

MINUTES
South Carolina Board of Funeral Service
Board Meeting
10:00 a.m., August 04, 2010
Synergy Business Park
110 Centerview Drive, Kingtree Building, Room 108
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 10:20 a.m. Other Board members present for the meeting included: Eddie Nelson, vice president, of Columbia; Michelle Cooper, secretary, of Moncks Corner; Glen Crawford, of Lancaster; Homer Elwood, of Laurens; Thomas Genoble, of Union; William Horton, of Kingtree; and Margery McWhorter, of Columbia.

Staff members participating in the meeting included: Christa Bell, Litigating Attorney; Doris Cubitt, Administrator; Amy Holleman, Administrative Specialist; Tony Kennedy, Investigator; Jeanie Rose, Administrative Specialist; Angela Scott, Administrative Assistant; Sheridan Spoon, Assistant Deputy General Counsel; and Michael Teague, Administrative Assistant.

A video of this meeting can be viewed at www.lfr.state.sc.us/POL/Funeral. On the Board's home page, click 'Board Information' and follow the link to the video.

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.

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

MOTION

Mr. Crawford made a motion the Board approve the absences for Mr. Beasley, Mr. Baker, and Mr. Tipton. Mr. Genoble seconded the motion, which carried unanimously.

Approval of Minutes for the June 2, 2010 Meeting

MOTION

Mr. Crawford made a motion to approve the June 2, 2010, meeting minutes. Mr. Nelson seconded the motion, which carried unanimously.

President's Remarks – Jeff Temples

Mr. Temples made no remarks at this time.

Administrator's Remarks – Doris Cubitt

Mrs. Cubitt stated the licensure renewal period ended June 30, 2010; however, the renewal period remained open until July 31, 2010. She noted licensees who renewed after June 30, 2010 paid the renewal fee with a late fee of \$60.00. She went on to say licensees who did not renew prior to August 1, 2010 must enter into a consent agreement and sign an affidavit stating they did not practice during the time the license was lapsed. She further stated any licensee who practiced during the time of the lapsed license must enter into a consent agreement and pay a fine of \$500.00 unless the Board determines it would raise the fine. She noted the consent agreements would be mailed next week. She said those consent agreements must be approved by the Board.

Mrs. Cubitt stated 106 individuals and 37 funeral homes have not renewed licensure at this time.

Mr. Nelson asked Mrs. Cubitt how the numbers of licensees and permits which have lapsed compared to the last renewal cycle. Mrs. Cubitt stated she did not have that information; however, she could obtain that information at a later time.

Mrs. Cubitt stated the Board had discussed managers of multiple locations within the 25 mile radius during the work session meeting on August 3, 2010. She asked the Board if it makes a difference if the manager was at one facility location and was called to the other facility location which is more than 25 miles away. The Board stated the statute states 25 miles from the residence.

A. OIE Report – Office of Investigations and Enforcement

Mr. Kennedy did not give the Board a report during this meeting.

B. OGC – Office of General Counsel

Ms. Christa Bell stated there are currently two pending cases in OGC. She further stated one case was to be brought before the Board during this meeting; however, it has been continued to a later date. She noted the other case was received in OGC in June 2010. She further stated five cases have been closed by OGC since January 2009.

C. Office of Communications

Mrs. Cubitt presented the members with list of licenses issued between June 23, 2010 and July 27, 2010. She also presented the members with the number of licenses issued.

Unfinished Business

There was no unfinished business for discussion.

Discussion Items for Vote

Renewals – Did not Take CE Hours in a Timely Manner

Mrs. Cubitt stated this matter was discussed during the work session meeting held on August 3, 2010 and the Board made a policy during the meeting. She noted the matter has been settled.

Mr. Temples stated in the years during which the licenses were renewed on an annual basis the licensees were required to obtain three hours of continuing education on an annual basis. He further stated since the licenses are now renewed on a biennial basis the Board has made a policy stating licensees may complete six hours of continuing education hours during the first

year, may complete six hours of continuing education during the second year prior to the next renewal, or complete three hours during each year.

New Business

Approval of New Facility

Stubbs Funeral Home – Reginald Avery Stubbs, Sr.

On June 16, 2010 the Board received a new facility application from Stubbs Funeral Home. The application reflects that Reginald A. Stubbs, Sr. is the owner and proposed manager of the facility. Mr. Stubbs was initially issued a dual license on February 22, 2008 and the license remains current and in good standing. He does not have a criminal background and lives one mile from the funeral home.

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

Reginald Avery Stubbs, Sr. appeared before the Board.

MOTION

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

Milton Shealy Crematory – James Milton Shealy

On June 28, 2010 the Board received a new facility application from Milton Shealy Crematory. The application reflects that James Milton Shealy is the owner and proposed manager. Mr. Shealy was initially issued a funeral director's license on August 1, 1967 and the license remains current and in good standing. He does not have a criminal background and lives at the funeral home. The crematory is on the same property as the funeral home.

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

James Milton Shealy appeared before the Board.

Mr. Temples stated he knows Mr. Shealy; however, he feels he will be unbiased in this matter.

MOTION

Mr. Horton made a motion the Board approve this application pending receipt of the zoning document, the final inspection, and receipt of the training certificate. Mr. Nelson seconded the motion, which carried unanimously.

A. A. Dicks Funeral Home Sullivan Chapel – Anthony A. Dicks, Sr.

On July 19, 2010 the Board received a new facility application from A. A. Dicks Funeral Home, Sullivan Chapel. The application reflects Anthony Au Dwin Dicks, Sr. as the owner and proposed manager of the facility. Mr. Dicks was initially issued a dual license on July 8, 1987 and the license remains current and in good standing. He lives 2.05 miles from the facility and his current criminal history report reflects nothing new. He is asking the Board approve the change of location.

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

Mrs. McWhorter arrived during this hearing.

Anthony A. Dicks, Sr. appeared before the Board.

MOTION

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

Gilmore Mortuary Service – Henry Cecil Gilmore

On July 13, 2010 the Board received a new facility application from Gilmore Mortuary Service. The application reflects Henry Cecil Gilmore as the owner and proposed manager of the facility. Mr. Gilmore was initially issued a dual license on January 2, 1998 and the license remains current and in good standing. He lives 12.51 miles from the funeral home and his criminal history report shows an assault and battery charge in 1997 which was a non-conviction.

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

Henry C. Gilmore appeared before the Board

MOTION

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

Approval of Additional Facility

Dimery & Rogers Chapel – Alex Alston

On June 23, 2010 the Board received an additional facility application from Dimery & Rogers Chapel. The application reflects Alvin L. Dimery as the facility owner and Alex R. Alston as the proposed manager. Mr. Alston was initially issued a dual license on August 14, 1990 and the license remains current and in good standing. He does not have a criminal background and lives 7.47 miles from the facility.

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

Alex Alston appeared before the Board.

Mr. Horton noted for the record he knows Mr. Alston; however, he feels he can give an unbiased opinion in this matter.

MOTION

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

Student Application

Larry Williams – Criminal Background

The Board has received a student embalmer application dated May 5, 2010 from Larry Williams. Mr. Williams provided the Board with a county sheriff's criminal history report; however, he needs to provide a statewide Georgia criminal history report. He has informed staff that he had a felony on his record which had been pardoned. Staff has not received documentation regarding Mr. Williams' pardon.

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

Larry Williams appeared before the Board.

MOTION

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

Executive Session

MOTION

Mr. Horton 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. Nelson seconded the motion, which carried unanimously.

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

Gilmore Mortuary Service – Henry Cecil Gilmore

MOTION

Mr. Elwood made a motion the Board approve the application for the funeral home upon proof of the zoning for the funeral home and final inspection and upon proof of a manager that qualifies to meet the South Carolina requirements as a manager but the Board deny Mr. Gilmore as manager of this facility until he shows proof of residency in South Carolina for one year. Ms. Cooper seconded the motion, which carried unanimously.

Student Application – Larry Williams

MOTION

Mr. Horton made a motion the Board grant Mr. Williams a student permit for the purpose of continuing and completing his mortuary college education; however, this does not mean in any way mean that he will be granted an apprentice license or a funeral director's license until such time that he can legally prove that his offense was not a felony or that his record has been expunged or he has been pardoned. Mr. Nelson seconded the motion, which carried unanimously.

Approval of 2011 Board Meeting Dates

The Board reviewed the following proposed meeting dates for 2011.

February 8, 2011	May 5, 2011	June 30, 2011
August 4, 2011	September 15, 2011	November 17, 2011

MOTION

Mr. Elwood made a motion to approve the 2011 meeting dates with the exception of September 15, 2011. Mr. Crawford seconded the motion, which carried unanimously.

Election of officers

Nominations

Mr. Horton nominated Mr. Nelson for president, Ms. Cooper for vice president and Mr. Crawford for secretary. Mr. Elwood seconded the nomination. There being no further nominations, the nominations were closed.

Mr. Nelson was elected as president, Ms. Cooper as vice president and Mr. Crawford as secretary by acclamation.

Disciplinary Reports

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

Mr. Kennedy reviewed the IRC report with the Board members. He noted case #2010-8 has been continued to the next meeting.

MOTION

Mr. Nelson made a motion the Board approve the IRC report. Mr. Elwood seconded the motion, which carried unanimously.

- B. Inspections Report – Ernest Adams

Mr. Adams was not present during this meeting to give this report.

- C. Number of Open Complaints

Mr. Kennedy did not give this information to the Board during this meeting.

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 at the last meeting he had asked that the Board consider, following the renewal period which just ended, sending a letter to all managers of record requiring that they furnish the Board with two forms of certification of residence and mileage from their house to the funeral home. He further stated the certification could include a Google map showing the directions from their residence to the location of the funeral home; a copy of the driver's license, a copy of their voter registration, a copy of property taxes, a copy of the lease if they rent an apartment, and a signed affidavit stating that they reside at that residence.

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

This committee had no report.

Public Comments

No public comments were made during this meeting.

Adjournment

MOTION

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

The August 4, 2010 meeting of the SC Board of Funeral Service adjourned at 1:06 p.m.