

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

4 10:00 a.m., May 5, 2011
5 Synergy Business Park
6 110 Centerview Drive, Kingstree Building Room 108
7 Columbia, South Carolina
8



9
10 **1. Meeting Called to Order**

11 Eddie Nelson, President, of Blythewood, called the regular meeting of the SC Board of Funeral
12 Service to order at 10:10 a.m. Other Board members present for the meeting included:
13 Michelle Cooper, Vice-President, of Moncks Corner, Glen Crawford, secretary, of Lancaster; C.
14 Brad Evans, of Abbeville; Billy Horton, of Kingstree; John Petty, III, of Landrum; and Jeff
15 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; Wendi Elrod, Program Assistant; Christa Bell, Division of
20 Legal Services and Lil Ann Gray, Division of Legal Services.

21
22 Members of the public attending the meeting included: Mike Squires, of the SC Funeral
23 Directors Association; Michael White, of White's Green Services; Jennifer Snider; Larry Varner;
24 R. Brent Cook; Robert Sosebee, of Sosebee Cremation Services; Dianne Powell; Christopher
25 Burroughs, of Cremation Services of the Strand; Tangie Burroughs; Dale Morton; Daniel
26 Buchanan, of Goldfinch Funeral Home; Richard Warren, of Calhoun Falls Funeral Home;
27 Stanley H. Powell, of Calhoun Falls Funeral Home; James D. Davis, of Davis Funeral Home;
28 Lanard Briggs, of Davis Funeral Home; Leonard Jackson, of Davis Funeral Home; Michael
29 Shields, of Davis Funeral Home; Cody Anderson, Hatcher Funeral Home; Isaac Daryl Pressley,
30 of Pressley's Funeral Home; Greg Rollings, of Calhoun Falls Funeral Home; Todd Hardee, of
31 Kistler-Hardee Funeral Home; Alicia Clark, of SC Dept of Consumer Affairs; Casey Ward, of
32 Goldfinch Funeral Home; Angela Campbell; Ulysses Conyers; Nelson King, Faith Funeral
33 Service; Donny Darby, Faith Funeral Service and Michael A. Glenn, of Divine Mortuary.

34
35 **A video of this meeting can be viewed at www.llr.state.sc.us/POL/Funeral. On the Board's**
36 **home page, click 'Board Information' and follow the link to the video.**

37
38 a. Public Notice

39 Mr. Nelson announced that public notice of this meeting was properly posted at the SC Board of
40 Funeral Service office, Synergy Business Park, Kingstree Building, and provided to all
41 requesting persons, organizations, and news media in compliance with Section 30-4-80 of the
42 South Carolina Freedom of Information Act.

43
44 b. Pledge of Allegiance

45 All present recited the Pledge of Allegiance.

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

48 The Board members, staff and all other persons attending the meeting introduced themselves.
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3. Approval of Excused Absences

Thomas Baker, of Kershaw and Kenneth Beasley, of Fountain Inn were granted an excused absence.

MOTION

Mr. Crawford made a motion the Board approve Mr. Baker's and Mr. Beasley's absence. Mr. Temples seconded the motion which carried unanimously.

Mr. Temples announced that Brad Evans, of Abbeville, would be arriving late for the meeting.

4. Approval of Minutes for the March 15, 2011 Meeting

MOTION

Mr. Crawford made a motion the Board approve the minutes of the March 15, 2011 meeting. Mr. Temples seconded the motion which carried unanimously.

5. President's Remarks – Eddie Nelson

Mr. Nelson asked that the Board give Mr. Crawford their condolences for the death of his sister that passed away that week. Mr. Nelson asked that Labor, Licensing & Regulation staff and Consumer Affairs staff set a meeting to discuss issues that he will give to Ms. Cubitt. He then stated that he had received a letter from Dr. Jerry Fulton with the Funeral Consumers Alliance requesting to speak with the Board so we can work together to insure that all Funeral Homes are in compliance on all aspects of the General Price List (GPL) which has been an ongoing problem for some time.

6. Information Update

a. DLS – Division of Legal Services, formal Office of General Counsel

Ms. Gray presented the Board with the report from the Division of Legal Services (DLS). She included in the report that DLS currently has five open cases, four which are pending for final order. These four cases are pending either a consent agreement or a Memorandum of Agreement (MOA) which will be presented at the next Board meeting. Since January 1, 2010 there have been five cases that have been closed through DLS.

b. Office of Communications

No report was given during this meeting.

c. Special Projects – Update Financial Statements

Ms. Cubitt stated that there is no report at this time however she will have a report at the next meeting.

She stated that the Board, at previous meetings, asked for information on licensed Funeral Directors, Embalmers and Funeral Homes that haven't renewed their licenses timely. She stated that a report was run from 2001 through 2010 for licensees who renewed late in 2010. There were 271 licensees that renewed late, 126 of those had never been late, 72 had renewed late once, 46 had renewed late twice, 16 had renewed late three times, 5 had renewed late four times, 4 had renewed late five times and 2 had renewed late six times.

Mr. Nelson inquired if there were any justifications given for late renewals. Ms. Cubitt stated that usually no; however, there may be a few cases that submit medical documentation for being late which we do document. Mr. Nelson asked if the Board is doing anything to licensees to discourage future untimely renewals. Ms. Cubitt stated that the Board sends renewal notices and reminder emails, so it is very important to have an email address for every licensee. The

101 Board does impose a \$60 late penalty for 30 days after the license expiration date. If the
102 license still isn't renewed after 30 days from the expiration date consent agreements are sent
103 with a \$500 fine for not renewing by the deadline. The Board may want to discuss the issue
104 further if additional fines need to be assessed in the future for licenses that are late more than
105 once or twice. Mr. Nelson asked Mr. Adams if he checks licenses when inspecting the Funeral
106 Homes. Mr. Adams stated that part of the inspection is to check to make sure the license is
107 current and posted conspicuously.
108

109
110 **7. Administrator's Remarks – Doris Cubitt**

111 Ms. Cubitt informed the Board that if they stay overnight for a Board meeting they have a new
112 form that must be completed for reimbursement.
113

114 **8. Disciplinary Reports**

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

117 Mr. Kennedy presented the IRC Report to the Board for information only. He informed them
118 that they currently have 10 cases before them, but the only two they must consider are case
119 numbers 2010-29 and 2010-38 as both were determined to be unfounded.
120

121 There are currently 12 open cases.
122

123 **MOTION**

124 Mr. Petty made a motion the Board accept the IRC Report as information. Mr. Temples
125 seconded the motion which carried unanimously.
126

127 **Executive Session**

128 **MOTION**

129 Mr. Horton made a motion the Board enter executive session. Ms. McWhorter seconded the
130 motion which carried unanimously.
131

132 **Return to Public Session**

133 **MOTION**

134 Mr. Temples made a motion the Board return to public session. Mr. Crawford seconded the
135 motion which carried unanimously. Mr. Nelson noted for the record that no decisions were
136 made nor were actions taken during executive session.
137

138 **MOTION**

139 Mr. Petty made a motion the Board accept the recommendations from the IRC. Mr. Crawford
140 seconded the motion which carried unanimously.
141

142 b. Inspections Report – Ernest Adams

143 Mr. Adams presented the inspections report to the Board as a matter of information only.
144

145 Mr. Adams informed the Board that he has done 25 inspections since the last meeting, all of
146 which turned out to be in compliance; however, the problem with the casket range continues,
147 but most people are able to correct that immediately when Mr. Adams finds they have an issue.
148

149 He reiterated that he always checks to make sure a funeral home's license is current when he
150 inspects the funeral home.
151

152 Mr. Nelson noted that South Carolina law requires funeral establishments have a working
153 hearse. He asked Mr. Adams if he ever runs into problems with this. Mr. Adams said that he's
154 only been called on this once, but the hearse was repaired and working when Mr. Adams
155 checked. Mr. Nelson said he has received a few calls on the issue lately, and he told callers
156 that he would pass the word along to Mr. Adams so that Mr. Adams may be on the lookout for
157 such problems.

158
159 Mr. Temples asked what Mr. Adams classifies as a working hearse? Could a van with landau
160 bars be considered a hearse? Is a motor coach as hearse? Mr. Adams replied that he is
161 basically looking for something like a Cadillac, but it's a changing thing, so if the Board wants
162 him to look at things like vans with the landau bars, they should let him know.

163
164 c. Approval of Consent Agreements

165 1. Case No.: 2010-22

166 Lil Ann Gray with the Department of Legal Services presented Consent
167 Agreements to the Board for their consideration and approval.

168
169 In the matter of case number 2010-22, which involves Calhoun Falls Funeral Home for whom a
170 representative was present, the respondent stipulated and admitted that in September 2010, an
171 application to change the manager was submitted by the respondent seeking approval for Karen
172 Davis Dobbs, which was not approved. During the time the manager application was pending
173 and since September 2010, six funerals were conducted in the funeral establishment without a
174 manager. On March 18, 2011, the Administrator for the Board issued an Order to Cease and
175 Desist operations until such time a manager was approved for the Board. The respondent
176 agreed to the sanctions laid out in the consent agreement, including public reprimand and a civil
177 fine of \$1,500.00 (one thousand five hundred dollars). The respondent did acknowledge and
178 waive their rights in this matter. The State asked that the Board accept the consent agreement
179 as its final order

180
181 **MOTION**

182 Mr. Temples made a motion the Board accept the consent agreement for case # 2010-22. Ms.
183 Cooper seconded the motion which carried unanimously.

184
185 2. Case No.: 2011-12

186 In the matter of case number 2011-12, which involves Stanley H. Powell, who is a dual licensed
187 holder by the Board as a Funeral Director and Embalmer, and he was licensed during the entire
188 time addressed in the consent agreement. He was present if the Board had questions. The
189 respondent stipulated and admitted that on June 1, 2010, his mother passed away. On June 4,
190 2010, in the Anderson Independent Mail, an obituary was printed that said his mother was
191 deceased and that Stanley H. Powell Enterprises was in charge of the arrangements. Mr.
192 Powell drafted the obituary himself. Stanley H. Powell Enterprises is not now, nor has it ever
193 been, licensed as a funeral establishment in South Carolina. Mr. Powell agreed that his actions
194 constitute misconduct and to the proposed sanctions set forth in the consent agreement, which
195 states that his license will be publically reprimand, will be on probation for a period of two (2)
196 years from the effective date of the consent agreement, and that he must pay a fine of five
197 hundred dollars (\$500.00) within thirty (30) days of the effective date of the consent agreement.
198 The state requested the Board accept the consent agreement.

199
200 **MOTION**

201 Mr. Temples made a motion the Board accept the consent agreement for case #2011-12. Ms.
202 Cooper seconded the motion which carried unanimously.

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9. Unfinished Business

A. Calhoun Falls Funeral Home – Stanley Powell/Richard D. Morton

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

The purpose of this hearing was to determine whether Mr. Stanley H. Powell should be granted a license to manage this facility, Calhoun Falls Funeral Home.

Mr. Stanley H. Powell and Mr. Richard Warren, the owner of the establishment, appeared.

Mr. Stanley H. Powell is a licensed Funeral Director and Embalmer in the state of South Carolina; he was first licensed August 11, 1970, and his license is current. He does not have a criminal background, and he lives 0.49 miles away from the facility.

Ms. Cubitt reminded the Board that this hearing was tabled at the last Board meeting and that the consent agreements they voted to accept cleared up the concerns from the last Board meeting.

Mr. Warren addressed the Board and requested they grant Calhoun Falls Funeral Home its funeral establishment license and approve Mr. Powell as manager of the facility.

Ms. Cooper asked if everything was in order with the funeral home. Ms. Rose informed the Board that everything is in order with the exception of the inspection, which cannot take place until the Board has approved the facility for licensure.

Ms. Bell asked the Board if they would like to hear from a representative with the South Carolina Department of Consumer Affairs, and Mr. Nelson said they did. Ms. Alicia Clark with Consumer Affairs noted that the Board should have received something from their investigator, Ken Middlebrooks, and Ms. Cubitt confirmed that she and Mr. Middlebrooks spoke. Ms. Cubitt informed the Board that Mr. Middlebrooks told her that all outstanding issues with Consumer Affairs have been resolved.

Mr. Horton asked if Calhoun Falls Funeral Home would need to apply for a new pre-need license since it was changing ownership. Ms. Clark answered in the affirmative, and Mr. Warren informed the Board that they have already begun the process.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

MOTION

253 Ms. Cooper made a motion the Board deny Mr. Powell's request to serve as manager of
254 Calhoun Falls Funeral home. Mr. Temples seconded the motion which carried unanimously.

255
256 Mr. Warren asked to approach the Board, and Mr. Nelson gave him permission to do so. Mr.
257 Warren asked what part of the law allowed the Board to make their decision based on the fact
258 the consent order was written, agreed to, and accepted by the Board. He requested that the
259 Board state their reason on record. Mr. Nelson reiterated that Mr. Powell will receive a letter
260 explaining the Board's motion, and that the Board will not discuss the issue further until such
261 letter has been drafted and received by Mr. Powell.

262
263 Ms. Cubitt reminded the Board that there was also an application for Mr. Richard Morton to
264 serve as manager of Calhoun Falls Funeral Home in the event the Board denied Mr. Powell.
265 She asked that the Board hear Mr. Morton's application before moving forward.

266
267 Mr. Richard Dale Morton is a licensed Funeral Director and Embalmer in the state of South
268 Carolina, first licensed December 4, 1996. His license is current. He does not have a criminal
269 background, and he lives 23.6 miles from the facility. He requests to be approved as manager
270 of Calhoun Falls Funeral Home.

271
272 Mr. Nelson asked Mr. Morton if he would like to address the Board, and Mr. Morton declined.

273
274 Mr. Temples, Ms. Cooper, and Mr. Horton all asked Mr. Morton questions about his residence.
275 He informed the Board that he leased the home in Iva in order to live within 25 miles of Calhoun
276 Falls Funeral Home. He previously lived in North Augusta, SC, and, while he does some trade
277 embalmer work in Georgia as he is licensed there as well, he is a lifelong resident of South
278 Carolina.

279
280 **MOTION**

281 Mr. Horton made a motion the Board approve Mr. Morton's application to manage Calhoun Falls
282 Funeral home. Mr. Crawford seconded the motion which carried unanimously.

283
284 Mr. Warren asked if the Cease and Desist Order was then removed. Ms. Cooper informed him
285 that it was pending final inspection.

286
287 **10. New Business**

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289 Mr. Nelson asked that the record show that Mr. Evans joined the Board at this point.

290
291 A. Approval of New Facility

292 1. Kistler-Hardee Crematory – J Todd Hardee

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

295
296 The purpose of this hearing was to determine if J Todd Hardee should be granted a license as
297 manager for Kistler-Hardee Crematory.

298
299 Ms. Rose informed that Board that Mr. Hardee was first licensed as a Funeral Director and
300 Embalmer in South Carolina on November 29, 1984; his license is current; he does not have a
301 criminal background; and, he lives 3 miles from the funeral home. He is the owner, and he
302 requests approval to manage the crematory. Ms. Rose noted that she was missing the DHEC

303 permit, but Mr. Hardee has provided that to her and that she placed it with the Board members'
304 Board meeting packets.

305
306 Mr. Horton stated, for the record, that he knows Mr. Hardee personally but did not believe his
307 relationship with Mr. Hardee would preclude him from making an unbiased decision regarding
308 Mr. Hardee's application.

309
310 Mr. Hardee informed the Board that his funeral home recently made the decision to expand the
311 facility to include a retort. To the best of his knowledge, they have gone through all proper
312 channels, including making sure they were properly zoned for a retort with the city. They also -
313 were granted approval by the South Carolina Department of Health and Environmental Control,
314 and they have sought the approval of the establishment's neighbors. He asks that the Board
315 grant him permission to manage the crematory.

316
317 **MOTION**

318 Mr. Horton made a motion the Board approve Mr. Hardee's application to manage Kistler-
319 Hardee Crematory pending final inspection and presentation of training documents. Mr. Evans
320 seconded the motion which carried unanimously.

321
322 2. Davis Memorial Funeral Home – James D'Herelle Davis

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

325
326 The purpose of this hearing is to determine if James D'Herelle Davis may be granted a license
327 to manage this facility.

328
329 Ms. Rose informed the Board that the proposed manager, James D'Herelle Davis, is a licensed
330 Funeral Director and Embalmer in the state of South Carolina. He was licensed on July 31,
331 1969; his license is current; he does not have a criminal background; and, he lives 11.7 miles
332 from the funeral home. He is the owner of the facility.

333
334 Ms. Rose noted that he originally failed to submit his zoning documents. Once he provided the
335 zoning documents, the documents he provided had the name Davis-Briggs on them. Ms. Cubitt
336 believed the Board could consider the application as the zoning documents showed that such a
337 business could exist at the location.

338
339 The Board asked if this would be a new facility or a change of ownership. Mr. Davis said it
340 would be a new facility.

341
342 Mr. Davis addressed the Board asking they approve his facility. Mr. Briggs, who is Mr. Davis's
343 support staff, stood with Mr. Davis.

344
345 Mr. Temples asked Mr. Davis what his relationship was to Mr. Briggs. Mr. Davis answered Mr.
346 Temples letting the Board know that Mr. Briggs was his business partner. They originally
347 intended to have Mr. Briggs's name in the facility name; however, since Mr. Briggs is not a
348 licensed Funeral Director, they could not do so.

349
350 Mr. Leonard Briggs addressed the Board. He asked if they could use both of their names or
351 only Davis. Could they use a neutral name which was neither his nor Mr. Davis's name? As a
352 matter of clarifying the question, Ms. Cubitt asked if he meant, for example, could he use a
353 community name such as Red Bank Funeral Home, and Mr. Briggs said yes.

354
355 The former name was Walter Davis Chapel. It will now be Davis Funeral Home, and it will be a
356 full service facility. Mr. Davis wanted to know if they could use something like B&B Funeral
357 Home as Mr. Davis's nickname is "Buster." He was told they could not use the alphabet by Ms.
358 Cubitt. She explained that she did not believe the Board would approve the initial of a non-
359 licensed person in the funeral home name.

360
361 Ms. Cubitt, again, asked Mr. Davis to explain the ownership structure. Mr. Davis informed Ms.
362 Cubitt that Mr. Briggs is a silent partner. Ms. Cubitt asked why he had to be a silent partner.
363 Mr. Davis said that it was because Mr. Briggs's name cannot appear. Ms. Cubitt told Mr. Davis
364 that Mr. Briggs can be a partner; his name just cannot appear in the name of the funeral home
365 itself. Mr. Crawford added that Mr. Davis would be responsible for anything that happens in the
366 funeral home. The Board cannot hold Mr. Briggs responsible.

367
368 Mr. Nelson reiterated that Mr. Davis would be held accountable for any and all things that
369 happen in the facility, even if his partner is responsible for those things. It is important that they
370 have a clear, mutual understanding of their roles in the funeral home.

371
372 Mr. Nelson asked if the funeral home intends to sell pre-need. Mr. Davis said they did.

373
374 **MOTION**

375 Mr. Petty made a motion the Board approve the application for Mr. Davis to manage Davis
376 Funeral Home pending final inspection and a favorable letter from the Department of Consumer
377 Affairs. Ms. Cooper seconded the motion which carried unanimously.

378
379 3. Pressley Funeral Home – Isaac Daryl Pressley

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

382
383 Mr. Horton stated, for the record, that he knows Mr. Pressley personally but did not believe his
384 relationship with Mr. Pressley would preclude him from making an unbiased decision regarding
385 Mr. Pressley's application.

386
387 The purpose of this hearing is to determine if Mr. Isaac Daryl Pressley may be granted a license
388 to manage Pressley Funeral Home.

389
390 Ms. Rose informed the Board that Mr. Pressley is a licensed Funeral Director and Embalmer in
391 South Carolina. He was licensed on October 16, 1995; his license is current; he does not have
392 a criminal background; he lives 21.14 miles from the facility; and, he is the owner of the facility.

393
394 Mr. Pressley requested the Board grant him a license for an additional facility.

395
396 Ms. Cooper noted that his application says he is currently a funeral director and embalmer and
397 Pressley's funeral home and that he works for Firestone Building Products. She asked if he
398 was familiar with the hours requirement to be a manager. He said that he did, and that he plans
399 on going into the funeral business full-time.

400
401 **MOTION**

402 Mr. Evans moved the Board approve Mr. Pressley's application to manage this additional facility
403 pending final inspection. Ms. Cooper seconded the motion which carried unanimously.

404

405 4. Cremation Services of the Strand LLC - Christopher Scott Burroughs

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

408
409 The purpose of this hearing was to determine whether Mr. Christopher Scott Burroughs could
410 open and manage Cremation Services of the Strand LLC.

411
412 Ms. Rose informed the Board that Mr. Burroughs is a licensed Funeral Director and Embalmer
413 in South Carolina. He was originally licensed on August 28, 1990; his license is current; he
414 does not have a criminal background; and, he lives 6.58 miles from the facility. Mr. Burroughs is
415 the owner. The only thing Ms. Rose knows she is missing is Mr. Burroughs's DHEC
416 construction permit, which Mr. Adams has informed her is now necessary.

417
418 Mr. Temples noted, for the record, that he does know Mr. Burroughs, that he has had
419 conversations with Mr. Burroughs about the topic, and that he does not feel his relationship with
420 Mr. Burroughs, nor any conversations they've had on the topic, will affect his ability to be
421 objective on the matter. He will recuse himself if Mr. Burroughs wishes for him to do so. Mr.
422 Burroughs affirmed that he and Mr. Temples spoke about the matter, but he does not see a
423 need for Mr. Temples to recuse himself.

424
425 Mr. Burroughs told the Board that is proposing to build a stand-alone crematory in Garden City.
426 He had a stand-alone crematory in Murrells Inlet in 2000, which he turned into a funeral home
427 and crematory and sold to Goldfinch in 2005 when he went into the construction business. Due
428 to the construction market, he is going back into the funeral business. He would like the Board
429 to grant him a license for a crematory in Garden City.

430
431 Mr. Nelson asked Mr. Burroughs about the pet crematory business, which he has maintained
432 since 2000.

433
434 Mr. Temples asked Mr. Burroughs about zoning. Mr. Burroughs said that he submitted his
435 zoning letter to staff, and Ms. Cubitt confirmed that zoning was approved.

436
437 Mr. Temples asked if Mr. Burroughs's former crematory, which he opened in 2000, was licensed
438 first as a stand-alone crematory. Mr. Burroughs said that it was. Mr. Temples asked Mr.
439 Burroughs what his intent is this time. Mr. Burroughs said that his intent is to open a crematory
440 only. Mr. Temples wanted to know if Mr. Burroughs intends to open a funeral home down the
441 road. Mr. Burroughs said for now he just intends to open a crematory, and that was the reason
442 he was before them for the meeting.

443
444 Mr. Crawford asked again about zoning and DHEC. Mr. Burroughs reiterated that he submitted
445 the zoning paperwork to staff. He did not submit DHEC permits because it was not required by
446 the application, but he could supply those for the Board.

447
448 Ms. Cooper asked Mr. Burroughs if he would provide services to the public or only to other
449 funeral homes. Mr. Burroughs answered that he will be providing services to the public like he
450 did previously.

451
452 Mr. Horton asked if Mr. Burroughs would have embalming facilities. Mr. Burroughs answered
453 that he only wanted to open a crematory. Mr. Horton asked if he would do memorial services,
454 too. Mr. Burroughs said he would do a memorial service at a church, but he could do so at the

455 facility if the Board would allow him to do so. Mr. Horton next asked if Mr. Burroughs intends to
456 sell merchandise, to which Mr. Burroughs responded that he would like to sell urns.

457
458 Ms. Cooper asked what he would do if someone wanted a viewing prior to cremation. Mr.
459 Burroughs answered by telling the Board that he would let his customers know that he does not
460 offer embalming services, only direct cremation.

461
462 **Executive Session**

463 **MOTION**

464 Mr. Crawford made a motion the Board enter executive session. Mr. Temples seconded the
465 motion which carried unanimously.

466
467 **Return to Public Session**

468 **MOTION**

469 Ms. Cooper made a motion the Board return to public session. Mr. Horton seconded the motion
470 which carried unanimously. Mr. Nelson noted for the record that no official action was taken
471 during executive session.

472
473 **MOTION**

474 Mr. Temples moved that the Board approve the application for Cremation Services of the
475 Strand, LLC for cremation services only pending final inspection and the submission of training
476 documents. Ms. Cooper seconded the motion which carried unanimously.

477
478 Mr. Horton asked Mr. Burroughs if he intended to offer pre-need. Mr. Burroughs said that he
479 does once he is approved to do so by Consumer Affairs. Ms. Clark noted that she is not sure if
480 Consumer Affairs licenses stand alone crematories. Mr. Burroughs said he will do whatever it
481 takes to obtain the license if it is possible.

482
483 Mr. Nelson reminded Mr. Burroughs that he also must submit his permit from DHEC.

484
485 **5. Sosebee Cremation Services – Robert C. Sosebee**

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

488
489 Mr. Sosebee informed the Board that they have been cleared for zoning in their area. They
490 have been approved by DHEC, and they should have a letter from DHEC within the week. He
491 noted that he will fax the letter from DHEC to Board staff once he receives it.

492
493 Mr. Petty asked Mr. Sosebee if the crematory is already in place. Mr. Sosebee said that it is not
494 in place yet as they were waiting on approval from the Board. The crematory company has
495 already inspected their facility and the contractor who will be installing the crematory.

496
497 Mr. Horton asked if the crematory will be associated with the Woodlawn-Sosebee Funeral Home
498 to which Mr. Sosebee said it was. Mr. Horton asked where the crematory would be located, and
499 Mr. Sosebee said it will be located in the funeral home, which is in Anderson.

500
501 **MOTION**

502 Mr. Evans made the motion that the Board approve the application for Sosebee Cremation
503 Service pending the permit from DHEC, final inspection, and training. Mr. Crawford seconded
504 the motion which carried unanimously.

505

506 6. Faith Funeral Service – Nelson Maurice King

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

509
510 The purpose of this hearing was to determine if Nelson Maurice King may be granted a license
511 to manage Faith Funeral Service.

512
513 Don Darby attended the hearing along with Mr. King.

514
515 Ms. Rose informed the Board that Mr. King is a licensed Funeral Director and Embalmer in the
516 state of South Carolina. Mr. King stated that he was originally licensed in 1991. Ms. Rose told
517 the Board that his license is current and he lives 11 miles from the facility. Donnie Darby is the
518 owner of the facility. Mr. King's proof of residence has his wife's name on it. Board staff asked
519 that Mr. King provide a copy of his marriage license to show they are married.

520
521 Ms. Rose informed the Board that Mr. King just informed her that the name on his proof of
522 residence is not his wife but his sister. He said that it is his residence and that his sister just
523 stays with him. Ms. Rose reiterated that the documentation is in her name. Mr. King said that
524 he can get proof that it is his residence and that he is unsure why it shows up as his sister's.
525 Ms. Cubitt had Mr. King verbally confirm his address. Ms. Cooper asked Mr. King why he did
526 not put his full address on his application. Mr. King responded that it was an oversight. Ms.
527 Cooper then pointed out that the directions to his house according MapQuest say that you begin
528 at a highway maintenance shop. She asked why this was. Mr. King said that he did not provide
529 that information, and Ms. Rose said she probably ran that map search. In order to do so, she
530 enters the starting address and ending address. Mr. Horton noted that the start addresses do
531 not match, and Mr. King informed the Board that his address is less than a mile from the
532 highway department maintenance shop.

533
534 Mr. Horton asked if the facility would be in an existing building. Mr. King replied that it is an
535 existing building which they are in the process of updating. Mr. Horton asked if the zoning was
536 approved, and Mr. King said that the City of York has approved zoning.

537
538 Mr. Crawford asked, for the record, what Mr. King's address is. Mr. King replied 5054 Gatsby,
539 Rock Hill.

540
541 Mr. Crawford asked if Mr. King and Mr. Darby will be in partnership. Mr. King informed the
542 Board that Mr. Darby is the owner. Mr. Crawford asked if Mr. Darby will be assisting Mr. King,
543 and Mr. King answered yes.

544
545 Ms. Cooper addressed a concern about the arrest charge from November 2005, which appears
546 on Mr. King's SLED report, Intent to Defraud. Ms. Cooper said that the outcome did not appear.
547 Mr. King informed the Board that he is not wanted, and that he was granted concealed weapons
548 permit just a year earlier. He explained that the charge is still in litigation and not yet resolved.

549
550 **MOTION**

551 Mr. Horton made a motion the Board approve the application pending final inspection. Mr.
552 Crawford seconded the motion which carried unanimously.

553
554 7. White's Green Services – Michael White

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

557
558 The purpose of this hearing is to determine if Mr. Michael J. White will be granted a license as
559 manager of White's Green Services.

560
561 Ms. Rose informed the Board that Mr. White is the proposed manager of White's Green
562 Services, which will be a Retail Sales Outlet.

563
564 Mr. White offered the Board a background on his business. He builds green caskets on
565 demand. He did not intend to go into the casket business in full, but he is coming to the Board
566 for approval so that he may sell his caskets to customers of a local green cemetery. He
567 explained that he does not have an actual facility or building for customers to come look at
568 caskets, and he needed to know if that was necessary. He builds the caskets in his shop and
569 delivers them. He does not plan on having a building for the public and prefers not to.

570
571 Mr. Crawford asked if Mr. White will be selling retail or wholesale. Mr. White said that he will
572 have to go retail as he will be selling directly to the public since he deals with situations where
573 the family member is acting as their own funeral director.

574
575 Ms. Cubitt noted that the caskets are all wood, no metal. Once she was made aware that he
576 was selling caskets to the public, she did have to issue a Cease and Desist to Mr. White, but he
577 immediately called her to discuss the issue and quickly put in an application to license and
578 come into compliance with the laws.

579
580 Mr. Crawford asked if he is selling caskets already. Mr. White informed the Board that he was
581 not at the time of the meeting. Mr. Crawford asked how many he sold prior, and Mr. White said
582 he sold one as a kit. Mr. White reiterated that the green cemetery which he works with is not a
583 huge funeral home, but that there is a need, and the closest they could find was a casket maker
584 in Georgia who wanted around \$1,000 (one thousand dollars) for a casket made with all wood
585 (wooden pegs hold them together). In order to best fill the need of the community, he began
586 making the caskets for much less. He is a ferrier by profession.

587
588 Mr. Evans asked Mr. White if he planned on reaching out to funeral homes and selling to them.
589 Mr. White answered that he did not plan to do so as he is a one-person operation, and he only
590 builds them when called and asked. He understands that he must build 6 to store, and he will
591 do so.

592
593 Ms. Cooper asked how he will sell retail to the public if he does not have a place for them to
594 come get them. Mr. White reiterated that he will take the caskets to the families. Ms. Cooper
595 wanted to know if he would advertise or how the public would know how to find him. Mr. White
596 told the Board that his business will primarily come from Michael Bishop, who owns the green
597 cemetery. Mr. Bishop must approve the caskets that go into his cemetery, and the places
598 where you can get one that qualifies are very limited, only four that he knows of in the area.

599
600 **MOTION**
601 Mr. Evans made a motion that the Board accept Mr. White's application to manager White's
602 Green Services. Ms. McWhorter seconded the motion which carried unanimously.

603
604 B. Approval of Additional Facility –
605 1. Divine Mortuary – Michael A. Glenn
606 This matter was recorded by a court reporter in order to produce a verbatim transcript should
607 one be necessary.

608
609 The purpose of this hearing is to determine whether Michael A. Glenn should be granted a
610 license as manager of the facility.

611
612 Ms. Rose informed the Board that Mr. Glenn is a licensed Funeral Director in the state of South
613 Carolina. He was first licensed on November 30, 1990; his license is current; he does not have
614 a criminal background; he lives 1.57 miles from the facility; and, he is the owner of the facility.
615 Ms. Rose stated that the only pieces of the application that were missing were the zoning
616 papers and Mr. Glenn's ID, but she did later receive his ID.

617
618 Mr. Glenn informed the Board that since the facility was just outside the city limits, there was no
619 zoning.

620
621 Mr. Glenn asked the Board to approve the Divine Mortuary's additional facility and him as the
622 manager.

623
624 Mr. Nelson asked Mr. Glenn where his primary residence is. Mr. Glenn said that his new
625 residence will be 316 Duncan Bypass, Union, and that he just signed a new lease effective May
626 1. His current address is 121 Normandy Avenue between Spartanburg and Union. He owns
627 several properties in Union. Mr. Crawford and Ms. Cooper both asked what the distance from
628 his current home to the new facility is, and Mr. Glenn told them that it is 27 miles. He also has
629 another location. His new address will put him within the proper distance of both of his locations
630 in Union, which is why he is moving. Mr. Temples asked if he had proof of the lease where he
631 is renting his home, and Mr. Glenn replied that he could fax proof as he did not have it with him.

632
633 Mr. Horton asked if this will be a second branch. He answered that it is, and it will be his
634 second in Union. He will keep his Spartanburg location as well.

635
636 Ms. Cooper asked Mr. Glenn if he is otherwise employed as well. Mr. Glenn informed the Board
637 that he also serves as pastor to a local church in Spartanburg, but that he will commute from
638 Union to Spartanburg. Ms. Cooper asked if he is a full-time pastor there. He told the Board that
639 he is with several associate pastors also on staff. Ms. Cooper asked how many hours a week
640 he is required to work as a pastor. He said it is a small church where his primary responsibilities
641 are conducting services on Sundays and Wednesdays. His goal is to be totally in Union within a
642 year, and this is part of his plan to be in Union only. Mr. Crawford confirmed that he will
643 eventually close his Spartanburg location. He said his business in Union has increased and he
644 is only a small fish in Spartanburg.

645
646 Mr. Nelson asked how far apart the two Union facilities are from one another. Mr. Glenn told the
647 Board that the proposed facility is about 8 miles away from his other facility in Union.

648
649 Mr. Temples said his concerns were the change of address on his driver's licenses and a copy
650 of his lease agreement, which Mr. Glenn said he would do and could provide.

651
652 Mr. Glenn stated that he will not be doing preneed.

653
654 **MOTION**

655 Mr. Temples made the motion that the Board approve the application pending proof of change
656 of address on driver's license, copy of lease agreement, and final inspection. Mr. Evans
657 seconded the motion which carried unanimously.

658

659 2. Goldfinch Funeral Home Loris Chapel – Casey Vance Ward
660 This matter was recorded by a court reporter in order to produce a verbatim transcript should
661 one be necessary.

662
663 The purpose of this hearing is to determine whether the Board can grant Case Vance Ward a
664 license to manager Goldfinch Funeral Home Loris Chapel.

665
666 Ms. Rose informed the Board that the facility was formerly Ward Funeral home. The proposed
667 manager, Casey Vance Ward, is licensed as a Funeral Director and Embalmer in the state of
668 South Carolina. His license was first issued on July 16, 2002; he is currently licensed; he does
669 not have a criminal background; he lives 1.7 miles from the facility; and George Goldfinch, Jr. is
670 the owner of the facility. Consumers Affairs sent the preneed approval letter for the facility to
671 staff.

672
673 Mr. Ward asked for the approval of the additional facility, the Loris Chapel, for Goldfinch Funeral
674 Home and that he be granted a license as manager.

675
676 Mr. Horton asked Mr. Ward if he was manager of Ward Funeral Home. Mr. Ward confirmed that
677 he was and that he still maintains the same residence as he did when he managed Ward
678 Funeral Home.

679

680 **MOTION**

681 Mr. Horton made a motion that the Board approve the application for Goldfinch Funeral Home
682 Loris Chapel and Mr. Vance be granted a license as manager pending final inspection. Mr.
683 Temples seconded the motion which carried unanimously.

684

685 C. Approval of Reinstatement-
686 Rodger Brent Cook – FDE

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

689

690 The purpose of this hearing is to approve the reinstatement of Rodger Brent Cook's dual
691 Funeral Director and Embalmer's license in South Carolina.

692

693 Ms. Rose informed the Board that this is a reinstatement hearing for the license of Rodger
694 Cook, who was first licensed as a Funeral Director and Embalmer in South Carolina on
695 November 12, 2004. Mr. Cook's license expired June 30, 2008, and he provided an affidavit
696 stating that he did not work as a funeral director or embalmer during the time his license was
697 lapsed. He does not have a criminal background. He paid \$500 (five hundred dollars) in
698 reinstatement fees, and he has provided proof of completion of all continuing education.

699

700 Mr. Cook informed the Board that he ceased practicing funeral service in 2008 because he was
701 entering medical school. In the business of the life of a medical student, he neglected to renew
702 his license. While he intends to practice medicine, he would like to maintain his funeral
703 director's license.

704

705 Mr. Temples noted that he has known Mr. Cook for fifteen or sixteen years.

706

707 Mr. Temples asked where Mr. Cook will do his residency, and Mr. Cook informed the Board that
708 he will do his residency in Honolulu, Hawaii.

709

710 Mr. Cook explained to the Board that the address on his application is his parents' address as
711 it's been the address he's maintained as his primary throughout medical school.

712
713

MOTION

714 Mr. Horton made a motion that the Board approve Mr. Cook's reinstatement application. Ms.
715 Cooper seconded the motion which carried unanimously.

716

Break 1:30 pm to 1:40 pm

717

MOTION

718 Mr. Crawford made a motion to have a brief break. Mr. Temples seconded the motion, which
719 carried unanimously.

720

721 D. Approval of Re-Licensing

722

1. Larry Varner Sr.

723

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

726

727 The purpose of this meeting is to determine if Larry Varner, Sr. should be granted a license as a
728 Funeral Director by reexamination.

729

730 Ms. Rose informed the Board that Mr. Varner was first licensed on July 10, 1986. He let his
731 license lapse in 2005, and he would like to be licensed as a Funeral Director again. He does
732 not have a criminal background. He paid the \$175 (one hundred seventy five dollar) application
733 fee. He needs the Board's approval to sit for the exams in order to license again since his
734 license has been lapsed for more than five (5) years.

735

736 Mr. Varner told the Board that he and his wife moved back from Myrtle Beach to Lexington, and
737 he would like to reinstate his Funeral Director's license. His work history includes working part-
738 time work at McSwain-Evans Funeral home for four years while he was at Newberry College,
739 Thompson Funeral Home from 1966 to 1970, at Lourie's department store for 30 years starting
740 in 1970, and at Dunbar Funeral Home for 15 years part-time.

741

742 Ms. Cubitt reminded the Board that the law says that individuals whose license has been lapsed
743 for more than five (5) years must start the process all over again, including examinations. When
744 the regulation changed to say that an apprenticeship which has been completed for more than
745 five (5) years is no longer valid, staff came to the Board asking for clarification when it came to
746 relicensing. At that time, the Board decided they would handle these situations on a case by
747 case basis, so Mr. Varner is before them to find out if he may be approved to only take the
748 exams in order to license or if he must also complete another apprenticeship.

749

750 Mr. Horton asked Mr. Varner if he is currently working for Barr-Price Funeral Home, and Mr.
751 Varner confirmed that he was.

752

MOTION

753 Mr. Temples made a motion the Board approve Mr. Varner's application to relicense upon
754 successful completion of the exams without completing another apprenticeship since Mr. Varner
755 was licensed for so many years before his license lapsed. Mr. Evans seconded the motion
756 which carried unanimously.

757

758

2. Michael David Shields – FD

759

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

762
763 The purpose of his hearing is to determine if Michael David Shields should be granted a license
764 by reexamination.

765
766 Mr. Temples stated, for the record, that he does know Mr. Shields.
767

768 Ms. Rose informed the Board that Mr. Shields was originally licensed on July 2, 2003, and that
769 his license lapsed on June 30, 2005, in order to sell insurance. He paid the \$175 (one hundred
770 seventy five dollar) application fee. He needs the Board's approval to sit for the exams in order
771 to license again since his license has been lapsed for more than five (5) years.

772
773 Mr. Shields informed the Board that he left the funeral business in 2005 due to personal issues.
774 Since insurance required less of him at the time, he began working in the insurance business,
775 but he now wishes to be licensed as a Funeral Director again and to return to funeral directing,
776 including preneed sales.

777
778 Ms. Cooper noted that Mr. Shields's application, in response to question number 11 which asks
779 the applicant if he has ever had any other business or professional license of any type
780 suspended, revoked or surrendered in this or any other state or jurisdiction, he answered yes.

781
782 Mr. Temples asked Mr. Shields if he was presently working at Greenlawn, and Mr. Shields
783 confirmed that his intent is to do preneed sales for Greenlawn Funeral Home.

784
785 Ms. Cubitt noted that his criminal charge was null processed, and Ms. Bell added that he did
786 have a criminal conviction in 1995.

787
788 Mr. Petty asked Mr. Shields to confirm that his 1995 conviction was a misdemeanor. Mr.
789 Shields said that was correct.

790
791 **MOTION**

792 Mr. Petty made a motion that the Board reissue Mr. Shields's license based on LLR's
793 requirements. Mr. Temples seconded the motion.

794
795 Mr. Temples then asked whether or not they should require Mr. Shields to complete another
796 apprenticeship.

797
798 Ms. Cooper noted that Mr. Shields was only licensed for two (2) years before his licenses
799 lapsed.

800
801 Mr. Shields asked to address the Board. He said he recognized that he was only licensed for
802 two years, but he asked they consider that it was not just two years thirty (30) years ago. He let
803 them know he is not opposed to completing another apprenticeship, but his dilemma is that he
804 finds there to be very few Funeral Director apprenticeship positions available.

805
806 Mr. Temples reiterated that Mr. Shields was only licensed for approximately two years before
807 his license expired almost six years ago.

808
809 Mr. Nelson asked that Mr. Petty clarify his motion. Ms. Bell agreed.
810

811 **AMENDED MOTION**

812 Mr. Petty made a motion that the Board reissue Mr. Shields's license as long as he meets the
813 requirements listed in the code of laws, which says he must reapply to meet all licensing
814 requirements, including reexamination, at the time of application.

815
816 Ms. Bell noted that there were two things they needed to consider. One of the things they must
817 consider is, based on statute, reexamination. The other thing they must consider is whether or
818 not they should require Mr. Shields to complete another apprenticeship or portion of an
819 apprenticeship. Ms. Bell reminded the Board that Mr. Shields must take and pass the exams
820 again regardless of whether or not they determine that he must complete additional
821 apprenticeship requirements.

822
823 Mr. Nelson informed the Board that they needed to include this in the motion.

824
825 Mr. Evans asked Mr. Nelson if they could require he serve less than a full two-year
826 apprenticeship. Mr. Nelson directed Mr. Evans to Ms. Bell who told them that it was in their
827 discretion to do so.

828
829 **FINAL MOTION**

830 Mr. Evans amended Mr. Petty's motion to include the completion of a one year apprenticeship in
831 addition to the reexamination requirement. Mr. Temples seconded the motion which carried
832 unanimously.

833
834 E. Approval of Criminal Background

835 Andre Locke – Apprentice Funeral Director

836 Ms. Rose informed the Board that Mr. Locke was unable to attend the meeting and asked to be
837 placed on the next meeting's agenda.

838
839 F. Approval of quarterly reports-

840 Cody L. Anderson – Hatcher Funeral Home – Dual Apprentice

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

843
844 The purpose of this hearing was to determine if the Board will accept late quarterly reports for
845 Mr. Anderson's Funeral Director and Embalmer apprenticeship.

846
847 Ms. Cubitt explained to the Board that she spoke with Mr. Anderson who did not complete his
848 quarterly reports and who claimed that he was unaware that he had to do quarterly reports. She
849 told Mr. Anderson that the quarterly reports were included with the application package, and Mr.
850 Anderson said that neither he nor his supervisor were aware that he had to do quarterly reports.
851 She told him that she could not accept the late reports, and he asked to come before the Board
852 to request that they accept them. The past policy is that if apprentices do not get their reports in
853 within thirty (30) days of the end of a quarter, the Board does not accept them.

854
855 Mr. Anderson addressed the Board. He let them know he is currently enrolled in Piedmont
856 Technical College's mortuary sciences program. He went to the University of South Carolina for
857 three and ½ (3 ½) years before transferring into Piedmont Technical College's program. He let
858 them know that he was currently in his second of three (3) semesters. In March 2010, he
859 applied to become an apprentice at Hatcher Funeral Home. He informed them that before he
860 began with Hatcher, they used a removal service for all 200 (two hundred) funerals they do a
861 year, but that they now use him for all removals. He said that in the nine (9) months in which he

862 did not submit quarterly reports, he assisted in 62 cases. He apologized for not providing those
863 to the Board but he claimed that he and his supervisor were both misinformed about the
864 quarterly reports, and his supervisor was under the assumption that the Board still followed an
865 old policy in which everything was done at the end of the apprenticeship. Mr. Anderson said
866 that when he applied for his apprenticeship the only thing he received was a copy of his license
867 from LLR, and that before February 2011, he was unaware that he had to submit his reports
868 quarterly.

869
870 Mr. Hatcher was unable to attend due to a family emergency, but Mr. Hatcher sent a letter for
871 Mr. Anderson to read to the Board. Mr. Hatcher's letter explained that Mr. Anderson is an
872 apprentice at his funeral home, and that Mr. Anderson was misinformed about when reports had
873 to be submitted to the Board. Mr. Hatcher's letter said that Mr. Anderson works diligently at the
874 funeral home, and he asked that the Board accept the late quarterly reports.

875
876 Mr. Anderson told the Board that he plans to complete Piedmont Technical College's program
877 over the summer and is set to graduate in August 2011. He said that if the reports are not
878 accepted, then it will delay him another year before he can take his state law exam. He, again,
879 asked that the Board accept his late application.

880
881 Ms. Cooper asked if when he made application to the Board he printed the application package
882 from the website. Mr. Anderson told the Board that the application was printed for him. She
883 asked again if it was printed from the website, and Mr. Anderson, again, said that it was printed
884 for him so he did not know where the form came from. Ms. Cooper then said that the
885 application package on the website includes the quarterly reporting form. Mr. Anderson again
886 said that he only had what he was given. Ms. Cooper went on to remind Mr. Anderson that he
887 agreed that he fully read and understood the laws of this state when he applied, and that the
888 laws require he submit the reports at the end of each quarter. He said he did read the laws and
889 regulations, and noted that Section 40-19-240 says an apprentice must report quarterly on
890 forms provided by the Board indicating the work which was completed during the preceding
891 three (3) months. He said that those forms were never provided to him, and they were under
892 the assumption those would be sent to him at the end of his apprenticeship like they had been
893 in the past. Ms. Cooper informed him that the Board provides the forms on their site. Mr.
894 Anderson said he believed the Board should have sent him a letter directing him to the Board's
895 website, which he had not yet visited.

896
897 Mr. Horton asked Mr. Anderson if he was given the page that gives the instructions for
898 completing the apprenticeship application. Mr. Anderson answered that he did not, and he said
899 that a colleague at work printed and gave him the application. He said that this was the same
900 colleague who told Mr. Anderson that everything was still the old way.

901
902 Mr. Evans told Mr. Anderson that he himself was once an apprentice and that he has an
903 apprentice working for him, and he has never told his apprentice what to do as it is the
904 apprentice's sole responsibility to make sure they turn in the required reports. Mr. Evans
905 informed Mr. Anderson that hundreds of apprentices turn their reports in to the Board timely.
906 Mr. Anderson told Mr. Evans that he was told by the Board staff that it was his supervisor's
907 responsibility not his. Ms. Cubitt corrected Mr. Anderson and said that she told him that it was
908 both of their responsibilities. A supervisor should not supervise an apprentice if that person
909 does not know the requirements, but since the license is Mr. Anderson's, it is his responsibility
910 to get the required reports in. She pointed out that Section 40-19-240(C) says an apprentice
911 quarterly shall report to the board on forms provided by the board indicating the work which has
912 been completed during the preceding three months. She told him that the Board does provide

913 those forms on the website. She also pointed out that Regulation 57-06.1(3) says the reports
914 must be turned in no later than ten (10) days after the deadline, but that Board gives them
915 additional time and allows for thirty days.

916
917 Mr. Evans confirmed with Mr. Anderson that Ed Hatcher is his supervisor. Mr. Anderson said
918 that he has kept accurate reports but was instructed to turn them in at the end of his
919 apprenticeship.

920
921 Mr. Horton pointed out that Mr. Anderson quoted Section 40-19-240(C). He asked if Mr.
922 Anderson called the Board office to find out when they were going to provide the quarterly
923 reporting form to him since he still had not received the form. Mr. Anderson said that he works
924 forty (40) hours a week at the funeral home, he does all of their renewals, and that he attends
925 five (5) classes a week, so he was busy. Mr. Horton asked if Mr. Anderson did not understand
926 the rules and regulations as he attested he did on his application. Mr. Anderson again stated
927 that he and his supervisor understood he must turn everything in at the end of his
928 apprenticeship, to which Mr. Horton noted that he did not understand the rules and regulations
929 as he said he did because he would have known to submit them timely if he understood.

930
931 Ms. Cubitt said she was not sure how long it has been since an apprentice could wait until the
932 end of the apprenticeship to turn their reports in, but she did know it was in excess of ten (10) to
933 twenty (20) years. Mr. Anderson responded to this by telling the Board that his supervisor's last
934 apprentice was in the 1980s. Mr. Horton told Mr. Anderson that he completed his
935 apprenticeship in 1969 and 1970, and in those years an apprentice was required to submit the
936 reports every quarter. Ms. Cooper and Mr. Temples agreed that they shared the same
937 experience in their apprenticeships. Ms. Cubitt reminded the Board that in the past they have
938 denied late quarterly reports as early as forty-five (45) days past the end of a reporting period.

939
940 Mr. Petty asked Mr. Anderson to share with the Board Governor Haley's response to his letter.
941 Mr. Anderson informed the Board that she agreed with Mr. Anderson, and that restructuring LLR
942 was one of her top priorities. Mr. Petty then asked Mr. Anderson to share the advice of his
943 attorney. Mr. Anderson said his attorney advised he come before the Board, and he asked Mr.
944 Anderson to find out how many exceptions they made in the past. Ms. Cooper could not recall
945 any exceptions, and Mr. Petty asked Ms. Cubitt if she recalled any exceptions. Ms. Cubitt told
946 the Board that she could only recall a few exceptions, and they were cases involving serious
947 illness or other extraordinary circumstances. Ms. Holleman informed the Board that the last
948 exception was a case where Board received all of the apprentice's quarterly reports in a timely
949 manner with the exception of one. That apprentice claimed that she mailed the report, and the
950 Board did not have a reason to believe she did not. Mr. Evans reminded the Board that the
951 particular case Ms. Holleman mentioned was the reason the Board started recommending that
952 apprentices send their quarterly reports to the Board certified with return receipt requested.

953
954 Mr. Anderson said that he hopes the Board will, in the future, send letters to the apprentices
955 letting them know that they must submit the reports quarterly. Mr. Horton addressed this by
956 saying that Mr. Anderson must take some responsibility for his license just as he would his
957 driver's license. He reminded Mr. Anderson that the forms were provided on the website and
958 that Mr. Anderson could have called the Board office to have the forms sent to him as well.

959
960 Mr. Horton verified that staff received one (1) quarterly reporting form that was in compliance.
961 Ms. Cubitt noted that the report covered January and February, but it did not include March, so
962 he received credit for the two (2) months listed. Mr. Anderson said he submitted all three
963 months, but the report staff received only had January and February and was received on

964 March 3, 2011 with the last case on February 13, 2011, and Mr. Anderson signing the report on
965 February 27, 2011. Mr. Horton noted that there was nothing recorded on the form for March
966 2011. Mr. Anderson believed this to be an error, and he said he had the return receipt for it, but
967 he did not have that with him at the meeting, and staff did not have record of that. Mr. Anderson
968 claimed that he would check for it at home.

969
970 **MOTION**

971 Ms. Cooper made a motion that the Board accept only the quarterly reports that Mr. Anderson
972 submitted timely and properly. Mr. Temples seconded the motion which carried unanimously.

973
974 G. Approval - receive refund on application
975 Ulysses J. Conyers – Pending Funeral Director

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

978
979 The purpose of this hearing was for the Board to determine whether the Board of Funeral
980 Service will grant a refund of the licensing fee for Mr. Conyers since he is ineligible to license at
981 the present.

982
983 Ms. Rose informed the Board that Mr. Conyers applied for a license, was told that he was not
984 eligible, and requested a refund. Mr. Conyers served his apprenticeship before the regulation
985 changed to require licensure within five (5) years past the end of the apprenticeship. Mr.
986 Conyers requests that the Board refund the licensing fee, and staff is unable to grant this
987 request since the application says all fees are nonrefundable.

988
989 Ms. Cubitt informed the Board that while he was going through the process, Funeral Director
990 and Embalmer licensure was done through the Office of Licensure and Compliance (OLC). As
991 Mr. Conyers documented for the Board, OLC did tell him that they would issue a refund. The
992 Board's position in the past has been that if we take the application, we're doing work to process
993 and check it, but because he had been told that he would be issued a refund, he asked to
994 appear before the Board.

995
996 Mr. Horton asked if Mr. Conyers completed an apprenticeship and, if so, in what year. Mr.
997 Conyers informed the Board that he completed his apprenticeship in 1989. Mr. Horton asked
998 why Mr. Conyers did not take the Funeral Director's exam at that time. Mr. Conyers said that
999 shortly after that he had several personal setbacks including the loss of family members and the
1000 care of a child who was involved in a severe automobile accident. Mr. Conyers told the Board
1001 that he did call before he submitted the application for licensure, and he was told that he did still
1002 qualify to sit for the exam. Only then did he submit the application. He submitted the
1003 application on the first of June 2010. Around June 16, 2010, he called to check on the status of
1004 the application, and OLC informed him that he did not complete his apprenticeship. He would
1005 not have submitted the application if he knew he would be ineligible. He recognizes the
1006 applications says that the fees are nonrefundable, but he did call to confirm he was eligible
1007 before he submitted the application.

1008
1009 Mr. Horton asked if Mr. Conyers was told, before submitting the application, that his
1010 apprenticeship was valid. Mr. Conyers informed the Board that the validity of his apprenticeship
1011 was not specifically discussed. Ms. Rose explained that there was confusion due to a change in
1012 database systems and changes in the policies and regulations of the Board between the time
1013 Mr. Conyers completed his apprenticeship and the time he applied.

1014

1015 Mr. Evans asked Mr. Conyers what his intent is. Mr. Conyers said his preference was to take
1016 the exam instead of receive a refund.

1017

1018 **Executive Session**

1019 **MOTION**

1020 Mr. Horton made a motion the Board enter executive session. Ms. Cooper seconded the motion
1021 which carried unanimously.

1022

1023 **Return to Public Session**

1024 **MOTION**

1025 Ms. Evans made a motion the Board return to public session. Ms. Cooper seconded the motion
1026 which carried unanimously. Mr. Nelson noted for the record that no official action was taken
1027 during executive session.

1028

1029 **MOTION**

1030 Mr. Horton made the motion the Board refund the fee of \$175 (one hundred seventy dollars) to
1031 Mr. Conyers due to the fact that there was confusion and restructuring in the Agency during the
1032 time he applied; therefore, Mr. Conyers was given incorrect information. Mr. Petty seconded the
1033 motion which carried unanimously.

1034

1035 H. Endorsement – Angela E. Campbell - Waiver of educational requirements

1036 This matter was recorded by a court reporter in order to produce a verbatim transcript should
1037 one be necessary.

1038

1039 The purpose of this hearing is to determine if the Board should grant Ms. Campbell a license as
1040 a Funeral Director.

1041

1042 Ms. Rose informed the Board that Ms. Campbell was first licensed as a Funeral Director in
1043 Tennessee on January 20, 1999. Her license is current in Tennessee, and she does not have a
1044 criminal background. Ms. Campbell only completed forty-two (42) semester hours of education
1045 at the University of South Carolina. She would like for the Board to waive the educational
1046 requirements to license since she has been licensed in the state of Tennessee for twelve (12)
1047 years.

1048

1049 Ms. Campbell asked that the Board grant her a South Carolina Funeral Director's license. She
1050 told the Board that thanks to Ms. Rose and Ms. Elrod she has learned more about South
1051 Carolina's licensing. She brought letters of recommendation for the Board, and she was able to
1052 obtain copies of her apprenticeship reports submitted to Tennessee when she originally
1053 licensed. She understands that apprentices in South Carolina must complete fifty (50) cases
1054 during the course of an apprenticeship, and she completed eighty-eight (88) cases during her
1055 apprenticeship in Tennessee. She asked the Board allow her to submit the letters of
1056 recommendation and apprenticeship documentation from Tennessee, which Mr. Nelson
1057 approved. Ms. Campbell told the Board that she lived in South Carolina from 1981 to 1988.
1058 During such time she was a student at the University of South Carolina's Coastal Campus and
1059 met and married someone serving in the United States Air Force. They moved to Tennessee,
1060 and Ms. Campbell stopped her educational pursuits to raise a family. She believes that the
1061 Board may approve her for licensure per Section 40-19-235.

1062

1063 Mr. Temples asked Ms. Campbell if her intent was to become a Funeral Director while she was
1064 studying at USC's Coastal Campus. Ms. Campbell told the Board that she was a Political

1065 Science major, and that she still plans to pursue her degree in Political Science, but she would
1066 also like to continue a career in funeral service.

1067
1068 **MOTION**

1069 Mr. Evans moved the Board accept Ms. Campbell's application to license pending the passing
1070 of the state law exam. Ms. Cooper seconded the motion which carried unanimously.

1071
1072 Ms. Cubitt asked that the Board clarify the exams. Ms. Cubitt stated that
1073 , since Ms. Campbell did not take and pass the national exam, she would need to take both the
1074 Funeral Director's exam and the state law exam. Ms. Campbell asked if her fifteen (15) years
1075 experience in the industry could exempt her from the Funeral Director's exam, and Ms. Cooper
1076 said it could not because she did not pass the national Exam. Mr. Evans asked to amend his
1077 motion to include both exams.

1078
1079 **AMENDED MOTION**

1080 Mr. Evans moved the Board accept Ms. Campbell's application to license pending the passing
1081 of the Funeral Director's exam and the state law exam. Ms. Cooper seconded the motion which
1082 carried unanimously.

1083
1084 **11. Discussion Items for vote**

1085 **1. Consideration of FD/EMB to serve on the IRC**

1086 Ms. Cubitt told the Board that they had the option of putting either a current Board member on
1087 the IRC (Investigative Review Committee) or a past Board member. She reminded them that if
1088 they put a current Board member on the IRC, that Board member would be unable to participate
1089 in disciplinary hearings or share information with other Board members. She noted that most
1090 boards choose to not use current members in effort to never be without a quorum. If they would
1091 like to nominate a past Board member, they needed to let her know who and take a vote.

1092
1093 Mr. Nelson asked if the Board members had any past members that they would like to
1094 nominate.

1095
1096 **MOTION**

1097 Mr. Temples made a motion that the Board contact former Board member, Mr. Homer Elwood,
1098 to see if he would accept the position. Ms. Cooper seconded the motion which carried
1099 unanimously.

1100
1101 **2. Michael Bishop & Jennifer Snider – Questions regarding Funeral practices**

1102 Ms. Cubitt informed the Board that Mr. Bishop was not in attendance but that Ms. Snider was.
1103 Ms. Snider had questions in which she needed the Board's guidance.

1104
1105 Ms. Snider approached the Board. She told them that Mr. Bishop was going to attend with her
1106 as her questions are related specifically to his green cemetery, which is the same cemetery that
1107 Michael White, who appeared before them earlier in the day, works with. She told the Board
1108 that she is a licensed Funeral Director and Embalmer in South Carolina. She finished her
1109 apprenticeship in December, was licensed in January, and is not currently employed but is
1110 working on her master's degree. She intends to coordinate with Mr. Bishop once she has been
1111 licensed a full year to manage a funeral home he aspires to open. In the meantime, Mr.
1112 Bishop's customers are acting as their own funeral directors, but she would like to offer them
1113 assistance. She would like to, if possible, consult with the families and tell them how to do the
1114 things for themselves like how to get military honors, which papers to fill out and submit when

1115 and where, etc. She would charge a consultation fee if appropriate, but she is willing to act as a
1116 consultant for free because she got in the funeral business in order to help people. She wants
1117 to do this until she can open her own firm. She would like the Board's permission to act as a
1118 consultant for the time being, be it paid or volunteer.

1119
1120 Mr. Evans confirmed that she is a licensed Funeral Director and Embalmer.

1121
1122 Ms. Snider let the Board know she worked for a large firm during the course of her
1123 apprenticeship so her experience covered a wide range of issues.

1124
1125 Mr. Evans asked if her intent was to guide people through the green burial process. Ms. Snider
1126 explained that when families come to Mr. Bishop for burial in his cemetery, they act as their own
1127 funeral directors. She told the Board that these services are generally very simple. They have
1128 to file their own paperwork, but they do not know how to do it. Ms. Snider won't fill out the
1129 paperwork, sign, or file it, but she would like to be able to guide them through it. Ms. Cooper
1130 pointed out that such reasons were why people hire funeral directors, and Ms. Snider said she
1131 understood that, but that families also have the right to serve as their own funeral directors and
1132 she would like an opportunity to guide them through the process.

1133
1134 Ms. Cooper reminded Ms. Snider that the consumers were making the choice, and Ms. Snider
1135 agreed. Also, her acting as a consultant should not be an issue since she is not signing
1136 anything.

1137
1138 Mr. Horton asked if she would be doing this only for the green cemetery. Ms. Snider said that
1139 she would do it for the families. Mr. Horton asked how people would know of her services, and
1140 she said that they would be referred to her through the green cemetery. Mr. Horton pointed out
1141 that it sounds as if she is working for the cemetery, then he asked Ms. Snider to explain the
1142 process. Ms. Snider explained that the families are responsible for their own Burial Transit
1143 Permits, etc. as they act as their own funeral directors. Mr. Horton asked if the transportation
1144 services wait until time for the funeral to bring the body of the deceased to the cemetery. Ms.
1145 Snider said they do. Mr. Horton then asked about casketing, dressing, and preparation of the
1146 body. Ms. Snider's understanding is that the families take care of those things. She said that
1147 she's not seen a funeral at this time, but that she believes the bodies are casketed graveside.
1148 She told Mr. Horton that Mr. Bishop usually recommends they get a nurse at the hospitals,
1149 family member or friend to prepare and dress the body for burial at the hospital or residence
1150 before the body is transported.

1151
1152 Ms. Snider told the Board that she currently volunteers for five (5) organizations and does not
1153 mind donating more of her time to help families while she is working on her masters and waiting
1154 out her time until she's been licensed a full year which she plans to manager her own firm.

1155
1156 Ms. Cubitt told the Board that when the question was first posed to her the question was if they
1157 could provide unpaid for guidance at the gravesite such as how to lower the body, lead in a
1158 song or prayer, etc. When Ms. Snider called in and asked about body preparation, Ms. Cubitt
1159 said she must defer to the Board as they are the experts. Ms. Snider noted that they do not
1160 have a preparation facility, so that would not be an issue. In regards to dressing, etc., she
1161 would work in the same capacity of a nurse or relative in the home or hospital.

1162
1163 Mr. Horton said to her that they understand she will not work for the cemetery but that they will
1164 have her name and number on file for their customers who need help. He understands that she
1165 is a licensed Funeral Director and Embalmer in the state of South Carolina, but when they give

1166 someone your name and tell them that you may help them, whether you are paid for your
1167 services or not, you are saying to the public that you are person qualified and knowledgeable in
1168 the area of funeral service laws in South Carolina. In his opinion, that means you are holding
1169 out to the public as a Funeral Director. Mr. Horton compared it to a physician who may donate
1170 her services to a patient. Even though the services were free, she is still acting as a physician.

1171
1172 Mr. Petty reminded Ms. Snider that it is her license is on the line if anything goes wrong or she
1173 makes someone uncomfortable. Ms. Snider said that she did understand, and this is why she is
1174 coming before the Board for clarification and permission.

1175
1176 Mr. Temples told Ms. Snider that he believed it would be in her best interest if she waits the nine
1177 (9) months if she intends to manage her own funeral establishment and to not volunteer her
1178 services. She explained that it is difficult to watch families struggle when she can help them.
1179 Mr. Temples reminded her that the families chose to go that route.

1180
1181 Mr. Evans reiterated that her license would be on the line if something were to go wrong.

1182
1183 Mr. Horton read Section 40-19-20(10), which says, "Funeral Director' means a person licensed
1184 by the board to engage for hire or profit in the profession of arranging, directing, or supervising
1185 funerals." He interprets "for hire" to mean that if the cemetery calls her for her expertise, even if
1186 she is not paid, she has then been hired. Ms. Bell added that even if her intent was to not be
1187 engaged, her license would still be subject to disciplinary action.

1188
1189 Ms. Snider said she was basically wondering if it was a different thing when a nurse dresses a
1190 body and when she does, and she believed that she and the Board were in agreement that they
1191 are different things.

1192
1193 Mr. Evans asked if they adequately answered Ms. Snider's questions, and she agreed that they
1194 had.

1195 3. Approval of Citation document

1196 Ms. Cubitt asked the Board not address the citation document during this meeting as there had
1197 been changes since the document was placed on the agenda.

1198
1199 4. Discussion and approval of new fees and fines

1200 Ms. Cubitt told the Board that she and Ms. Bell have discussed the issue, and Ms. Bell noted
1201 that there is currently legislation pending which would keep the Boards from raising fees. Ms.
1202 Cooper reminded the Board that they agreed to have a work session to discuss issues that they
1203 would have to change legislatively.

1204
1205 Mr. Evans and Ms. Cooper noted that the Board does not feel that the fines are still enough with
1206 the cap of a \$500 (five hundred dollar) regardless of the offense.

1207
1208 Ms. Cooper said that they would also like to discuss FBI background checks, unclaimed bodies
1209 issues, cremation laws on the work session agenda.

1210
1211 Mr. Horton asked for information on the cremation currently pending in the legislature. Mr.
1212 Temples said that it was a majority rules bill.

1213
1214 Mr. Temples requested that the work session not have an agenda.

1215

1216 Mr. Evans asked Ms. Cubitt why the meeting minutes are not posted online. Ms. Cubitt said
1217 that they are online, and Mr. Evans noted that the meeting minutes from February were not
1218 online. Ms. Cubitt reminded Mr. Evans that they cannot be published until the Board approved
1219 them, which they just did in this meeting.

1220
1221 Mr. Horton requested the work session be scheduled the day before the regular meeting. Ms.
1222 Cubitt asked when they would like to schedule the work session. Mr. Horton asked what the
1223 deadline was to prefile legislation, and Ms. Bell said December. The Board agreed that the day
1224 before the June meeting would be best, so Ms. Cubitt agreed to schedule work session meeting
1225 for June 29, 2011, if she could reserve a room. Ms. Cubitt told the Board that they must have
1226 an agenda, and that the meeting must be public. The Board agreed to ask representatives from
1227 the associations to attend.

1228
1229 Ms. Cubitt informed the Board that LLR will no longer introduce legislation. The Agency now
1230 prefers the Board find another organization, like their associations, to do so.

1231
1232 Mr. Evans pointed out that when you're on the Board you cannot talk to the associations, so he
1233 wanted to know how they are to express to the associations what their wishes are and to get
1234 them to introduce the legislation. Mr. Horton suggested that the Board form a committee to go
1235 to the associations with the proposed legislation and ask for the association's help.

1236
1237 **12. Committee Reports**
1238 Mr. Nelson said there were no committee reports to discuss; therefore, he was foregoing this
1239 section of the agenda.

1240 **13. Public Comments**
1241 No comments were made during the meeting.

1242
1243 **14. Adjournment**
1244 **MOTION**
1245 Mr. Horton made a motion the Board adjourn. Mr. Evans seconded the motion which carried
1246 unanimously.

1247
1248 The May 5, 2011 meeting of the SC Board of Funeral Service adjourned at 3:32 p.m.

1249
1250 The next meeting of the SC Board of Funeral Service is scheduled for June 30, 2011.

1251
1252
1253
1254
1255