

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., October 27, 2016
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, October 27, 2016

1. Meeting 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 October 27, 2016 at 9:30 a.m. Other Board members present for the meeting included: Jeffrey K. Temples, Vice President of Columbia; Charvis K. Gray Secretary, of Piedmont; Stephen R. Gantt, of Greenwood; Wallace McKnight, Jr., of Andrews; William B. Horton, Jr., of Kingstree; Michelle A. Cooper, of Moncks Corner; and Stephen Lee McMillan, Jr., of Myrtle Beach.

Staff members participating in the meeting included: Donnell Jennings, 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; and Ernest Adams and William Poole, Inspectors, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Jason M. Moberly of Anderson, SC; Archie D. Willis, III, McAlister-Smith Funeral Home; Mack Smith, McAlister-Smith Funeral Home; Stanley Rice, Sanders-Thompson Funeral Service, LLC; Ernest N. Irby II, The Irby Law Firm; Doris B. Jackson, Sanders-Thompson Funeral Service, LLC; Billy "Brent" Williams, Cooner Funeral Home LLC; Ronald D. Rogers, Cooner Funeral Home LLC; Ed Hatcher, Hatcher Funeral Home; Ronnie Feelee; Thomas J. Conway, Williamsburg Funeral Home; and Anna W. Taylor, Williamsburg Funeral Home.

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 Abuilding, 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

Dr. D'Michelle P. DuPre and Mr. John L. Petty, III were not in attendance.

MOTION

Mr. Temples made a motion to approve the absences.

Mr. Gray seconded the motion, which carried unanimously.

4. Approval of Minutes for September 15, 2016 and September 21, 2016 board meetings.

Mr. Nelson called for a motion to approve the minutes for the board meetings for September 15, 2016, and September 21, 2016.

MOTION

Mr. Horton made a motion to approve the minutes as presented.

Mr. McKnight seconded the motion, which carried unanimously.

5. President's Remarks – Eddie Nelson

Mr. Nelson thanked everyone for attending the meeting. Mr. Nelson informed the board that due the issues being resolved prior to the Board meeting, item 8, Sanders- Thompson Funeral Services, LLC has been stricken from the agenda.

Mr. Nelson called for a motion to move agenda item 12 to item 8. Ms. Cooper made the motion, and Mr. Gray seconded the motion, which carried unanimously. Ms. Cooper made an amendment to the motion to include moving items 11 and 12 the slot for item 8. Mr. McMillan seconded the motion, which carried unanimously.

6. Administrator's Remarks – Amy Holleman

A. Ms. Holleman presented the financial report informing the Board that the cash balance at the end of September 2016 was -\$338,416.11.

Ms. Holleman informed the Board that staff will mail the cease and desists packets to licensees who failed to renew within the next few days. Ms. Holleman informed the Board that 150 licensees failed to renew, and that number included both individuals and establishments. The Board asked if Ms. Holleman knew why so many did not renew, and Ms. Holleman told them that there are various reasons, ranging from licensees relocating to establishments closing without notifying the Board staff to licensees forgetting to renew to licensees choosing not to practice anymore.

7. Reports

A. Inspection Report

Mr. Adams informed the Board that he and Mr. Poole conducted 66 inspections from September 8, 2016 through October 20, 2016.

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

Ms. Wolfe requested the Board review and approve the IRC report and recommendations to dismiss cases 2016-51; to issue a cease and desist to case 2016-50; to issue a letter of caution to case 2016-11, and to send forward for a formal complaint for case 2016-4.

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

MOTION

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

Mr. Lee seconded the motion, which carried unanimously.

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

Ms. Wolfe stated the Office of Investigations and Enforcement (OIE) currently has a total of 57 cases with the oldest case being 231 days old. The report shows the following: 14 active investigations; 25 closed; 3 do not open case; 3 pending board action; 1 pending IRC, and 75 closed cases from January 1, 2016 through October 20, 2016, including 4 do not open cases. The report was provided as information only.

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

Ms. Perlman presented the Office of Disciplinary Counsel (ODC) report as follows; 24 open cases; 8 pending action; 7 pending hearings; 9 pending final orders and 4 closed on/or before September 8, 2016. The report was provided as information only.

Mr. Nelson thanked, Ms. Pearlman for the report, and expressed the Board's gratitude toward Ms. Perlman for her continued service and dedication.

New Business

8. A. Change of Manager

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

1. Cooner Funeral Home LLC – Ronald D. Rogers

Ms. Holleman informed the Board that Mr. Rogers' application was complete. He is requesting to be approved as the interim manager of Cooner Funeral Home. He is requesting a temporary waiver for 18 months for the residence distance requirement for a manager. Mr. Rogers stated the 18 months will allow Ms. Formby additional time to locate a suitable candidate as the facility manager of Cooner Funeral Home. Mr. Rogers resides 37.8 miles from the funeral home, Ms. Holleman confirmed the mileage was measured by radius.

Mr. Ronald D. Rogers, proposed manager of Cooner Funeral Home; Mr. Billy "Brent" Williams III, manager of Cooner Funeral Home, and Mr. Ed Hatcher of Hatcher Funeral Home were present for the hearing.

Mr. Rogers confirmed he resides 37.8 miles from the funeral home; however, he is willing to temporarily serve as the manager, if approved by the Board. Mr. Rogers presented his credentials to the Board. He attended Mortuary School in Atlanta, GA and has been in the funeral service field since 1969. Mr. Rogers informed the Board that Ms. Formby is actively searching for a suitable manager. The current manager, Mr. Williams, plans to leave Cooner Funeral Home to assist his family with Folk Funeral Home; therefore, he will be leaving as soon as a new manager is confirmed, according to Mr. Rogers.

Executive Session

MOTION

Mr. Horton made a motion to go into Executive Session to receive legal advice in this matter.

Ms. Cooper seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

Mr. Gray seconded the motion, which carried unanimously.

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

The Board asked Mr. Williams how many facilities he is currently managing. Mr. Williams responded, "one."

Executive Session

MOTION

Mr. Horton made a motion to go into Executive Session to receive legal advice

Mr. Gray seconded the motion, which carried unanimously

Return to Public Session

MOTION

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

Mr. McMillan seconded the motion, which carried unanimously.

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

MOTION

Ms. Cooper made a motion that the Board deny Mr. Rogers' application for manager and that Ms. Formby find a manager that meets the present South Carolina statutes and the regulations governing the South Carolina State Funeral Service Board. In addition, Ms. Formby is to appear before the Board at the December 2016 board meeting with a suitable manager.

Mr. Temples seconded the motion, which carried unanimously.

B. Extension of Apprenticeship

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

1. Jason Mark Moberly

Ms. Holleman informed the Board that Mr. Moberly's application is complete.

Ms. Holleman informed the Board that Mr. Moberly is requesting an extension on his apprenticeship in order for him to complete his education. Mr. Moberly was present on his own behalf.

Mr. Moberly informed the Board his projected graduation date is August 3, 2017.

MOTION

Ms. Cooper made a motion to approve the extension for one year.

Mr. McKnight seconded the motion, which carried unanimously.

2. Thomas Joseph Conway

Mr. Horton recused himself from the hearing

Ms. Holleman informed the Board that Mr. Conway's application is complete.

Ms. Holleman informed the Board that Mr. Conway is requesting an extension on his apprenticeship in order to complete his education. Mr. Conway was present on his own behalf.

Mr. Conway informed the Board his projected graduation date is August 8, 2017.

MOTION

Mr. McMillian made a motion to approve the extension for one year

Mr. McKnight seconded the motion, which carried unanimously.

3. Anna Wade Taylor

Ms. Holleman informed the Board that Ms. Taylor needed to submit a copy of her Social Security card and that all other requirements of the application were completed. Ms. Holleman informed the Board that Ms. Taylor is requesting an extension on her apprenticeship in order to complete her education. Ms. Taylor was present on her own behalf and presented a copy of her Social Security card.

Ms. Taylor informed the Board her projected graduation date is May 19, 2017.

MOTION

Mr. McMillan made a motion to approve the extension for one year

Mr. McKnight seconded the motion, which carried unanimously.

Mr. Horton returned to the Board meeting at 10:56 a.m.

9. Approval of Memorandum of Agreement

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

1. Case Nos. OIE 2014-27, 2015-18

Ms. Michelle Cooper recused herself.

Ms. Perlman presented the Memorandum of Agreement to the Board. Ms. Perlman informed the Board the Respondents, Marvin Matthew Smith (hereinafter referred to as "Respondent-Director"} License No. FD.2340 and Palmetto Cremation Society (hereinafter referred to as "Respondent-Facility") License No FE.430 CREM for the purpose of this agreement unless otherwise stated, Respondent Director and Respondent Facility will be referred to, collectively as Respondents

Ms. Perlman stated that a Notice and Complaint, dated December 2, 2015, had been filed and served alleging that Respondents violated state law related to funeral service pursuant to S.C. Code Ann. §§ 40-19-5 *et seq.* (1998, as amended) 40-1-10 *et seq.* (1976, as amended) and the rules and regulations pertaining to the practice of funeral service in this state.

THEREFORE, THE PARTIES HERETO STIPULATE to the following facts, to be considered by the Board for the purpose of determining an appropriate sanction, if any in connection with the disciplinary matter pending against Respondents:

1. On or about January 17, 2013, Respondents obtained the body of Mr. Paul Suttles ("decedent") from the Medical University of South Carolina ("MUSC"). Per decedent's final wish, decedent was utilized for teaching purposes at MUSC. The decedent completed an Anatomical Gift Form confirming his wishes. Respondents cremated the decedent on January 18, 2013.
2. Decedent's Anatomical Gift Form authorized the cremation of his remains and designated Complainant as next of kin for return of the cremains. On or about February 25, 2014, MUSC provided Respondents with authorization to release cremains. Complainant was notified that decedent's cremains were ready to be retrieved and Complainant traveled to Charleston to retrieve the cremains from Respondents.
3. Respondents provided Complainant with a Certificate of Cremation and a temporary urn that contained the cremains. Respondent related that the number in the right corner on the Certificate should match the number on the metal disc located on the cremains.
4. Upon arriving home, Complainant realized that the numbers on the Certificate and on the metal disc attached to the cremains did not match. The Complainant informed Respondents of her findings. Respondents assured Complainant that the remains were correct. Respondents stated that the staff made a mistake in placing the wrong number on the certificate.
5. Complainant filed a complaint with South Carolina Department of Labor, Licensing, and Regulation ("L.L.R.") regarding her experience with Respondents. LLR assigned Investigator Yolanda Rodgers to investigate the allegations in the complaint. Respondent-Director reiterated to Investigator Rodgers that one of his employees made a clerical error and that the ashes received by Complainant were correct.
6. After reviewing the information provided during the investigation, Investigator Rodgers ascertained that the remains Complainant had in her possession were that of the decedent and that the number on the Certificate did not match the number on the urn containing the cremated remains due to clerical error. Respondent has since implemented a system to assure the identification of each deceased through all steps of the crematory process.
7. MUSC admitted that it was responsible for the length of time it took to allow authorization for the cremains to be returned.

RESPONDENTS ADMIT that the aforementioned acts of Respondents are violations of the following:

1. Respondent violated S.C. Code Ann. Regs. § (B)(3) in that the Respondent's employee failed to comply with the record keeping requirements of this chapter.

The Respondent informed the Board that there was no intention to deliberately harm the family. The Respondent stated the numbers are issued in sequence, however when processing the certificate this single number was typed out of sequence, an unintentional human error. The Respondent reassured the Board that the Respondent's has an efficient staff that made a human mistake. The Respondent stated corrective measure have been put in place to lessen the probability of this error reoccurring.

MOTION

Mr. Horton made a motion to dismiss the case,
Mr. McMillian seconded the motion, which carried unanimously.

Ms. Cooper returned to the meeting at 11:28 a.m.

10. Disciplinary Hearing

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

1. Case No. OIE 2016-10

Ms. Perlman informed the Board the Respondents has entered into a Memorandum of Agreement, which Ms. Perlman presented to the Board. The Respondent, Amanda Elizabeth Bryant, License No. FDE. 3233, for the purposes of this Memorandum of Agreement and Stipulation of Facts, unless otherwise specified, Amanda Elizabeth Bryant shall be referred to as Respondent.

Ms. Perlman stated a Notice and Complaint, dated September 26, 2016, was filed and served alleging that Respondent violated applicable state laws and regulations related to funeral service pursuant to S.C. Code Ann. §§ 40-19-5 et seq. (1998, as amended.).

THEREFORE, RESPONDENT STIPULATES AND ADMITS to the following facts, to be considered by the Board for the purpose of determining an appropriate sanction, if any, in connection with the disciplinary matter pending against Respondent:

1. On or about February 2, 2016, Complainants met with Respondent to make funeral arrangements for their deceased mother, Brenda Stuard. Shuford-Hatcher held the body while the discussions were being made and all discussion concluded on February 2, 2016 with no formal arrangements made between the Complainants and the Respondent.
2. On or about February 5, 2016, Complainants contacted the Respondent and requested Respondent release their mother's body to Gordon Mortuary of Blacksburg, South Carolina. Respondent quoted the complainants \$225 for removal and \$300 for embalming.

3. Between February 2, 2016 and February 5, 2016, Respondent embalmed Ms. Stuard's body without authorization from the Complainants. Shuford-Hatcher waived the embalming fee due to lack of written permission.

THE STATE CONTENDS that the aforementioned acts of Respondent present grounds constitute misconduct and are a violation of the following:

- a) S.C. Code Ann. § 40-19-290 (D) in that Respondent failed to obtain a written statement signed by the representative of the funeral home and the person authorizing the service prior to the rendering of any such service.

IN MITIGATION, RESPONDENT AVERS THE FOLLOWING:

1. That Respondent provided the Complainant with two draft contracts and a copy of the facilities General Price List.
2. That Respondent was provided with verbal approval to embalm the decedent by the decedent's next of kin.
3. That the family of the decedent was very distraught at the time of the initial meeting.
4. That Respondent, upon notification that the family was contesting the fact that a verbal approval for had been given, Respondent contacted her manager and received permission to have the fee removed from the charges.
5. That Respondent phoned the family and apologized for any real or perceived miscommunication.
6. That Respondent has never before been subject to any disciplinary action by the Board and deeply regrets that this issue has come to pass.

MOTION

Ms. Cooper made a motion to dismiss the case.

Mr. Gray seconded the motion, which carried unanimously.

11. Appointment of Investigative Review Committee members

Mr. Nelson opened the floor for nominations for the Investigative Review Committee. Mr. Nelson nominated Tommy Baker and Felicia Smith. Mr. Horton made a motion to reappoint Glen Miller and Glen Crawford. The motion was seconded by Mr. McKnight. The Board discussed the functions of the IRC and made a decision to go into executive session to receive legal advice. The Board requested that Ms. Holleman joined the session. Mr. Horton rescinded his motion.

Executive Session

MOTION

Mr. McMillan made a motion to go into Executive Session to receive legal advice
Mr. Temples seconded the motion, which carried unanimously

Return to Public Session

MOTION

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

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

MOTION

Mr. Gantt made a motion to reappoint Glen Miller to the Investigative Review Committee.
Mr. McMillan seconded the motion, which carried unanimously.

MOTION

Mr. Gray made a motion to reappoint Glen Crawford to the Investigative Review Committee.
Ms. Cooper seconded the motion, which carried unanimously.

MOTION

Ms. Cooper made a motion to appoint Frank M. Way, III to the Investigative Review Committee.
Mr. Horton seconded the motion, which carried unanimously.

12. Approval of Meeting Dates/Calendar for 2017

MOTION

Mr. Horton made a motion that the proposed dates be approved for the 2017 South Carolina State Board of Funeral Service meeting dates. Mr. Gray seconded the motion, which carried unanimously. The approved dates are:

MONTH	DATE	MONTH	DATE
January	Tuesday, January 31, 2017 Rooms 107 & 108	July	Tuesday, July 25, 2017 Rooms 107 & 108
FEBRUARY	Wednesday, February 22, 2017 Thursday, February 23, 2017 Rooms 107 & 108	AUGUST	Wednesday, August 30, 2017 Thursday, August 31, 2017 Elections of Officers Rooms 107 & 108
March	Tuesday, March 28, 2017 Rooms 107 & 108	September	Thursday, September 14, 2017 Room 105
APRIL	Tuesday, April 25, 2017 Wednesday, April 26, 2017 Rooms 107 & 108	OCTOBER	Wednesday, October 4, 2017 Thursday, October 5, 2017 Rooms 107 & 108
May	NO MEETING	November	Thursday, November 2, 2017 Rooms 107 & 108
JUNE	Wednesday, June 7, 2017 Thursday, June 8, 2017 Rooms 107 & 108	DECEMBER	Wednesday, December 6, 2017 Thursday, December 7, 2017 Rooms 107 & 108

13. Adjournment

MOTION

Mr. Gray made a motion to adjourn the meeting

Mr. Temples seconded the motion, which carried unanimously.

Mr. Nelson, after ensuring there being no further business to discuss, adjourned the October 27, 2016 meeting for the South Carolina State Board of Funeral Service at 12:23 p.m.

The next meeting of the South Carolina Board of Funeral Service is scheduled for December 7, 2016 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.