

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

10:00 a.m., February 17, 2016  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Wednesday, February 17, 2016**

**1. Meeting Called to Order**

William B. Horton, Jr., President, of Kingtree, called the regular meeting of the SC Board of Funeral Service to order at 10:05 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, D'Michelle P. DuPre, of Chapin; Stephen R. Gantt, of Greenwood; Charvis K. Gray, of Piedmont; S. Lee McMillan, Jr., of Myrtle Beach; and Mark R. O'Steen, of Spartanburg.

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; Rodney Pigford, 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: James Copeland, of South Carolina Department of Consumer Affairs (SCDCA); Randall Hiller, Attorney, Adolphus Howard of Westville Funerals, Marcus D. Brown of Brown Funeral Home, and Rodman Tullis.

A. Public Notice

Mr. Horton announced that public notice of this meeting was properly posted at the SC 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. Ms. Holleman introduced Andrew Rogers as the new Assistant Deputy Director.

**3. Approval of Excused Absences**

There were no absences.

**4. Approval of Minutes for the December 9, 2015 board meeting**

**MOTION**

Mr. Horton called for a motion to approve the minutes from the December 9, 2015, board meeting. Dr. DuPre noted the correct date for the May meeting should be May 16, 2016. Mr. Nelson made a motion to approve the minutes as changed, Mr. McMillan seconded the motion, which carried unanimously.

## 5. President's Remarks – Billy Horton

Mr. Horton welcomed everyone.

Mr. Horton then presented Marcus Brown, former Board member, and Doris Cubitt, former Board Administrator, with Plaques recognizing their service to the Board and the State.

## 6. Administrator's Remarks – Amy Holleman

### A. Financial report

Ms. Holleman presented financials which show a -\$716,404 cash balance at the end of January 2016. Licensing fees have been changed, a listing of which is attached to these minutes, and should result in a positive cash flow at the end of two more renewal cycles.

#### **MOTION**

Mr. Horton suggested it would be a good idea to send the new licensing fees to funeral homes and mortuaries. Mr. Petty made a motion to authorize staff to send out the new licensing fees to funeral homes and mortuaries, Dr. DuPre seconded, and the motion passed unanimously.

### B. Inspectors to Attend Crematory Operations Certification in Macon, GA.

Ms. Holleman called on Mr. Adams for explanation of a Crematory Operations Certification Program being conducted by the Cremation Association of North America on March 9, 2016 in Macon, GA. Mr. Adams explained that his crematory operator certification expires on April 1, 2016, and he feels that knowledge of current crematory operations would aid in inspections of crematories and help minimize any risk to the public.

#### **MOTION**

Mr. Horton called for a motion to approve Mr. Adams' attendance to the program. Mr. Petty made a motion, Dr. DuPre seconded.

After discussion of finances and acknowledgement that the Agency would have final approval of attendance the motion was approved unanimously.

## 7. Reports

### A. Inspection Report – Ernest Adams

Mr. Adams informed the Board that he and Mr. Poole conducted 76 inspections from December 2, 2015 to February 9, 2015.

### B. Investigative Review Committee (IRC) Report

#### 1. February 1, 2016 IRC Report.

Mr. Pigford noted that the IRC recommended to dismiss case numbers 2015-2, 2015-24, 2015-36 and 2015-61 and to issue a formal complaint regarding case numbers 2015-35, 2015-62, 2015-77, and 2015-82.

#### **MOTION**

Mr. Temples recused himself from voting on case number 2015-61. Mr. O'Steen made a motion to approve the February 1, 2016 IRC dismissal of case number 2015-16, Mr. Petty seconded, and the motion was passed unanimously. Upon Mr. Temples' return Mr. O'Steen made a motion to approve the remaining cases, Mr. McMillan seconded, and the motion was passed unanimously.

### C. Office of Investigations and Enforcement (OIE) Report

Mr. Pigford stated that the Office of Investigations and Enforcement (OIE) currently has 12 active investigations, 25 do not open cases, two opened cases, nine cases pending Investigative Review

Committee (IRC), and 52 closed cases from January 1, 2015 through December 31, 2015. The oldest active case is 427 days. From January 1, 2016 through February 8, 2016 there is one active investigation and five opened cases. Fourteen cases have been closed during that time period.

#### D. Office of Disciplinary (ODC) Counsel

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

### **New Business**

#### **8. Application Hearings – Additional Facility Application**

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

##### **1. Cremation Society of SC – Westville Funerals, LLC**

Mr. Hiller spoke on behalf of Adolphus C. Howard and Cremation Society of SC – Westville Funerals, LLC. He explained that this facility will be the crematory for Cremation Society of SC – Westville Funerals, LLC, license FE.886, and Mr. Howard is the proposed manager. This will be a crematory only, and they did not wish to open a funeral home to meet with families at that location at the time of the meeting.

Both the funeral home, Cremation Society of SC – Westville Funerals, LLC and the new crematory are owned by another LLC, Graceland Westville Funerals and Cremations, LLC. The crematory, formerly licensed to owner Randall Harreld as Simply Cremation, changed hands some time in 2014. At that time, Mr. Harreld applied for a change of name from Green Burial Society to Simply Cremation, but he did not notify the Board of the change in ownership. Mr. Hiller informed staff that the new owner at that time was Simply Cremation, LLC, and that Mr. Harreld was not an owner. Simply Cremation, LLC will not be the owner of this facility.

The Board asked that Mr. Hiller clarify various ownership questions. During the course of the licensing hearing, Mr. Hiller was unable to provide the Board with details about the ownership of the property, the equipment within the building, the members of the LLCs, and a complete list of LLCs and other owners in the company.

#### **MOTION**

Mr. Horton called for a motion to go into Executive Session to receive legal advice. Mr. Nelson made the motion, Mr. Gray 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 Board felt there was not clear evidence that Mr. Howard meets the statutory definition of “manager” and the application was not clear regarding who would be the employer and the application is denied. Furthermore, the Board requests the Applicant to appear before them at the March 2016 meeting and provide the following:

- a. The corporate structure of each LLC involved with the Applicant;
- b. The members of each LLC involved with the Applicant, including the managing member;
- c. The owner(s) of the property upon which the proposed crematory is located;
- d. Any and all property lease agreements involving the land where the proposed crematory is located;
- e. A witness or witnesses who can provide accurate and truthful testimony regarding who would employ Howard as a full time regular employee to manage the crematory; and,
- f. A witness or witnesses who can provide accurate and truthful testimony regarding who has the binding authority to confer upon Howard the ability to manage the proposed crematory on a day to day basis.

Mr. Gray seconded the motion and it was passed unanimously.

## **9. Apprentice Application**

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

### **1. Rodman Collins Tullis**

Ms. Holleman noted that staff could not approve Mr. Tullis' application due to him being disbarred in 2007. Mr. Tullis provided background information in his application.

Mr. Tullis was sworn in and appeared before the Board to answer any questions. He explained that while his law practice was considered successful he began having doubts about continuing his legal career which led to marital, physical, and psychological problems. When complaints were filed against him he decided not to contest the charges and which resulted in his disbarment. He decided to start working at his family's funeral home to uphold his family's legacy and find peace.

Ms. Cooper questioned as to the findings of the S.C. Supreme Court, which were that he failed to adequately communicate with his clients, failed to act with diligence and competence; misused and mismanaged trust account funds; and failed to respond to disciplinary inquiries. She expressed concern about the misuse of trust funds and if the funeral home he would be working at handled pre-need contracts. Mr. Tullis explained that the funeral home does not offer pre-need contracts. He also offered that by not contesting any of the charges all charges are considered valid, and at the time not contesting the charges and allowing for disbarment seemed in his best interests.

### **MOTION**

Mr. Horton called for a motion to go into Executive Session to receive legal advice. Mr. O'Steen made the motion, Mr. McMillan seconded, and the motion was passed unanimously.

## **Return to Public Session**

### **MOTION**

Mr. McMillan 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**

Mr. Gray made a motion to approve Mr. Tullis' application, Mr. O'Steen seconded the motion, which carried unanimously.

## **10. Discussion**

The Board discussed what to do when the name of a funeral home name includes the name of a revoked person.

**MOTION**

Mr. Horton called for a motion to go into Executive Session to receive legal advice. Mr. O'Steen made the motion, Mr. Petty seconded, and the motion was passed unanimously.

**Return to Public Session**

**MOTION**

Mr. McMillan 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 motion for a proposed policy that if a license is permanently revoked the funeral home cannot be named after the person unless the last name is shared by a licensee with the same last name. Mr. Petty seconded and the motion carried unanimously.

**11. Legal Update**

Mr. Jennings reported that Whitesell Funeral Home had appealed the Final Order of revocation and that the sanctions have been stayed. Opposition will be filed.

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

There were no public comments

**13. Adjournment**

**MOTION**

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

The February 17, 2016, meeting of the SC Board of Funeral Service adjourned at 1:18 p.m.

The next meeting of the SC Board of Funeral Service is scheduled for March 7, 2016.