

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

9:30 a.m., September 21, 2016  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 108  
Columbia, South Carolina

**Wednesday, September 21, 2016**

**1. Called To Order**

Eddie M. Nelson, President, of Blythewood, called the meeting of the South Carolina State Board of Funeral Service to order on September 21, 2016 at 9:39 a.m. Other Board members present for the meeting included: William B. Horton, Jr., of Kingstree; Stephen R. Gantt, of Greenwood; D'Michelle P. DuPre, of Chapin; Wallace McKnight, Jr. of Andrews; and John L. Petty of Landrum.

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

Members of the public attending the meeting included: Jennie Daniels of South Carolina Department of Consumer Affairs (SCDCA); Elizabeth Simmons, South Carolina Mortician Association (SCMA); Jalair Leamon, Gaynell Tarrance, and Karl Allen with Alpha-Shine Funeral Services; Kymric Mahnke of Nelson Mullins; Leah Garrett, Mamie Garrett, Delores Wallace, Mechelle Lewis, Loretta Bryson, and Doug Garrett of Watkins, Garrett and Woods Funeral Home; Chris Robinson of Robinson Funeral Home; Evette Christie; Lovette Sims; and Alex Pate, LeeAnn Voohries, and Laturnya Williams of SCHAC.

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**

Charvis Gray was not in attendance.

**MOTION**

Mr. McMillian made a motion to approve his absence, Dr. DuPre seconded, and the motion was approved unanimously.

Mr. Nelson noted that Sh'Kur M. Francis resigned from the Board due to his academic schedule preventing him from attendance of the meetings.

**4. President's Remarks – Eddie Nelson**

Mr. Nelson noted that the lunch break would be from 12:30 pm to 1:30 pm.

**5. Administrator's Remarks – Amy Holleman**

Ms. Holleman welcomed the Board members and all attending.

**6. Application Hearing – New Facility/Change of Ownership**

1. Alpha-Shine Funeral Home Services, Inc. – Gaynell Workman Tarrance

Ms. Holleman informed the Board that Jalair Leamon was the owner with Ms. Tarrance as the proposed manager. This is the former Goins Funeral Home, but this was new ownership with a new corporate entity. A certificate of existence from the Secretary of State is the only missing documentation needed. Mr. Horton asked if this was the same facility as the previous funeral home and if they would be selling pre-need. Mr. Leamon replied that it is the same building and that they have plans to see pre-need once qualified. Mr. Temples asked if both Ms. Tarrance and Mr. Leamon had read the Rules and Regulations. Ms. Tarrance and Mr. Leamon both replied that they had read the Rules and Regulations. Mr. Nelson again asked if Mr. Leamon would be selling pre-need. Mr. Leamon responded that he would when qualified.

**MOTION**

Mr. Horton made a motion to approve the application pending receipt of certification of existence and final inspection. Mr. McMillian seconded the motion, which carried with Ms. Cooper voting no.

**7. Motion to Reconsider**

1. Case Nos. OIE 2014-25, 2015-28

Petitioner withdrew the Motion to Reconsider.

**8. Disciplinary Hearings**

1. Case Nos. OIE 2014-24, 2015-54

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

Tracey Perlman represented the State, while Kymric Mahnke represented the Respondents.

The State alleges that:

Watkins-Garrett-Woods Mortuary (hereinafter "Respondent-Establishment") is duly licensed in this state by the South Carolina Board of Funeral Services (hereinafter the "Board") as a Funeral Establishment. Fred D. Garrett, Jr. (hereinafter "Respondent-Director") is duly licensed by the Board as a Funeral Director/Embalmer and is the

recognized manager of Respondent- Establishment. Respondent-Director was first licensed on July 8, 1987. For purposes of this complaint, unless otherwise noted, Respondent-Establishment and Respondent-Director will be referred to collectively as "Respondents."

Pursuant to S.C. Code Ann. § 40-19-115 (1998, as amended), the Board has jurisdiction over Respondents and the subject matters contained herein.

Respondent-Director has prior disciplinary action against him in the form of a Consent Agreement for failure to have a signed contract prior to providing funeral services. Respondent- Director was issued a public reprimand and a civil penalty for \$500.00.

Upon information and belief, Respondents have engaged in actions that violate S.C. Code Ann.

§ 40-19-5, *et seq.* (1998, as amended), S.C. Code Ann. § 40-1-10, *et seq.* (1976, as amended), and S.C. Code Ann. Regs. § 57-13 (1989, as amended) by engaging in the following acts:

1. Complainant contacted Respondents to inquire about picking up the cremains of her recently deceased aunt (hereinafter "Decedent"). Respondent advised Complainant that the remains of the Decedent would not be released to until the funeral bill was paid in full.
2. On or about April 26, 2014, Complainant contacted Respondent to pick up the cremains of the Decedent and pay her bill in full. When picking up the cremains, Complainant questioned whether or not she received the correct cremains because, while the number on the box and certificate matched, there was no identification medallion on the bag of remains, as there should have been.
3. On or around May 8, 2014, due to Respondents' unresponsiveness to Complainant's questions about the identification and cremation process, and failure of Respondents to assume responsibility for the possible erroneous cremains, the Complainant filed a complaint with the South Carolina Department of Labor, Licensing, & Regulation Board of Funeral Services, regarding the missing medallion.
4. During the investigation of this matter, Respondents admitted that it is their practice not to release cremains until the balance of the funeral service has been paid in full. Respondents stated that they have 50-100 cremains dating back to the 1990's that have not been provided to the families due to the account have a balance owed.
5. Based on the information obtained during the investigation of the Complaint, the Board issued a Letter of Caution to the Respondent stating that medallions should not be removed so that cremains are properly and easily able to be identified.
6. After notification of the resolution of the case with the Letter of Caution, Complainant requested the complaint be reopened due to the fact that she had obtained two sets of cremains and certificates from the Respondent. Complainant did not initially disclose that she had received two sets of cremains as she wanted

the Respondent to admit their mistake and address how to rectify this going forward. The complaint was reopened upon these additional facts.

7. Respondents were notified that the case against them had been re-opened.
8. During the reopened investigation Respondents, though their attorney, admitted the following:
  - a. Respondents provided Complainant with two sets of cremains.
  - b. Mr. Ruffin, an employee of the funeral home, requested a second cremation certificate, box and label at the direction of Respondent-Director.
  - c. The second set of cremains had been at Respondent-Establishment for over ten years. Respondents knowingly, willingly, and intentionally gave these cremains to Complainant.

9 At no time during the first investigation did Respondents allege that Complainant committed any wrongdoing or was in possession of two sets of cremains.

Upon information and belief, and as a result of the above, Respondent's conduct violates the following provisions of the laws governing funeral directors in this State:

1. Respondent is in violation of **S.C. Code Ann. § 40-19-110(1) (1976, as amended)** in that Respondent made misrepresentations or committed fraud while engaging in the practice of funeral service through giving a family member back a set of cremains that the Respondent knew was not the correct person.
2. Respondent is in violation of **S.C. Code Ann. § 40-19-110(9) (1976, as amended)** in that Respondent refused to properly release a dead human body to the custody of the person or entity who has the legal right to effect a release through giving a family member back a set of cremains that the Respondent knew was not the correct person..
3. Respondent is in violation of **S.C. Code Ann. § 40-1-110(I)(c) (1976, as amended)** in that Respondent has intentionally or knowingly, directly or indirectly, violated or has aided or abetted in the violation or conspiracy to violate this article or a regulation promulgated under this article through giving a family member back a set of cremains that the Respondent knew was not the correct person.
4. Respondent is in violation of **S.C. Code Ann. § 40-1-110(I)(f) (1976, as amended)** in that Respondent has committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public through giving a family member back a set of cremains that the Respondent knew was not the correct person.
5. Respondent is in violation of **S.C. Code Ann. § 40-1-110(I)(g) (1976, as amended)** in that Respondent lacks the professional or ethical competence to practice the

profession or occupation through giving a family member back a set of cremains that the Respondent knew was not the correct person.

6. Respondent is in violation of **S.C. Code Ann. § 40-1-110(l)(k) (1976, as amended)** in that Respondent violates a provision of this article or of a regulation promulgated under this article through giving a family member back a set of cremains that the Respondent knew was not the correct person.
7. Respondent is in violation of **S.C. Code Ann. § 40-1-110(1)(1) (1976, as amended)** in that Respondent violated the code of professional ethics adopted by the applicable licensing board for the regulated profession or occupation or adopted by the department with the advice of the advisory panel for the professions and occupations it directly regulates through giving a family member back a set of cremains that the Respondent knew was not the correct person.
8. Respondent is in violation of **S.C. Ann. Regs. § 57-13(A)(6) (1976, as amended)** in that Respondent made misrepresentations concerning any aspect of the services rendered or the funeral furnishings or disposition alternatives through giving a family member back a set of cremains that the Respondent knew was not the correct person.

Both parties presented arguments and witnesses. Ms. Perlman noted that the State does not intend to pursue alleged practice act Violation #8.

**MOTION**

Mr. McMillan made a motion to go into Executive Session for Legal Advice. Mr. McMillan seconded the motion, which carried unanimously.

**Return to Open Session**

**MOTION**

Mr. Gantt made a motion to return to Open Session. Mr. McMillan seconded the motion, which carried unanimously. Mr. Nelson noted that no votes had been taken in Executive Session.

**MOTION**

Ms. Cooper made a motion that the State proved its burden of proof in regards to Violations #1, #2, #3, #4, #6, and #7. Sanctions are a public reprimand, a civil fine of \$500 per each violation for a total of \$3,000 to be paid within sixty (60) days of the Final Order, and one (1) year of probation for Respondent Director. All allegations are dismissed in regards to Respondent Establishment. Mr. McMillan seconded the motion and it was passed unanimously. Mr. Horton strongly encouraged the return of the second set of cremains to the Respondent Establishment.

Mr. McMillan 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**

There being no further business Mr. Nelson called for a motion to adjourn the meeting.

**MOTION**

Ms. Cooper made a motion to adjourn, Mr. McKnight seconded the motion, and the meeting was adjourned at 9:08 pm.

The next meeting of the SC Board of Funeral Service is scheduled for October 27-28, 2016 starting at 10:00 a.m. on October 27 at Synergy Business Park, 110 Centerview Drive, Kingstree building, Room 108, Columbia, South Carolina.