

**MINUTES**  
**South Carolina Board of Funeral Service**  
**Board Meeting**  
**10:00 a.m., April 22, 2010**  
**Synergy Business Park**  
**110 Centerview Drive, Kingtree 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 10:04 a.m. Other Board members present for the meeting included: Eddie Nelson, vice president, of Columbia; Kenneth Beasley, of Simpsonville; Glen Crawford, of Lancaster; Homer Elwood, of Laurens; William Horton, of Kingtree; Margery McWhorter, of Columbia; and Tony Tipton, of Greer.

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

*Public Notice*

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. 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**

**MOTION**

Mr. Horton made a motion the Board excuse Thomas Baker's, Michelle Cooper's and Thomas Genoble's absences. Mrs. McWhorter seconded the motion, which carried unanimously.

**4. Approval of Minutes for the February 3, 2010 Board Meeting, the March 9, 2010 Conference Call Meeting, and the March 19, 2010 Work Session Meeting**

**MOTION**

Mr. Tipton made a motion the Board approve the minutes for the February 3, 2010 board meeting, the March 9, 2010 conference call meeting, and the March 19, 2010 work session meeting. Mr. Elwood seconded the motion, which carried unanimously.

## **5. President's Remarks - Jeff Temples**

Mr. Temples made no remarks at this time.

## **6. Administrator's Remarks - Randy Bryant**

Mr. Bryant stated Mrs. Cubitt is recovering nicely and is due back in the office the first part of May.

Mr. Bryant stated state government has had several economic down turns. He noted there have been no cut backs or furloughs. He further stated the budget goes to the Senate shortly. He went on to say last year the agency remitted over \$10,000,000.00 which is shared across the agency. He also stated in 1996 the Senate ordered that all boards and commissions be self sufficient.

Mr. Bryant briefly discussed Bill H.4546. He stated seven professional associations testified before the Senate LCI subcommittee on April 21, 2010. He does not know if the Senate LCI issued invitations to the affected boards.

- A. OIE Report - Office of Investigations and Enforcement  
Mr. Kennedy gave this report during the March 19, 2010 work session meeting.
- B. OGC - Office of General Counsel  
No representative from the Office of General Counsel was present to give a report.
- C. OLC - Office of Licensure and Compliance  
No representative from the Office of Licensure and Compliance was present to give a report.

## **7. Finance Report - Barbara Derrick**

Mr. Temples asked that this matter be stricken from this agenda and placed on the agenda for the June 2, 2010 meeting.

## **8. Unfinished Business**

There was no unfinished business for discussion during this meeting.

## **9. Discussion Items**

- A. Apprenticeship Standards - Ernest Adams  
Mr. Adams stated he had been asked to research apprenticeship standards from other states. He presented the members with information regarding apprenticeship standards he received from Mr. Paul Harris of the North Carolina Board of Funeral Service. He noted the North Carolina Board requires an embalmer apprentice to complete several things including setting features, mixing fluids, raising vessels, inserting tubes, injecting fluids, suturing incisions, and cavity treatment. He went on to say North Carolina also requires a funeral director apprentice to complete preneed arranging, observing/sale of funeral service, making arrangement with family/clergy, and assisting with funeral/memorial/interment ceremonies.

Mr. Adams stated South Carolina's quarterly reports include these items but do not require that the apprentice complete the items. He said in order for an apprentice to get credit for a case the apprentice could apply cosmetics to a body or drive a car during a funeral and that could stand for a case. He believes the Board should raise the standards for the apprentice program. He said North Carolina requires the apprentice to complete more items than what South Carolina requires.

Mr. Adams stated he attended the American Funeral Service Board of Education in Sacramento, California the week of April 12 - 16 and spoke with teachers and professionals regarding the apprentice program. He further stated he gathered information from the individuals he spoke with during the meeting. He also presented the members with copies of the magazine *The Director*, which he obtained while attending the meeting. He read a paragraph from an article regarding apprentices from the magazine.

Mr. Adams asked the Board members to review the information and be prepared to take action regarding this matter during the next meeting.

B. Islamic Religion and Customs

Mr. Adams stated the gentleman who he had spoken regarding this matter contacted him earlier in the week and asked that this matter be deferred to another meeting.

**10. New Business**

A. Approval of Apprentices

1. Desma Olivia McWhite - Apprentice Funeral Director/Embalmer - Judgment

On November 23, 2009 the Board received a dual apprenticeship license application from Desma Olivia McWhite. Ms. McWhite's credit report reflects a judgment against her for \$2,500.00 for an apartment abandoned in 2005 in Decatur, Georgia. Ms. McWhite states it was due to a financial hardship and she was unable to maintain the living expenses and returned to South Carolina.

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

Desma Olivia McWhite appeared before the Board. Ms. McWhite stated when she answered the question she was unaware that a judgment was a court ordered payment of money. She further stated she does not have a judgment against her; however she does owe money on the apartment. She said she has paid \$100 and owes \$2,500.00. She lived in the apartment for four months.

Mr. Spoon asked Ms. McWhite if she would object to providing the Board with documentation from DeKalb County stating she does not have an outstanding judgment against her or if she had any objection to entering into an agreement with the Board. She replied negatively.

Mr. Spoon stated the Board may find that the obligation to submit additional documentation may have relevance at a later time during the apprenticeship.

Ms. McWhite completed her education at Gupton-Jones Mortuary College and currently holds a full time job cleaning a funeral home. Since she does not have an apprentice license she does not conduct apprentice duties. She feels pulled to the funeral industry and believes she would be able to gain full time employment with a funeral home.

**MOTION**

Mr. Crawford made a motion the Board discuss this matter in executive session.

Mr. Nelson seconded the motion, which carried unanimously.

2. Patrick James Conway - Apprentice Funeral Director/Embalmer -  
Apprentice extension

Mr. Conway began his apprenticeship when the Board was autonomous. It appears Mr. Conway began the apprenticeship in 1992 and continued through 1994, then in 1998-1999 and again in 2008-2009. His apprentice license is currently in lapsed status. His quarterly reports have been signed by an individual other than his listed preceptor.

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

Mr. Conway did not appear during this meeting. The Board took no action on this matter during this meeting.

3. Monte Delando Lindsey - Apprentice Funeral Director/Embalmer -  
Criminal Background

On February 22, 2010 the Board received a dual apprentice application from Monte Delando Lindsey. Mr. Lindsey answered yes to the question asking, 'Have you ever been convicted of or pled guilty to or nolo contendere to a felony or a crime involving drugs or moral turpitude?' His criminal history report reflects a misdemeanor arrest and conviction for simple assault and a misdemeanor arrest and conviction for assault and battery.

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

Monte Delando Lindsey appeared before the Board. Discussion ensued regarding a letter from Mrs. Cubitt stating that Mr. Lindsey's application had been denied at staff level.

Mr. Lindsey's last offense took place in 1994. He has not had any further charges brought against him since that time. He had legal representation for a drug charge that was nolle prossed.

Mr. Bryant stated he spoke with Mrs. Cubitt regarding this matter. He stated he was uncomfortable in making a determination on this matter and asked that it be placed on the agenda for the Board's review.

#### **Executive Session**

##### **MOTION**

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

#### **Return to Public Session**

##### **MOTION**

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

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

##### **MOTION**

Mr. Horton made a motion the Board approve Ms. McWhite's dual apprentice application. Mr. Crawford seconded the motion, which carried unanimously.

##### **MOTION**

Mr. Nelson made a motion the Board approve Mr. Lindsey's dual apprentice application. Mr. Tipton seconded the motion, which carried unanimously.

#### **B. Approval of Additional Facility**

J P Holley Funeral Home of St. Matthews - Roy Graham On January 29, 2010 the Board received an additional facility application for J P Holley Funeral Home of St. Matthews Chapel. The application reflects Johnathan P. Holley as the owner and Roy Graham as the manager. Mr. Graham was initially issued a funeral director's license on October 17, 2001, which remains current and in good standing. He lives 22.04 miles from the funeral home and does not have a criminal record.

Ms. Rose stated the facility is an existing funeral home, which belonged to Mr. Holley's mother. She further stated the facility was closed because there was no manager.

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

Mr. Holley stated the facility is a branch with a chapel. He noted there would be no preparations completed in the facility. He noted the parent company is incorporated.

Mr. Graham lives at 208 Dowdy Street, Eastover, SC, although his driver's license has not yet been changed. He is in the process of having the address changed on his driver's license. He has been living at the Eastover address, which he is renting, for approximately three months. He previously lived at 32

Pebblebrook Road, Sumter, SC and is in the process of giving up the Sumter address.

**MOTION**

Mr. Elwood made a motion upon Mr. Graham showing proof of his residency at his present (Eastover) address approve that the Board approve application of J P Holley Funeral Home of St. Matthews. Mr. Nelson seconded the motion, which carried unanimously.

C. Approval of New Facility

Russell Graham Funeral Home LLC on April 7, 2010 the Board received a new facility application from J. Russell Graham Funeral Home, LLC. The application reflects J. Russell Graham, III as the owner and the proposed manager. Mr. Graham was initially issued a dual funeral director/embalmer license on July 31, 1996. The license remains current and in good standing. Mr. Graham lives .48 mile from the funeral home and does not have a criminal record.

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

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

J. Russell Graham, III appeared before the Board.

**MOTION**

Mr. Nelson made a motion the Board approve the Russell Graham Funeral Home LLC application upon inspection. Mr. Crawford seconded the motion, which carried unanimously.

D. Clarification on Managing More Than One Parent Facility

Ms. Rose stated in the past the Board has approved a manager of a parent facility and a branch facility with the same name as long as the manager lived within the required 25 mile radius. She further stated the Board has never approved a manager of two different parent companies, such as Dunbar Funeral Home and Caughman-Harmon Funeral Home. She noted the larger corporations then began purchasing several funeral homes. However, the Board has not approved a manager for two parent funeral homes owned by the same corporation. She said the statute does not reflect if a manager can or cannot manage two parent facilities.

Discussion on this matter ensued. The discussion included staff explaining an individual is seeking to be manager of two parent facilities. He does not want to change the name of the funeral homes. It was also noted the change of manager would go before Mrs. Cubitt.

Mike Shaffer appeared before the Board. He stated he became part of the firms, Barron's Funeral Home and Dantzler-Baker Funeral Home, which are owned by Greg Rollings of Rollings Funeral Service. He noted both facilities share vehicles, employees, and advertisements. The funeral homes are located approximately 23 miles apart and he lives within the 25 mile radius of both facilities.

The Board determined it would render a decision in the matter when the applications are brought before the Board during a future meeting.

## **11. Disciplinary Reports**

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

Mr. Kennedy stated the IRC report had been discussed during the March 19, 2010 work session meeting.

- B. Inspections Report - Ernest Adams  
Mr. Adams stated he has completed 60 inspections since the last meeting.

- C. Number of Open Complaints  
Mr. Kennedy stated OIE currently has 20 cases of which he has completed the investigation on seven cases. He noted there are 13 cases still active in OIE.

## **12. 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.

Mr. Horton stated at one time there was a study guide for the state exam and since it is now more complicated with pre-need contracts, etc. he wondered if it would advantageous to have a study guide.

Discussion ensued regarding the study guide. Mr. Adams stated the conference has produced a study guide for the national exam.

Mr. Horton asked Mr. Adams if Piedmont Tech offers a course to prepare for the national exam. Mr. Adams replied negatively.

- C. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed - Billy Horton, Tom Genoble, Doris Cubitt  
This committee had no report.

Mr. Adams stated he wanted to ensure the members are aware of the certified screening program from TSA, the Transportation Service Association, which begins August 10, 2010. He further stated any member who is unaware of the program should become involved in the program. He noted because of September 11, 2001 several things have changed regarding shipment of human

remains on commercial flights. He said the certified screening program requires a funeral home to ensure that there are no explosives or hazardous materials in the remains the facility ships. He went on to say the TSA visits the facility to ensure it has a secure place where the remains can be placed prior to shipping. He noted the TSA performs background checks on the facility's personnel. The facility's certified personnel have to transport the remains to the airport.

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

### **13. Public Comments**

Mr. Squires stated there would be 100% screening which takes place effective August 1, 2010. He noted the law has been in place for some time.

Ms. Simmons of the SC Mortician's Association invited the Board to the SC Mortician's annual convention at the Hilton in Myrtle Beach. She noted the convention would be held May 10-14, 2010.

Mr. Nelson asked that staff provide the Board with a list of individuals issued licenses as apprentices as well as managers and change of managers along with any new funeral established since the last Board meeting.

Mr. Spoon stated the information could be provided from the Office of Licensure and Compliance for the individual licenses and from staff regarding funeral homes.

### **14. Adjournment**

#### **MOTION**

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

The April 22, 2010 meeting of the SC Board of Funeral Service adjourned at 12:46 p.m.