

1 **MINUTES**
2 **South Carolina Board of Funeral Service**
3 **Board Meeting**

4 9:00 a.m., March 15, 2011
5 Synergy Business Park
6 110 Centerview Drive, Kingstree Building Room 108
7 Columbia, South Carolina
8

9 **Tuesday, March 15, 2011**

10 **1. Meeting Called to Order**

11 Michelle Cooper, Vice-President, of Moncks Corner, called the regular meeting of the SC Board
12 of Funeral Service to order at 9:11 a.m. Other Board members present for the meeting
13 included: Glen Crawford, secretary of Lancaster; Thomas Baker, of Kershaw; Kenneth Beasley,
14 of Fountain Inn; C. Brad Evans, of Abbeville; Billy Horton, of Kingstree; John Petty, III, of
15 Landrum; and Jeff Temples, of Columbia and Margery McWhorter, of Columbia.

16
17 Staff members participating in the meeting included: Ernest Adams, Inspector; Doris Cubitt,
18 Administrator; Tony Kennedy, Investigator; Jeanie Rose, Administrative Specialist; Amy
19 Holleman, Administrative Specialist; Michelle Sims, Administrative Assistant; Ernest Adams,
20 Inspector, Christa Bell, Office of General Counsel; Dean Grigg, Office of General Counsel and
21 Sheridan Spoon, Assistant Deputy General Counsel.

22
23 a. **Public Notice**

24 Mrs. Cooper announced that public notice of this meeting was properly posted at the SC Board
25 of Funeral Service office, Synergy Business Park, Kingstree Building, and provided to all
26 requesting persons, organizations, and news media in compliance with Section 30-4-80 of the
27 South Carolina Freedom of Information Act.

28
29 b. **Pledge of Allegiance**

30 All present recited the Pledge of Allegiance.

31
32 **2. Introduction of Board Members and Persons Attending the Meeting**

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

34
35 **3. Approval of Excused Absences**

36 Eddie Nelson was granted an excused absence.

37 **MOTION**

38 Mr. Temples made a motion the Board approve Mr. Nelson's absence. Mrs. McWhorter
39 seconded the motion which carried unanimously.

40
41 **4. Approval of Minutes for the February 8, 2011 Meeting**

42 **MOTION**

43 Mr. Temples made a motion the Board approve the minutes of the February 8, 2011 meeting.
44 Mr. Evans seconded the motion which carried unanimously.

45
46 **5. President's Remarks – Eddie Nelson**

47 Mr. Nelson was not in attendance and therefore no remarks were made.
48

49 **6. Information Update**
50 a. OGC – Office of General Counsel
51 No report was given during this meeting.

52
53 b. Office of Communications
54 No report was given during this meeting.

55
56 c. Special Projects – Tracey McCarley – Update Financial Statements
57 No report was given during this meeting.

58
59 **7. Administrator’s Remarks – Doris Cubitt**

60 Mrs. Cubitt informed the Board LLR had a new Director, Catherine Templeton and that OLC
61 would be absorbed back into the agency and initial licensing would go back to the individual
62 boards. Also, investigators and inspectors would no longer be attending Board meetings but
63 would instead be submitting reports that Ms. Cubitt would present to the Board. If there were
64 instances where the Board would like to have the inspectors attend the meeting then they would
65 simply need to request it and Ms. Cubitt would have them to attend.

66
67 Mr. Horton stated that Mr. Adams was an integral part of the Board and requested that he
68 continue to be allowed to attend the Board meetings and if Mrs. Cubitt could convey that to Mrs.
69 Templeton.

70
71 **8. Unfinished Business**

72 There is no unfinished business.

73
74 **Executive Session**

75 **MOTION**

76 Mr. Evans made a motion the Board enter executive session. Mr. Temples seconded the
77 motion which carried unanimously.

78
79 **Return to Public Session**

80 **MOTION**

81 Mr. Evans made a motion the Board return to public session. Mr. Temples seconded the motion
82 which carried unanimously. Mrs. Cooper noted for the record that no official action was taken
83 during executive session.

84
85 **9. New Business**

86 a. Approval of Change of Manager
87 i. Russell-McCutchen Funeral Home

88 324 South Vanderhorst St., Columbia – Roosevelt Gist

89 Roosevelt Gist appeared before the Board to answer questions regarding his application to
90 become the manager of the Russell-McCutchen Funeral Home in Columbia. He was
91 represented by Karl Allen, attorney for Russell-McCutchen Funeral Home in Columbia.

92
93 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
94 should one be necessary.

95
96 On January 22, 2011 the Board received an application to change the manager for this facility to
97 Roosevelt Gist. Mr. Gist was initially licensed in August 29, 1979 and holds a dual license
98 number 711 that is current and in good standing. He lives 1.35 miles from the Winnsboro
99 location and he has no criminal history. The owner of the facility is William McCutchen, Jr. Mrs.

100 Cubitt added that this funeral home is currently under a disciplinary order issued by the Board
101 and therefore she could not approve this application. Ms. Bell reviewed the details of the order
102 and asked that the Board deny Mr. Gist's request based on the fact that the owner, Mr.
103 McCutchen, has a suspended license and the funeral home is under a disciplinary order.

104
105 Mr. Gist stated that currently he is the manager of the Jones Funeral Home in West Columbia
106 although LLR records do not indicate that he is the manager.

107
108 Mr. Gist was asked whether or not he was aware of the reasons that Mr. McCutchen's license
109 was suspended and was Mr. Gist aware that if he is granted the right to be the facility manager
110 at Russell-McCutchen Funeral Home in Columbia, any problems that arose would pose a risk to
111 his license and he would be held responsible.

112
113 **Executive Session**
114 Mr. Baker made a motion the Board enter executive session. Mr. Evans seconded the motion
115 which carried unanimously.

116
117 **Return to Public Session**
118 Mr. Baker made a motion the Board return to public session. Mr. Temples seconded the motion
119 which carried unanimously. Mrs. Cooper noted for the record that no official action was taken
120 during executive session.

121
122 Mr. Gist indicated he is on medical leave from Jones Funeral Home and he was then
123 questioned about his ability to effectively manage a second funeral home if he currently is on
124 medical leave from another. Ms. Gist concurred that he was only capable of managing one
125 home at a time.

126
127 In light of the aforementioned testimony, Mr. Gist withdrew his application to become manager
128 of the Russell-McCutchen Funeral Home in Columbia.

129
130 Discussion ensued in regards to the order that is still in effect for the Russell-McCutchen
131 Funeral Home in Columbia.

132
133 **MOTION**
134 Mr. Evans made a motion that an official letter be sent to the Russell-McCutchen Funeral Home
135 in Columbia asking them to surrender their license as they do not have a manager in place. Mr.
136 Petty seconded the motion which carried unanimously.

137
138 ii. Russell-McCutchen Funeral Home
139 7601 Wilson Blvd., Winnsboro – Johnny Dewese
140 Johnny Dewese appeared before the Board to answer questions regarding his application to
141 become manager of the Russell-McCutchen Funeral Home in Winnsboro.

142
143 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
144 should one be necessary.

145
146 On March 3, 2011 the Board received an application to change the manager for this facility to
147 Johnny Dewese. Mr. Dewese was initially licensed in August 29, 1979 and holds a license
148 number 1632 that is current and in good standing. He lives 15 miles from the Winnsboro
149 location and had an arrest for driving under the influence in 1981. The owner of the facility is
150 William McCutchen, Jr.

151
152 Mr. Dewese indicated that he is currently employed with Fairfield County School District and he
153 has agreed to remain with them until May. The Board questioned Mr. Dewese if he understood
154 what was required as a manager and would he be able to meet these requirements while still
155 being employed with the school district. Mr. Dewese said he did read the regulations and did
156 understand the responsibilities of being a manager and that he was allowed flexibility with his
157 current position so that he could meet the obligations of being a manager.

158
159 It was stressed to Mr. Dewese by Ms. Bell that if there were any problems stemming from the
160 funeral home that ultimately his license would be in jeopardy and he understood that he was not
161 allowed to use the branch location. Mr. Dewese indicated that he understood.

162
163 **MOTION**

164 Mr. Beasley made a motion the Board accept Mr. Desese's application for manager for the
165 Russell-McCutchen Funeral Home in Columbia. Mr. Evans seconded the motion which carried
166 unanimously.

- 167
168 iii. Calhoun Falls Funeral Home
169 526 East Savannah St., Calhoun Falls – James Wayne Price

170 James Price was not in attendance and Mr. Evans recused himself from voting in this matter.

171
172 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
173 should one be necessary.

174
175 Discussion ensued from Board members as to who was the current manager of this facility as
176 LLR records indicate Benjamin Hood, although the application that Mr. Price submitted specified
177 that Beth Hobbs was the manager.

178
179 **MOTION**

180 Mr. Horton made a motion the Board deny Mr. Price's application for manager of the Calhoun
181 Falls Funeral Home since he was not in attendance. Mr. Baker seconded the motion which
182 carried unanimously.

- 183
184 b. Approval of New Facility
185 i. Calhoun Falls Funeral Home
186 526 East Savannah St., Calhoun Falls – Stanley H Powell

187 Stanley Powell and Richard Warren appeared before the Board to answer questions regarding
188 this request to open a new facility.

189
190 This proceeding was recorded by a court reporter in order to produce a verbatim transcript
191 should one be necessary.

192
193 On February 23, 2011 the Board received an application for change of ownership for Calhoun
194 Falls Funeral Home. The proposed manager, Stanley Powell, holds dual license number 1282
195 which was issued on August 11, 1970 and is current and in good standing. Mr. Powell does not
196 have a criminal background and lives .49 miles from the funeral home. The new owner of this
197 facility will be Richard Warren.

198
199 Mr. Powell answered questions about his prior experience and the nature of business that
200 Stanley H. Powell Enterprises was as the company was listed in an obituary for Mr. Powell's
201 mother as the funeral home that was handling her arrangements. Mr. Powell explained that he

202 simply used the name of Stanley H. Powell Enterprises but in fact Berry Funeral Home was the
203 officiating funeral home.

204
205 The Board asked Mr. Powell questions about his residency in South Carolina and Georgia.
206

207 **Executive Session**

208 **MOTION**

209 Mr. Crawford made a motion the Board enter executive session. Mrs. Cooper seconded the
210 motion which carried unanimously.

211

212 **Return to Public Session**

213 **MOTION**

214 Mr. Crawford made a motion the Board return to public session. Mrs. McWhorter seconded the
215 motion which carried unanimously. Mrs. Cooper noted for the record that no official action was
216 taken during executive session.

217

218 Mr. Middlebrooks from Consumer Affairs appeared before the Board and stated that he could
219 not present the findings from his compliance review because he just received the information
220 that Consumer Affairs had requested from Calhoun Falls Funeral Home. Therefore, he did not
221 have adequate time to review the information and could not render an opinion until he was able
222 to look over the information.

223

224 Ms. Clark from Consumer Affairs appeared before the Board and was asked if she was aware of
225 any pending investigations against Calhoun Falls Funeral Home. She stated that she was just
226 made aware of an investigation that was based around some money missing.

227

228 Mr. Kennedy testified before the Board that he had an open investigation against the entity,
229 Calhoun Falls Funeral Home. He stated that the basic allegation was an unlicensed practice
230 allegation.

231

232 Mr. Warren was asked by the Board if he was aware of the allegations against Calhoun Falls
233 Funeral Home. He advised that he was aware of the allegations and subsequent investigations.
234 Mr. Warren expressed his desire to take over the facility and provide a service to the citizens of
235 Calhoun Falls. He explained that he is purchasing the name of the company and the assets of
236 the company but not the liabilities. Mr. Warren continued to answer questions from the Board
237 about the outstanding issues that the funeral home is experiencing.

238

239 Mr. Warren stated that one of the problems was with the pre-need contracts. He stated that the
240 funeral home had written pre-need contracts for South Carolina on Georgia contracts but was
241 not aware as to why. He continued that the contracts were not funded and that some had
242 certificates of deposit which would liquidate and pay once a death certificate was presented.

243

244 **Executive Session**

245 **MOTION**

246 Mr. Baker made a motion the Board enter executive session to seek legal advice. Mr. Temples
247 seconded the motion which carried unanimously.

248

249 **Return to Public Session**

250 **MOTION**

251 Mr. Temples made a motion the Board return to public session. Mr. Baker seconded the motion
252 which carried unanimously. Mrs. Cooper noted for the record that no official action was taken
253 during executive session.

254

255 Approval of New Facility

256

MOTION

257 Mr. Crawford made a motion the Board approve Mr. Powell's request to become the manager of
258 Calhoun Falls Funeral Home once the issue of unlicensed practice has been identified by the
259 Board, the investigation of unlicensed practice is completed by LLR, and Mr. Powell submits a
260 completed application. In regards to the entity, Calhoun Falls Funeral Home, Mr. Crawford
261 made a motion to approve the sale of this facility with the stipulation that it would be granted
262 only when the LLR investigation of unlicensed practice is completed and closed, when the
263 review by Consumer Affairs is completed, when an application has been received and a
264 manager has been approved by the Board, and an inspection of the facility has been completed.
265 Mr. Temples seconded the motion which carried unanimously.

266

267 **10. Discussion Items for vote**

268 a. Consideration of Reinstatement Consent Agreements – February 8, 2010 &
269 March 15, 2010

270

MOTION

271 Mr. Horton made a motion the Board accept the consent agreements. Mr. Temples seconded
272 the motion which carried unanimously.

273

274 **11. Disciplinary Reports**

275 a. Investigative Review Committee (IRC) Report/Consent Orders/OIE Report –
276 Tony Kennedy and Ernest Adams

277

MOTION

278 Mr. Horton made a motion the Board accept the recommendations from the IRC. Mr. Evans
279 seconded the motion which carried unanimously.

280

281 b. Inspections Report – Ernest Adams

282 Mr. Adams presented the inspections report to the Board as a matter of information only.

283

284 **12. Work Session**

285 a. General Overview of Board Duties

286 The Board discussed what the duties of the Board will be particularly when the transition of OLC
287 is completed.

288

289 b. General Overview of the Complaint and Investigative Process

290 The Board discussed the complaint and investigative process and if there was a way to ensure
291 that investigators could determine if funeral homes were in compliance as far as having their
292 managers properly documented upon inspection. Discussion followed.

293

294 c. Processing the sale of a funeral home

295

296 d. Discussion of Fee/Fine Structure and Limits

297 The Board discussed increasing fines and what steps need to be taken to have fines increased.
298 Mrs. Cubitt explained that it would have to be presented to the legislature for approval. It was
299 decided to vote on this matter at the next meeting.

300

301 e. Discussion on Requiring FBI or Other National Criminal Violation Reports

302 Mrs. Cubitt stated that requiring this from applicants is recommended but would require a
303 change to the practice act.

304

305 f. Discussion of the Six Casket Requirement

306 The Board discussed the six casket requirement and that six caskets must be on display at all
307 time. Discussion followed.

308

309 g. Discussion on Preceptor Training Course – Piedmont Technical College

310

311 h. Discussion of the 25 Mile Rule

312 There was discussion from the board about the 25 mile rule and given the advancement of
313 technology, could the 25 mile rule not be extended to 30 or 35 miles. Discussion followed.

314

315 i. Discussion on the Elimination of the Dual License

316 The Board discussed the possibility of eliminating the dual license.

317

318 j. Discussion on the End of Cremation Society Registration Fees and Licensing All
319 Branches

320 This topic was brought up by Consumer Affairs to remind people that all pre-need facilities need
321 to have a license. Mrs. Cubitt said she would get more information from Consumer Affairs.
322 There was discussion that the End of Cremation Society requires an individual to join their
323 society if they have a loved one cremated. The registration fee is then taken off of the cost of
324 cremation. Discussion followed regarding the legality of this practice.

325

326 k. Discussion of “Unclaimed Bodies”

327 The Board discussed what advice should be given in regards to the topic of unclaimed bodies.
328 Discussion followed about how North Carolina deals with unclaimed bodies and should South
329 Carolina adopt the same procedures. North Carolina currently allows a certain time for a body
330 to be claimed and then if it goes unclaimed, then the body is sent to a medical facility for
331 research. Discussion followed.

332

333 l. Discussion of offsite sales office

334 The Board discussed what constitutes an offsite sales office and if it was required that they be
335 registered. Further discussion ensued as to the difference between a chapel and a branch
336 office.

337

338 **13. Public Comments**

339 No comments were made during the meeting.

340

341 **14. Adjournment**

342 **MOTION**

343 Mr. Adams made a motion the Board adjourn. Mr. Evans seconded the motion which carried
344 unanimously.

345

346 The March 15, 2011 meeting of the SC Board of Funeral Service adjourned at 4:30 p.m.

347

348 The next meeting of the SC Board of Funeral Service is scheduled for May 5, 2011.

349

350

351

352