

SOUTH CAROLINA DEPARTMENT OF LABOR,
LICENSING AND REGULATION

BEFORE THE SOUTH CAROLINA BOARD OF FUNERAL SERVICES

SEPTEMBER 15, 2011

BOARD MEMBERS:

EDDIE NELSON, CHAIRMAN

MICHELLE COOPER, VICE CHAIRMAN

GLEN CRAWFORD

JEFF TEMPLES

MARGERY MCWHORTER

BILLY HORTON

THOMAS BAKER

C. BRAD EVANS

JOHN L. PETTY, III

KENNETH BEASLEY

SHERIDAN SPOON, ADVICE COUNSEL

1 Hearing held on September 15, 2011 with the South
2 Carolina Board of Funeral Services, Department of Labor,
3 Licensing & Regulation, 110 Centerview Drive, Columbia,
4 South Carolina. Reported by Lisa F. Huffman, Verbatim
5 Court Reporter and Notary Public in and for the State of
6 South Carolina; said meeting/hearing being held on the
7 15th day of September, 2011, scheduled for 10:00 a.m.
8 and commencing at 10:05 a.m.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 MR. NELSON: We will go ahead and call this meeting of
2 the State Board of Funeral Service in order. The
3 public noting of this meeting was properly posted
4 at the South Carolina State Board of Funeral
5 Services, Synergy Business Park, Kingstree Building
6 and provided to all requesting persons,
7 organizations and news media, in compliance with
8 Section 34-8 of the South Carolina Freedom of
9 Information Act. We have a quorum present. At
10 this time we'll ask that we stand and be led in the
11 Pledge of Allegiance and prayer.

12 MR. NELSON: At this time, we will have introduction of
13 our board members, starting from my left.

14 MR. PETTY: John Petty from Landrum.

15 MR. BEASLEY: Kenneth Beasley, Fountain Inn.

16 MR. HORTON: Billy Horton, Kingstree.

17 MR. SPOON: Sheridan Spoon, LLR advice attorney.

18 MR. NELSON: Eddie Nelson, Blythewood.

19 MR. CRAWFORD: Glen Crawford, Lancaster.

20 MR. EVANS: Brad Evans, Abbeville.

21 MR. BAKER: Tommy Baker, Kershaw.

22 MR. TEMPLES: Jeff Temples, Columbia.

23 MS. MCWHORTER: Margery McWhorter, Columbia.

24 MS. GRAY: Lil Ann Gray, Office of General Counsel.

25 MS. ROSE: Jeanie Rose, LLR.

1 MS. WOLFE: Sharon Wolfe, chief investigator.
2 MS. CUBITT: Doris Cubitt, LLR.
3 MS. ELROD: Wendy Elrod, LLR.
4 MS. HOLLEMAN: Amy Holleman.
5 MS. ROBINSON: Lacy Robinson.
6 MR. FOWLER: Scott Fowler, Spartanburg.
7 MR. SQUIRES: Mike Squires, Mount Pleasant.
8 MR. RAY: Zachary Ray, Ridge Spring.
9 MR. LOCKE: Andre Locke, Clemson, South Carolina.
10 MR. BARR: Fernander Barr, Lake City.
11 MR. LEMMON: Phillip Lemmon, Lake City.
12 MR. DAVIS: James A Davis, Lancaster.
13 MR. JENKINS: Rodriguez Jenkins, Augusta, Georgia.
14 MS. CLARK: Alicia Clark, Consumer Affairs.
15 MR. MCBRIDE: Terry McBride, Calhoun Falls.
16 MS. JACKSON: Doris Bernice Jackson, Greenwood.
17 MR. RICE: Stanley Rice, Laurens, South Carolina.
18 MR. WHITE: Michael White, Swansea, South Carolina.
19 MS. MURRAY: Yvonne Murray, Anderson, South Carolina.
20 MS. COOPER: Michelle Cooper, Moncks Corner, South
21 Carolina.
22 MR. NELSON: Let's go ahead and move on our agenda. We
23 don't have to approve absences. We have a full
24 board this morning. We are grateful to have
25 everyone present with us this morning. We are

1 going now to No. 4, approval of minutes.

2 MR. EVANS: Mr. President.

3 MR. NELSON: Yes, sir.

4 MR. EVANS: On Wednesday, June the 29th, there is one
5 correction as to attendance there. I was present
6 on Wednesday, June the 29th, 2011, and it does not
7 list me as present. Also, on June the 30th, I was
8 not present, which was excused, because I had an
9 emergency. But on Page 8 of those minutes, it has
10 me motioning the meeting for an adjournment, but I
11 was not in attendance.

12 MR. BAKER: Mr. President, I have a correction as well.
13 On Thursday, June 30th, I was present, and my name
14 was omitted, and I made the motion to adjourn that
15 day. Need to add me to the Thursday, June 30th.

16 MR. BEASLEY: I was present at the workshop as well.

17 MR. NELSON: And then also, I would like to call your
18 attention the 29th on Page 14. The adjournment we
19 have is dated the next meeting of the scheduled
20 hearing, cemetery, should be the board. So if we
21 would add or make those annotations on our records
22 and then we would get a motion to approve the
23 minutes, necessary correction as we have.

24 MR. BAKER: Mr. President, I make a motion that we
25 approve the minutes as corrected.

1 MR. TEMPLE: I second.

2 MR. NELSON: Moved and properly seconded to approve the
3 minutes, with the necessary corrections. All those
4 in favor, let it be known by saying "aye."

5 BOARD MEMBERS: Aye.

6 MR. NELSON: And opposed by saying "nay." Let the
7 record and our staff make those corrections for us
8 please.

9 Our next order of business is presidential
10 remarks. We're just thankful and grateful that
11 everyone could be here this morning and we're in
12 full attendance this morning. So I don't know if
13 that's a good sign that some of us are not busy, or
14 we're just taking the time out to do what is
15 necessary and doctrine to do. But again, would
16 like to thank all persons for coming out.

17 And I would like to say that this board, we
18 take care of the business of the state and take
19 care of the business of the funeral board. And we
20 try to remove the element of "self" from all of our
21 decisions and renderings throughout our meetings.
22 With that said, again, I would like to thank you
23 and welcome you to this board meeting. And we will
24 go ahead and proceed into our old business.

25 (NO RESPONSE.)

1 MR. NELSON: New business. I think it comes up to
2 information on financial, Ms. Cubitt, our
3 administrator. And you may give the remarks as the
4 administrator.

5 MS. CUBITT: Okay. We did give you a copy of the
6 financial reports that are in your packet. We
7 start in, you know, the one for June, which is the
8 end of the previous fiscal year. And then it shows
9 you -- this type of report is one that we get from
10 finance and it shows your beginning balance, your
11 total revenue for '09, '10, and then the fiscal
12 year '11. To-date, the total expenditures, any
13 things that were taken out on transfers, and then
14 your year-end balance. And then you have one also
15 for July and one for August.

16 I am going to work on another report that will
17 give you a little bit more detail, but I just don't
18 have it yet. But at least you can tell where
19 you're at right now. If you've got any questions
20 about those, I'll be glad to answer them.

21 MR. NELSON: That would be great. Do you know when we
22 would probably be getting that report? I know you
23 are torn between other boards now and standing in
24 other activities of the board. Do you know when
25 you can give us that detail analysis?

1 MS. CUBITT: I would hope to have it to you within --
2 I've got to do it for all of the boards. So
3 hopefully within a month I can do that.

4 MR. NELSON: Thank you, ma'am.

5 MS. CUBITT: And as a part of my remarks, I just want
6 y'all to be aware that I have been given some
7 additional boards, and I have the Cosmetology
8 Board, the Barber Board and the Massage Therapy
9 Board, in addition to Accountancy, Funeral and
10 Cemetery. It should be a temporary thing, three
11 months to a year or something. But you're still
12 going to get the same service you've gotten before.
13 We're going to keep things up and do well.
14 Luckily, staff is excellent, and they're really on
15 top of things, and they're handling a lot of things
16 and clearing them through me, but they go ahead and
17 proceed with them. So if you ever have any
18 concerns, contact me. If there's an issue, we'll
19 get it worked out. But they will do a really good
20 job. And I don't think you'll really notice the
21 difference.

22 LLR is working -- it will be a while for
23 y'all, but we are working on a online application
24 process, so that candidates that are going to apply
25 either for an apprenticeship or a license, funeral

1 director or embalmer, can go online and actually
2 fill out the application online and upload it to
3 us. And so that way, we'll know that it's there.
4 There will be some tracking capabilities, so while
5 still waiting on, you know, your SLED report or
6 whatever it might be, they will be able to tell
7 that. So I think that's going to be beneficial.

8 I did go to the Death Care Conference. It was
9 really good. I will give you a written report on
10 that on that at the next meeting. With everything
11 going on, I just didn't have time to get it out.
12 But there were a lot of good topics covered there
13 and I'm going to get you something on that.

14 I know we sending out the packages. Some of
15 you like to get the CD and put it on a computer.
16 We also -- we emailed some stuff, and sometimes
17 your emails won't accept anything over five
18 megabytes or something. We do have the capability
19 to have a secure website that's here, that you have
20 it password protected, and you can -- you can go
21 into that portal and download it, if that is more
22 beneficial to y'all. So you just need to let us
23 know how the majority of y'all feel about that, if
24 you want that.

25 The other thing that we're doing a little bit

1 different, you're going to see the minutes are
2 going to look different after this. The minutes
3 will actually be the motions that are made and the
4 voting and the outcome. And we are using the court
5 reporters to record the whole meeting. And will
6 get that transcribed and that will be posted on our
7 website. So we will have the full meeting and all
8 the comments and everything out there. But then
9 the minutes themselves will just be the actual
10 motions that you took and actions that you took.

11 And the only other thing I have is on Page 2
12 of the agenda, Item No. 16, it says from August
13 2011 work session, and that would have been 2010.
14 That's a typo.

15 MR. NELSON: Any board members with any questions or
16 comments for Ms. Cubitt? I have one, just to make
17 sure that we are understanding. The information we
18 received in the packet of license -- all of these
19 individuals have met -- when they come to you, if
20 they've met the necessary requirements and you have
21 approved those persons that are listed in this list
22 of packet that we have, correct?

23 MS. CUBITT: Yes, sir.

24 MR. NELSON: Thank you, ma'am. We'll go into Item No.
25 10, reports, the IRC reports.

1 MS. WOLFE: As I have said earlier, I am Sharon Wolfe,
2 the chief investigator. We've undergone a lot of
3 changes this year. We have some new processes that
4 are taking place. So I will be giving the report
5 from now on, as far as I know. I have a different
6 little format, what I use for some other boards.
7 And give me feedback, if this is the type of
8 information that you might prefer in a report.

9 The Funeral Board Case Report, I did have a
10 typo; I apologize for that. I should be September
11 14th, 2011. And we're showing that we received 39
12 cases so far this year and 31 have been closed.
13 There is some carryover from last year, so the
14 numbers might look a little peculiar. As a
15 comparison, I printed off the cases that we had the
16 same time frame last year, and we'd received 27
17 cases at that point in time, and we had closed, as
18 of September 14th of 2010, 34 cases.

19 I didn't know if you would prefer a report
20 like this, or if you might like a different format,
21 the funeral board case report. I did have a typo;
22 it should be September 14th of 2011.

23 MR. NELSON: On these, and it's not revealed on the
24 report, but on the investigation, you still just
25 have just one investigator? Mr. Kennedy --

1 MS. WOLFE: There was one investigator, yes.

2 MR. EVANS: And you are the chief investigator?

3 MS. WOLFE: Correct. I supervise ten boards. Funeral
4 board is one of those.

5 MR. EVANS: So Tony is investigating just for funeral
6 service? Or --

7 MS. WOLFE: He was investigating for real estate and
8 funeral.

9 MR. EVANS: I notice on this report it says "pending
10 board action, 13th."

11 MS. WOLFE: July or September?

12 MR. EVANS: Case status is that first little block?

13 MS. WOLFE: That could be either board approval, or it
14 could be that they are going to maybe have a
15 hearing. Typically that would be pending board
16 action again between status, between the IRC and
17 the board approval compliance.

18 MR. EVANS: I guess I just want to understand something.
19 The IRC has got one pending investigation has got
20 five, pending board action is 13 --

21 MS. WOLFE: Right.

22 MR. EVANS: So 13th is when they will come before this
23 board?

24 MR. WOLFE: Right. They have to be approved.

25 MS. CUBITT: Right. And it could be a consent agreement

1 when they come or it could be a hearing, but --

2 MR. EVANS: And what's the typical time frame of that?

3 MS. CUBITT: It really varies from case to case.

4 MS. WOLFE: Yes, it will vary depending board action,

5 you mean?

6 MR. EVANS: Right.

7 MS. WOLFE: Let's see, for this year, it appears that

8 we're looking at average days of 135.

9 MR. NELSON: Thirty-five days?

10 MS. WOLFE: A hundred and thirty five.

11 MR. NELSON: Before it is brought before the board?

12 MS. WOLFE: Yes. Average days.

13 MR. NELSON: And you only have one inspector that's

14 investigating --

15 MS. WOLFE: One investigator, correct.

16 MR. NELSON: Are we planning on in the future -- I know

17 that we've done some other things changing and

18 giving other persons assistance. Ms. Cubitt, I'm

19 directing this question to you, maybe you can find

20 out for us from your direct report. Are we

21 planning on looking at trying to alleviate or get

22 some aid, assistance to this one person that now

23 has been indoctrinated for having all these boards

24 investigating -- investigation? Because I know

25 personally, I've tried to call Mr. Kennedy several

1 times. Now, he does call me back, but it takes
2 like an act of congress sometimes to get through to
3 him, to finally return the calls back to me. Like
4 I said, he does return the calls, but it just takes
5 up time. But I don't know whether he's becoming
6 bottlenecked with all the workload or what. Are we
7 planning on looking at something in the future? Or
8 trying to give him some kind of aid to alleviate
9 this problem.

10 MS. WOLFE: Right. And I'll bring your concerns to my
11 supervisors. They're looking at having one fully-
12 dedicated investigator, as opposed to one who works
13 with other boards.

14 MR. NELSON: -- hundred and thirty-five days.
15 (Talking over one another.)

16 MS. WOLFE: What sounds like a reasonable length of
17 time?

18 MR. BAKER: Ninety days.

19 MR. NELSON: Ninety days.

20 MR. BAKER: Within 90 days.

21 MS. WOLFE: From start to --

22 MS. CUBITT: And I know sometimes that sounds like a
23 long time. But you have to understand, they get
24 the case; it's assigned to them. They have other
25 cases too, but they do, they send out letters, they

1 start investigating, they start doing things. Once
2 all that's pulled together, then we have to
3 schedule the IRC. And you've got to get a date
4 that fits everybody that's called to the meeting.
5 And so then, you know, we get in for that. So it's
6 just the logistics a lot of times.

7 MR. NELSON: Well, let's see if we can kind of
8 streamline those logistics.

9 MS. CUBITT: We will.

10 MR. NELSON: And, you know, I think that would help us
11 because we just feel that a 135 is not -- is an
12 excessive amount of time. And I know the procedure.
13 I know that we have protocol and procedures. And
14 when we go into investigate, it may take two or
15 three days to investigate an issue, instead of that
16 one day. I'm aware of that. But I just feel that
17 135 days, it's just a little far-fetched for us.

18 MS. WOLFE: All right. Sometimes they run into problems
19 with getting the documents in a timely fashion,
20 things like that. So it's not always a
21 straightforward as you might think.

22 MR. NELSON: And when we do have those problems, those
23 situations, do we penalize for not making the time
24 lines?

25 MS. WOLFE: I'm not aware of us having done that in the

1 past.

2 MS. CUBITT: We could make a note of that and discuss
3 that.

4 MR. NELSON: If you say that you came in and you needed
5 something by a reasonable amount of time, two or
6 three days, and that person has not adhered to that
7 then it seems like it sort of prolonging things and
8 not taking the investigation seriously.

9 MS. WOLFE: A standard time frame for all my boards has
10 been within ten business days after notification.
11 So we try to give them, you know --

12 MR. CRAWFORD: I think that it should be taken up in a
13 work session.

14 MR. NELSON: Okay.

15 MS. WOLFE: But we both made a note of that.

16 MR. BAKER: Thank you for what you're doing.

17 MR. NELSON: Yeah, thank you for -- not to attack you,
18 but it is just that if we have someone new that
19 maybe can bring some blood, some new ideas.

20 MS. WOLFE: That's why I'm here. And I need your
21 recommendations. This is a -- you know, you
22 haven't send a little form like this. You know, if
23 you want additional information, I'll try to adjust
24 it according to what you would like.

25 MR. NELSON: Thank you, ma'am. Motion to accept Mrs.

1 Wolfe.

2 MR. EVANS: So moved.

3 MR. CRAWFORD: Second.

4 MR. NELSON: Been moved and properly second to approve
5 reported information. All those in favor, let it
6 be known by saying "aye."

7 BOARD MEMBERS: Aye.

8 MR. NELSON: Opposed by saying "nay."

9 (NO RESPONSE.)

10 MR. NELSON: Thank you. The OIE report.

11 MS. CUBITT: That was the OIE report.

12 MR. NELSON: And inspection report.

13 MS. CUBITT: The inspection report is -- of course,
14 we've got Ernest Adams with inspections and Buddy
15 Poole was working with him. And since June the
16 30th or July 1st, they've done 274 inspections.

17 MR. NELSON: How many?

18 MS. CUBITT: Two seventy-four.

19 MR. NELSON: Are those persons going to be in our
20 meetings? Or where are they today?

21 MS. CUBITT: They're working.

22 MR. NELSON: Okay. Inspecting?

23 MS. CUBITT: They're inspecting.

24 MR. NELSON: That's a good answer. We just like to see
25 those faces. We just like see Mr. Adams and Mr.

1 Poole present.

2 MS. CUBITT: If y'all have any particular concerns, you
3 can share those with me. And I can always -- of
4 course, there's a supervisor over them, and I can
5 communicate with the supervisor and make your
6 concerns heard. But yes, they're inspecting.

7 MR. NELSON: Yeah, and I had a call from a person out in
8 the Sumter territory. Called me and was panic.
9 "There's someone -- Mr. Nelson, do we have a new
10 inspection?" I'm not in my office, but my
11 secretary says it's a gentlemen here, it's a white
12 gentleman, that's here to inspect my facility.

13 (Talking over one another.)

14 MR. NELSON: Yes, Mr. Adams. So I said, "Yes, sir.
15 Where have you been?" So we appreciate those two
16 persons very much for what they have done for the
17 organization.

18 MS. CUBITT: So on the -- and maybe I missed it. But
19 there are two IRC reports reporting before you.
20 It's the July one and the September one?

21 MR. NELSON: Yes.

22 MS. CUBITT: You met twice?

23 MR. NELSON: Yes.

24 MS. CUBITT: And we had on the July one a continuance.
25 We had two to the Smiths. One for a formal

1 complaint and two to receive letters of caution.
2 And then on the September one, we had one letter of
3 caution, several to the Smiths and two formal
4 complaints. But I believe y'all would vote on
5 those formal complaints move forward.

6 MR. NELSON: Yes, ma'am. The Division of Legal
7 Services.

8 MR. SPOON: Two IRC reports.

9 MR. NELSON: May I have a motion to accept the two IRC
10 reports?

11 MR. CRAWFORD: I make a motion that we accept the two
12 IRC reports as information.

13 MR. EVANS: Second.

14 MR. NELSON: Been moved and properly second that we
15 receive those as information. Let it be known by
16 saying "aye."

17 BOARD MEMBERS: Aye.

18 MR. NELSON: Oppose by saying "nay."

19 (NO RESPONSE.)

20 MR. NELSON: Let the record reflect we accept that as
21 information. Now we go ahead and do our legal
22 services.

23 BOARD MEMBERS: Good morning.

24 MS. GRAY: Lillian Ann Gray with Office of General
25 Counsel. We have the Office of General Counsel

1 case load statistics as of today, September 15th.
2 We have a total of four open cases. One is pending
3 action. One case is pending a consent agreement,
4 which will be presented to you after this report.
5 We have one case that is pending a hearing, and
6 that hearing is scheduled for your next board
7 meeting in November. We have since January 1st,
8 2010 closed a total of 11 cases, and we have one
9 new case that is on appeal to the Administrative
10 Law Court. And if there are any questions --

11 MR. HORTON: And what is on appeal to the Administrative
12 Law Court? Is that one that we heard?

13 MS. GRAY: That is a license application matter, and we
14 have just now received the Notice of Appeal. So
15 it's in the very early stages of the appeal
16 process.

17 MR. NELSON: Any other questions? Do I have a motion to
18 receive this information?

19 MR. BAKER: Make a motion to receive this information
20 from Division of Legal Services.

21 MS. MCWHORTER: Second.

22 MR. NELSON: It's been properly seconded by Ms.
23 McWhorter to receive the Division of Legal
24 Services' information as information.

25 MS. GRAY: Thank you.

1 MR. NELSON: Thank you. And at this time, we will go
2 into our disciplinary hearing, consent agreement,
3 Case No. 2010-13.

4 MS. GRAY: Do you have a prepared statement or something
5 that you need to read into the minutes, let me
6 know.

7 MR. SPOON: There is a script, Mr. Chairman --

8 MR. NELSON: Yes, it is.

9 MR. SPOON: -- for the contested matters. I guess we
10 can modify that a bit for the presentation.

11 MR. NELSON: We will modify it to move forward. This
12 hearing is called to order in the matter of Case
13 No. 2010-13. And it is a Consent Agreement. So at
14 this time, we'll go ahead and have our legal
15 counsel.

16 MS. GRAY: Thank you. This case is presented to you
17 today in the matter of New Life Funeral Home
18 Services, LLC. The formal complaint was approved
19 and issued and served in this matter and a consent
20 agreement has been received from the respondent.

21 In this matter, New Life Funeral Home
22 Services, LLC is duly-licensed by this board as a
23 funeral establishment and is located in
24 Bishopville, Lee County, South Carolina. This
25 respondent was first licensed by the board on June

1 18, 2010. This board has jurisdiction over the
2 respondent and the subject matter contained herein,
3 pursuant to Section 40-19-115.

4 The respondent in this matter has stipulated
5 and admitted to the facts as follows: On May 1st,
6 2010, Dominique Washington, an employee of the
7 respondent, drove a vehicle in the Magnolia
8 Festival Parade in Lynchburg, South Carolina,
9 displaying a sign that read "New Life Funeral
10 Service." On May 17th, 2010, the South Carolina
11 Department of Labor, Licensing and Regulation
12 received the new funeral facility, facility manager
13 application submitted by the respondent, listing
14 Pamela Rufus as the proposed facility manager.

15 On May 19th, 2010, the South Carolina
16 Department of Labor, Licensing and Regulation
17 received a second new funeral facility, facility
18 manager application submitted by the respondent,
19 listing Frank William, Jr. as the proposed facility
20 manager.

21 On May 17th, 2010 and May 19th, 2010
22 applications were thereafter marked "void." On May
23 24th, 2010, the South Carolina Department of Labor,
24 Licensing and Regulation received a new funeral
25 facility, facility manager application submitted by

1 respondent, listing Frank Williams, Jr. as the
2 proposed facility manager and included the
3 appropriate licensing fees.

4 On June 18th, 2010, the board issued the
5 respondent a funeral establishment license. The
6 respondent has admitted that the respondent has
7 engaged in unprofessional conduct that violates the
8 provisions of the South Carolina Embalmers and
9 Funeral Directors Act, Sections 40-19-5 et seq. and
10 the provisions of Section 40-1-10 et seq.,
11 specifically, Sections 40-19-110(2) and 40-1-
12 110(1)(f), in that the respondent, by and through
13 its employees, used false and misleading
14 advertising when publicizing the funeral home
15 before it was licensed by this board.

16 The respondent has accepted the proposed
17 discipline, which would be that the respondent's
18 license is publically reprimanded, a civil fine of
19 \$500 would be due and payable within 30 days, and
20 the respondent has further acknowledged other
21 obligations, consents and waivers, as set forth in
22 the consent agreement.

23 At this point, we would request that this
24 board accept the consent agreement as proposed.

25 MR. BAKER: Mr. President --

1 MR. NELSON: Open up for questions at this time, yes.

2 MR. BAKER: I don't have a question. Go ahead.

3 MS. COOPER: Are the representatives of New Life Funeral
4 Home Services here?

5 MS. GRAY: No.

6 MR. SPOON: Just for the record, they were noticed and
7 informed and they were provided notice of the
8 hearing. Do you have any information as to their
9 as what their intentions were as to being here; did
10 they indicate?

11 MS. GRAY: They had been advised that this matter would
12 be presented today to the board, and I had not
13 received any statement to the contrary on whether
14 they were planning on attending or not attending.

15 MS. CUBITT: In the past we have not required them to
16 attend.

17 MR. NELSON: Right.

18 MR. COOPER: I have a problem accepting the consent
19 agreement without them being here. I have some
20 questions.

21 MR. SPOON: And just for clarification, I don't want to
22 put words in your mouth, but Ms. Gray, if you could
23 speak to a little bit about -- I know you're very
24 thorough in these things in making sure that people
25 are aware. But as far as what was your position as

1 far as, you know, him being here? They were
2 advised and received the notice of the hearing.
3 And so -- and I don't know if the board has a copy
4 of that, but they have waived their right to be
5 here?

6 MS. GRAY: Yes. By signing the Consent Agreement, they
7 have basically stated that this is their position.
8 The issue we have with Consent Agreements is that
9 we are proposing it with the facts, as set forth.
10 These facts are the same facts that would be
11 required to be litigated if the Consent Agreement
12 is not accepted by this board. It's a very fine
13 line we walk. When we present a Consent Agreement,
14 there is concern about opening up the floor to
15 specific questions on the Consent Agreement. So as
16 not to result in -- if the Consent Agreement is not
17 accepted improperly or perhaps tainting the
18 impartiality of this board to hear the full
19 hearing, if it goes forward.

20 MS. COOPER: Well, Ms. Gray, my problem is in looking at
21 their website, I can't find a single licensed
22 person on the website. And this Mr. Williams,
23 supposedly the manager, is not even listed on this
24 website.

25 MS. GRAY: And I would believe that would be another

1 issue to be addressed, perhaps through a new
2 complaint, in that they are not properly
3 advertising or following the practice act in
4 providing notice to the public as to who the actual
5 licensees are. This issue deals solely with the
6 fact that they were in a May Day Parade and
7 advertising, prior to being licensed. And that's
8 the sole issue before you today on this consent
9 agreement. So if we do have something that
10 postdates this. And certainly, the website would
11 be an issue because it's now that they are
12 licensed, and they perhaps are not providing
13 sufficient information to the public and that would
14 be a new issue to be addressed.

15 MS. COOPER: Okay.

16 MR. NELSON: Yes, Mr. Horton.

17 MR. HORTON: On the final Page 3 of 3, it says in
18 consent and was signed by Mr. Lyden Mickens?

19 MS. GRAY: Yes, sir.

20 MR. HORTON: And it says "its member and manager."

21 MS. GRAY: Yes, sir.

22 MR. HORTON: Okay. I thought Frank Williams, Jr. was
23 the manager.

24 MS. GRAY: Mr. Mickens, I believe, according to the
25 business records is a business manager. Mr.

1 Williams is the facility manager and the licensee.

2 MS. COOPER: They're not the same thing?

3 MR. HORTON: They're not the same thing.

4 MS. GRAY: And from a standpoint of binding the LLC from
5 a corporate standpoint, you would have the
6 authorized business member who makes up the limited
7 liability corporation here, as opposed to being a
8 licensee. We did not bring in the facility manager
9 into the discipline because this facility manager,
10 who is licensed by this board, was not the facility
11 manager at the time the event occurred.

12 MR. HORTON: Fair enough.

13 MR. NELSON: Let me ask you this, looking back up under
14 Item B, Letter B, person respondent listing and
15 that we have that individual named as "proposed
16 facility manager."

17 MS. GRAY: On this Paragraph 3B?

18 MR. NELSON: Yes. 3b, yes.

19 MS. GRAY: Yes, sir.

20 MR. NELSON: And the last sentence there where
21 respondent listing blank as the proposed facility
22 manager. That person I may want to check -- Jeanie
23 or Ms. Cubitt, is that person licensed?

24 MS. COOPER: I would say that this says she's a funeral
25 director's assistant and applied to be manager of

1 this company.

2 MR. SPOON: Is that under 3B you're talking about?

3 MS. COOPER: Yes, sir, 3B.

4 MS. GRAY: Again, what I am doing in here is listing out
5 the actual facts. They submitted an application,
6 listing that person.

7 MS. COOPER: Right.

8 MS. GRAY: That application did not go forward. It was
9 actually withdrawn.

10 MR. SPOON: Well, what I would suggest is -- and again,
11 this sort of established that a representative of
12 the respondent, New Life Funeral Home Services,
13 LLC, their representative, having signed this
14 document and had waived it. You have that --

15 MS. GRAY: Yes, sir.

16 MR. SPOON: -- information to that effect.

17 MS. GRAY: Yes, sir.

18 MR. SPOON: You also have information that they received
19 notice of the hearing, correct?

20 MS. GRAY: Yes, sir.

21 MR. SPOON: All right. Then can you say one way or the
22 other, did they indicate to you by letter or
23 telephone or otherwise that they were not going to
24 be here today, and they were waiving their -- they
25 understood their right to be here and they are

1 waiving that?

2 MS. GRAY: I did not speak to them by phone. But the
3 matters set forth here is that they understand and
4 agree they are voluntarily relinquishing any right
5 to judicial review. They are relinquishing the
6 right to a hearing, and to be represented by
7 counsel. So they have decided, through their
8 nonappearance, to not appear. They were provided
9 notice of the September presentation.

10 MR. SPOON: And correct me if I'm wrong, but your
11 position would be that they were advised they could
12 be here and they're not here.

13 MS. GRAY: Yes, sir.

14 MR. SPOON: And your position and your request is board
15 consideration considering the consent agreement --

16 MS. GRAY: On the issue -- yes, sir.

17 MR. SPOON: -- terms and the facts and --

18 MS. GRAY: Yes, sir.

19 MR. SPOON: -- stipulated sanction.

20 MS. GRAY: Yes, sir. On this one issue that is
21 presented today.

22 MR. SPOON: Right. And there may be some other
23 questions that --

24 MS. GRAY: There may be other issues, but those are
25 issues that would be after they were licensed.

1 This is only a very specific initial complaint that
2 was received for their appearance in a May Day
3 Parade, prior to their begin properly licensed by
4 this board.

5 MR. NELSON: So the attached check with the fine noted
6 coming from that individual be so noted coming from
7 that --

8 MS. GRAY: He is the authorized --

9 MR. NELSON: -- of the LLC.

10 MS. GRAY: Yes, sir. He is the authorized -- from a
11 corporate standpoint, he is the one, the individual
12 with the authority to bind the limited liability
13 corporation.

14 MR. HORTON: Mr. President, I make a motion we accept
15 this Consent Agreement.

16 MR. CRAWFORD: I second it.

17 MR. NELSON: Been moved and properly second that we
18 accept the Consent Agreement, as presented, with
19 the issues that's presented in the Consent
20 Agreement. Those in favor, let it be known by
21 saying "aye."

22 BOARD MEMBERS: Aye.

23 MR. NELSON: Opposed by saying "nay."

24 (NO RESPONSE.)

25 MR. NELSON: Let the record reflect that we accept this

1 Consent Agreement, 2010-13 --

2 MS. GRAY: Yes, sir.

3 MR. NELSON: -- as presented.

4 MR. GRAY: Yes, sir. Thank you.

5 MR. NELSON: Thank you so much. Moving forward, we have
6 -- the next issue is the Item No. 12, discussion of
7 Retail Sales Permit Inquiry, Mr. Michael White.

8 MR. WHITE: Good morning. Some of you may know me,
9 remember me. I was the -- I came before the board
10 back in May to request a retail outlet sales of
11 caskets. I came today to come and discuss the
12 validity of the -- I guess you would call them the
13 recommendations or the standards set by this -- for
14 inspection. But as I have been informed and have
15 found more information, that it would be better to
16 bring this before a court of law instead of this
17 board, due to the fact that it's a -- it pertains
18 to violations of 14th Amendment stuff, which this
19 board would not be, you know, the proper place to
20 be heard.

21 But I came today because I said I'd be here.
22 So that's my -- I was always taught to come and do
23 what you're supposed to do. So I came. But I
24 really truthfully -- I don't think that the
25 discussion of this board about this matter is the

1 proper form for this. So pretty much, I guess --

2 MR. NELSON: So you're here to say what?

3 MR. WHITE: I think this would be better brought before
4 a court, instead of this board; that's all.

5 MR. NELSON: All right.

6 MR. WHITE: I appreciate it. Thank you.

7 MR. NELSON: You have a good day. Our next person is
8 discussion response from Dr. Fulton. And I gave
9 that packet -- that's in the back of our standards,
10 I believe, ladies and gentlemen, the discussion B.

11 MS. ROSE: It's right behind Michael White.

12 MR. NELSON: Right behind him.

13 MS. CUBITT: It's 12B. Mr. Chairman, your packet
14 contains the letter from Dr. Fulton about his
15 concerns. He's interested in a response. He's
16 also included because he included a copy of his last
17 report that he had issued.

18 MR. NELSON: And I brought that, Ms. Cubitt, at that
19 last meeting, just to give it to you. All board
20 members who have information because it was written
21 directly to me. I wanted the rest of our board
22 members to be apprised of what is -- what Dr.
23 Fulton was stating in his letter.

24 MR. EVANS: Mr. President, I just have a -- I have a
25 very -- I guess a question that probably may sound

1 silly, but it's literally because I do not
2 understand. My understanding is, things that come
3 before this board is by a complaint, somebody has a
4 formal complaint. How do you respond to a letter
5 that just has a bunch of numbers on it? There
6 seems to be no formal complaint.

7 MR. NELSON: Well, I received the call from Dr. Fulton
8 and he wanted to basically come in and address the
9 board with his findings. And he had said that he
10 had mentioned that he had spoken to a previous
11 board president, and it was ongoing. So at that
12 time, I gave our administrator a copy, so that
13 everyone on the board would be apprised of what Dr.
14 Fulton's concerns are.

15 So I guess that we need to decide at this
16 point, do we want to address and need to set up
17 another time for him to come back to talk to us?
18 Or to have our administrator handle that?

19 MR. EVANS: I think that's an administrator issue. I
20 think until it's a formal complaint -- Ms. Cubitt
21 does such a fine job.

22 MS. CUBITT: He wants to know the board's position.
23 What is the board going to actively do to ensure
24 that funeral homes are following the FTC rules.

25 MS. COOPER: That's what we got inspector for, is it

1 not? And in his findings, if he filed a formal
2 complaint, then these people will be brought before
3 the board and addressed.

4 MR. EVANS: You know, if he wants to be the investigator
5 for the State of South Carolina, he can apply for a
6 job here at LLR.

7 MR. CRAWFORD: But I think he dictate the rules and
8 regulations to us; that we should go by.

9 MS. COOPER: Because, I mean having everybody conform
10 to a certain thing, that sounds like proposed
11 legislation or something.

12 MR. NELSON: Yeah. And I assured Dr. Fulton that Mr.
13 Adams, our inspector, does good job on going out
14 and trying to find and make sure that we are
15 following the guidelines of the FTC. And I know he
16 does come to my office to make that he scrutinizes
17 our forms and the issues and everything. And even
18 so, he aids us and assists us in making
19 corrections. Because the last inspection that I
20 had I had to make a correction. It was a small
21 correction, but it was a correction that needed to
22 be made and we made it. Mr. Adams does do a good
23 job on that. So I assure you that we do have
24 procedures in place, that we are making sure that
25 persons -- our funeral homes and counterparts are

1 following the requirements of the FTC.

2 MR. CRAWFORD: It's not even possible that we do a
3 hundred percent. It's just like speeding down the
4 road, you know. If we got patrols out there,
5 police officers out there, if they can't guarantee
6 that nobody would be speeding coming down the road.
7 And this is what Mr. Fulton want us to do is do a
8 hundred percent by the rules and regulations that
9 he brings before us, that we should go by; that's
10 what he's saying. And since I have been on this
11 board, he has been here several times. And each
12 time has been what he wants done, and not what the
13 rules and regulations are.

14 MR. EVANS: And Mr. President, I just recommend we just
15 take this as information only.

16 MR. CRAWFORD: Yeah, not to respond to this.

17 MR. NELSON: May I have a motion on that?

18 MR. EVANS: I'll make a motion that we take this as
19 information only with no response.

20 MR. TEMPLES: I second.

21 MR. NELSON: It's been moved and properly second. All
22 those in favor with receiving this as information
23 only, let it be known by saying "aye."

24 BOARD MEMBERS: Aye.

25 MR. NELSON: And opposed by saying "nay."

1 MR. PETTY: Didn't somebody state that they had done 274
2 inspections already? And that was one of the items
3 on it.

4 MR. NELSON: Yes, sir. Yes, sir.

5 MR. PETTY: Okay.

6 MR. NELSON: Move forward. Item No. 13, our hearings,
7 new facility, Graham and Godwin.

8 MR. HORTON: Mr. President.

9 MR. NELSON: Yes, sir.

10 MR. HORTON: For the record, Mr. Lemmon and I know each
11 other. He is from Kingstree and I'm from
12 Kingstree.

13 MR. NELSON: Did y'all ride up together?

14 MR. HORTON: No, no. If it's okay with Mr. Lemmon, I'm
15 not going to recuse myself, unless he wants me to.

16 MR. LEMMON: (Shakes head.)

17 MR. NELSON: Okay. Great.

18 MR. SPOON: And just for the record, your acquaintance
19 with Mr. Lemmon, do you have a
20 business/professional or financial relationship
21 with him?

22 MR. LEMMON: No, sir.

23 MR. SPOON: Basically, geographically --

24 MR. HORTON: He lives about -- really about -- I guess
25 about two blocks from my funeral home.

1 MR. LEMMON: That's about right.

2 MR. SPOON: Again, just for the record --

3 MR. HORTON: I have no reason -- no.

4 MR. SPOON: -- you have no business relationship with
5 him to cause you to be anything other than to be
6 impartial.

7 MR. HORTON: That's right.

8 MR. SPOON: Mr. Lemmon, do you have a problem with a
9 member serving and considering your application?

10 MR. LEMMON: No problem.

11 MR. SPOON: Do you have any objection to that?

12 MR. LEMMON: No.

13 MR. SPOON: All right. Thank you.

14 MR. NELSON: This hearing is called to order. This is a
15 matter of Mr. Phillip J. Lemmon. The purpose of
16 this hearing is to determine whether the applicant
17 should be granted a license as a facility manager.
18 Everyone is reminded that these proceedings are
19 being recorded and that all witnesses must be sworn
20 in before they testify, and that all remarks should
21 be directed to the chair. And at this time, we
22 will swear him in.

23 (The witness is sworn in.)

24 MS. ROSE: This is a new facility, an ownership change.

25 It's Graham and Godwin Funeral Home, LLC. The

1 proposed manager is Phillip J. Lemmon. He was
2 first licensed July 11th, 1997. He is a funeral
3 director and embalmer, and his license is current.
4 He did have a record in 1979, but there's nothing
5 else since. He lives 13.46 miles from the funeral
6 home. The owners of the facility are Mr. Phillip
7 Lemmon and Fernander L. Barr. Mr. Lemmon is the
8 proposed manager and he's asking for approval to be
9 the manager.

10 MR. NELSON: Mr. Lemmon, are you represented by a legal
11 counsel today?

12 MR. LEMMON: No.

13 MR. NELSON: Do you know that you have the right to have
14 a legal counsel present with you?

15 MR. LEMMON: Right.

16 MR. NELSON: And you may address the board.

17 MR. LEMMON: I guess I'm going to start out the name
18 that was put upon us which was actually the funeral
19 home's owner Walter Scott at that time. We did not
20 know that we had this when we did it in 2006. We
21 bought a funeral home, and had all these lawyers
22 and everything else, did not know that his name
23 still appeared. And that's what started the whole
24 problem. His name was here, but we didn't have
25 that -- all our -- all our documentation, we had

1 everything on it, except that only it got before
2 y'all at that point. And Mr. Scott is dead, by the
3 way.

4 MR. CRAWFORD: You saying the facility is still licensed
5 in Mr. Scott's name?

6 MR. LEMMON: Everything we did with it; it was not.

7 MS. CUBITT: Mr. Chairman and board members.

8 MR. NELSON: Yes.

9 MS. CUBITT: What we need to address today is will you
10 give him a license for a facility, in his name now.
11 And any other issues can be dealt with at a later
12 time.

13 MR. EVANS: So Mr. Lemmon, I noticed on No. 18, you have
14 read and understand the South Carolina Funeral
15 Service Laws, Rules and Regulations; that's
16 correct?

17 MR. LEMMON: Right.

18 MR. CRAWFORD: Pre-need license?

19 MR. LEMMON: What now?

20 MR. CRAWFORD: Pre-need license.

21 MR. NELSON: License to do pre-needs.

22 MR. LEMMON: Couldn't do pre-needs.

23 MS. COOPER: Okay.

24 MR. TEMPLES: Mr. Lemmon, do you sell annuities, life
25 and home insurance?

1 MR. LEMMON: I am a -- a licensed agent.

2 MR. TEMPLES: I don't believe we can have both; is that
3 correct?

4 MS. COOPER: No, you can -- if you're licensed to sell
5 pre-need you can't -- you cannot be selling regular
6 life and auto. You can only be licensed -- you can
7 only sell --

8 MR. CRAWFORD: Burial insurance.

9 MS. COOPER: -- burial insurance, period.

10 MR. SPOON: Do you have the pre-need license, sir?

11 MR. LEMMON: No.

12 MR. SPOON: You don't have the --

13 MR. LEMMON: I don't have --

14 MR. SPOON: -- you do not?

15 MR. LEMMON: Right.

16 MS. COOPER: Your firm does not sell pre-need?

17 MR. LEMMON: We do pre-need, yes.

18 MS. COOPER: And how are they funded? How are they
19 funded? When the people pay you --

20 MR. LEMMON: All that money goes to the bank.

21 MR. CRAWFORD: What kind of account --

22 MR. LEMMON: We have -- all of -- everyone that we do,
23 it's -- we have the paperwork for everyone we ever
24 do.

25 MS. COOPER: Ms. Clark.

1 MS. CLARK: I don't know if they have a pre-need
2 license. I'd have to look it up. I mean, it's not
3 one that pre-need monthly. I'm sure that they do;
4 I can look it up on line.

5 MS. COOPER: Well, if they're selling pre-need --

6 MS. CLARK: Yeah, they should have a license.

7 MS. COOPER: Exactly. But it's going into a trust
8 account for persons --

9 (Talking over one another.)

10 MR. SPOON: Okay. Sir, hang on. Let me -- if you'd
11 like to come up, sir.

12 MR. BARR: Well --

13 MR. SPOON: Don't testify there from the back of the
14 room. Just for my own education and back up, the
15 first question about the insurance. And just to
16 clarify the question from Mr. Lemmon about the
17 insurance license that you hold, and who issues
18 that; Department of Insurance?

19 MR. LEMMON: Horace Mann Insurance.

20 MR. SPOON: Sir?

21 MR. LEMMON: Well, I do Horace Mann insurance. That's
22 my job.

23 MR. SPOON: Okay. Your license, though, for that comes
24 from the Department of Insurance for South
25 Carolina, right?

1 MR. LEMMON: Uh-huh.

2 MR. SPOON: Okay. Do you have a pre-need license or
3 registration or whatever to sell pre-need services
4 through -- I think it's the Department of Consumer
5 Affairs; do you also hold that? Do you do that?

6 MR. LEMMON: Yes.

7 MS. COOPER: You have a license -- yeah, you have a pre-
8 need license from the Department of Consumer
9 Affairs.

10 MR. LEMMON: Right.

11 MS. COOPER: What was that license number?

12 MS. ROSE: He needs to be sworn.

13 MR. NELSON: State your name and be sworn in, please.

14 MR. BARR: Fernando Barr. Fernando Barr.

15 (The witness is sworn in.)

16 MS. CUBITT: Mr. Chairman, they do have a pre-need
17 license --

18 MR. NELSON: They do.

19 MS. CUBITT: -- from the Consumer of Affairs.

20 MR. NELSON: Thank you.

21 MR. COOPER: Okay. So the only pre-needs y'all sell is
22 invested in First Citizens Trust. You do not sell
23 burial insurance.

24 MR. LEMMON: No.

25 MR. BARR: No.

1 MR. COOPER: Okay. Mr. Lemmon, you just stated that
2 what you do for a living is sell insurance, but
3 you're applying to be the manager of this facility,
4 which would be a full-time job. Which job are you
5 going to do?

6 MR. LEMMON: That's a good question. Well, Horace Mann
7 is my job. And then we came into the funeral home,
8 bought the funeral home.

9 MR. COOPER: And you've been there for five years. So
10 do you --

11 MR. LEMMON: Since 2006.

12 MS. COOPER: Right. And you've been acting manager
13 since --

14 MR. LEMMON: Yes.

15 MS. COOPER: Do you spend 35 hours a week there?

16 MR. LEMMON: Possibly, about right. In and out.

17 MR. NELSON: Any other questions? Ms. McWhorter?

18 MS. MCWHORTER: No, not now.

19 MR. CRAWFORD: Mr. Chairman.

20 MR. NELSON: Yes.

21 MR. CRAWFORD: I make a motion that we take this matter
22 up in executive session, for legal advice.

23 MR. TEMPLES: Second.

24 MR. NELSON: Been moved and properly second that we take
25 this question into executive session. Those in

1 favor, let me know by saying aye.

2 BOARD MEMBERS: Aye.

3 MR. NELSON: Excuse us for the moment for executive
4 session.

5 (Break for Executive Session 11:04 a.m. to 11:11 a.m.)

6 MR. NELSON: May I have a motion to come out of
7 executive session and back into regular session,
8 please?

9 MR. CRAWFORD: I make a motion that we come out of
10 executive session and back into regular session.

11 MS. MCWHORTER: Second.

12 MR. NELSON: Been moved and properly second. Those in
13 favor, let it be known by saying, "aye."

14 BOARD MEMBERS: Aye.

15 MR. NELSON: Opposed by saying, "nay."

16 (NO RESPONSE.)

17 MR. NELSON: Let the record reflect that no actions were
18 taken or votes taken in our executive session. Do
19 I have a motion on the applicant?

20 MR. TEMPLES: Yes, sir, Mr. President. I would like to
21 make a motion that we approve the applicant's
22 application and upon final inspection from -- from
23 an inspector as well, approval of change of
24 ownership and the new facilities; is that correct?

25 MR. LEMMON: Yes.

1 MS. COOPER: I have one question. Does the pre-need not
2 also need to be reviewed?

3 MR. TEMPLES: That is correct.

4 MS. COOPER: We need the pre-need reviewed and final
5 inspection, and then good to go.

6 MR. NELSON: Yes.

7 MR. CRAWFORD: Second.

8 MR. NELSON: Been moved and properly second. All those
9 in favor, let it be known by saying "aye."

10 BOARD MEMBERS: Aye.

11 MR. NELSON: Opposed by saying "nay."

12 (NO RESPONSE.)

13 MR. NELSON: Do you understand the actions that have
14 been taken today? The pre-need -- the Consumer
15 Affairs doing an investigation, and review of your
16 records and Mr. Adams or Mr. Poole coming out,
17 doing an inspection of your facility.

18 MR. LEMMON: Right.

19 MS. COOPER: That is just normal day to day thing.
20 Whenever a facility is sold the pre-need records
21 are supposed to be evaluated by Consumer Affairs.
22 But that's just normal practice.

23 MR. LEMMON: Thank you.

24 MR. NELSON: Thank you, sir.

25 MR. NELSON: Our next case is that of Calhoun Falls LLC.

1 MR. EVANS: Mr. President, due to the location of this
2 facility, I would ask to be recused.

3 MR. TEMPLES: Mr. President, also due to the applicant
4 and I worked for the same corporation, I would ask
5 to be recused as well.

6 MR. NELSON: This hearing is called to order. This is
7 the matter of Terry L. McBride. The purpose of
8 this hearing is to determine whether the applicant
9 should be granted a license as a facility manager.
10 Everyone is reminded that these proceedings are
11 being recorded and that the witnesses may be sworn
12 in before they testify, and that all remarks should
13 be directed to the chair. We are going to have him
14 sworn in and then Ms. Rose.

15 (The witness is sworn in.)

16 MS. ROSE: This is a actual change of manager. It's
17 Calhoun Falls Funeral Service, Incorporated. The
18 proposed manager is Terry L. McBride. He was first
19 licensed February the 14th, 2006. He's a funeral
20 director and his license is current. He does not
21 have a criminal background. He lives point seven
22 five miles from the facility. The owner of this
23 facility is Richard L. Warren. And Mr. McBride is
24 here to ask approval to be manager of this
25 facility.

1 MR. NELSON: Mr. McBride, you represented with legal
2 counsel?

3 MR. MCBRIDE: No, sir. Just myself.

4 MR. NELSON: You do realize that you have the right to
5 be represented.

6 MR. MCBRIDE: Yes, sir.

7 MR. NELSON: Okay. You may proceed.

8 MR. MCBRIDE: I just want to thank you for the
9 opportunity to appear before all the board this
10 morning. And hopefully, that you'll grant me the
11 opportunity of being named the location manager of
12 Calhoun Falls Funeral Service. Of course, I know
13 it's a very small town, but that's where I grew up
14 in when I was very small. And I really enjoy being
15 in the small town atmosphere.

16 My main concern, again, is providing the most
17 honest, ethical and professional service to all
18 client families that we serve. I just ask if, if
19 you would, to give me the opportunity to prove
20 myself worthy of your vote, and I hope I can serve
21 the funeral home to the best of my ability.

22 MR. NELSON: Ms. Cubitt, I know the last meeting -- this
23 is the same firm that he just -- that the last
24 meeting just approved a manager; am I correct?

25 MS. CUBITT: Yes, sir. But there was some issues or

1 problems and they decided to change managers.

2 MR. HORTON: Mr. McBride, on your application on Page 2
3 -- I refer you to Page 3 says Item No. 7. You
4 didn't put that in your residence address or your
5 mailing address. And also, on your statement of
6 licensure, your residency, you signed it, but did
7 not put down your address, city, state and zip
8 code.

9 MR. MCBRIDE: In process of being relocated from
10 Simpsonville to Calhoun Falls. And what I was
11 doing, I was driving back and forth at that time.
12 And so now I am a legal resident of Calhoun Falls
13 and have proper identification as proof if you need
14 that, 937 Calhoun Falls, South Carolina.

15 MS. COOPER: On you're drivers license, this Savannah
16 Street Extension in Calhoun Falls, is that where
17 you're living now? Or is -

18 MR. MCBRIDE: Yes.

19 MS. COOPER: You just got this license?

20 MR. MCBRIDE: I've had the license for almost -- I'll go
21 back and look. Probably go back the last 60 days.
22 I think it is somewhere right along in there. I
23 got my license as proof, if you need to look at it.

24 MR. CRAWFORD: Is that location open for business now?

25 MR. MCBRIDE: Yes, it is.

1 MR. CRAWFORD: Who's the manager now?

2 MR. MCBRIDE: Well, I was told I was temporary -- is
3 that correct temporary manager, until I am to be
4 approved by the board.

5 MR. CRAWFORD: Okay. Well, you're the manager as of
6 right now.

7 MR. MCBRIDE: Temporary.

8 MS. CUBITT: The other manager left.

9 MR. CRAWFORD: Okay.

10 MS. CUBITT: They've got 30 days --

11 MR. CRAWFORD: You're right.

12 MS. CUBITT: -- to replace a manager and put in his
13 application, so --

14 MR. NELSON: Do we have a motion on -- or Mr. Petty any
15 questions?

16 MR. PETTY: You're employed there now, right?

17 MR. MCBRIDE: Yes, sir, I am. Uh-huh.

18 MR. NELSON: Mr. Beasley?

19 MR. BEASLEY: No, sir.

20 MR. HORTON: I have one more question.

21 MR. NELSON: Yes, sir.

22 MR. HORTON: How long have you lived -- how long have
23 you been a resident of South Carolina?

24 MR. MCBRIDE: I've been a resident here for probably
25 about six -- a little over six-and-a-half years,

1 hearing is to determine whether the applicant
2 should be granted a license as a facility manager.

3 (The witness is sworn in.)

4 MR. NELSON: Ms. Rose.

5 MS. ROSE: Okay. This is actually a new -- it's a
6 change of manager. Here few months ago. And he
7 had a manager, but now he's -- there was a -- he
8 was here before, in January of last year and wanted
9 to be a manager, but he was not a resident of South
10 Carolina. So this July, he became a resident a
11 year or so. He has applied now to become a manager
12 of his own facility.

13 But anyway, this is Gilmore Mortuary Service,
14 LLC. The proposed manager is Henry Cecil Gilmore.
15 He was first licensed January the 2nd, 1998. He's
16 a funeral director/embalmer and his license is
17 current. He does not have a criminal background.
18 He had something on his record in 1997, but when he
19 was here in January, that was discussed and
20 everything's okay. There's been nothing since. He
21 lives 2.66 miles from the funeral home. He is the
22 owner of this facility, and he's asking now for
23 approval to be the manager.

24 MR. NELSON: Mr. Gilmore, do you have legal counsel with
25 you today?

1 MR. GILMORE: No, sir.

2 MR. NELSON: Do you realize that you have the right for
3 legal counsel?

4 MR. GILMORE: Yes.

5 MR. NELSON: Thank you. You may address the board at
6 this time.

7 MR. GILMORE: Good morning, board, President. First of
8 all I want to thank the board for allowing me to
9 come down being an applicant for a manager of a new
10 facility. Currently I have a manager, Ms. Duncan.
11 She -- she's still on board, but I told her, once I
12 become eligible to be manager that I would, you
13 know, submit an application the supporting
14 documentation to do that. But she's still a part
15 of the facility and she's a good employee.

16 MR. TEMPLES: And it has been a year, seems like it was
17 only a couple of months.

18 MR. GILMORE: No. But it has been a year. Forgive me.

19 MR. NELSON: I remember you coming before us twice. It
20 doesn't seem like time has gone by that fast.

21 MR. GILMORE: Burn a lot gas, I tell you.

22 MR. NELSON: Any board members with questions? Ms.
23 McWhorters? Mr. Temple?

24 MR. TEMPLE: No, sir.

25 MR. NELSON: Mr. Baker?

1 MR. BAKER: No, sir.

2 MR. NELSON: Mr. Evans?

3 MR. EVANS: No, sir.

4 MR. NELSON: Mr. Crawford?

5 MR. CRAWFORD: Mr. Gilmore, Ms. Duncan was here in our
6 last meeting.

7 MR. GILMORE: Yes, sir.

8 MR. CRAWFORD: And she was granted permission to be
9 manager of that facility.

10 MR. GILMORE: Yes, sir.

11 MR. CRAWFORD: So since that, what, two months ago?

12 MR. GILMORE: About two months ago.

13 MR. CRAWFORD: About two months ago, you done changed
14 your mind?

15 MR. GILMORE: Well, changed my mind far as a manager,
16 yeah. She was a great employee. But I told her
17 that, you know, as a -- as a owner and paying all
18 the money, you want to me your own manager. But
19 she's still part of the facility. She's a great
20 person. She's knowledgeable. She'll be around.

21 MR. NELSON: You were asking for management now.

22 MR. GILMORE: Yes, sir.

23 MR. NELSON: Okay. Shelly, any questions?

24 MS. COOPER: No.

25 MR. NELSON: Mr. Horton?

1 MR. HORTON: No.

2 MR. NELSON: Mr. Beasley?

3 MR. BEASLEY: No.

4 MR. NELSON: Mr. Petty?

5 MR. PETTY: No, sir.

6 MR. NELSON: Do we have a motion on the applicant that
7 we have appearing before us?

8 MR. CRAWFORD: I make a motion that we accept this
9 application.

10 MR. EVANS: I second that motion.

11 MR. NELSON: Thank you. Been moved and properly second
12 that we accept it as you're owner and manager of
13 your own facility.

14 MR. GILMORE: Thank you.

15 MS. COOPER: You won't have to waste anymore gas.

16 MR. NELSON: All those in favor, let it be known by
17 saying "aye."

18 BOARD MEMBERS: Aye.

19 MR. NELSON: Opposed by saying "nay."

20 (NO RESPONSE.)

21 (Off-the-record discussion.)

22 MR. NELSON: Our next applicant that we have coming
23 forward, Goins Funeral Home.

24 MR. BEASLEY: Mr. President, I'd like to be recused from
25 this particular hearing for the fact that the Goins

1 facility is within a half a mile of my facility and
2 a personal relationship with Mr. Rice.

3 MR. NELSON: So granted. This hearing is called to
4 order. This is a matter of Stanley E. Rice. The
5 purpose of this hearing is to determine whether the
6 applicant be granted a license as a facility
7 manager. Everyone is reminded that these
8 proceedings are being recorded and all witnesses
9 must be sworn in before they testify. All remarks
10 should be directed to the chair. At this time, Mr.
11 Rice will be sworn in.

12 (The witness is sworn in.)

13 MR. NELSON: Ms. Rose.

14 MS. ROSE: This is going to be a -- okay, it's a change
15 of manager application. And we don't normally
16 bring change as managers before the board. But the
17 reason that we are bringing him before the board is
18 that there was a criminal background, and we just
19 wanted the board's approval on it.

20 But Mr. Stanley Rice is the proposed manager
21 and he was licensed March 4th, 1996. He's a
22 funeral director and embalmer and his license is
23 current. He lives 0.96 miles from the facility.
24 The owner of this facility is Stanley E. Rice. And
25 he's here asking approval to be the manager of this

1 facility.

2 MR. NELSON: The owner of the facility is --

3 MS. ROSE: I'm sorry, it's Jaird V. Lemon.

4 MR. EVANS: Mr. Rice, I'd like to ask one question. On
5 your application here -- you know, we try to get
6 these as filled out as possible -- you've never
7 worked?

8 MR. RICE: Yes, sir. I do work as a trade embalmer
9 since when I've been licensed. Matter of fact,
10 I've been there at also the Goins Funeral Home
11 since, I believe, 2000 when Rudolph Tompkin also
12 died. I've been there ever since. Do trade
13 embalming for about five facilities.

14 MR. EVANS: Presently?

15 MR. RICE: Yes, sir.

16 MR. EVANS: Because on No. 12 of the application, that
17 was left blank.

18 MR. RICE: I'm sorry. I just must have overlooked it.

19 MR. CRAWFORD: That was a lot of overlooking.

20 MR. EVANS: That's a big section.

21 MR. TEMPLES: Ms. Rose, who is the current manager of
22 this facility now? Because I see that the previous
23 manager is listed as deceased.

24 MR. RICE: He is deceased.

25 M

1 now?

2 MR. RICE: Well, I've been a petition. The board sent a
3 application to Ms. Rose to -- to be the manager,
4 and I've been there ever since.

5 MR. CRAWFORD: So you're the temporary manager.

6 MR. RICE: That's exactly right, sir.

7 MR. CRAWFORD: And you still doing all these other jobs?

8 MR. RICE: Yeah. I do that in the evening. You know,
9 like I say, funeral business is -- is kind of up
10 and down. I get up early in the morning or in the
11 evenings. Yes, sir.

12 MS. COOPER: But you plan on being at this facility at
13 least 35 hours a week.

14 MR. RICE: Yes.

15 MR. TEMPLES: And still doing trade embalming.

16 MR. RICE: I -- I do. Matter of fact, the -- the
17 funeral home that I do trade embalm, they'll tell
18 you, I -- I come there seven, eight, nine, ten,
19 one, two in the mornings. I've been doing it for a
20 long period of time. And which I know Mr. Beasley
21 excused himself, but he do know that I do trade
22 work, and -- and I'm always on the go, night, day,
23 whenever. You know like when I'm not at the
24 funeral home, I'm usually --

25 MR. CRAWFORD: You're not trying to manage any other

1 funeral home; are you?

2 MR. RICE: No, sir. No, sir. Not at all.

3 MR. CRAWFORD: Do you have any other type job beside --

4 MR. RICE: No, sir.

5 MR. CRAWFORD: -- trade embalming?

6 MR. RICE: No, sir. And first of all, I wanted for the
7 board to know, yes, I do have some fraudulent
8 checks that's -- it's been about, I think, 18 years
9 ago, but they all been clear. I never went -- I
10 just went to the magistrate office and paid that.
11 I was a young man. Didn't know -- didn't balance
12 my checkbook. And -- and then I had a young family
13 at the time and -- and, you know -- you know how
14 that is. And I just got caught up, but I learned a
15 valuable lesson. I am a positive role model in the
16 community. I'm very, very organized now far as, I
17 keep an eye on my -- my bank account and
18 everything. People that know me would also verify
19 that, you know, this right here, when I sent it in,
20 when I pulled it up off the website, which I've
21 talked to Ms. Rose here, just like that, and I seen
22 it. She said, "You never tried to have it expunged
23 or anything?" I'm in the processes trying to get
24 it looking better. But I'm -- I'm current on
25 everything and that's been like I say 18 years ago.

1 MR. BAKER: Do you possibly -- can you tell us how many
2 other facilities that you are listed as the
3 embalmer for the facility for?

4 MR. RICE: Probably about five.

5 MR. NELSON: Can you name the properties?

6 MR. RICE: Yes. Woodward's, Unity Mortuary, Brown's
7 Funeral Home, Gunners and Sanders-Thompson.

8 MS. COOPER: How many calls does Woodward do a year,
9 approximately?

10 MR. RICE: Woodward probably do probably, I'd say 170,
11 maybe 200. But honestly right now, we are down.
12 And Mr. Petty probably know that we are. You know,
13 if you looking in the paper, because the last
14 couple of weeks, we only had one at Woodward and --

15 MS. COOPER: Are you the only embalmer at that facility?

16 MR. RICE: I am. I am. And, like I say, I do night or
17 early morning, so I am the only embalmer.

18 MS. COOPER: For 200 calls a year, you're the only
19 embalmer and --

20 MR. RICE: Yes.

21 MS. COOPER: -- you embalm for four other funeral homes
22 and manage this one.

23 MR. RICE: Yes. I've been -- I'm -- I'm -- I'm not a
24 lazy person. I've been doing it for several years.

25 MR. TEMPLES: Mr. Rice, also on the application -- I'm

1 just --

2 MR. RICE: That's fine. That's fine.

3 MR. TEMPLES: -- some of it is not filled out.

4 MR. RICE: Yes, sir.

5 MR. TEMPLES: And No. 2 it says proposed Goins Funeral
6 Home, is the business incorporated? There is no
7 checkmark there. Is it? or isn't it? Does it have
8 a LLC?

9 MR. RICE: I -- I believe it is. I'm almost sure it is.

10 MR. TEMPLES: But you don't know.

11 MR. RICE: I'm -- I'm -- I'm sure it is.

12 MR. CRAWFORD: Mr. Chairman.

13 MR. NELSON: Yes.

14 MR. CRAWFORD: I make a motion that we take this matter
15 up in executive session for legal advice.

16 MS. COOPER: Second. Let me ask him a question. The
17 Sanders-Thompson, are you in any other capacity there,
18 other than embalmer?

19 MR. RICE: Yes. I know Mr. Sanders at one time put me
20 down as assistant manager. He just put this on --
21 on paper. That's -- that's --

22 MS. COOPER: Thank you.

23 MR. RICE: All right.

24 MS. COOPER: How much time do you spend there as
25 assistant manager?

1 MR. RICE: This was when Mr. Sanders, he had a heart
2 surgery, and I was there then. But mostly he's
3 there now all the time as the manager. And so I
4 just go there and do some embalming.

5 MS. COOPER: Okay.

6 MR. SPOON: Let's go ahead and make sure there aren't
7 any additional questions from any board member.

8 MR. NELSON: Mr. Horton.

9 MR. HORTON: Where does the Goins come in? Goins
10 Funeral home.

11 MR. RICE: It was Mr. Dave and Jeanette Goins, they
12 founded the funeral home, and I believe that was
13 1946. And -- and I'm also, like I said, I live
14 close there. I've been all my life established
15 with that funeral home, even before Mr. Perry, the
16 late Perry became manager and owner. I -- I also
17 been -- you know, that -- that's my family's
18 funeral facility that they use upon the time of
19 death.

20 MR. HORTON: Thank you, sir.

21 MR. RICE: Yes, sir.

22 MS. COOPER: Who currently owns the funeral home?

23 MR. RICE: That is Mr. -- Mr. Leyman, that's Mr. Perry
24 Leyman's son. And also, he had a sister.

25 MS. COOPER: And how long have you been acting as the

1 temporary manager?

2 MR. RICE: Since Mr. Leyman passed; that would be July
3 the 2nd.

4 MS. COOPER: Of this year?

5 MR. RICE: Yes.

6 MS. CUBITT: And that is correct, according to our
7 records.

8 MR. NELSON: Okay. We'll go ahead and go into executive
9 session. All those in favor, let it be known by
10 saying "aye."

11 BOARD MEMBERS: Aye.

12 MR. NELSON: Opposed by saying, "nay."

13 (NO RESPONSE.)

14 (Break for Executive Session 11:34 a.m. to 12:03 p.m.)

15 MR. NELSON: Have a motion to come out of executive
16 session, back to regular session?

17 MR. CRAWFORD: I'll make a motion that we come out of
18 executive session and enter back into regular
19 session.

20 MS. COOPER: Second.

21 MR. NELSON: Been moved and properly second. Those in
22 favor, let it be known by saying, "aye."

23 BOARD MEMBERS: Aye.

24 MR. NELSON: Opposed by saying "nay."

25 (NO RESPONSE.)

1 MR. NELSON: For the record, no actions or votes or
2 decisions were taken in our executive session.
3 However, we did have one matter to come before us.
4 Mr. Evans had to leave after receiving an emergency
5 -- family emergency, so he had to leave. At this
6 time, do we have a motion concerning the applicant
7 that we have before us, Goins Funeral Home.

8 MR. BAKER: Yes, sir, Mr. President. I'd like to make a
9 motion that at this time that we not approve the
10 application, due to not having a completed
11 application. And we need a corporate resolution
12 also. This is following up on the completed
13 application. We need a corporate resolution. Or
14 if not a corporate resolution, who actually owns
15 the funeral home, the owner of the funeral home
16 giving permission for him to actually serve as the
17 manager.

18 However, I've got some concerns too that if
19 the current manager is deceased and he was the
20 owner, if there has been a change of ownership, the
21 change of ownership should come back before this
22 board and a new, you know, application would have
23 to be done over. And also, we'd need favorable,
24 you know, audit report from Consumer Affairs, since
25 there has been a change of ownership.

1 MR. CRAWFORD: I second.

2 MR. NELSON: Moved and properly second that we not
3 accept this application, pending those reasons.

4 MR. BAKER: And --

5 MR. NELSON: Yes, sir.

6 MR. BAKER: Well, actually, I guess we need to make
7 another motion granting him temporary -- that will
8 allow him to be temporary manager until the next
9 scheduled board meeting.

10 MS. ROSE: And that's November 17th.

11 MR. BAKER: Okay. So we will grant him until November
12 the 17th the position of temporary manager.

13 MR. PETTY: And by that time, they're going to have to
14 have a new application.

15 MR. BAKER: A completed application. Or if ownership is
16 changed, then a new application.

17 MS. COOPER: Mr. Rice, we're asking you for two things.

18 MR. RICE: All right.

19 MS. COOPER: Your application is not complete because
20 you don't have a corporate resolution or statement
21 by the current owner, granting you the ability to
22 be the manager of the facility. I suggest maybe
23 you consult with LLR about everything that needs to
24 be in here, completed, to come before us.

25 MR. RICE: All right.

1 MS. COOPER: But in addressing this matter, in talking
2 to you, we have found that, apparently, there has
3 been a change of ownership of the facility. If
4 there's a change of ownership, then the new owner
5 must also appear before the board for approval, and
6 must have a favorable report from the Department of
7 Consumer Affairs and have a final inspection in
8 order to go forward with their business.

9 MR. NELSON: And we will give you detail analysis of
10 that report. Ms. Cubitt will give you written
11 consent of everything that we're asking for.

12 MS. COOPER: It doesn't just follow through if somebody
13 inherits or something like that. They still have
14 to come before this board and be approved.

15 MR. RICE: Okay.

16 MS. COOPER: So it's not just a question of your being
17 approved as a manager. This facility needs
18 approval. And if it's selling pre-need, there will
19 have to be a pre-need audit done because it is a
20 change of ownership.

21 MR. RICE: Okay.

22 MR. SPOON: That make sense, Mr. Rice?

23 MR. RICE: It does.

24 MS. COOPER: I mean, you just looked a little puzzled.
25 I'm trying to help you because we're coming at you

1 with all these different things.

2 MR. SPOON: Just when you redo the application, just,
3 you know, as is already stated, there's several
4 areas on there that are just blank at this point.
5 The employment thing, and I'm just giving you that
6 as an example, the employment section of the
7 application is a question concerning incorporation,
8 that question was left blank. If the answer to
9 that question is "yes," I think the application
10 says you have to put some attached -- the Articles
11 of Incorporation, things of that nature. So your
12 application is, as Mr. Baker stated, it's not
13 approved. Okay. It's not a denial today, but it's
14 not approved because more information is needed and
15 you will have to re-appear.

16 MR. BAKER: Let me ask you this also, Mr. Rice. Was Mr.
17 -- is it pronounced Leyman? Is that --

18 MR. RICE: Yes. That is correct.

19 MR. BAKER: Perry was the owner; is that correct?

20 MR. RICE: That is correct.

21 MR. BAKER: And he is now deceased. And then if you
22 look at Page 4 of 6 of your application, it has the
23 signature of "owner of the facility" as being -- is
24 it --

25 MR. RICE: Janel Layman.

1 MR. BAKER: Okay. So I definitely think that it's
2 obvious that there has been a change of ownership,
3 and if this is correct, then we definitely need a
4 whole new application for change of ownership, as
5 well as manager; is that correct, Ms. Cubitt?

6 MS. CUBITT: Yes.

7 MS. COOPER: Now, Mr. Leyman will need to do an
8 application for change of ownership. You need to
9 submit a complete application to the board for
10 approval as manager.

11 MR. RICE: I understand.

12 MS. COOPER: But you need to inform Mr. Leyman that he
13 needs to appear at the next board meeting.

14 MR. RICE: All right. I surely will.

15 MR. NELSON: We had a motion, had a second. All those
16 in favor, let it be known by saying "aye."

17 BOARD MEMBERS: Aye.

18 MR. NELSON: Oppose it by saying "nay."

19 (NO RESPONSE.)

20 MR. NELSON: If you have any questions, Ms. Cubitt can
21 answer them.

22 MR. RICE: All right. Thank you. Thank you all.

23 MR. NELSON: Our next hearing -- we need Mr. Beasley
24 back in.

25 (BRIEF PAUSE.)

1 MR. NELSON: Our next hearing is that of Mr. Andre
2 Lamont Locke. This hearing is called to order.
3 This is a matter of Mr. Andre Lamont Locke. The
4 purpose of this hearing is to determine whether the
5 applicant should be granted a license as an
6 apprentice funeral director. Everyone is reminded
7 that these proceedings are being recorded and that
8 these witnesses must be sworn in before testifying.
9 All remarks should be directed to the chair. If
10 you would raise your hand and be sworn in.

11 (The witness is sworn in.)

12 MR. NELSON: Ms. Rose.

13 MS. ROSE: Mr. Andre Locke is applying for an
14 apprentice funeral director license. When looking
15 at his application, he has a criminal background.
16 He is here to explain it and to try and get
17 approval to go forward with getting his license.

18 MR. LOCKE: First of all I would like to say good
19 morning to each of you. These were mistakes that
20 I made that I deeply regret. They are all matters
21 that have been taken care of through the
22 magistrates court. I paid the magistrates the
23 fines and the merchants were made restitution also.

24 MR. CRAWFORD: Are you affiliated with a firm now?

25 MR. LOCKE: Yes, I am trying to be affiliated with

1 Adas Home for Funerals over in Walterboro.

2 MS. COOPER: You are trying or you are? I notice there
3 is no business address on here. So where will you
4 be serving this apprenticeship?

5 MR. LOCKE: I will be serving at Adas Home for Funerals
6 over in Walterboro.

7 MS. COOPER: And have you been working there for the
8 last year and a half? I just noticed it, it says
9 that you haven't employed, according to this, since
10 January of 2010. According to this application, it
11 says your last job was a cashier and that you did
12 that until January 5th, 2010.

13 MR. LOCKE: Yes, I did.

14 MS. COOPER: So have you been like working at the
15 funeral home the last year and a half?

16 MR. LOCKE: I would go over there and help them
17 occasionally, but I'm working now.

18 MS. COOPER: What are you doing?

19 MR. LOCKE: I'm at a retail convenience store serving
20 in the capacity of a cashier.

21 MS. COOPER: That should have been listed in here also.

22 MR. LOCKE: The job that I just explained to you guys, I
23 didn't get that job until like three weeks ago
24 because I was out of work actually from January 5th
25 until about August. I didn't get that job -- the

1 job that I'm working now, I didn't get that job
2 until about late August.

3 MS. COOPER: Okay.

4 MR. BEASLEY: Mr. Locke, let me be point blank with you.
5 Did you have a drug problem?

6 MR. LOCKE: At one time I did.

7 MR. BEASLEY: And you went through a rehab?

8 MR. LOCKE: I didn't have to go. It was just something
9 I quit on my own.

10 MR. PETTY: Mr. Locke, I see you got 11 charges here on
11 1/12/2010, failure to comply.

12 MR. LOCKE: Yes, sir.

13 MR. PETTY: Do you not comply with the law?

14 MR. LOCKE: No, sir, I didn't.

15 MR. PETTY: You didn't?

16 MR. LOCKE: No, sir.

17 MR. PETTY: Even after they already charged you -- you
18 just didn't think --

19 MR. LOCKE: Well, what happened is they set me up on a
20 scheduled time payment plan. It was a time I was
21 out of work. And they had explained to me there
22 would be no extended time. So then it was a
23 failure to comply.

24 MR. CRAWFORD: Did they give you time to pay a fine or
25 something?

1 MR. LOCKE: Yes, sir. They had placed me on a scheduled
2 time payment plan. When she placed me on the plan,
3 I had already explained to them that I was out of
4 work. They placed me on the plan anyhow. I think
5 they had given me until like June 5th or something.
6 I know it was the summer. I kept telling them I
7 was out of work. So by that time she said that,
8 you know, they were going to issue a bench warrant.
9 And that is where the failure to comply came in at.

10 MR. BAKER: Mr. Locke, how much are they asking you to
11 repay?

12 MR. LOCKE: They were asking me to pay -- to repay the
13 merchants and --

14 MR. BAKER: And how much was that totally?

15 MR. LOCKE: -- I think it was like 786; I think it was.

16 MR. BAKER: Total \$786.00?

17 MR. LOCKE: Yes.

18 MR. BAKER: And they gave you how long to pay that back?

19 MR. LOCKE: I think it was like a month to pay it back.

20 MR. BAKER: So during the time you were out of work, you
21 were not drawing any kind of unemployment?

22 MR. LOCKE: I wasn't drawing any kind of unemployment,
23 no, sir.

24 MR. NELSON: And back to the drugs, it is noted here
25 that back since 2006 you have been drug free?

1 MR. LOCKE: Oh, yes, sir. I haven't had any dealing
2 with any type of drugs at all except for
3 prescription medications which is prescribed by
4 my doctor.

5 MR. SPOON: Mr. Locke, could I just ask you a quick
6 question -- just a procedural question in a way.
7 On your SLED check --

8 MR. LOCKE: Yes, sir.

9 MR. SPOON: I always have a hard time reading these
10 things and figuring out what the notations mean.
11 Well, I will say I have never seen this reflected
12 on here. I was wondering if you knew what it
13 meant? The last page or two, second to the last
14 page, was a number of items and the arrest charge
15 -- it was 11 items. Do you have a copy of what I
16 am looking at?

17 MR. LOCKE: I am looking at it right now.

18 MR. SPOON: Where it says, failed to comply, what is
19 your understanding of what that means?

20 MR. LOCKE: Failure to comply is -- my understanding of
21 what failure to comply is that they give you
22 written directions to do something and you don't do
23 it, then it is failure to comply.

24 MR. SPOON: Right. In the general sense, do you know
25 what it means -- and I am asking you -- do you

1 know what it means when it appears that way on your
2 SLED check? It says, arrest -- for instance it's
3 arrest charge and the number 5 after it, failed
4 to comply and the offense date is January 12, 2010.
5 And, in fact, for all 11 items it is the same
6 offense date.

7 MS. COOPER: It is the same date. Did you fail to
8 comply with 11 different charges.

9 MR. LOCKE: It was 11 different charges.

10 MS. COOPER: And you didn't comply with any of them?

11 MR. LOCKE: Yes.

12 MR. HORTON: Was that because you didn't have the money
13 to make restitution?

14 MR. LOCKE: Yes, sir. Just as I explained before in the
15 way they entered it -- well, they entered it as --

16 MR. SPOON: So the compliance part was paid?

17 MR. LOCKE: The compliance part was paid.

18 MR. PETTY: So Mr. Locke are you caught up?

19 MR. LOCKE: Oh, I've paid everything.

20 MR. PETTY: There are no other charges?

21 MR. LOCKE: There are no other charges pending. I paid
22 every them every dime. I paid the court every
23 dime; I paid the merchants every dime.

24 MR. BEASLEY: So you paid everything and you had to due
25 30 days?

1 MR. LOCKE: That's the way it was set up because it
2 wasn't an or situation; it was "and."

3 MR. BEASLEY: So those were magistrate offenses?

4 MR. LOCKE: They were magistrate court offenses,
5 Beaufort County Magistrate.

6 MR. BAKER: Mr. President, I make a motion that we go
7 into executive session to further discuss this
8 matter and seek legal counsel.

9 MR. TEMPLES: Second.

10 MR. NELSON: Been moved and properly second. Those in
11 favor, let it be known by saying, "aye."

12 BOARD MEMBERS: Aye.

13 MR. NELSON: Opposed by saying, "nay."

14 (NO RESPONSE.)

15 MR. NELSON: We will go into executive session to
16 discuss this applicant.

17 (Break for executive session 12:18 p.m. to 12:36 p.m.)

18 MR. NELSON: Do I have a motion to come out of executive
19 session?

20 MR. TEMPLES: Mr. President, I would like to make a
21 motion that we come out of executive session and
22 back into regular session.

23 MS. MCWHORTER: Second.

24 MR. NELSON: Been moved and properly second. Those in
25 favor, let it be known by saying, "aye."

1 BOARD MEMBERS: Aye.

2 MR. NELSON: Opposed by saying, "nay."

3 (NO RESPONSE.)

4 MR. NELSON: Let the record show we have come out of
5 executive session and now back into regular
6 session and no votes or actions were taken
7 during this executive session. Do we have a motion
8 at this time on the applicant that is before us,
9 Mr. Locke.

10 MR. SPOON: Mr. Chairman, you have asked me to read the
11 motion for the board's first and second, I guess.
12 So I will try to read the motion, I'm not making
13 the motion, to be clear. Mr. Locke, the board's
14 decision or the board's motion for action right
15 now is that you provide a substance abuse, written
16 substance abuse evaluation from a provider in your
17 area that is documented evaluation including a drug
18 test; documentation that is suitable and acceptable
19 to the board. That should be submitted to the
20 board administrator for review. If the results and
21 evaluation is acceptable, the board will approve
22 you to be licensed as an apprentice.

23 MS. COOPER: Ms. Cubitt, we are allowing you to make a
24 decision on this unless you feel like it needs to
25 be brought back before the board. So that will be

1 at your discretion.

2 MS. CUBITT: Okay.

3 MR. HORTON: Mr. President, I would like to put that in
4 the form of a motion.

5 MR. TEMPLES: Second.

6 MR. NELSON: Been moved and properly second that our
7 motion read by legal counsel be voted on at this
8 time. Those in favor, let it be known by saying,
9 "aye."

10 BOARD MEMBERS: Aye.

11 MR. NELSON: Opposed by saying, "nay."

12 (NO RESPONSE.)

13 MR. NELSON: Let the record show -- Mr. Locke, you
14 understand what has taken place?

15 MR. LOCKE: Yes, sir.

16 MR. NELSON: Thank you, sir. Our next hearing is that
17 of Mr. Rodriquez Jenkins. The purpose of this
18 hearing is to determine whether Mr. Jenkins --
19 an applicant should be granted an apprentice
20 funeral director and embalmer. And I would like
21 to remind everybody that these proceedings are
22 being recorded and all witnesses must be sworn
23 in before they testify. All remarks should be
24 directed to the chair. Please raise your hand to
25 be sworn in.

1 (The witness is sworn in.)

2 MR. NELSON: Ms. Rose.

3 MS. ROSE: This is Mr. Rodriquez Jenkins. And he is
4 applying for a funeral director and embalmer
5 apprentice. We wanted the board to consider his
6 criminal background.

7 MR. NELSON: Mr. Jenkins, are you represented by legal
8 counsel today?

9 MR. JENKINS: No, sir.

10 MR. NELSON: You know you have the right to legal
11 representation?

12 MR. JENKINS: Yes, sir.

13 MR. NELSON: You may express to the board your case.

14 MR. JENKINS: My case here today -- I appreciate y'all
15 hearing my case today. What I am here for, my
16 wife, her family they own Jackson-Brooks Funeral
17 Home in Aiken. Her uncle, Mr. Bobby Brooks, and
18 her aunt is Alisha Brooks. Mr. Brooks is, I would
19 say, he's sick. He has a sickness. He has years
20 of life left, but we don't know how long. I
21 graduated from Gupton in '96. Me and my wife have
22 been married now right at about 11 years. So I've
23 been real familiar with the family and the funeral
24 home. You know them having the funeral home
25 business -- in several conversations, you know,

1 maybe finishing up my apprenticeship with them
2 here in South Carolina. And so what has happened
3 is I do work you know for Proctor and Gamble;
4 that's my number one job. So what I want to say to
5 y'all is the opportunity has arose where they are
6 willing to let me get 35 hours a week there working
7 during the course of the week or on call and
8 weekends. I make my own schedule with Proctor and
9 Gamble. I'm the site QA leader; I'm over project
10 work. I work maybe 5:00 to 1:30 p.m. everyday
11 Monday through Friday. With that being said, I do
12 have ample time to get the hours in to do my
13 apprenticeship. So I would like you all to take
14 into consideration that. I do live in Columbia
15 County. So the travel that I travel is probably
16 right about I would say anywhere from 20 to maybe
17 27 miles. So it is a haul, but it is sacrifice and
18 I am willing to put that in to make things happen
19 for my family; her family is my family. And so
20 that is where I'm at with this. I want to do
21 everything the right way and get an apprentice
22 license so that starting with an apprenticeship I
23 will be licensed through the Funeral Service Board
24 and have everything legitimate and the right and
25 the right way to move forward with that. So upon

1 that request looking to see how you all feel about
2 it.

3 MR. NELSON: The primary residence is in Georgia?

4 MR. JENKINS: Yes, Columbia County.

5 MR. NELSON: Doing the apprentice --

6 MR. JENKINS: Yes.

7 MR. NELSON: And then you would still do the residence?

8 MR. CRAWFORD: You do know one of the things here too is
9 the radius that you must live within that facility.

10 MS. COOPER: No, that is only for a manager.

11 MR. CRAWFORD: Oh, manager. Got you. Okay.

12 MS. COOPER: You said you are a graduate of Gupton-
13 Jones?

14 MR. JENKINS: Yes, ma'am. I graduated in 1996.

15 MS. COOPER: But you didn't take the exams?

16 MR. JENKINS: I took the national funeral service board
17 examination and passed it.

18 MS. COOPER: So you passed everything, but you have
19 never had a license?

20 MR. JENKINS: Never had a license.

21 MS. COOPER: You never done your apprenticeship?

22 MR. JENKINS: Started the apprenticeship in Augusta at
23 Waynesboro before it got -- mortuary. Wife getting
24 pregnant and started a family. I really wasn't
25 making enough money to support the family so I had

1 to do what I had to do. I got a job with Proctor
2 and Gamble that made ends meet for me. So it kind
3 of was apprenticeship or survival. I put the
4 apprenticeship on the back burner. Which Proctor
5 was paying more because I got a great position
6 with them; stayed with them -- now it's going on 15
7 years with them. So now the opportunity has arose
8 again except it's family. And I think that it is
9 time in my career where I can stand the doing a
10 career change in the next five years if things
11 will allow that to happen.

12 MS. COOPER: So you graduated and you passed both parts
13 of the national funeral director and embalmers?

14 MR. JENKINS: Yes. Been a member since '96.

15 MS. COOPER: I see the only charges have been dismissed
16 or whatever.

17 MR. JENKINS: Yeah, because I was kind of looking at how
18 y'all had me categorized right there.

19 MS. COOPER: I was kind of wondering about this
20 terrorist threat.

21 MR. JENKINS: Maybe something in high school or
22 something like that, but --

23 MR. CRAWFORD: You can't remember it?

24 MS. COOPER: You don't know what you did?

25 MR. JENKINS: Well, high school might have been a

1 number of things; hanging out with the wrong crowd
2 or, you know, fighting with another individual in
3 school, high school, maybe something like that. My
4 record and I can state for this is that it shows
5 -- if you see anything on my record it has to be
6 ten years or later. It's nothing permanent on my
7 record, period.

8 MS. ROSE: I just wanted to say that we did see that
9 they are dismissed, but anytime something has not
10 been expunged or pardoned, we just bring them in
11 front of you all for your consideration.

12 MR. NELSON: I do know that the company that you work
13 for, Proctor and Gamble, does have a very rigid
14 drug force policy.

15 MR. JENKINS: Yes.

16 MS. COOPER: That doesn't have anything to do with my
17 question about the terrorist threat because in June
18 of 1993 he shouldn't have been in high school.

19 MR. JENKINS: In '93, that would have been when I was
20 graduating high school.

21 MS. COOPER: This arrest occurred in June; your school
22 goes until June?

23 MR. JENKINS: 1993, the time frame of high school, I
24 really don't have no recollections of that now
25 because I don't have nothing to do with high

1 school.

2 MS. COOPER: I tell you what now, if I was charged with
3 terrorist threats, acts and criminal trespass; I
4 believe I would remember.

5 MR. JENKINS: In '93, I can say I had an altercation
6 maybe at Hardee's, Washington Road Hardee's, been
7 gone from there so many years now. That might have
8 been that. Come on, really.

9 MR. HORTON: And you say you will be working -- serving
10 your apprenticeship with your wife's family.

11 MR. JENKINS: Yes, underneath Mr. Bobby Brooks.

12 MR. CRAWFORD: Now he is the person that signed the

13 --

14 MR. JENKINS: You asked me that question, sir?

15 MR. CRAWFORD: Yes.

16 MR. JENKINS: Yes, sir. Mr. Robert Brooks.

17 MR. CRAWFORD: Yes.

18 MR. JENKINS: Yes.

19 MR. CRAWFORD: And he is presently licensed manager
20 there now.

21 MR. JENKINS: Yes.

22 MR. HORTON: Who is Mr. Larry D. Weaver?

23 MR. JENKINS: He is an embalmer that embalms there.

24 MR. NELSON: Any other questions?

25 MR. BAKER: You mentioned that Mr. Brooks was sick and

1 you were doing this to possibly do this to take
2 over in some shape, form or fashion. And you do
3 realize if all that occurs you will need to be a
4 resident of the State of South Carolina for one
5 year prior to doing that and live within 25 miles
6 of the facility.

7 MR. JENKINS: Yes, sir.

8 MS. COOPER: If the law does not change concerning the
9 one year status in order to be a manager.

10 MR. JENKINS: Yes, I do understand.

11 MS. COOPER: Okay.

12 MR. BEASLEY: Mr. Jenkins, let me just make a statement
13 to you. When Ms. Cooper asked you about your
14 record, and I can understand you saying you can't
15 recollect back that far and then you kind of
16 brushed it off saying, "Come on." My statement to
17 you is if you're granted this apprenticeship --

18 MR. JENKINS: Yes, sir.

19 MR. BEASLEY: at some point you are going to have to
20 come back before the board and your record will
21 still be charged. My advice to you is don't just
22 shun, you need to get that expunged/erased.

23 MR. JENKINS: And I take that as a coaching. Matter
24 of fact those incidents is not to be brushed off.
25 Never to be brushed off because that did happen.

1 MS. COOPER: Yes, but you say, "Oh, come on." That is
2 a felony charge.

3 MR. JENKINS: I totally understand. "Oh, come on" was
4 a statement. It doesn't minimize the act, okay.
5 What I look at is --

6 MS. COOPER: That is what I asked you was what was the
7 act?

8 MR. JENKINS: And I explained.

9 MS. COOPER: That you don't remember.

10 MR. JENKINS: And then I said, "It may have been --

11 MS. COOPER: Remembered.

12 MR. JENKINS: Yes. So it has been numerous about of
13 years have passed. It's not like it's just fresh
14 on my mind.

15 MS. CUBITT: Mr. Chairman, application does show that
16 he graduated high school in '94.

17 MR. CRAWFORD: Mr. Chairman, I'd like to make a motion
18 that we take this up in executive session for legal
19 advice.

20 MR. TEMPLES: Second.

21 MR. NELSON: Been moved and properly second. All those
22 in favor, let it be known by saying, "aye."

23 BOARD MEMBERS: Aye.

24 MR. NELSON: Opposed by saying, "nay."

25 (NO RESPONSE.)

1 (Break for executive session 12:49 p.m. to 12:56 p.m.)

2 MR. NELSON: The motion has been moved to come out of
3 executive session and those in favor have been
4 carried. At this time, no records or action was
5 taken while in executive session. So I now
6 entertain a motion for the applicant.

7 MR. TEMPLES: Mr. President, I would like to make a
8 motion that we accept Mr. Rodriguez Jenkins
9 application and grant him the apprenticeship
10 application.

11 MR. HORTON: Second.

12 MR. NELSON: Been moved and properly second. Those
13 in favor, let it be known by saying, "aye."

14 BOARD MEMBERS: Aye.

15 MR. NELSON: Opposed by saying, "nay."

16 (NO RESPONSE.)

17 MR. NELSON: Good luck, Mr. Jenkins. Our next applicant
18 is Lacy Suzanne Robinson. This hearing is called
19 to order in the matter of Lacy Suzanne Robinson.
20 Purposes of the hearing is to determine whether the
21 applicant should be granted a new student embalmer.
22 Remind everybody that these proceedings are being
23 recorded and all witnesses must be sworn in. And
24 all remarks directed to the chair. Raise your
25 right hand to be sworn in.

1 (The witness was sworn in.)

2 MR. BEASLEY: Mr. President, before we move forward I
3 just want to ask Ms. Robinson, being from the same
4 big city, do you want me to stay on or recuse
5 myself?

6 MS. ROBINSON: I have no problem with you being here.

7 MR. NELSON: Thank you. Ms. Rose.

8 MS. ROSE: This is a student and she is here for a
9 student embalmer license. And this is Ms. Robinson
10 and she answered, "yes" to the question number 11
11 regarding unpaid judgments. So we just wanted her
12 to come and explain.

13 MR. NELSON: Ms. Robinson.

14 MS. ROBINSON: I would like to say I am a first semester
15 student at Piedmont Tech in Greenwood, South
16 Carolina. I am already enjoying the program,
17 loving it very much so I hope you grant my request
18 for a student license today. I hope my past hasn't
19 caught up to me so soon. The reason why I have a
20 Verizon wireless bill that I owe for two lines and
21 two disconnect fees. My husband and I had to
22 separate because he -- I did not know he was an
23 alcoholic. When I married him, he was sober. He
24 was sober for two years. And then he started
25 drinking at work things that you are not even

1 suppose to drink. When he left, he was fine. I
2 kicked him out. I was a full-time mother and I
3 had the money. He refused to get a job after he
4 left. And he would not pay me back. So I owe --
5 I think it is like eight hundred and something. I
6 believe it is eight something. I am a grown up and
7 I know I need to pay it so it will be paid.

8 MR. PETTY: Ms. Robinson, was that your phone or both of
9 yours phone?

10 MS. ROBINSON: It was in my name because he did not have
11 the credit to take out -- if he was the one who
12 take it out there would have been a deposit on the
13 phones. When we put it in my name, there was no
14 deposit.

15 MR. PETTY: Are you making payments on that now?

16 MS. ROBINSON: No, I'm not because I'm not working other
17 than going to school. I live with my mother and
18 father and my son lives me and they let me stay
19 there rent free as long as I go to school.

20 MR. HORTON: I see you are just applying for a student
21 embalmer?

22 MS. ROBINSON: Just a student embalmer, that is all
23 Piedmont Tech requires me to have, yes, sir.

24 MR. HORTON: Okay.

25 MR. HORTON: Mr. President, I make a motion that we

1 accept this application.

2 MS. COOPER: Second.

3 MR. NELSON: Been moved and properly second that we
4 accept this application for student embalmer. All
5 those in favor, let it be known by saying, "aye."

6 BOARD MEMBERS: Aye.

7 MR. NELSON: Opposed by saying, "nay."

8 (NO RESPONSE.)

9 MS. ROBINSON: Thank you very much, I appreciate it.

10 MR. NELSON: Our next case is Erick Vaughn Crawford.

11 MS. CUBITT: Mr. Crawford is not here today. He had
12 something -- emergency come up and couldn't come.
13 He is just asking to extend his apprenticeship
14 one more time. I don't know if whether you wanted
15 to go ahead and do it or if you wanted to wait
16 until he can be here.

17 MR. NELSON: We will wait until he can be here.

18 MS. CUBITT: Okay.

19 MR. NELSON: That is the consensus of the board.

20 Next is Doris Bernice Jackson. This hearing is
21 called to order in the matter of Ms. Doris Bernice
22 Jackson. The purpose of this hearing is to
23 determine whether the applicant should be granted
24 a license as an apprentice funeral director and
25 an embalmer. These proceedings are being recorded

1 and the witnesses must be sworn. So at this time
2 if you would swear her in.

3 (The witness is sworn in.)

4 MR. BEASLEY: Mr. President, for the purposes of
5 uniformity I'd like to be recused from this one.

6 MR. NELSON: Okay. Thank you, sir. Ms. Rose.

7 MS. ROSE: Doris Bernice Jackson. She is applying for
8 for a funeral director and an embalmer
9 apprenticeship. The first time she did her
10 apprenticeship it was for two years, but she
11 never turned in any quarterly reports so the
12 next time you do it it is only for one year.
13 So this would be her fourth time. So it has
14 taken that time to get her funerals and the months
15 that she needs so she is requesting the extension
16 to complete the apprenticeship.

17 MR. HORTON: What do you need Ms. Jackson?

18 MS. JACKSON: I need a quarter and a half.

19 MR. HORTON: A quarter and a half, okay.

20 MR. TEMPLES: Who are you currently working for?

21 MS. JACKSON: Goins Funeral Home in Laurens.

22 MR. HORTON: You can get it done in six months?

23 MS. JACKSON: Yes, sir.

24 MR. HORTON: And you have already graduated from
25 Piedmont Tech.

1 MS. JACKSON: And passed the nationals.

2 MR. CRAWFORD: Congratulations.

3 MR. HORTON: I make the motion that we give her the
4 extension, nor more than six months.

5 MR. PETTY: Second.

6 MR. NELSON: Been moved and properly second. Those
7 in favor, let it be known by saying, "aye."

8 BOARD MEMBERS: Aye.

9 MR. NELSON: Opposed by saying, "nay."

10 (NO RESPONSE.)

11 MS. JACKSON: Thank you.

12 MR. NELSON: Next hearing is Zachary Ray. This hearing
13 is called to order in the matter of Zachary Ray.
14 The purpose of this hearing is to determine whether
15 the applicant should be granted a license as an
16 apprentice funeral director and an embalmer.
17 Everyone is reminded that this proceedings are
18 being recorded and witnesses must be sworn in
19 at this time.

20 (The witnesses sworn in.)

21 MR. NELSON: Mr. Ray do you have legal counsel with
22 you?

23 MR. RAY: No, sir.

24 MR. NELSON: You realize you do have a right to legal
25 counsel?

1 MR. RAY: Yes, sir.

2 MR. NELSON: At this time, you may address the board.

3 MS. ROSE: Mr. Zachary Ray, he is applying for -- well,
4 actually he has served his apprenticeship funeral
5 director and embalmer and is -- he completed it and
6 he's taking the national exams and passed, but it
7 has been past the five year requirement now and he
8 wants to explain the situation and what's happen
9 during that time.

10 MR. RAY: During 2003 to 2005, I completed my
11 requirements casework-wise in reference to becoming
12 a licensed funeral director. But I was informed at
13 that time I was missing a month and a half. So I
14 applied for a second time, of October 2005 to
15 December 2005 which I completed. At that time
16 frame, I moved off to go to grad school in Dallas,
17 Texas where I went to undergrad with Dallas
18 Institute of Funeral Service. Upon coming back to
19 South Carolina, I informed the board that I wish
20 to apply to for my license for a funeral director.
21 At that time, I was not informed that there was a
22 new policy of a five year guideline. Then I was
23 then told again that my month and a half was not
24 on record in which I completed it; like I stated it
25 before, December 2005. Then I did apply for

1 another apprenticeship of that year which the
2 time frame was a lapse of this year of July time
3 frame. Prior to applying for my license, I called
4 the board and asked the board what is the next step
5 I can do to go ahead and apply for my license. At
6 that time they informed me that the five year
7 policy was past and in fact they did find my past
8 record of October 2005 and December 2005. And at
9 that time I stated I would like to come in front
10 of the board to present my case and possibly go
11 ahead and go forth with my license as a funeral
12 director and embalmer.

13 MR. HORTON: You said that LLR told you before the five
14 year period was up that they could not find a
15 quarter and a half -- last quarter of your --

16 MR. RAY: Yes, sir. 2010, sir. That's when I started
17 a third time.

18 MR. HORTON: When was your five years up?

19 MR. RAY: From my understanding, my five years was up
20 in 2010. But at the time I wasn't aware that there
21 was a five year period were even on the books for
22 new policy until recently as of this year.

23 MS. CUBITT: If he had been issued the license and so
24 -- for the apprenticeship. If he had been extended
25 on the apprenticeship and he finished that in

1 December of '05 that would have given him until
2 December of '10. And so he did contact us in April
3 of '10, but he was told that he needed additional
4 apprenticeship time, which was not accurate.

5 MR. HORTON: It was just a miscommunication and a screw
6 up from us.

7 MR. CRAWFORD: He's got everything in there.

8 MR. HORTON: Are you presently employed at the funeral
9 home?

10 MR. RAY: Part-time, sir.

11 MR. HORTON: Okay.

12 MR. CRAWFORD: Which one?

13 MR. RAY: Davis Funeral Home on Merritt Street in Ridge
14 Spring, South Carolina.

15 MR. HORTON: And you passed everything?

16 MR. RAY: Yes, sir, first time around.

17 MR. HORTON: Good man. Mr. President, I make a motion
18 we grant him his license.

19 MS. ROSE: He does have to take the law exam first.

20 MR. HORTON: Okay, whatever else he's got to do.

21 MS. CUBITT: Yes, he has to apply, actually put in the
22 application.

23 MR. TEMPLES: Second.

24 MR. NELSON: Been moved and properly second to accept
25 this applicant. Those in favor, let it be known by

1 saying, "aye."

2 BOARD MEMBERS: "Aye."

3 MR. NELSON: Opposed by saying, "nay."

4 (NO RESPONSE.)

5 MR. RAY: Thank you.

6 MS. CUBITT: Mr. Chairman, Alicia Clark from Consumer
7 Affairs has to leave in a little bit. I don't
8 think there is anything else on the agenda that
9 directly affects her, but I didn't know if y'all
10 had questions for her before she left.

11 MR. NELSON: Ms. Alicia would you stand and say, "hello"
12 to us.

13 MS. CLARK: Hello board.

14 MR. NELSON: While she came forward we have had two
15 other persons to come in that for the record
16 let it be known that Ms. Simmons is with us from
17 SCMA and also Mr. Halls.

18 MS. CLARK: I only have one comment regarding something
19 that was brought up with the Graham & Godwin one.
20 Consumer Affairs only licensed the funeral homes to
21 sell pre-need. We don't do individual pre-need
22 license. You do have to have a limited lines
23 license through the Department of Insurance if
24 you are going to sell pre-need burial insurance and
25 a lot of people get confused with that. I just

1 wanted to make that clear that Consumer Affairs
2 just licenses the funeral home. That is all I
3 have.

4 MR. NELSON: Thank you. We are down to number 14,
5 "Questions from Association of Executives of
6 Funeral Service Boards regarding Alkaline
7 Hydrolysis legislation."

8 MS. CUBITT: We have been asked from the International
9 Conference to respond. There monthly topic was
10 Alkaline Hydrolysis and how we are approaching it
11 and if we are going to allow it or if we have to
12 do legislation. I don't understand the process
13 at all.

14 MR. HORTON: My personal opinion is that we have to
15 have legislation. You know, this board has gotten
16 bitten several times with some stuff and in fact
17 we are going through a little something right now.
18 So I want it legislatively done and that process
19 taken.

20 MR. TEMPLES: Because that is not mentioned in any of
21 laws about Alkaline Hydrolysis; that's legislation.

22 MS. CUBITT: So it would not be considered valid in this
23 state unless we changed our law?

24 MR. NELSON: Correct. Okay, number 15, "Telephone call
25 received regarding a funeral home being located a

1 cemetery for the purpose of making funeral
2 arrangements."

3 MS. CUBITT: I think it is okay, but it's just like it's
4 a branch, but they are only going to make
5 arrangements at that branch and it would be located
6 in a cemetery.

7 MS. COOPER: They have a license as an establishment --

8 MS. CUBITT: They have a license as a funeral home, but
9 then we have this that they have to have a branch
10 license for.

11 MS. COOPER: Yes, they are going to have to have a
12 branch license.

13 MR. NELSON: Yes. Number 16, "Review and approve
14 desired statutory changes from August 2010 work
15 session." That is that list.

16 MS. CUBITT: Those are some things that you really
17 wanted to be put in legislation and when we did
18 them before we had talked about them, but I don't
19 think we had a final motion. So we just put in
20 that so you could make a final motion so it would
21 be official.

22 MR. NELSON: Can someone make a motion and so move it.
23 We will receive it as information. And next we
24 will go to number 18, committee reports. Do we
25 have any committee reports?

1 (NO RESPONSE.)

2 MR. NELSON: No committee reports.

3 MR. CRAWFORD: None.

4 MR. NELSON: Now we will back up to number 17, "Election
5 of Officers." Anyone at this time?

6 MR. HORTON: Mr. President, I'd like to nominate
7 Shelley Cooper of Moncks Corner as incoming
8 President.

9 MR. TEMPLES: Second.

10 MR. NELSON: Second.

11 MR. TEMPLES: Mr. President, I'd like to make a motion
12 that we elect Mr. Glen Crawford as Vice President.

13 MR. BAKER: Second.

14 MR. CRAWFORD: And I'd like to make a motion that we
15 elect Mr. Kenneth Beasley as Secretary.

16 BOARD MEMBERS: No.

17 MR. CRAWFORD: Treasurer.

18 MS. CUBITT: It is an easy job.

19 MS. COOPER: No, but you have to go back and forth
20 between South Carolina Funeral Directors
21 Association and Mortician Association. That is
22 the way y'all have been doing it.

23 MR. CRAWFORD: Okay. I nominate Mr. Thomas Baker as
24 Secretary.

25 MR. TEMPLES: Second.

1 MR. NELSON: So that is our slate of new officers for
2 our next board meeting of November 17th.

3 MS. CUBITT: Did you vote on them?

4 MR. HORTON: Mr. President, I make a motion that all
5 three names be approved by acclimation.

6 BOARD MEMBERS: Second.

7 MS. CUBITT: Did you actually vote on the thing about
8 the changes?

9 MR. NELSON: Make a motion to go back to number 16,
10 "Review and approve desired statutory changes from
11 August 2011 work session."

12 MS. ROSE: 2010.

13 MS. CUBITT: It said 2011, but that was a typo.

14 MR. NELSON: Make a motion.

15 MR. TEMPLES: So moved.

16 MR. CRAWFORD: Second.

17 MR. NELSON: All those in favor, let it be known by
18 saying, "aye."

19 BOARD MEMBERS: Aye.

20 MR. NELSON: Opposed by saying, "nay."

21 (NO RESPONSE.)

22 MS. COOPER: Now I have a question. I think I read
23 buried in all this stuff, that it said if we
24 wanted to do something as far as the upcoming
25 legislative session -- as far as changing our

1 laws and stuff -- unclaimed bodies that we needed
2 to establish a committee. How do we go about that
3 and when do we need to do that?

4 MS. CUBITT: You can establish a committee now and have
5 them working on it, but you do need to take the
6 items -- we'll give the items that y'all talked
7 about before and we'll give them to the advice
8 counsel. Sheridan is sitting in for today, but
9 Jamie Saxon --

10 MS. COOPER: I thought I only saw that we needed a
11 committee for that particular item.

12 MS. CUBITT: It would help -- it would help get it
13 through. We need to get it written quickly and
14 get it ready to it can be pre-filed and all those
15 things done.

16 MS. COOPER: Right. So is this going to be turned over
17 to Sheridan, I mean, Jamie?

18 MS. CUBITT: Who would you like to work on that with
19 Jamie?

20 MR. BAKER: That is fine to have a committee, but I
21 think that you appoint a committee, the committee
22 needs to work through SCMA and SCFDA to get it to
23 the legislation.

24 MS. COOPER: Well, I understand that, but I've already
25 spoken to -- correct me if I am wrong Mr. Squires

1 that you all are not suppose to participate by
2 advice of legal counsel in this process?

3 MR. SQUIRES: I think that that has sort of been
4 changed.

5 MS. COOPER: Oh, you think that has been changed. My
6 only point was I saw -- it seemed like whatever
7 I got just seemed like it was an urgency to
8 appoint an committee with this item. I'm only
9 questioning -- do we need to do it or when do
10 we do it? Do we need to wait until you talk to
11 Jamie and all like that. I mean I'm all for
12 working with both associations if they are willing
13 to do it. I'm just concerned about us dropping the
14 ball and this stuff not getting pre-filed.

15 MS. CUBITT: We have had a change of policy at LLR, I
16 believe. We had told you previously that LLR was
17 not going to take it downtown and I think they are
18 now -- could actually file; is that right Sheridan?

19 MR. SPOON: That is correct. I've got two things. One
20 is it's your legislation, in other words, whether
21 the legislation is external bill or internal bill.
22 But if it's an internal it is a funeral board piece
23 of legislation. The Office of Advice Counsel will
24 assist with drafting it. That is my current
25 understanding. I think that is right. I think

1 what Doris said is correct. I also have a question
2 about what happened when. It says, "August 2010
3 work session." Y'all have had a work session since
4 August 2010 --

5 MS. COOPER: Last time we were up here we had a work
6 session.

7 MR. SPOON: It was in '11 --

8 MS. COOPER: June or July.

9 MR. SPOON: -- the 2011 part is correct. It is just
10 it wasn't in August. You had a work session --

11 MS. CUBITT: We did and there are some things from that
12 session. There is a list from that session, but
13 this was a work session at the end of '10 that
14 never got filed for or done with. They just need
15 to be combined.

16 MR. SPOON: I think that is what I was going to say
17 completely. Can there be one list of things that
18 reflects both of those work sessions?

19 MS. CUBITT: Yes. That is why we wanted to get those
20 approved.

21 MR. SPOON: And our office, the Advice Counsel Office,
22 whether I'm informed -- whether it is my or Jamie,
23 depending on what board it is, we will provide some
24 backup and support as far as drafting this stuff.
25 I do think at the end of the day there is a

1 funeral board bill -- a funeral board piece of
2 legislation that is introduced and pushed out
3 there by the funeral board as opposed to LLR.
4 Sometimes that distinction is important, but
5 other than that I think if there is a comprehensive
6 list out there that's what is needed. I am just
7 speaking procedurally.

8 MR. HORTON: (To Mr. Nelson) I just want to say
9 thank you for all you did this year. You made
10 these meetings very enjoyable. You ran them a lot
11 longer than we wanted them to be, but they were
12 enjoyable.

13 MR. NELSON: Thank you.

14 MR. HORTON: I make a motion that we adjourn.

15 MS. COOPER: Second.

16 MR. NELSON: Motion carries meeting adjourned.

17 * * * * *

18 (Whereupon, the meeting/hearing was
19 adjourned at 1:21 p.m.)
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Lisa F. Huffman, Verbatim Court Reporter and Notary Public in and for the State of South Carolina at large, hereby certify that said proceedings were taken before me at the time and place set forth; and that the foregoing 102 pages constitute a true and correct transcription of my report of said proceedings.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties connected with this action, nor am I financially interested in said cause.

I further certify that the original of said transcript was thereafter sealed by me and delivered to South Carolina Board of Funeral Services, Division of Legal Services, South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina.

In witness whereof I have set my hand and seal this 21st day of October, 2011.

Lisa F. Huffman
My Commission Expires 7/11/15