

MINUTES
South Carolina Board of Funeral Service
Board Meeting
10:00 a.m., October 07, 2010
Synergy Business Park
110 Centerview Drive, Kingtree Building, Room 108
Columbia, South Carolina

Meeting Called to Order

Eddie Nelson, president, of Columbia, called the regular meeting of the SC Board of Funeral Service to order at 10:05 a.m. Other Board members present for the meeting included: Michelle Cooper, vice president, of Moncks Corner; Glen Crawford, secretary of Lancaster; Thomas Baker, of Kershaw; Kenneth Beasley, of Fountain Inn; C. Brad Evans, of Abbeville; Margery McWhorter, of Columbia; and Jeff Temples, of Columbia.

Staff members participating in the meeting included: Ernest Adams, Inspector; Christa Bell, Litigating Attorney; Doris Cubitt, Administrator; Sandra Dickert, Administrative Assistant; Amy Holleman, Administrative Specialist; Tony Kennedy, Investigator; Jeanie Rose, Administrative Specialist; 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.

A. Public Notice

Mr. Nelson 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.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

C. Invocation

Ms. McWhorter 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

Mr. Crawford made a motion the Board excuse Mr. Horton's and Mr. Tipton's absences. Mr. Temples seconded the motion which carried unanimously.

Thomas Genoble, of Union; was not present for this meeting.

Approval of Minutes for the August 03, 2010 Work Session Meeting and the August 04, 2010 Board Meeting

Ms. Cooper noted the motion on page five of the work session meeting.

MOTION

Mr. Baker made a motion the Board accept the August 3, 2010 work session minutes as amended and accept the August 4, 2010 meeting minutes as presented. Mr. Temples seconded the motion which carried unanimously.

Hearing

In the Matter of 2008-38

Ms. Cubitt noted this matter has been continued.

Consideration of Voluntary Surrender of License

Samuel E. Jenkins, Case # 2008-3

MOTION

Ms. Cooper made a motion to enter executive session to seek legal advice on this matter.

MOTION

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

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

MOTION

Mr. Crawford made a motion the Board accept the voluntary surrender. Mr. Temples seconded the motion which carried unanimously.

President's Remarks – Eddie Nelson

Mr. Nelson made no remarks at this time.

Administrator's Remarks – Doris Cubitt

Ms. Cubitt stated staff is in the process of disseminating consent agreements as well as cease and desist notices to those individuals and facilities which have not renewed licensure. She went on to say staff is also in the process of verifying the residence of all facility managers.

- A. OIE Report – Office of Investigations and Enforcement
Mr. Kennedy stated there are currently 25 open complaints in the Office of Investigations and Enforcement (OIE). He noted 14 investigations have been completed and 11 cases remain under investigation.
- B. OGC – Office of General Counsel
Ms. Bell presented the Board with the report from the Office of General Counsel (OGC). She included in the report the number of complaints closed. She noted OGC currently has three cases, one of which has been resolved by way of the voluntary relinquishment heard earlier in the meeting. She stated of the other two cases, one was to be heard during this meeting but has been continued.
- C. Office of Communications
Ms. Cubitt presented the members with a report of the current licensure statistics.
- D. Special Projects – Tracey McCarley – Update Financial Statements

Ms. Cubitt stated Ms. McCarley is working on the financial statements for the members. She noted she is assisting in the process.

Unfinished Business

There was no unfinished business for discussion.

New Business

A. Approval of New Facility

1. Ocean View Funeral Home of Horry County, LLC – Atu Jamal Williams

On August 31, 2010 the Board received a new facility application from Ocean View Funeral Home of Horry County, LLC. The application reflects Tammy G. Williams is the owner of the facility and Atu Jamal Williams is the proposed manager. Mr. Williams was initially issued a dual license on September 18, 1998 which remains current. He does not have a criminal background and lives nine miles from the facility.

Atu Jamal Williams appeared before the Board.

Samuel Farmer the current manager of Ocean View Funeral Home of Horry County, LLC was sworn to give correct testimony. He has been the manager for the past two years.

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

MOTION

Mr. Temples made a motion the Board enter executive session to seek legal advice in this matter. Mr. Beasley seconded the motion which carried unanimously.

MOTION

Mr. Temples made a motion the Board return to public session. Mr. Evans seconded the motion which carried unanimously.

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

MOTION

Mr. Baker made a motion the Board continue the matter of Ocean View Funeral Home of Horry County, LLC naming Mr. Atu Jamal Williams as manager to the next meeting, providing that Mr. Williams furnish a corporate resolution from the Secretary of State's Office granting him the ability to serve as manager of Ocean View Funeral Home. Mr. Beasley seconded the motion which carried unanimously.

2. Palmetto Mortuary of South Carolina – Michael Lee Keith

On September 15, 2010 the Board received a new facility application from Palmetto Mortuary of South Carolina. The application reflects that Randall G. Harreld is the owner of the facility and Michael Lee Keith is the proposed manager. Mr. Keith was initially issued a dual license on March 20, 1998 which remains current. Mr. Keith does not have a criminal

background and lives 17.22 miles from the funeral home. The application also reflects a proposed change of name for the facility. The current facility's name is Palmetto Care Funeral Service and the proposed name change is Palmetto Mortuary of South Carolina.

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

Michael Lee Keith appeared before the Board.

The current facility houses Cremation Society of South Carolina as well as Palmetto Care Funeral Service. The facility is separating the funeral home from the crematory and is moving through the zoning process.

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

MOTION

Mr. Temples made a motion the Board accept the application upon proof of the incorporated documents for the new name change in the facility and pending a favorable inspection. Ms. Cooper seconded the motion. Mr. Crawford disagreed with the motion.

AMENDED MOTION

Mr. Temples amended the motion to state Mr. Keith appear at the next meeting and show proof of the incorporated documents for the new name change in the facility. Ms. Cooper seconded the amendment which carried unanimously.

3. **Gray Crematory – Homer Eugene Elwood**

On September 10, 2010 the Board received a new facility application from Gray Crematory. The application reflects the facility is owned by Ralph F. Patterson, Jr. and the proposed manager is Homer Eugene Elwood. Mr. Elwood was initially issued a dual license on August 28, 1984 which remains current. Mr. Elwood does not have a criminal background and lives 15.55 miles from the facility.

Homer Elwood appeared before the Board.

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

MOTION

Mr. Beasley made a motion the Board accept the application pending favorable inspection. Mr. Crawford seconded the motion which carried unanimously.

Mr. Elwood asked that the instructions for opening a crematory be placed on the Board's web page.

MOTION

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

MOTION

Mr. Temples made a motion the Board return to public session. Mr. Evans seconded the motion which carried unanimously.

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

B. Student Application

David John Oglesby – Student Funeral Director and Embalmer – Criminal Background Report

On May 28, 2010 the Board received a student funeral director/embalmer application from David John Oglesby. Mr. Oglesby's criminal history report reflects a felony. Mrs. Cubitt denied a student funeral director/embalmer license as a result of the felony and he is appealing her decision to the Board.

David John Oglesby appeared before the Board.

Mr. Oglesby has begun the process of having his record expunged; however, the process takes approximately nine months.

David Martin and Dedrick Gantt of Piedmont Technical College were sworn to give correct testimony during the course of this hearing.

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

MOTION

Mr. Beasley made a motion the Board allow Mr. Oglesby a student permit based on the regulations as set forth. Mr. Temples seconded the motion which carried unanimously.

C. Consideration of Reinstatement Consent Agreements

The Board reviewed several reinstatement consent agreements issued to licensees and facilities which have not renewed licensure.

MOTION

Mr. Crawford made a motion the Board accept the consent agreements as presented. Mr. Evans seconded the motion which carried unanimously.

Discussion Items

A. Clarification on regulation 57-09 (D)

Mrs. Cubitt stated Regulation 57-09(D) states, 'An embalmer or funeral director whose license has been expired for more than five (5) years must reapply and meet all of the requirements, including re-examination, at the time of application for licensure.' She asked the Board if the regulation means the individual must complete another apprenticeship. She noted the apprenticeship is only good for five years.

Discussion on the matter ensued.

MOTION

Mr. Evans made a motion the Board handle on a case by case basis. Mr. Temples seconded the motion, which carried unanimously.

B. **Consideration of an Off-site Business for Larry Hendrix**

Mr. Hendrix stated the funeral home was considering opening an office to meet with families. He noted there would be no embalming room or visitation, but would show merchandise on a computer. He also stated the family would be given the option of going to the funeral home or to the separate office. There is no classification for having an office designated for making arrangements only. The facility has not located space for the off-site business.

Discussion on this matter ensued and included topics such as having the required six caskets on the premises and the arrangement center being permitted.

MOTION

Mr. Baker made a motion the Board ask Mr. Hendrix to license the facility as a branch. Mr. Evans seconded the motion which carried unanimously.

The motion was withdrawn and the Board asked that matter appear on a later agenda with further information.

Disciplinary Reports

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

The IRC did not meet prior to this meeting.

- B. Inspections Report – Ernest Adams

Mr. Adams stated he has completed over 60 inspections since the last 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

This committee had no report.

- 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. Temples made a motion the meeting be adjourned. Mr. Evans seconded the motion which carried unanimously.

The October 7, 2010 meeting of the SC Board of Funeral Service adjourned at 1:06 p.m.