony charge was dismissed; however, a second criminal history report reflects the felony charge was changed to a misdemeanor.

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

Ferrell Mowell did not appear before the Board during this meeting.

MOTION

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

Alan Fletcher - Fletcher Funeral Home and Cremation Service

Consent Agreement Regarding Late Renewals

Mr. Elwood recused himself from participating in this discussion.

Alan Fletcher appeared before the Board and was sworn to give correct testimony.

Mr. Fletcher discussed his last renewal notice. He has been in the funeral profession for fifteen years and has owned his facility for five years. He failed to renew his license on time; however, there was no intent to not renew his license on time.

MOTION

Mr. Nelson made a motion the Board take this matter to executive session to seek legal counsel. Mr. Pennington seconded the motion, which carried unanimously.

Executive Session

MOTION

Mr. Pennington made a motion the Board enter executive session to seek legal advice. Mr. McAlister seconded the motion, which carried unanimously.

Return to Public Session

Mrs. Vessels noted for the record that no official action was taken during executive session.

Consent Agreement Regarding Late Renewals – Alan Fletcher

MOTION

Mr. McAlister made a motion the Board accept the terms of the consent order as presented. Mr. Crawford seconded the motion, which carried unanimously.

Ferrell Mowell – Reciprocity Funeral Director / Embalmer

MOTION

Mr. Elwood made a motion the Board table the matter until such time the applicant can appear before the Board in order to obtain further information from the applicant. Mr. McAlister seconded the motion, which carried unanimously.

Newton-Dash Funeral Home

MOTION

Mr. Crawford made a motion the Board table this application until such time Mr. Ray can appear before the Board. Mr. Nelson seconded the motion, which carried unanimously.

Greater Columbia Funeral Service

MOTION

Mr. Genoble made a motion the Board deny the application because the practice arrangements are confusing and that the Board direct Mr. Adams to investigate the matter and to issue a

cease and desist order if the facility was in operation. Mr. McAlister seconded the motion, which carried unanimously.

Discussion Topic

Amendments to Regulations – Gerard ‘Skip’ Mikell

Mr. Skip Mikell stated he is present to answer any questions the members may have regarding the proposed regulations.

The Board discussed portions of the proposed regulations.

MOTION

Mr. Nelson made a motion the Board accept the report. Mr. Tipton seconded the motion, which carried unanimously.

Disciplinary Reports

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

- i. *Approval of the November 24, 2008 and the January 14, 2009 IRC Reports*

MOTION

Mr. Elwood made a motion the Board approve the IRC reports of November 24, 2008 and January 14, 2009. Mr. Genoble seconded the motion, which carried unanimously.

- ii. *Approval of Consent Agreement – Case #2007-28*

MOTION

Mr. Crawford made a motion the Board approve the consent agreement as written. Mr. Tipton seconded the motion, which carried unanimously.

- iii. *Approval of Consent Agreement – Case #2007-36*

Mrs. Dantzler briefed the Board on the consent agreement regarding case #2007-36.

MOTION

Mr. Genoble made a motion the Board approve the consent agreement for case #2007-36. Mr. Crawford seconded the motion, which carried unanimously.

B. Inspections Report – Ernest Adams

Mr. Adams stated he has conducted approximately 150 inspections since the October 2008 meeting. He further stated approximately five facilities were not in compliance with the general price lists. He will begin issuing fines to those facilities not in compliance. He does allow the facility to correct typographical errors.

Ms. Vessels asked Mrs. Cubitt if funds are available to send a newsletter to the licensees with an article regarding the general price lists. Mrs. Cubitt stated newsletters are now done electronically and are emailed to all licensees of whom the agency has email addresses. She noted the newsletters are also placed on the Board’s web page. She went on to say the Board could contact both associations and have them place articles in their newsletters. Ms. Vessels stated the facilities which are not in compliance are not members of the associations. Mrs. Cubitt stated staff would research mailing a newsletter.

C. Number of Open Complaints

Mr. Kennedy stated there are currently 22 open cases of which 15 have been investigated.

Committee Reports

D. Legislative Committee – Tom Genoble, Sheridan Spoon

This committee had no report.

E. Examination/CEU/Education – Gloria Vessels, Glen Crawford, Ernest Adams

This committee had no report.

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

This committee had no report.

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

This committee had no report.

Public Comments

There were no public comments made during the February 3, 2009 meeting.

Adjournment

MOTION

Mr. Pennington made a motion the meeting be adjourned. Mr. McAlister seconded the motion, which carried unanimously.

The February 3, 2009 meeting of the SC Board of Funeral Service adjourned at 12:27 p.m.