

MINUTES
South Carolina Board of Funeral Service
Board Meeting
9:00 a.m., February 3, 2010
Synergy Business Park
110 Centerview Drive, Kingtree Building, Room 105
Columbia, South Carolina

Meeting Called to Order

Jeff Temples, president, of Columbia, called the regular meeting of the SC Board of Funeral Service to order at 9:30 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; Homer Elwood, of Laurens; Margery McWhorter, of Columbia*; and Tony Tipton, of Greer.

* The Board contacted Mr. Baker and Mrs. McWhorter by conference call to have a quorum if needed.

Staff members participating in the meeting included: Ernest Adams, Inspector; Doris Cubitt, Administrator; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Amy Holleman, Administrative Specialist; Tony Kennedy, Investigator; Jeanie Rose, Administrative Specialist; and Michael Teague, Administrative Assistant.

Mr. Temples 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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Nelson delivered the invocation.

Introduction of Board Members and Persons Attending the Meeting

The Board members and staff introduced themselves.

Approval of the December 4, 2009 Meeting Minutes

MOTION

Mr. Elwood made a motion the Board accept the minutes. Mr. Nelson seconded the motion. Mr. Baker noted one correction to the minutes. He stated Ms. Cooper, Mr. Temples and himself voted nay in the matter of Graceland Funeral Services. Mr. Temples made a motion the Board amend the minutes to reflect Mr. Baker, Ms. Cooper, and Mr. Temples voting nay in the matter of Graceland Funeral Services. Mr. Elwood seconded the motion, which carried unanimously.

President's Remarks – Jeff Temples

Mr. Temples made no remarks at this time.

Administrator's Remarks – Doris Cubitt

- a. *Advisory Opinions, If Needed, Office of General Counsel*
- b. *Legislative Updates, If Needed, Legislative Liaison Office*

No advisory opinions or legislative update were given during this meeting.

Mrs. Cubitt stated several Board members had asked for excused absences.

Mrs. Cubitt stated she is glad to be back and thanked everyone for their thoughts and prayers during her absence.

Mrs. Cubitt stated the conference is going to hold a meeting in March 2010 in which Mr. Adams and Mr. Skip Mikell will attend this meeting and bring information to the Board.

Approval of Excused Absences

MOTION

Mr. Tipton made a motion the Board excuse Kenneth Beasley, of Simpsonville. Glen Crawford, of Lancaster, Thomas Genoble, of Union, William Horton, of Kingtree, and Margery McWhorter, of Columbia, from this meeting. Mr. Nelson seconded the motion, which carried unanimously.

Mrs. McWhorter departed the meeting at this time.

Recess

MOTION

Mr. Elwood made a motion the Board recess the meeting and reconvene at the Columbia Metropolitan Convention Center, 1101 Lincoln Street, Columbia, SC. Mr. Nelson seconded the motion, which carried unanimously.

Reconvene at the Columbia Metropolitan Convention Center, 1101 Lincoln Street, Columbia, SC

*Mr. Baker and *Ms. Cooper arrived at the meeting at this time.

MOTION

Mr. Nelson made a motion the Board come out of recess. Mr. Tipton seconded the motion, which carried unanimously.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

Unfinished Business

1. Approval of New Facility (extension)

a. *B. F. Cave Funeral Home – Benjamin F. Cave*

On October 21, 2009 the Board received a new facility/change of name application from B. F. Cave Funeral Home. Benjamin Franklin Cave is the owner and proposed manager of the

facility. He was initially licensed as a funeral director on January 2, 1997 and the license remains current and in good standing. He does not have a criminal background and lives 24 miles from the funeral home. The facility is an existing funeral home and was a branch of Cave Funeral Home. This funeral home was closed when the Board revoked the license of the parent funeral home, located in Allendale, in June 2009.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

Mr. Cave noted the following facts in his testimony. Mr. Michael Cave and Mr. Charlie Cave will not be employed with the funeral home in day to day operations. Mr. Benjamin Cave is working with Mr. Martin who purchased Cave Funeral Home in Allendale and has also begun working with a new staff. He would be meeting with families at this time. The facility would be leased with intention to purchase. The facility will now be considered a parent facility. He has not done any renovations or made changes to the signage in front of the facility since the Board has not yet approved the application.

The Board determined it would take this matter to executive session.

b. *Givens Quality Unlimited Funeral Services, LLC – Manager: Aurelio D. Givens*
The Board received a new facility application dated December 16, 2009 from Givens Quality Unlimited Funeral Services, LLC. Aurelio D. Givens is the owner and proposed manager. Mr. Givens was initially issued a funeral director's license on January 6, 2006, which remains current and in good standing. He has a criminal background; however, no new violations have appeared since the Board approved his application on August 28, 2008. He lives 15 miles from the funeral home.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

Mr. Givens noted the following facts in his testimony. The facility is now Givens Quality Unlimited Funeral Services, LLC since the partnership for the previous funeral home was dissolved. He has disassociated himself from his former partner. He was adopted when he was 8 years old and his last name was changed to Little, however, he later changed his last name back to Givens.

Executive Session

MOTION

Ms. Cooper made a motion the Board enter executive session to seek legal advice on this matter as well as B. F. Cave Funeral Home. Mr. Baker seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

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

B. F. Cave Funeral Home

MOTION

Mr. Elwood made a motion the Board accept the application upon final inspection by Mr. Ernest Adams of the facility and upon Mr. Cave signing an order by this Board that no unlicensed personnel will be participating in his operation. Ms. Cooper seconded the motion, which carried unanimously.

Givens Quality Unlimited Funeral Services, LLC

MOTION

Mr. Baker made a motion the Board grant Givens Quality Unlimited Funeral Services, LLC a license pending inspection by Ernest Adams. Mr. Nelson seconded the motion, which carried unanimously.

New Business

Approval of New Facility

a. *Stephens-Maree-Tracy Funeral Home – Ephriam D. Stephens*

On January 13, 2010 the Board received a new facility application from Stephens-Maree-Tracy Funeral Home. The application reflects Ephriam D. Stephens as the funeral home owner and proposed manager. Mr. Stephens was initially issued a funeral director/embalmer license on June 4, 2008. He does not have a criminal background.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary in accordance with the law.

Ephriam Stephens noted the following facts in his testimony. The facility is an existing funeral home. Mr. Maree nor Mr. Tracy will be participating in the business upon the Board's approval of the application and the closing of the sale of the funeral home. He will be operating the funeral home as a sole proprietorship. He is waiting on the Board's approval prior to closing on the funeral home. The name of the facility is being changed from Stephens-Maree-Tracy-Bennett Funeral Home to Stephens-Maree-Tracy Funeral Home.

Executive Session

MOTION

Mr. Elwood made a motion the Board enter executive session to seek legal advice on this matter. Ms. Cooper seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

MOTION

Mr. Nelson made a motion the Board approve the application pending final inspection by Mr. Ernest Adams. Ms. Cooper seconded the motion, which carried unanimously.

Approval of Proposed 2010 Meeting Dates

The Board reviewed the following proposed meeting dates for 2010.

April 22, 2010	June 2, 2010	August 4, 2010
	October 7, 2010	December 15, 2010

MOTION

Mr. Baker made a motion the Board approve the proposed meeting dates. Mr. Elwood seconded the motion, which carried unanimously.

Approval of Gerard 'Skip' Mikell as the Board's Representative for The International Conference of Funeral Service Examining Boards

Mrs. Cubitt stated Mr. Mikell currently serves as the Board's representative for The International Conference of Funeral Service Examining Boards. She is asking the Board to approve Mr. Mikell for the next two years if it pleases the Board.

MOTION

Mr. Nelson made a motion the Board approve Mr. Mikell as the Board's representative for The International Conference of Funeral Service Examining Boards for the next two years. Mr. Elwood seconded the motion, which carried unanimously.

Proposed Embalming Certificate Program – Piedmont Tech

Mrs. Cubitt stated Piedmont Tech has asked that this matter be tabled to the April 22, 2010 meeting.

Exam Timeline and Apprenticeship Timeline

Mrs. Cubitt stated currently an applicant applies and sits for the exam. She went on to say if the individual goes through Piedmont Tech he/she is eligible to take the national exam; however, if the individual fails the exam he/she may continue to take the exam until he/she passes. However, if the individual wants to take the state exam he/she must first complete the program at Piedmont Tech and the apprenticeship program. She believes the Board is handicapping some of the students as they have the greatest chance of passing the exam immediately after completing their education. She believes it would be only fair if the Board would allow the individuals to take the state exam after completion of the educational program. She noted the individual would not take the state law exam until the educational program and the apprenticeship program have both been completed and they have passed either the national or state licensing exam.

MOTION

POLICY CHANGE

Mr. Elwood made a motion the Board accept the change to the policy and allow the individual to take the state exam after completion of the educational program. Ms. Cooper seconded the motion, which carried unanimously.

Funeral Director/Embalmer Applications Pending Taking of Exams

Mrs. Cubitt stated staff has followed a Board policy that individuals must submit an application and meet all qualifications in order to sit for the exam. She further stated an individual may have to take the exam on numerous occasions in order to pass and staff has held the application until such time as the applicant passes the exam. She went on to say the Office of Licensure and Compliance (OLC) feels if an individual is not licensed within one year the application is inactive and the individual must reapply. She further stated if the Board chooses to make a policy regarding how long a pending application would be held in a pending status. She recommended three years to allow an individual time to pass the exam or five years which is the maximum amount of time an individual can be an apprentice. She noted that if an application is held in pending for more than 12 months staff would require an updated criminal history report.

MOTION

POLICY CHANGE

Mr. Tipton made a motion the Board set five years as the maximum amount of time to hold an application in pending status. Mr. Baker seconded the motion, which carried unanimously.

Mrs. Cubitt questioned the Board in regard to allowing an individual to extend his/her funeral director or embalmer apprenticeship while taking the exam under the following conditions.

- The apprentice must apply for an extended apprenticeship license.
- The apprentice must be actively employed by a licensed funeral home.
- The apprentice cannot renew the apprenticeship more times than allowed by statute (five years).
- The apprentice must take the exam at least twice yearly.
- The apprentice must apply for a funeral director or embalmer license in order to be eligible to take exam.

The funeral director or embalmer application will remain in pending status until the exams are complete. Once the candidate passes the exams, including the state law exam the agency will change his/her apprenticeship status to inactive (complete).

Mrs. Cubitt noted the apprentice must continue with submitting the quarterly reports throughout the five year period.

MOTION **POLICY CHANGE**

Mr. Nelson made a motion the Board approve extending the apprentice for up to five years as long as the applicant meets the approved conditions. Mr. Baker seconded the motion, which carried unanimously.

Mrs. Cubitt stated the statute says if an individual who applies for licensure via reciprocity and his/her home state is substantially equivalent and the individual has taken the national exam the Board would issue a license. She went on to say if the individual did not take the national exam, but took the state exam and has been in practice for at least five years the Board would issue a license. She asked the Board for clarification on this matter and to vote on a policy stating if the individual successfully passes the national exam and the home state is substantially equivalent the individual does not have to wait five years to become licensed in South Carolina. She noted the individual would be required to take the South Carolina state exam.

MOTION **POLICY CHANGE**

Mr. Elwood made a motion the Board license an individual who is licensed in another state which is substantially equivalent and has taken the national exam without requiring the individual be licensed for five years. Mr. Nelson seconded the motion, which carried unanimously.

Discussion Topics

Update on SC Franks Chapel of Remembrance – Scott Fowler

Mr. Scott Fowler presented information to the members regarding the SC Franks Chapel of Remembrance. Between 1987 and 2004 SC Franks Chapel of Remembrance received \$116,824.00 from 34 prearrangement families. As of October 20, 2009 disbursements totaling \$65,682.00 had been made: 15 of the pre-arrangements had been fulfilled totaling \$60,682.00 and one prearrangement (\$5,000.00) was refunded prior to the Board's order. The total amount left to be refunded per the Board's order is \$51,142.00 plus 20% interest to 18 families. As of

December 17, 2009 the funeral home has refunded all prearrangement monies collected plus 20% interest as required by the Board's order.

Mr. Fowler noted the monies issued to the 15 families were in regard to persons who had died. He obtained death certificates or copies of burial/removal transit on all those. He stated the families were satisfied.

Mr. Fowler stated the funeral home was in full cooperation; however, there were issues. He noted the funding almost fell through; however, the funeral home received monies from a minority partner. He went on to say the Board's order from 2006 states the funeral home cannot sell preneed while the license is in probationary status. He believes the probation will end in December 2011. He said the funeral home must reapply for a preneed license, which he understands will happen. He also stated the funeral home has released the former manager and hired a new manager who has been approved.

Disciplinary Reports

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

Mr. Kennedy stated the IRC has not met due to scheduling conflicts. However, the committee would be meeting prior to the April 22, 2010 meeting. He further stated he has completed 19 investigations which he will present to the IRC during the next meeting.

Inspections Report – Ernest Adams

Mr. Adams stated he has conducted over 125 inspections since the last Board meeting. He noted there are one or two funeral homes still having problems with the caskets and the GPLs.

Mr. Temples stated funeral homes selling preneed must display the preneed license from the SC Department of Consumer Affairs. He asked that Mr. Adams ensure the funeral homes are aware that the license must be displayed.

Number of Open Complaints

Mr. Kennedy stated there are currently 12 open complaints. He noted the complaints are down and feels this is due to Mr. Adams' efforts.

Committee Reports

Legislative Committee – Tom Genoble, Sheridan Spoon

This committee had no report.

Examination/CEU/Education – Glen Crawford, Ernest Adams

This committee had no report.

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

This committee had no report.

Publications / Newsletter / Website – Glen Crawford, Tony Tipton, Jeff Temples, Sandra Dickert

This committee had no report.

Public Comments

A brief discussion ensued regarding the wall certificates (licenses) being displayed in the funeral homes.

Mrs. Alicia Clark of the SC Department of Consumer Affairs stated the agency would soon be mailing a letter to the funeral homes which are not licensed to sell preneed with an affidavit regarding selling preneed.

Mrs. Clark stated the agency will be hiring another person to assist in her office.

Adjournment**MOTION**

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

The February 3, 2010 meeting of the SC Board of Funeral Service adjourned at 12:14 p.m.