

**MINUTES**  
**South Carolina Board of Funeral Service**  
**Board Meeting**  
**9:00 a.m., February 8, 2011**  
**Synergy Business Park**  
**110 Centerview Drive, Kingtree Building, Room 108**  
**Columbia, South Carolina**  
**And the Columbia Metropolitan Convention Center**  
**1101 Lincoln Street, Columbia, SC**

**Meeting Called to Order**

Eddie Nelson, president, of Columbia, called the regular meeting of the SC Board of Funeral Service to order at 9:00 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; Billy Horton, of Kingtree; John Petty, III, of Landrum; and Jeff Temples, of Columbia.

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

Public Notice

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

**Introduction of Board Members and Persons Attending the Meeting**

The Board members, staff and all other persons attending the meeting introduced themselves.

**Approval of Excused Absences**

Margery McWhorter was granted an excused absence.

**Approval of Minutes for the December 15, 2010 Meeting**

**MOTION**

Mr. Horton made a motion the Board approve the minutes of the December 15, 2010 meeting. Mr. Baker seconded the motion, which carried unanimously.

**President's Remarks – Eddie Nelson**

Mr. Nelson made no remarks at this time.

**Information Update**

OGC – Office of General Counsel

Office of Communications

Mrs. Cubitt stated staff has issued three apprentice funeral director licenses, five apprentice dual licenses, and four student licenses since the last meeting.

Special Projects – Tracey McCarley – Update Financial Statements

No report was given during this meeting.

**Administrator’s Remarks – Doris Cubitt**

**Recess**

**Reconvene at the Columbia Metropolitan Convention Center**

The Board recessed the meeting at 9:30 a.m. and reconvened the meeting at the Columbia Metropolitan Convention Center at 10:00 a.m.

**Unfinished Business**

Approval of New Facility

*Gilmore Mortuary Service – Sidney Adams, Jr.*

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

Mrs. Cubitt stated Mr. Gilmore appeared before the Board during the July 2010 meeting during which time the Board approved the application pending zoning approval, an acceptable manager, and a favorable inspection.

Mrs. Cubitt stated the Rock Hill Zoning Board denied Mr. Gilmore's first request after which he applied for a special exemption. In completing the special exemption request he made the following request:

1. "The property will be used for selling mortuary merchandise and a lavatory preparation station with no assemblies. Basically an office space business."
2. "It will be used as office space business with no visitation and assemblies."

Mrs. Cubitt stated the Rock Hill Zoning Board of Appeals issued an order after a public hearing on August 10, 2010 which states the following:

- 1) "Not to include funeral home visitation at the location or any assembly uses. This is strictly for funeral planning and to prepare the deceased for burial."
- 2) "Prohibit any assembly at the site."

Mrs. Cubitt stated in a letter from Mr. Trey Nantz, attorney for Mr. Gilmore, to Josh Reinhardt of the Rock Hill Zoning Board asking for clarification, which included the following language:

"1) ....Board of Funeral Services that they had interpreted a recent zoning decision regarding the proposed site for Gilmore as being an absolute prohibition against anyone being on the premises, except for employees."

Mrs. Cubitt stated that was not her statement or her understanding. She further stated her position is that according to the zoning order Gilmore Mortuary Services can meet with the family to make arrangements and can prepare the body; however, they cannot have visitation or any funerals at the site.

Mrs. Cubitt stated Regulation 57-10(B)(1) says, 'the establishment has the following: a chapel or parlor where funeral services may be conducted.'

Mrs. Cubitt stated it is not enough to just have a chapel or parlor, acceptable zoning should allow a funeral home to use the space for its intended purpose. She went on to say Mr. Gilmore has statements from two churches which state that he can use their facilities for services. She is certain that most funeral homes have a similar arrangement for times when they have a very large funeral; however, those do conduct many services at their facilities.

During the August 4, 2010 meeting the Board voted to deny Mr. Gilmore as manager because he did not meet the residency requirement of living in South Carolina for one year.

Mr. Henry Gilmore and Mr. Sidney Adams, Jr. appeared before the Board.

### **Executive Session**

#### **MOTION**

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

### **Public Session**

#### **MOTION**

Mr. Baker made a motion the Board 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. Evans made a motion the Board deny the application due to Mr. Gilmore not having a manager in place and no other action be taken. Mr. Temples seconded the motion which carried unanimously.

### **New Business**

#### **Approval of New Facility**

*Thompson Funeral Home of West Columbia, Inc, 4720 Augusta Rd, Lexington – John Blake Thompson*

#### **Approval of Additional Facility**

*Thompson Funeral Home of Lexington, 200 State St, West Columbia – John Blake Thompson*

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

On January 25, 2011 the Board received a new facility application from Thompson Funeral Home of West Columbia as well as an additional facility application from Thompson Funeral Home of Lexington. The applications list Stephen M. Shaffer and Thompson Funeral Home of West Columbia as the owners of both facilities and list John Blake Thompson as the proposed manager for both locations. Mr. Thompson was initially issued a dual license on December 19, 2000, which remains current and in good standing. Mr. Thompson lives 11 miles from the West Columbia facility and 11 miles from the Lexington facility. He does not have a criminal record.

Mr. Thompson was approved as manager for both locations during the December 15, 2010 Board meeting and staff issued facility licenses for both locations under Foundation Partners of

SC. Mr. Shaffer's legal assistant later realized that this was a stock purchase and was still owned by Mr. Shaffer and Thompson Funeral Home of West Columbia, Inc. for the West Columbia facility and Mr. Shaffer and Thompson Funeral Home of Lexington, Inc. for the Lexington facility. The Board must now vote to approve Mr. Shaffer and Thompson Funeral Homes of West Columbia, Inc. as well as Mr. Shaffer and Thompson Funeral Home of Lexington, Inc. for these locations.

John Blake Thompson appeared before the Board.

**MOTION**

Mr. Horton made a motion the Board approve both facilities. Ms. Cooper seconded the motion which carried unanimously.

*Lanford-Gwinn Mortuary – Robert Marion Gwinn*

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

Robert Marion Gwinn appeared before the Board.

On January 3, 2011 the Board received a new facility application from Lanford-Gwinn Mortuary. The application reflects Robert Marion Gwinn is the facility owner and proposed manager. He was initially issued a dual license on October 13, 1987 which remains current and in good standing. He lives in the apartment above the funeral home and does not have a criminal background.

During testimony on this matter it was brought to the Board's attention that in 2010 this funeral home was reprimanded and issued a fine from the SC Department of Consumer Affairs for improper conduct regarding a pre-need contract. It was noted that Mr. Gwinn was the manager of the funeral home at the time of the reprimand.

**MOTION**

Mr. Evans made a motion the Board approve the application pending the by the SC Department of Consumer Affairs reports and an inspection by Mr. Adams. Ms. Cooper seconded the motion which carried unanimously.

**Change of Manager**

*Russell-McCutchen Funeral Home, 324 South Vanderhorst St. Winnsboro - Randy Small*  
*Russell-McCutchen Funeral Home, 7601 Wilson Blvd., Columbia - Randy Small*

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

The Board has received change of manager applications for these two facilities. The applications reflect Randy Small as the proposed manager for both locations. Mr. Small was initially issued a dual license on August 30, 1983 which remains current and in good standing. He lives 5.97 miles from the Winnsboro location and 19.27 miles from the Columbia location. His criminal history report shows no change since he was first licensed in 1983. Staff brought the applications to the Board as Mr. Small currently holds a full time position outside of the funeral profession.

Mrs. Cubitt stated Mr. Small would be the only funeral director at both locations. She further stated he has a full time position which is not in the funeral profession.

Randy Small appeared before the Board

Mr. Small testified he is a Medicaid Specialist and currently works 8:30 a.m. to 5:00 p.m.; however, he would be able to work flexible hours. His job does not require him to meet with the public.

**Executive Session**

**MOTION**

Mr. Crawford made a motion the Board seek legal advice on this matter. Ms. Cooper seconded the motion which carried unanimously.

**Return to Public Session**

**MOTION**

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

Mr. Nelson announced that no official action was taken during executive session.

**MOTION**

Mr. Baker made a motion the Board deny Mr. Small as manager of both locations of Russell-McCutchen Funeral Home. Mr. Temples seconded the motion which carried unanimously.

**Approval of Student License**

*Alice J. Pegram*

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

On January 26, 2011 the Board received a student embalmer application from Alice J. Pegram. Ms. Pegram is seeking the Board's approval for a student license to complete her mortuary course at Piedmont Technical College. Ms. Pegram has disciplinary actions against her from the Board of Nursing and has not complied with the consent agreement. Her nursing license expired in 2004.

Ms. Rose stated Ms. Pegram informed her she does not intend to be licensed in South Carolina; however, she would like to complete her education at Piedmont Technical College. She further stated Ms. Pegram also said she would apply for licensure in North Carolina.

Alice J. Pegram appeared before the Board.

Ms. Pegram stated the SC Board of Nursing wanted her to begin the 12 step program from the beginning for a second time, which she is unable to do. She further stated she has a part-time job with SCI in Rock Hill. She will be seeking licensure in North Carolina. She said she informed the SC Board of Nursing that she does not intend to pursue the reinstatement of her nursing license. She noted her nursing license in South Carolina had lapsed prior to losing her nursing license in North Carolina. She went on to say her criminal history report shows no arrests for drugs or alcohol.

**MOTION**

Mr. Baker made a motion the Board grant Ms. Pegram a student license and no way does this suggest or assure her that she will receive a South Carolina funeral director or embalmer license or apprentice license. Mr. Temples seconded the motion which carried unanimously.

**Ratification of Vote**

*The Kennedy Mortuary, Inc. – Beverley Kennedy*

Mr. Kennedy appeared during the December 15, 2010 Board meeting. During that meeting the Board reviewed the application, heard testimony and voted to approve the change of ownership pending inspection, receipt of the articles of incorporation, and a favorable letter from the SC Department of Consumer Affairs. All requirements as set by the Board have been met.

Since this matter was not placed on the agenda for the December 15, 2010 meeting the Board must now ratify the vote taken during that meeting in regard to that matter.

**MOTION**

Mr. Horton made a motion the Board approve the vote taken during the December 15, 2010 meeting. Mr. Evans seconded the motion which carried unanimously.

*Approval of Apprentice Application – Jose Otto Quintero – Apprentice Funeral Director/Embalmer*

Mr. Quintero appeared during the December 15, 2010 Board meeting. During that meeting the Board reviewed Mr. Quintero's application, heard testimony and voted to approve his funeral director/embalmer apprentice application. Mr. Petty abstained from voting in this matter.

Since this matter was not placed on the agenda for the December 15, 2010 meeting the Board must now ratify the vote taken in regard to that matter.

**MOTION**

Mr. Baker made a motion the Board accept the vote taken during the December 15, 2010 meeting. Mr. Temples seconded the motion which carried unanimously. Mr. Petty abstained from voting in this matter.

**Discussion Items for vote**

*Consideration of reinstatement Consent Agreements*

It was noted during discussion on the consent agreements that John Funderburk and Curt Copeland were deceased.

**Executive Session**

**MOTION**

Mr. Evans made a motion the Board enter executive session to discuss a personnel matter and to seek legal advice. Ms. Cooper seconded the motion which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Horton made a motion the Board 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.

### **Disciplinary Reports**

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

The Investigative Review Committee had no report for this meeting.

- B. Inspections Report – Ernest Adams

Mr. Adams did not give a report during this meeting.

### **Committee Reports**

- A. Legislative Committee – 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, Doris Cubitt

This committee had no report.

- D. Publications / Newsletter / Website – Glen Crawford, 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. Horton made a motion the meeting be adjourned. Mr. Evans seconded the motion which carried unanimously.

The February 8, 2011 meeting of the SC Board of Funeral Service adjourned at 12:00 p.m.