

MINUTES
South Carolina Board of Funeral Service
Board Meeting
10:00 a.m., August 20, 2009
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

1. Meeting Called to Order

Gloria Vessels, president, of Anderson, called the regular meeting of the SC Board of Funeral Service to order at 10:00 a.m. Other Board members present for the meeting included: Eddie Nelson, secretary of Columbia; Michelle Cooper, of Moncks Corner; Glen Crawford, of Lancaster; Homer Elwood, of Laurens; Thomas Genoble, of Union; William Horton, of Kingstree; Margery McWhorter, of Columbia; Carl Pennington, of Hartsville; and Jeff Temples, of Columbia.

Staff members participating in the meeting included: Ernest Adams, Inspector; Randy Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant; Amy Holleman, Administrative Assistant; Tony Kennedy, Investigator; Jeanie Rose, Administrative Specialist; Sheridan Spoon, Deputy General Counsel; and Michael Teague, Administrative Assistant.

Public Notice

Mrs. Vessels 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. Crawford delivered the invocation.

2. Introduction of Board Members and Persons Attending the Meeting

The Board members, staff, and members of the public attending the meeting introduced themselves.

3. Approval of Excused Absences

Mrs. Vessels stated Mr. Tony Tipton's absence from this meeting was excused.

4. Approval of Minutes for the June 15, 2009 meeting

Mrs. Vessels noted she is from Anderson.

MOTION

Mr. Nelson made a motion to approve Minutes for the June 15, 2009 meeting Mr. Genoble seconded the motion, which carried unanimously.

5. President's Remarks - Gloria Vessels

6. Administrator's Remarks - Randy Bryant

Mr. Bryant stated Mrs. Cubitt has some medical issues and would be out of the office for a couple of months. He noted the hearing has been cancelled. He also noted that Samuels Funeral would not be present.

Mr. Bryant welcomed Ms. Cooper and Mrs. McWhorter to the Board.

Mr. Horton asked Mr. Bryant the reason for the cancellation of the hearing. Mr. Bryant stated the respondent's attorney had a commitment with a higher court. Mr. Horton stated this matter has been going on for a couple years and asked that the matter be expedited.

- A. Advisory Opinions, If Needed, Office of General Counsel
No advisory opinions were given during this meeting.
- B. Legislative Updates, If Needed, Legislative Liaison Office
No legislative update was given during this meeting.
- C. Customer Care Center-Connie Huffstetler
Mrs. Huffstetler briefed the Board regarding the agency's customer care center.

7. Unfinished Business

There was no unfinished business for discussion during this meeting.

8. New Business

- A. Approval of New Facility
 - i. Cherokee Crematory LLC, Ashby Lee Blakley, Manager
On July 13, 2009 the Board received a new facility application from Cherokee Crematory LLC. The application reflects the owner and proposed manager of the facility is Ashby Lee Blakely. Mr. Blakely was initially issued a dual license on November 29, 1988. the license remains current and in good standing. Mr. Blakley does not have a criminal background and lives five miles from the facility. This proceeding was recorded by a certified court reporter in order to produce a verbatim transcript in accordance with the law. Ashby Blakely was sworn to give testimony by the court reporter.

MOTION

Mr. Elwood made a motion the Board approve Cherokee Crematory LLC, pending inspection and proof of training from DHEC. Mr. Temples seconded the motion, which carried unanimously.

- ii. Dunbar Crematory Services, Inc., Stewart G. Dunbar, Manager
On July 30, 2009 the Board received a new facility application from Dunbar Crematory Services, Inc. The application reflects that the owner of the facility is Delbert D. Holt and the proposed manager is Stewart G. Dunbar. Mr. Dunbar was initially issued a dual license on July 11, 1990. He does not have a criminal background and lives 17 miles from the facility.

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

- iii. Dyches Crematory, Foy Delano Dyches, Manager
On July 7, 2009 the Board received a new facility/change of facility name application from Dyches Funeral Home, Inc. Foy D. Dyches is the owner of the facility and the proposed manager. Mr. Dyches was initially issued dual licensure on August 26, 1982. The license is current and in good standing. Mr. Dyches does not have a criminal background and lives at the funeral home.

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

Mr. Dyches stated all zoning permits have been obtained and that DHEC will train staff on the retort on August 27, 2009.

MOTION

Mr. Genoble made a motion the Board approve the application pending inspection and proof of training. Mr. Nelson seconded the motion, which carried unanimously.

- iv. Hartley Funeral Home Crematory, Melissa A. Craver, Manager
On June 19, 2009 the Board received a new facility application from Hartley Funeral Home and Crematory. The application reflects that Jerry L. Hartley and Joanne G. Hartley are the owners of the facility. Melissa A. Craver is the proposed manager. Ms. Craver was initially issued a dual license on October 26, 1999. The license remains current and in good standing. Ms. Craver does not have a criminal background and lives five miles from the facility.

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

Ms. Craver noted that all permits and zoning are in place and that the crematory was delivered on August 18th.

MOTION

Mr. Elwood made a motion the Board approve the application, pending inspection and proof of training. Mr. Horton seconded the motion, which carried unanimously.

- v. Al Jenkins Funeral Home, Tanya Jenkins Perez, Manager
On June 15, 2009 the Board received a new facility/change of ownership/change of facility manager application from Al Jenkins Funeral Home. The application reflects the owner and proposed manager of the facility is Tanya Jenkins Perez. Ms. Perez was initially issued a dual license on July 11, 1997. Ms. Perez does not have a criminal background and lives 18 miles from the facility.

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

B. Approval of Additional Facility

i. Al Jenkins Funeral Home, Tanya Jenkins Perez, Manager

On June 15, 2009 the Board received an additional facility/change of ownership/change of facility manager application from Al Jenkins Funeral Home. The application reflects the owner and proposed manager of the facility is Tanya Jenkins Perez. Ms. Perez was initially issued a dual license on July 11, 1997. Ms. Perez does not have a criminal background and lives 18 miles from the facility.

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

ii. Allen Funeral Home Inc., William A.G. Allen, Manager

On August 5, 2009 the Board received an additional facility application from Allen Funeral Home Inc. The application reflects the owner and proposed manager is William A. G. Allen. Mr. Allen was initially issued a dual license on July 10, 1975. The license remains current and in good standing. Mr. Allen does not have a criminal background and lives 23.6 miles from the facility.

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

Mr. Allen is entering into a lease agreement with Mr. Rhoden. The facility has been vacant a little over one year as the former owner could not afford to keep the facility.

MOTION

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

iii. Dunbar Funeral Home, Northeast Chapel, Stewart G. Dunbar, Manager

On July 30, 2009 the Board received an additional facility location application from Dunbar Funeral Home, Northeast Chapel. The application reflects Delbert D. Holt as the owner and Stewart G. Dunbar as the proposed manager. Mr. Dunbar was initially issued a dual license on July 11, 1990. The license remains current and in good standing. Mr. Dunbar does not have a criminal background and lives 17 miles from the facility

Mr. Dunbar stated the new and additional facilities are under construction and should be completed in August 2009. He noted both facilities have passed zoning laws. He further stated the funeral home is replacing the crematory at the Gervais Street location since the Gervais Street location is being phased out.

MOTION

Mr. Horton made a motion to approve the application pending inspection and proof of training regarding the crematory. Mr. Nelson seconded the motion, which carried unanimously.

MOTION

Mr. Crawford made a motion the Board approve the application. Mr. Pennington seconded the motion, which carried unanimously.

- iv. Martin Funeral Home of Allendale, John Henry Martin, Manager
On July 30, 2009 the Board received an additional facility location application from Martin Funeral Home of Allendale. The application reflects John H. Martin and Deborah S. Martin as the facility owners and John Martin as the proposed manager. Mr. Martin was initially issued a dual license on August 27, 1981. The license remains current and in good standing. Mr. Martin does not have a criminal background and lives 19 miles from the funeral home.

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

Mr. Elwood asked if this location is an additional facility. Mr. Martin stated the parent company is in Estill, which is where the embalming will take place. The additional facility will be staffed full time. Mr. Martin will be leasing the facility from Mr. Cave of Cave's Funeral Home. Mr. Martin noted Michael Cave nor his father would be involved with the day to day operations of the facility and would not be staffing the additional facility on a full time basis. He went on to say neither Mr. Cave would be present at any service as an employee of the facility.

Mr. Horton informed Mr. Martin that anything that happens in this facility would be his responsibility. Mr. Martin stated he understood.

MOTION

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

- v. Samuels Funeral Chapel, Charles H. Jackson, Manager
Mr. Jackson informed staff he could not present for this meeting and asked that it be continued to the October 8, 2009 meeting.

C. Approval of Apprentice Funeral Director

- i. Jeffery Marion McWatters - Missing quarterly reports
Ms. Rose stated when Mr. McWatters contacted staff in regard to his apprenticeship, only of reports had been entered. Later, all quarterly reports received were entered; however, he was still missing some of his reports. Mr. McWatters sent quarterly reports to Senator Robert W. Hayes, Jr. who sent Mrs. Cubitt a letter requesting the Board consider his late reports. She provided the members with the reports staff has on

record, the reports he sent to Senator Hayes and the reports he just sent to staff to present to the Board. There are discrepancies in his reports, as some are not signed, some list the names of different funerals, and some have different dates.

Missing quite a few quarters of apprenticeship, Then provided additional information.

Steve Whitesell stated Mr. McWatters is apprenticing as a funeral director only not as a funeral director and embalmer.

MOTION

Mr. Crawford made a motion to enter closed session to seek legal advice. Mr. Genoble seconded the motion, which carried unanimously.

Mr. Steve Whitesell stated Mr. McWatters is a full time employee with his facility. He also wrote a letter to the Senator. Ms. Cooper asked Mr. Whitesell why none of the reports sent to the Senator contained his signature. He is not aware of what Mr. McWatters sent to the Senator. He noted Mr. McWatters has been at the facility for a little over two years. He stated Mr. McWatters is also a minister. He does not work nights or weekends to allow him to work with his church. Mailed the quarterly reports for two years. Ms. Cooper stated he lacks two to three months.

MOTION

Mr. Horton made a motion to enter closed session to seek legal advice. Mr. Nelson seconded the motion, which carried unanimously.

MOTION

Mr. Crawford made a motion the board return to public the motion, which carried unanimously.

MOTION

Mr. Genoble made a motion the Board allow Mr. McWatters renew apprenticeship license for one year, that he be given credit for fourteen months of quarterly reports, and that he complete ten months of reports. Mr. Temples seconded the motion, which carried unanimously.

ii. Al Jenkins Funeral Home, Tanya Jenkins Perez, Manager

On June 15, 2009 the Board received a change of facility manager application from Al Jenkins Funeral Home. The application reflects Tanya Jenkins Perez is the facility owner and proposed manager. Ms. Perez was initially issued a dual license on July 11, 1997. The license remains current and in good standing. She does not have a criminal background and lives 18 miles from the facility.

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

Ms. Perez's father is semi-retired and is turning the facility over to her. She lives five miles from this facility. The additional facility will not be staffed full time and will be a chapel.

MOTION

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

9. Disciplinary Reports

- A. Investigative Review Committee (IRC) Report/Consent Orders - Tony Kennedy and Ernest Adams
Mr. Kennedy reviewed the IRC report with the Board. The committee reviewed nine cases.

MOTION

Mr. Horton made a motion to approve the IRC report. Mr. Crawford seconded the motion, which carried unanimously.

- B. Inspections Report - Ernest Adams
Mr. Adams has conducted 68 inspections since the last meeting. Still having range question.
- C. Number of Open Complaints
Mr. Kennedy noted there are currently five open cases relating to the Funeral Board.

10. Committee Reports

- A. Legislative Committee - Tom Genoble, Carl Pennington, Sheridan Spoon
The committee had no report; however, Mr. Horton stated there are proposed changes coming before the legislature. Representative Sandifer has spoken with him regarding funeral homes having chapels. The Board may want to discuss either taking out or keeping in. There is one funeral home in South Carolina which could not meet this requirement at this time.

Mr. Adams stated he believes the question is a chapel that could seat 100 individuals.

Mr. Horton stated the committee should review and make sure on same page.

- B. Examination/CEU/Education - Gloria Vessels, Glen Crawford, Ernest Adams
Mrs. Vessels stated she had previously met with the two instructors at Piedmont Technical College. She further stated the instructors would like to schedule a date to meet with the committee, which she hopes to schedule shortly.
- C. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed - James McAlister, Billy Horton, Tom Genoble, Doris Cubitt
Mr. Horton stated the committee has no report; however, the FTC is proposing changes. He further stated the FAA is now requiring funeral homes to be known shippers. He also the FTC and the truth in lending act is requiring red flag compliance. The original deadline was August 1, 2009; however the deadline has been extended to later in the year. The law discusses contracts between a facility and a family which allows a family to pay for the funeral over a period of

time, i.e., with a credit card. He noted the national associations have information regarding this law.

- D. Publications / Newsletter / Website - Gloria Vessels, Glen Crawford, Tony Tipton, Jeff Temples, Sandra Dickert
Mr. Spoon stated Mr. Teague produced a newsletter, which he has reviewed and forwarded to the Office of Public Information for posting on the web page and an e-blast. He hopes the e-blast would go out the second week in September.

Consumer Affairs went from 59 cut by 24 employees

11. Election of Officers

MOTION

Mr. Horton made a motion to the Board table the election of officers to the October 8, 2009 meeting. Mr. Crawford seconded the motion, which carried unanimously.

12. Public Comments

Ms. Rose stated Mr. Adams has been elected the 62nd president of the National Funeral Directors and Morticians Association.

13. Adjournment

MOTION

Mr. Crawford made a motion the meeting be adjourned. Mr. Horton seconded the motion, which carried unanimously.

The August 20, 2009 meeting of the SC Board of Funeral Service adjourned at 12:45 p.m.