

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., September 15, 2016
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, September 15, 2016

1. Called To Order

Eddie M. Nelson, President, of Blythewood, called the regular meeting of the South Carolina State Board of Funeral Service to order on September 15, 2016 at 10:05 a.m. Other Board members present for the meeting included: William B. Horton, Jr., of Kingstree; Stephen R. Gantt, of Greenwood; Charvis K. Gray, Secretary, of Piedmont; D'Michelle P. DuPre, of Chapin; Wallace McKnight, Jr. of Andrews; and John L. Petty of Landrum.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program 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: Justin Jones of South Carolina Department of Consumer Affairs (SCDCA); Elizabeth Simmons, South Carolina Mortician Association (SCMA); Timothy Glover of Glover's Memorial Chapel; P. L. Griffin of Glover's Memorial Chapel; Mike Squires, South Carolina Funeral Directors Association (SCFDA).

A. Public Notice

Mr. Nelson announced that public notice of this meeting was properly posted at the South Carolina State Board of Funeral Service office, Synergy Business Park, Kingstree 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

Michelle Cooper and Stephen Lee McMillian were not in attendance. Mr. Jeffrey Temples and Mr. Sh'Kur Francis were not present at this time. The Board delayed a motion regarding the latter.

MOTION

Dr. DuPre made a motion to approve the absences of Michelle Cooper and Stephen Lee McMillian. Mr. Gray seconded the motion, which carried unanimously.

4. Approval of Minutes for the August 18 & 24, 2016 board meetings

Mr. Nelson called for a motion to approve the minutes for the August 18, 2016 and August 24, 2016 board meetings.

MOTION

Mr. Gray made a motion to approve the minutes as presented.
Dr. DuPre seconded the motion, which carried unanimously.

5. President's Remarks – Eddie Nelson

Mr. Nelson called for a moment of silence to honor the victims of 9/11. Mr. Nelson offered condolences to the family of Mr. Raymond Hamilton, who passed away on Monday, September 15, 2016. Mr. Hamilton served as the lead organist for the South Carolina Morticians Association.

Mr. Nelson reminded his fellow board members of the importance of due diligence.

6. Administrator's Remarks – Amy Holleman

A. Financial report - The cash balance at the end of August 2016 was -\$304,607.36.

Ms. Holleman reminded the Board that the International Conference of Funeral Service Annual Meeting will be held in Hilton Head in February 2017. Ms. Holleman reminded the Board that they can approve conference fees and travel for the Administrator and up to two board members.

Ms. Holleman informed the Board that 169 licensees, which includes individuals and facilities, were not yet renewed.

7. Reports

A. Inspection Report – Ernest Adams

Mr. Adams informed the Board that he and Mr. Poole conducted 59 inspections from August 17, 2016 to September 8, 2016.

Mr. Nelson called for a motion to accept the report as information only.

MOTION

Mr. Gray made a motion to accept the report as information only.
Mr. Petty seconded the motion, which carried unanimously.

B. Investigative Review Committee (IRC) Report – Sharon Wolfe

1. September 13, 2016 IRC Report.

Ms. Wolfe requested the Board review and approve the IRC report and recommendations to dismiss case numbers 2016-25; 2016-34; 2016-36; 2016-39; 2016-40; and 2016-30 and to send case numbers 2016-24; 2016-31; 2016-38; 2016-43; 2016-44; and 2016-45 forward for a formal complaint and issue a cease and desist for case number 2016-30; and to dismiss the reconsideration for case number 2015-33

Mr. Nelson called for a motion to approve the IRC recommendations.

MOTION

Mr. Horton made a motion to approve the IRC recommendations.

Mr. McKnight, Jr. seconded the motion, which carried unanimously.

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

Ms. Wolfe stated that the Office of Investigations and Enforcement (OIE) currently has a total of 39 cases:

- 9 Active investigations
- 3 Do not open cases
- 20 Closed cases
- 12 Pending Board action
- 2 Pending IRC
- 67 Cases closed January 1, 2016 – September 14, 2016
- The oldest active case is 195 days.

Mr. Nelson called for a motion to accept the report as information only.

MOTION

Mr. Gray made a motion to accept the report as information only.

Mr. McKnight, Jr. seconded the motion, which carries unanimously.

D. Office of Disciplinary (ODC) Counsel - Tracey Perlman

Ms. Perlman presented the Office of Disciplinary Counsel (ODC) report.

- 27 Open cases
- 13 Pending actions
- 4 Pending Hearings
- 9 Pending Final Orders
- 1 Pending CA/MOAs
- 4 Closed on or after August 17, 2016

Mr. Nelson called for a motion to accept the report as information only.

MOTION

Mr. Gray made a motion to accept the report as information only.

Dr. DuPre seconded the motion, which carried unanimously.

8. Approval of Consent Agreement (CA) – Tracey Perlman

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

1. Case No. OIE 2015-69

Ms. Perlman presented the Amended Consent Agreement to the Board. Ms. Perlman stated the Board heard the consent agreement at its last meeting and rejected the agreement because it did not include a probationary period of one year for Mr. Jordan.

Ms. Perlman informed the Board an amended agreement including the probationary period was signed by the Respondent. All other factors remain the same.

Mr. Raymond W. Jordan License No.: FD.1991 (the "Respondent") was licensed as a Funeral Director with the Board. The Respondent's license was first issued on July 13, 1988. At all times relevant to this matter, Respondent is a Funeral Director at Jordan Funeral Home (License No.: FE.110 PAR) located at 108 Lee Street in Darlington, South Carolina. Respondent is the manager for the funeral establishment and for a Funeral Director Apprentice, Leon Joshua McDaniel (License No.: FD 3768 APPR) and his preceptor, Sherman L. Barno (License No.: FDE. 1306 DUAL).

On July 1, 2015, the apprentice submitted a Quarterly Reporting Form towards his apprenticeship to the Board. On the report, the apprentice shows he embalmed several bodies, including mixing fluids, injecting fluids and the preparation of an autopsied body. The apprentice had not previously submitted an application as an Embalmer Apprentice, yet the preceptor signed the form as the preceptor.

In addition to unlicensed practice, the form reflected that the apprentice was not working thirty-five (35) hours apprentices were required to fulfill, by regulation.

On or about October 1, 2015, a complaint was filed against Respondent with the South Carolina Department of Labor, Licensing and Regulation ("LLR") stating that the Respondent aided an unlicensed person to engage in the practice of funeral service – embalming.

On or about October 29, 2015, Respondent submitted a response letter in regard to the complaint filed against the Respondent with LLR.

The Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

Respondent admits that the conduct in this matter is in violation of: **S.C. Code Ann. § 40-19-110(7); S.C. Code Ann. § 40-19-110(15); S.C. Code Ann. § 40-1-110(1)(c) and S.C. Code Ann § 40-1-110(1)(a).**

Respondent admits that by way of **S.C. Code Ann. § 49-19-110(14)**, Respondent has violated **S.C. Code Ann. Regs. § 57-01 (D).**

THEREFORE, IT IS AGREED WITH RESPONDENT'S CONSENT THAT:

1. Respondent's license shall be publicly reprimanded.
2. Respondent's license shall be placed in a probationary status for a period of one (1) year from the effective date of this Agreement.
3. Respondent shall pay a penalty of One-Thousand Five-Hundred Dollars (\$1,500.00). Respondent shall also pay an additional Five-Hundred Dollars (\$500.00) for the costs of the investigations, for a total fine of Two-Thousand Dollars (\$2,000.00) to be paid to the Board within sixty (60) days of the effective date of this Agreement. Said fine is not deemed paid until received in full by the Board. Failure to pay the fine as ordered may result in a suspension of the referenced licenses until such time as the civil penalty is paid in full.

4. Respondent acknowledges that Respondent has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement Respondent voluntarily relinquishes any right to judicial review of the Board's action(s), which may be taken concerning any related matters.
5. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be suspended pending further order of the Board. Non-compliance may result in further discipline. Any license law violations by Respondent shall constitute a failure to meet the conditions of this Consent Agreement.

MOTION

Mr. Horton made a motion that the Board accept and approve the amended Consent Agreement.

Mr. Gray seconded the motion, which carried unanimously.

9. Change of Manager

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

1. Glover's Memorial Chapel – P.L. Griffin, Jr.

Mr. Nelson recused himself from the hearing because Mr. Glover's firm is located in the same County as his establishment.

Mr. William Horton was asked to preside over the application hearing.

Mr. P.L. Griffin, Jr. and Mr. Timothy Glover were present for the hearing. Ms. Holleman informed the Board the application is complete with a few issues and that Glover's Memorial Chapel is currently under a thirty-day extension to find a new manager, which expires on September 21, 2016. Ms. Holleman informed the Board that the proposed manager, Mr. Griffin, is licensed and has been licensed since October 7, 2013. Mr. Griffin currently works full-time from 6 a.m. to 2 p.m. at BlueCross BlueShield of South Carolina.

Mr. Glover informed the Board that he was not aware he could have a lawyer present; however, both Mr. Glover and Mr. Griffin waived their rights to counsel. Mr. Glover informed the Board his previous manager resigned and that Mr. Griffin has agreed to work full-time with the funeral home, if approved as the manager.

Mr. Griffin told the Board that upon approval he will work full-time at the funeral home. Mr. Griffin stated he will switch to part-time at BlueCross BlueShield of South Carolina, with his new hours being 6:00 p.m. to 10:00 p.m. Mr. Glover informed the Board normal business hours for the Funeral Home are 9:00 a.m. to 6:00 p.m.

Ms. Holleman presented, for the record, a copy of the notice of hearing sent to Mr. Griffin, which informed Mr. Griffin of his right to legal counsel.

Mr. Gray asked Mr. Griffin if he was aware of the responsibilities of a funeral home manager as is set forth in statute and regulations. Mr. Griffin said that he did.

Executive Session

MOTION

Ms. Gray made a motion to go into Executive Session to receive legal advice in this matter. Dr. DuPre seconded the motion, which carried unanimously.

Return to Public Session

Mr. Horton called for a motion to return to public session.

MOTION

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

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

MOTION

Mr. Gray made a motion that the change of manager application be approved, naming Mr. P. L. Griffin, Jr. the manager of Glover's Memorial Chapel. Dr. DuPre seconded the motion, which carried unanimously.

Mr. Nelson returned to the meeting at 10:39 a.m.

2. Boatwright Chapel on Main – Torrance VaShaun White

Ms. Holleman informed the Board that neither Mr. Torrance White, the proposed manager, nor Ms. Teresa Boatwright, the facility's owner, were present for the hearing. Ms. Holleman confirmed for the Board that the noticed of hearing letter was mailed to Mr. White. Ms. Holleman informed the Board the establishment exhausted the thirty-day initial period to submit an application for a new manager as well as the thirty-day extension and is currently closed until such time that they may find a new manager.

3. Boatwright Funeral Home – Torrance VaShaun White

Ms. Holleman informed the Board, the proposed manager lives beyond the required 25 mile radius limit, but the owner, Ms. Teresa Boatwright, asked that they be placed on the agenda nonetheless. Neither Mr. White nor Ms. Boatwright were present for the application hearing. The Board deferred this application hearing until such time as the owner and manager could be present.

Mr. Nelson called for a motion to defer the hearing until the manager and owner are present.

MOTION

Mr. Horton made a motion to defer the hearing until the manager and owner are present.

Mr. Gray seconded the motion, which carried unanimously.

10. Discussion: Investigative Review Committee (IRC) Member Terms

Mr. Nelson called for a motion to go into Executive Session to receive legal advice in this matter. Ms. Nelson requested that Ms. Holleman remain for the session.

Executive Session

MOTION

Mr. Gray made a motion to go into Executive Session to receive legal advice in this matter and that Ms. Holleman attend the session.

Dr. DuPre seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Gray made a motion that the Board return to public session.

Dr. DuPre seconded the motion, which carried unanimously.

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

MOTION

Mr. Horton made a motion, that the IRC professional members serve a two (2) year term limit and that the appointment of three (3) IRC members be addressed at the October 2016 Board meeting.

Mr. McKnight, Jr. seconded the motion, which carried unanimously.

11. Continuing Education Assistance

Mr. Nelson informed the Board that previously the Continuing Education Review Committee consisted of two Board members, Mr. Jeffrey Temples and Mr. Mark O'Steen. Mr. O'Steen is no longer on the Board. He asked that the Board consider appointing someone to replace Mr. O'Steen on the Committee.

MOTION

Mr. Nelson made a motion to appointment Dr. DuPre as the new Continuing Education Review member.

Mr. Gray seconded the motion, which carried unanimously.

Ms. Holleman addressed the Board to see if they wished to uphold the current continuing education approval process in which the continuing education applications are initially received by staff and then forwarded to the Committee for review. At the completion of the review, if one committee member approves the class, it is considered approved, unless the other member proposed an objection, in which case both members will consult and render a decision.

The Board agreed to continue with the current process.

Mr. Horton reminded the Board that the State Law requires the Board provide continuing education classes at least twice a year. Ms. Holleman informed the Board, both she and Mr. Adams are working on a course that would provide regulatory updates and address frequently asked questions.

Absence of Mr. Temples addressed.

Mr. Nelson informed the Board, Mr. Temples contacted the Agency and will not be able to attend today's meeting, due to a service. Mr. Nelson called for a motion to approve his absence.

MOTION

Dr. DuPre made a motion to approve Mr. Jeffrey Temples' absence.
Mr. McKnight, Jr. seconded the motion, which carried unanimously.

Absence of Mr. Francis addressed.

The Board discussed Mr. Francis's absence and that he had not been able to attend any of the three meetings held since the day of his appointment. The first meeting was excused because staff had not yet been able to make contact with Mr. Francis and the Board did not know if he was yet aware of his appointment. The second absence was excused because Mr. Francis informed Ms. Holleman that it was his first day of classes in Atlanta. When Ms. Holleman spoke with Mr. Francis before that date, he told Ms. Holleman that he would be present for all meetings after that one, but he has not yet given staff the information they need to process his travel, get him on the secure site for meetings, etc. Ms. Holleman asked M s. McAllister, who confirmed that she mailed Mr. Francis the new board member packet, including all meeting dates, and that he had not yet returned the required information.

Mr. Francis did not reach out to Ms. Holleman nor her staff regarding the day's absence.

MOTION

Mr. Gray made a motion to not approve Mr. Francis's absence due to a lack of communication.

Mr. Petty seconded the motion, which carried unanimously.

12. Executive Session for Legal Advice, if needed

13. Public Comments (no votes taken)

There were no public comments

14. Adjournment

Mr. Nelson called for a motion to adjourn. Mr. Nelson reminded the Board that the meeting will start at 9:30 a.m. on September 21, 2016.

MOTION

Mr. Horton made a motion to adjourn the meeting.
Mr. McKnight, Jr. seconded the motion, which carried unanimously.

After ensuring there being no further business to discuss, Mr. Nelson adjourned the September 15, 2016, meeting for the South Carolina Board of Funeral Service at 11:35 a.m.

The next meeting of the SC Board of Funeral Service is scheduled for September 21, 2016 at 9:30 a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree building, Room 108, Columbia, South Carolina.