

**South Carolina Board of Funeral Service
Board Meeting
10:00 a.m., December 4, 2009
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina**

1. Meeting Called to Order

Jeff Temples, president, of Columbia, 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, vice president, of Columbia; Michelle Cooper, secretary, of Moncks Corner; Thomas Baker, of Kershaw; Kenneth Beasley, of Simpsonville; Glen Crawford, of Lancaster; William Horton, of Kingstree; Margery McWhorter, of Columbia; and Tony Tipton, of Greer.

Staff members participating in the meeting included: Ernest Adams, Inspector; Sandra Dickert, Administrative Assistant; Dean Griggs, Hearing Advice Attorney; Amy Holleman, Administrative Specialist; Tony Kennedy, Investigator; Jeanie Rose, Administrative Specialist; James Saxon, Hearing Advice Attorney; and Sheridan Spoon, Deputy General Counsel.

A. Public Notice

Mr. Temples announced that public notice of this meeting was properly posted at the SC 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.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

Mr. Crawford delivered the invocation. All present paused for a moment of silence in memory of Gloria Vessel's mother.

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

MOTION

Mr. Crawford made a motion the Board approve Mr. Elwood's absence. Mr. Nelson seconded the motion, which carried unanimously.

MOTION

Mr. Horton made a motion the Board approve Mr. Genoble's absence. Ms. Cooper seconded the motion, which carried unanimously.

4. Approval of the October 8, 2009 Meeting Minutes

MOTION

Mr. Crawford made a motion the Board approve the October 8, 2009 meeting minutes Mr. Tipton seconded the motion, which carried unanimously.

5. President's Remarks - Jeff Temples

Mr. Temples thanked everyone for the opportunity to serve the consumers and the industry on behalf of the Board.

6. Administrator's Remarks - Rion Alvey

Mr. Alvey stated he had no report at this time; however, he would be available to any answer questions from the members.

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.

MOTION

Mr. Horton made a motion the Board enter closed session for legal advice. Mrs. McWhorter seconded the motion, which carried unanimously.

MOTION

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

7. Hearing

A. In the Matter of: Case # 2008-12

This matter was recorded by a court reporter in order to provide a verbatim transcript in accordance with the law.

MOTION

Mr. Crawford made a motion to enter executive session for legal advice. Mr. Nelson seconded the motion, which carried unanimously.

MOTION

Mr. Horton made a motion to return to public session. Ms. Cooper seconded the motion, which carried unanimously.

MOTION

Ms. Cooper made a motion to find the respondent is guilty of the violations, that the respondent is fined \$500.00 payable within 30 days of the final order. Within six months of the final order the respondent shall call for an audit y the SC Department of Consumer Affairs of all of his pre-need and trust accounts and the insurance contracts and provide the Board of the results within 15 days of the audit. Should the results be unfavorable, the respondent's license may be further sanctioned. Should the Department of Consumer Affairs fail to complete the audit within six months the respondent shall inform the Board. Mr. Crawford seconded the motion, which carried unanimously.

8. Unfinished Business

There was no unfinished business for discussion during this meeting.

9. New Business

A. Approval of New Facility

i. Quality Unlimited Funeral Services, LLC - Manager: Aurelio D. Givens

On October 30, 2009 the Board received a new facility permit application from Quality Unlimited Funeral Services, LLC. Aurelio D. Givens is the owner and proposed manager. Mr. Givens was issued a funeral director's license on January 6, 2006, which remains current and in good standing. He lives 15 miles from the funeral home. He does have a criminal history; however, the history does not contain new information since his application was approved on August 28, 2008.

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

The original application showed the facility was going to be a branch owned by a partnership. However, the Board received an amended application two days prior to this meeting because the partnership was dissolved since the original application was submitted. A license was issued to Quality Unlimited Funeral Home at one time; however, since the partnership was dissolved Mr. Givens has returned to Cook Funeral Home.

Mr. Givens stated the property has been zoned for a funeral home; however, he did not have the documentation with him.

Mr. Tipton noted the application is incomplete as it does not list his previous employers for the past five years.

ii. The Howze Mortuary, Inc. - Manager: Raymond Ulysses Brown III

On November 18, 2009 the Board received a new facility application from The Howze Mortuary, Inc. Raymond Ulysses Brown is the owner and the proposed manager. Mr. Brown was issued a dual license on March 5, 1997, which remains current and in good standing. He does not have a criminal background and lives six miles from the facility.

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

Staff has questions regarding the incorporation documents.

The closing date on the facility is scheduled for December 18, 2009. The letter of incorporation will state the facility is purchasing stocks and will be changed upon the Board's approval of the application.

MOTION

Mr. Horton made a motion to the Howze Mortuary, Inc. application pending inspection and a letter from the SC Department of Consumer Affairs regarding the pre-need contracts. Mr. Nelson seconded the motion, which carried unanimously.

iii. B. F. Cave Funeral Home - Manager: Benjamin Franklin Cave

On October 21, 2009 the Board received a new facility application from B. F. Cave Funeral Home. This facility is the branch of the parent facility, Cave Funeral Home, whose license was revoked in June 2009. Benjamin F. Cave was issued a funeral director license on January 2, 1997, which remains current. He does not have a criminal background and lives 25.07 miles from the facility. He is the facility owner and proposed manager.

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

Mr. Cave is purchasing the branch as a new facility. He intends to purchase the building conditional on approval of the application. The present owner of the property is Charlie Cave. The branch is approximately 25 miles from the parent facility.

MOTION

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

MOTION

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

MOTION

Mr. Horton made a motion the Board return to public session. Ms. Cooper seconded the motion, which carried unanimously.

Kenneth Beasley left at 1:30 p.m.

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

B. F. Cave Funeral Home

MOTION

Mr. Tipton made a motion the Board table this application to the February 2010 meeting in order to give the Board additional time to discuss this matter. The Board encouraged Mr. Cave to be forthcoming with any additional information he might deem relevant in this matter. Ms. Cooper seconded the motion, which carried unanimously.

B. Approval of Retail Sales Outlets (Casket Stores)

i. Forest Lawn Merchandise Retail Sales Outlet - Manager: Samuel Peterson

The Board received applications for four retail casket outlet stores, dated November 6, 2009. The application reflects the owner of the facility is StoneMor South Carolina Subsidiary, LLC and Samuel Preston Peterson is the proposed manager. Mr. Peterson was issued a dual license on December 5, 1997, which remains current and in good standing. He does not have a criminal background.

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

The Board heard testimony on this application with the applications from Good Shepherd Merchandise Retail Sales Outlet, Graceland Merchandise Sales Outlet, and Whispering Pines Merchandise Retail Sales Outlet prior to making a decision.

ii. Good Shepherd Merchandise Retail Sales Outlet - Manager: Samuel Peterson

The Board received applications for four retail casket outlet stores, dated November 6, 2009. The application reflects the owner of the facility is StoneMor South Carolina Subsidiary, LLC and Samuel Preston Peterson is the proposed manager. Mr. Peterson was issued a dual license on December 5, 1997, which remains current and in good standing. He does not have a criminal background.

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

The Board heard testimony on this application with the applications from Forest Lawn Merchandise Retail Sales Outlet, Graceland Merchandise Retail Sales Outlet, and Graceland Merchandise Sales Outlet prior to making a decision.

iii. Graceland Merchandise Retail Sales Outlet - Manager: Samuel Peterson

The Board received applications for four retail casket outlet stores, dated November 6, 2009. The application reflects the owner of the facility is StoneMor South Carolina Subsidiary, LLC and Samuel Preston Peterson is the proposed manager. Mr. Peterson was issued a dual license on December 5, 1997, which remains current and in good standing. He does not have a criminal background.

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

The Board heard testimony on this application with the applications from Forest Lawn Merchandise Retail Sales Outlet, Good Shepherd Merchandise Retail Sales Outlet, and Whispering Pines Merchandise Sales Outlet prior to making a decision.

Mr. Peterson operates and manages the Shuford-Hatcher Funeral Homes, the parent facility in Gaffney, the branch facility in Chesnee, as well as a branch in a cemetery in Greenville.

StoneMor does not operate any other retail sales outlets within South Carolina. The retail sales outlets would sell caskets only. Applications for the retail sales outlets were first approved approximately 18 months ago. No funeral home employee, including funeral directors, will be selling the merchandise in the retail sales outlet.

The Board informed Mr. Peterson that the caskets must be sold at need only and cannot be sold as pre-need.

iv. Whispering Pines Merchandise Retail Sales Outlet - Manager: Samuel Peterson

The Board received applications for four retail casket outlet stores, dated November 6, 2009. The application reflects the owner of the facility is StoneMor South Carolina Subsidiary, LLC and Samuel Preston Peterson is the proposed manager. Mr. Peterson was issued a dual license on December 5, 1997, which remains current and in good standing. He does not have a criminal background.

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

The Board heard testimony on this application with the applications from Forest Lawn Merchandise Retail Sales Outlet, Good Shepherd Merchandise Retail Sales Outlet, and Graceland Merchandise Sales Outlet prior to making a decision.

MOTION

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

MOTION

Mr. Nelson made a motion the Board return to public session. Mrs. McWhorter seconded the motion, which carried unanimously.

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

MOTION

Mr. Crawford made a motion the Board approve the request for the retail sales outlets upon inspection. Mr. Nelson seconded the motion, which carried with a majority vote. Mr. Baker, Ms. Cooper, and Mr. Temples voted nay.

- i. Quality Unlimited Funeral Services, LLC - Manager: Aurelio D. Givens

MOTION

Mr. Crawford made a motion the Board take the matter to executive session. Mrs. McWhorter seconded the motion, which carried unanimously.

- i. Quality Unlimited Funeral Services, LLC - Manager: Aurelio D. Givens

MOTION

Mr. Baker made a motion the Board deny the application for approval of the new facility based on the Board needs a completed application to include records from the Secretary of State's Office regarding the name of the company, pending a letter stating the facility has approved zoning, and pending inspection of the facility. The application and records from the Secretary of State's Office should be submitted to staff's satisfaction. Mr. Horton seconded the motion, which carried unanimously.

10. Disciplinary Reports

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

Mr. Adams stated Mr. Kennedy informed him there would be 11 cases for dismissal for the Board's approval during the February 2010 meeting.

- B. Inspections Report - Ernest Adams

Mr. Adams stated he has completed 35 inspections since the last Board meeting.

- C. Number of Open Complaints

Mr. Adams stated Mr. Kennedy informed him there are currently nine open cases.

11. Committee Reports

- A. Legislative Committee - Tom Genoble, Sheridan Spoon

This committee had no report.

- B. Examination/CEU/Education - Glen Crawford, Ernest Adams

This committee had no report.

- C. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed - Billy Horton, Tom Genoble, Doris Cubitt

Mr. Horton stated he has been in contact with Mr. Adams who has stated the facilities are in compliance with the FTC. He noted the FTC will find violations at all funeral homes. He commended Mr. Adams on assisting the funeral homes on the general price lists. He noted there are new OSHA laws forthcoming. He went on to say there are no new laws regarding pre-need at this time.

Ms. Alicia Clark of the Department of Consumer Affairs stated there is no new legislation or proposed legislation regarding pre-need at this time. She further stated a matter was briefly discussed during one of the recent advisory committee meetings. She noted the investigators can go into funeral homes that do not sell pre-need. She went on to say the department is drafting a letter and a survey to all of the funeral home that are not licensed regarding the sale of pre-need which should be mailed in approximately one month. She stated those funeral homes that do not return the survey will be visited by an investigator.

Mr. Horton asked Ms. Clark if there is any way possible by inspecting the facilities as soon as possible.

Ms. Cooper stated the Board did not know if it could legally go through the department or place the burden on the funeral home. Ms. Clark stated the complaint which led to the hearing regarding Shellhouse Funeral Home was directed to the Board of Funeral Service and was not sent to the Department of Consumer Affairs. She noted the department's investigators had been at Shellhouse in August 2009.

Mr. Scott Fowler briefed the Board regarding the SC Franks Chapel of Remembrance order. During his briefing he noted that some of the individuals have died and the monies has been paid to the funeral home, that a major problem is that a total figure is not known, he does not know if the death certificates, receipts, etc. of funerals already held belonged to the individuals who had pre-need accounts, and that he plans to be back in the funeral home the week of December 7 - 11, 2009.

MOTION

Ms. Cooper made a motion the Board grant the extension of distribution of those funds by the SC Franks Chapel of Remembrance in the event there are families that are not locatable at this time and Mr. Randy Bryant will have the power to make that decision upon the recommendation of Mr. Fowler. Mr. Baker seconded the motion, which carried unanimously.

D. Publications / Newsletter / Website - Glen Crawford, Tony Tipton, Jeff Temples, Sandra Dickert
This committee had no report.

12. Public Comments

Mr. Baker stated the next meeting is scheduled for February 2, 2010 in conjunction with the SC Funeral Directors Mid Winter Conference. He asked that the meeting be changed to Wednesday, February 3, 2010 to allow the members to attend the continuing education course on Tuesday, February 2, 2010. The Board determined it would change the meeting to Wednesday, February 3, 2010.

MOTION

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

The December 4, 2009 meeting of the SC Board of Funeral Service adjourned at 3:15 p.m.