

**MINUTES**  
**South Carolina State Board of Funeral Service**  
**Board Meeting**

10:00 a.m., May 16, 2016  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Monday, May 16, 2016**

**1. Meeting Called to Order**

William B. Horton, Jr., President, of Kingtree, called the regular meeting of the South Carolina State Board of Funeral Service to order at 10:06 a.m. Other Board members present for the meeting included: Eddie Nelson, Vice President, of Blythewood; Jeffrey K. Temples, Secretary, of Columbia; Michelle Cooper, of Moncks Corner; Wallace McKnight, Jr., of Andrews; John L. Petty of Landrum; D'Michelle P. DuPre, of Chapin; Stephen R. Gantt, of Greenwood; and Charvis K. Gray, of Piedmont;

Staff members participating in the meeting included: Donnell Jennings, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Office of Disciplinary Counsel; Amy Holleman, Administrator; Monaca Harrelson, Administrative Assistant, Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigations and Enforcement; and Buddy Poole, Inspector, Office of Investigations and Enforcement;

Members of the public attending the meeting included: Jerry L. Hartley of Jerry L. Hartley Funeral Home, Jessie Stephens of Petty Funeral Home, Chan Jones of Morris Funeral Home, Daniel Jeffrey, Billy Williams of Folk Funeral Home, Stanley Stone of Cannon Funeral Home, David Tompkins of Bostic Tompkins Funeral Home, Parker Bryd of Heritage Funeral Home, Andy Bryd of Heritage Funeral Home, Greg Rollins of Cannon Funeral Home, Thomas R. Hill of Marion Funeral Home, Isaac Jackson, Janine Smith of Bostic Tompkins, Mike Kelly, and Shannon Dotson of Petty Funeral Home.

**A. Public Notice**

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

**B. Pledge of Allegiance**

All present recited the Pledge of Allegiance.

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

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

**3. Approval of Excused Absences**

S. Lee McMillan, Jr., of Myrtle Beach; and Mark R. O'Steen, of Spartanburg were not in attendance.

**MOTION**

Mr. Petty made a motion to approve the absences, Dr. DuPre seconded, and the motion was passed unanimously.

#### **4. Approval of Minutes for the April 29, 2016 board meeting**

##### **MOTION**

Mr. Horton called for a motion to approve the minutes from the April 29, 2016 board meeting. Mr. Petty noted that he was in attendance. Mr. Temples made a motion to approve the minutes as amended; Mr. Gray seconded the motion, which carried unanimously.

#### **5. President's Remarks – Billy Horton**

Mr. Horton welcomed everyone.

#### **6. Administrator's Remarks – Amy Holleman**

##### 1. Financial report

Ms. Holleman presented financials which show a -\$701,994.42 cash balance at the end of April 2016.

#### **7. Reports**

##### 1. Inspection Report – Buddy Poole

Mr. Poole informed the Board that he and Mr. Adams conducted 33 inspections from April 15, 2016 to May 9, 2016.

##### 2. Investigative Review Committee (IRC) Report – Sharon Wolfe

###### 1. May 3, 2016 IRC Report.

Ms. Wolfe noted that the IRC recommended to dismiss case numbers 2015-63, 2015-80, 2015-81, 2015-1, 2016-3, 2016-9, 2016-13, and 2016-14, to issue a Cease and Desist for case number 2015-58, to issue a formal complaints regarding case numbers 2014-72, 2015-1, 2015-64, 2016-8, 2016-12, 2016-16, 2016-18, and to issue Letters of Caution in regards to case numbers 2014-75 and 2016-17.

##### **MOTION**

Mr. Temples made a motion to approve the IRC recommendations, Mr. Gray seconded, and the motion was passed unanimously.

##### 3. Office of Investigations and Enforcement (OIE) Report – Sharon Wolfe

Ms. Wolfe stated that the Office of Investigations and Enforcement (OIE) currently has eight active investigations, one do not open case, 12 opened cases, two cases pending Investigative Review Committee (IRC), and 24 closed cases from January 1, 2016 through May 11, 2016. The oldest active case is 471 days.

##### 4. Office of Disciplinary (ODC) Counsel - Tracey Perlman

Ms. Perlman presented the Board with the report from the Office of Disciplinary Counsel (ODC). She included in the report that ODC opened 23 cases, 13 cases are pending hearings, two case pending final orders, and one case was closed.

#### **8. Approval of Consent Agreement (CA)**

##### 1. Case No. OIE 2015-62

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

Respondent Stacey A. Hagood is a dual licensed Funeral Director/Embalmer in South Carolina and was acting as the supervising manager for Heritage Funeral Home in Allendale. Respondent stipulates and admits that he is required to work a full time employee schedule and must be present a minimum of 35 hours per week for the entire normal year of operation. When respondent was asked by the Board to verify that he

was working the required 35 hours a week the Respondent could not provide any documents, time cards, or pay stubs to confirm that his work schedule was met.

Respondent admits that the conduct in this matter is in violation of S.C. Code Reg § 57-01 (D) in that Respondent failed to provide verification whose work schedule indicated that he was present a minimum of 35 hours per week for the entire normal year of operation.

Therefore, it is agreed, with Respondent's Consent, that the Respondent's license shall be publicly reprimanded and Respondent shall pay a civil penalty of Five Hundred Dollars (\$500) to the Board within thirty (30) days of the effective date of this agreement.

**MOTION**

Mr. Horton called for a motion to go into Executive Session to receive legal advice. Mr. Temples made the motion, Dr. DuPre seconded, and the motion was passed unanimously.

**Return to Public Session**

**MOTION**

Dr. DuPre made a motion that the Board return to public session. Mr. Gray seconded the motion, which carried unanimously.

Mr. Horton stated, for the record, that no votes were taken during executive session.

**MOTION**

Ms. Cooper made a motion stating that the Board does not accept the Consent Agreement. The Board deems that Respondent's license be publicly reprimanded and suspended for two (2) years. The suspension shall be immediately stayed and converted to a two (2) year probationary period upon payment of a Five Hundred Dollar (\$500) civil penalty to the Board within thirty (30) days of the effective date of this agreement. Every week without proper managerial supervision shall constitute additional violations.

Mr. Petty seconded the motion. It was approved with Mr. Nelson opposing.

**Old Business**

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

**9. Application Hearings – Reciprocal License**

1. Daniel B. Jeffrey – Funeral Director/Embalmer

Mr. Jeffrey had appeared before the Board at the April 29, 2016 meeting requesting licensure through reciprocity with Massachusetts.

**MOTION**

Mr. Horton called for a motion to go into Executive Session to receive legal advice. Ms. Cooper made the motion, Mr. Gray seconded, and the motion was passed unanimously.

**Return to Public Session**

**MOTION**

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

Mr. Horton stated, for the record, that no votes were taken during executive session.

The Board questioned Mr. Jeffrey if his situation was the same as before. Mr. Jeffrey reported that it was.

**MOTION**

Ms. Cooper made a motion to approve Mr. Jeffrey's application, pending passing the SC Law Exam and fulfilling all other requirements. Additionally, the approval does not extend to all other Massachusetts

license holders and they would need to be reviewed on a case-by-case basis. Mr. Nelson seconded the motion, which carried unanimously.

## **New Business**

These proceedings were recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

### **Application Hearings**

#### **10. New Funeral Home of Ownership Change**

1. Folk Funeral Home Inc. – Parent – Billy Albert Williams, Jr.

Mr. Williams has applied to obtain ownership of his family's funeral home following the death of his father. He will remain as manager of the facility, a position he has held since 1992.

#### **MOTION**

Ms. Cooper made a motion to approve the change of ownership, Mr. Temples seconded, and it was approved unanimously.

2. Folk Funeral Home Inc. – Crematory – Billy Albert Williams, Jr.

Mr. Williams has applied to obtain ownership of his family's crematory following the death of his father. He will remain as manager of the facility, a position he has held since 1992.

#### **MOTION**

Ms. Cooper made a motion to approve the change of ownership, Mr. McKnight seconded, and it was approved unanimously.

3. Folk Funeral Home Inc. –Denmark – Billy Albert Williams, Jr.

Mr. Williams has applied for ownership of a new branch facility, formerly Mercer Funeral Home, in Denmark. Mr. Williams will be the manager of this facility. Mr. Williams has read the Rules and Regulations. He will be selling pre-need.

#### **MOTION**

Ms. Cooper made a motion to approve the change of ownership and manager pending a favorable pre-need letter from Consumer Affairs and final inspection. Mr. Nelson seconded and the motion was passed unanimously.

4. Jerry L. Hartley Funeral Home, LLC – Jerry L. Hartley

Mr. Hartley is requesting to change his funeral home from Jerry L. Hartley Funeral Home to Jerry L. Hartley Funeral Home, LLC. Mr. Hartley will remain as manager.

#### **MOTION**

Mr. Nelson made a motion to approve the change of ownership, Mr. McKnight seconded, and the motion was passed unanimously.

5. Cannon Funeral Home – Parent – Stanley Stone

Mr. Temples recused himself from this hearing.

Mr. Stone is applying to be manager of this new facility and lives 2.2 miles away. The current owner is Rollins Funeral Service and Mr. Stone is the current manager. The proposed owners are W. Andrew Byrd and James Al Cannon.

#### **MOTION**

Mr. Gray made a motion to approve the change of ownership upon provision of corporate resolution, Dr. DuPre seconded, and the motion was passed unanimously.

Mr. Temples rejoined the meeting.

6. Marion Funeral Home – Parent – Isaac Jackson

Mr. Jackson requests approval of this new facility and will serve as manager. He lives 1 mile from the funeral home and has read the Rules and Regulations.

**MOTION**

Mr. Temples made a motion to approve the facility with Mr. Jackson as manager, Mr. McKnight seconded, and the motion was approved unanimously.

**Application Hearings**

**11. Funeral Director/Embalmer License**

Mr. Petty recused himself.

1. Jessie S. Stephens

Ms. Stephens is requesting approval of her apprentice quarterly reports in order to proceed with her application for Funeral Director/Embalmer licensure. Ms. Stephens and her Preceptor misunderstood the mandatory AFGH (Arrangements with family and clergy, Sales of funeral service, Conducting funeral service, and Preparing death certificate) requirements for Funeral Director activities; they believed that completing 25 of each AFGH activity separately would fulfill the requirements, not that AFGH had to be done together for 25 cases. Ms. Stephens has completed the mandatory cases separately.

**MOTION**

Ms. Cooper made a motion to accept the apprenticeship and approve the application. Mr. Nelson seconded and the motion was passed unanimously.

**MOTION**

Mr. Nelson made a motion directing staff to amend the quarterly report form to include less ambiguous language in regards to how the activities should be completed. Mr. McKnight seconded and the motion was approved unanimously.

Mr. Petty rejoined the meeting.

**Application Hearings**

**12. Funeral Director/Embalmer License – Acceptance of Missing Quarterly Report**

1. Chan Jones

Mr. Jones is requesting acceptance of a quarterly report that was not received by staff within the 30 day limit in order to proceed with his application for Funeral Director/Embalmer licensure. Mr. Jones explained that when he applied for licensure he was told that he was missing a quarterly report. Upon learning this he was able to provide a copy of the missing quarterly report to staff within minutes.

**MOTION**

Mr. Nelson made a motion to accept the quarterly report and approve the application. Ms. Cooper seconded the motion, noting a situation like this could only be accepted on a case-by-case basis. The motion passed unanimously.

**13. Appearance**

1. David E. Tompkins

Mike Kelly, attorney for Mr. Tompkins, noted that Mr. Tompkins had his Funeral Director license suspended for two years on May 13, 2014. Mr. Tompkins has abided by the Final Order, has paid his civil penalty, and kept up with continuing education requirements. His suspension period was over on May 13, 2016 and he is here to request reinstatement of his license.

**MOTION**

Mr. Petty made a motion to approve the reinstatement of Mr. Tompkins' license, Mr. Temples seconded, and the motion passed unanimously.

**14. Online Funeral Sales Service**

**MOTION**

Mr. Horton called for a motion to go into Executive Session to receive legal advice. Dr. DuPre made the motion, Mr. Temples seconded, and the motion was passed unanimously.

**Return to Public Session**

**MOTION**

Dr. DuPre made a motion that the Board return to public session. Mr. O'Steen seconded the motion, which carried unanimously.

Mr. Horton stated, for the record, that no votes were taken during executive session.

**MOTION**

Ms. Cooper made a motion authorizing staff, in conjunction with a Board member, to issue a FAQ via an email blast dealing with applicable state law regarding online cremation offerings and body removal services. Mr. Nelson seconded and the motion was approved unanimously.

**MOTION**

Ms. Cooper then made a motion that a letter be sent to each licensed funeral establishment within the state involving applicable state law regarding online cremation offerings and body removal services. Mr. Gantt seconded the motion and it was approved unanimously.

**15. Requirement for Coroner's Cremation Permit – Ernest Adams**

Mr. Adams stated that South Carolina law requires a coroner's permit for cremation. He has had several questions about how to handle a situation where the person died in a state that does not require a coroner's permit for cremation and would like the Board's advice. After discussion the Board advised to abide by the state laws of the state in which the person dies.

**16. Public Comments (no votes taken)**

There were no public comments

**17. Adjournment**

**MOTION**

Mr. O'Steen made a motion the Board adjourn. Mr. McMillan seconded the motion, which carried unanimously.

The May 16, 2016, meeting of the South Carolina Board of Funeral Service adjourned at 1:07 p.m.

The next meeting of the South Carolina Board of Funeral Service is scheduled for June 16, 2016.