

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., June 6, 2019
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, June 6, 2019

1. Meeting Called to Order

Stephen L. McMillan Jr., Vice-President, of Myrtle Beach, called the regular meeting of the South Carolina State Board of Funeral Service to order on June 6, 2019, at 10:05 a.m. Other board members present for the meeting included: Darryl Dickerson, Secretary/Treasurer, of Goose Creek; Michelle A. Cooper, of Moncks Corner; William B. Horton, Jr., of Kingstree; Eddie J. Nelson, of Blythewood; Jeffery K. Temples, of West Columbia; Kenneth E. Baxter, Sr., of Greenville; Landis D. Price II, of Leesville, and Stephen R. Gantt, of Greenwood arrived at 11:25 a.m.

Staff members participating in the meeting included: Emily Farr, Director; Robert Elam, Advice Counsel, Office of Advice Counsel; Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Holly Beeson, Office of Communications and Governmental Affairs; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigations and Enforcement; and William Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons, South Carolina Morticians Association; Rion Rampey, Executive Director, South Carolina Funeral Directors Association; Isaac Daryl Pressley, of Pressley's Funeral Home; Josue Samuel Garza, Patrick David Huff, Lashawn Nijean Landy, LaKeisah Shuntae Faucette, Kimberly Ann Henderson, and Sarah Simmons Holcombe.

A. Public Notice

Mr. McMillan 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

Mr. Charvis K. Gray and Dr. D'Michelle P. DuPre were not in attendance.

MOTION

Mr. Horton made a motion to approve the absences. Mr. Nelson seconded the motion, which carried unanimously.

4. Approval of Excused absences for IRC members

Ms. Holleman informed the Board that Mr. Glen Crawford was unable to attend the May 20, 2019 Investigative Review Committee meeting.

MOTION

Mr. Price made a motion to approve Mr. Crawford's absence. Mr. Horton seconded the motion, which carried unanimously.

5. Director's Remarks – Emily Farr

Ms. Farr introduced herself to the Board members and asked that members feel free to contact her regarding any concerns and/or issues. Ms. Farr apprised the Board of the July launch of the agency's new restructured website and the new agency's logo; the agency's review of current licensing fees which could result in the decrease or increase of the fees; the new cash reports; and the addition of new staff members, Mr. Abhijit Deshpande, Director of Finance and Procurement; and Finance Manager, Mr. Patrick Jarvis. Ms. Farr thanked the Board Members for their service.

6. Approval of Minutes from the April 24, 2019 meeting

Mr. McMillan called for a motion to approve the minutes for April 24, 2019.

MOTION

Mr. Baxter made a motion that the Board approves the April 24, 2019 minutes. Mr. Nelson seconded the motion, which carried unanimously.

7. Vice-President's Remarks – Stephen L. McMillan, Jr.

Mr. McMillan welcomed everyone to the meeting.

8. Reports

A. Inspection Report – William Poole

Mr. Poole informed the Board that he and Mr. Adams conducted 73 inspections between April 16, 2019 and May 29, 2019.

B. Investigative Review Committee (IRC) Report – Rodney Pigford

Mr. Pigford presented the IRC recommendations to the Board, which are to dismiss cases 2019-4, 2019-5 and 2019-18; and file formal complaints for cases 2018-95 and 2018-96.

Mr. McMillan called for a motion in this matter.

MOTION

Mr. Baxter made a motion that the Board approves the Investigative Review Committee recommendations. Mr. Temples seconded the motion, which carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report – Rodney Pigford

Mr. Pigford presented the OIE report to the Board as follows; cases received January 1, 2019 – May 20, 2019 are six active investigations; eight do not open; three pending further information; and one pending Complaint Analyst review, totaling 18 cases. Between January 1, 2018 and December 31, 2018, there were 56 closed, 15 do not open cases and seven cases remaining in active investigations.

D. Office of Disciplinary (ODC) Counsel – Donnell Jennings

Mr. Jennings stated there are currently 38 open cases; 31 pending action; five pending Consent Agreements and/or Memorandum of Agreements; and no closures on or after April 11, 2019.

9. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance at the end of March 2019 was -\$225,607.76.

B. Updates – Funeral Establishments – Change of Managers

Ms. Holleman reported the following changes:

Funeral Establishment Change of Managers

FE#	Name of Funeral Establishment	Name of Former Manager	Name of New Manager	Effective Date
911	United Funeral Home LLC	Steven Travis Nathaniel	Milton Arthur Stubbs III	04/30/2019

Funeral Establishment New Branches

FE#	Name of Funeral Establishment (Branch)	Name of New Manager	Effective Date
1060	Goldfinch Funeral Services INC	Casey Vance Ward	05/21/2019

Ms. Holleman informed the Board that the agency now has the capability to invoice customers electronically, which enables the consumer/licensee to pay fines and fees via credit cards or debit card using a laptops, computer, smart phone, and tablets onsite or online.

New Business

Application Hearings

10. New Funeral Home/Change of Ownership/New Crematory

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

1. Pressley’s Funeral Home – West Columbia – Isaac Daryl Pressley

Mr. Landis Price, II recused himself. Mr. Isaac Daryl Pressley appeared before the Board on behalf of Pressley’s Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Mr. Isaac Daryl Pressley requests that the Board approve the change of ownership with him as the manager. Mr. Pressley, license number FDE 2254, initially licensed on October 16, 1995 resides 10 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Pressley’s Funeral Home, LLC is the owner with Isaac Daryl Pressley as the sole member.

Mr. Pressley asked that the Board grant approval of the change of ownership with him as the manager.

The Board questioned Mr. Pressley regarding this matter. Mr. Pressley informed the Board that he read and understands the statute and laws.

MOTION

Mr. Horton made a motion to approve the change of ownership pending final inspection. Mr. Dickerson seconded the motion which carried unanimously.

2. Simplicity Lowcountry Cremation & Burial Services – Bluffton – Sharon Nancy Richardson Stahl

Ms. Stahl withdrew the application prior to the Board meeting.

Mr. Landis Price returned to the meeting.

11. Licensure by Endorsement

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

1. Josue Samuel Garza

Mr. Josue Samuel Garza appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete. Mr. Garza initially licensed July 3, 1996 as a Funeral Director/Embalmer in Texas. The license is active in good standings. Mr. Garza does have a criminal background. Ms. Holleman informed the Board that Mr. Garza does meet the five years license requirement; however, the Administrator does not have the authority to grant licensure by endorsement if the applicant presents a felony, such as in this case.

Mr. Garza attended North Orange County Community College District, Cypress College, Cypress, Cypress, California, receiving his Certification in Mortuary Science on July 28, 1982.

Mr. Garza addressed the Board, asking that the Board approve his licensure by endorsement.

The Board questioned Mr. Garza regarding this matter. Mr. Garza informed the Board that the state of Texas did not revoke nor suspend his license due to the 1998 criminal conviction that placed him on community supervision for five years. Mr. Garza stated he completed the terms of the community supervision and that throughout the process he was able to retain an active Funeral Director and Embalmer license in Texas.

Executive Session

MOTION

Mr. Nelson made a motion to go into executive session to receive legal advice. Mr. Baxter seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Price made a motion to come out of Executive Session. Mr. Baxter seconded the motion, which carried unanimously.

Mr. McMillan noted, for the record, there were no votes taken during Executive Session.

Mr. McMillan called for a motion in this matter.

MOTION

Ms. Cooper made a motion that the Board grants Mr. Garza licensure by endorsement upon him successfully taking and passing the State Law exam for South Carolina, within 30 days from the date of the Order. Mr. Temple seconded the motion, which carried unanimously.

2. Patrick David Huff

Mr. Patrick David Huff appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete. Mr. Huff initially licensed April 26, 2016 as a Funeral Director/Embalmer in Indiana. The license is active in good standing and Mr. Huff does have a criminal background. Ms. Holleman informed the Board that Mr. Huff completed a 12 month apprenticeship in Indiana.

Mr. Huff attended Mid-America College of Funeral Service, Jeffersonville, IN, receiving his Associate of Science in Funeral Service on September 20, 2013. Mr. Huff passed the National Board Examination in Science on October 25, 2013 and the National Board Examination in Arts on April 2, 2015.

Mr. Huff informed the Board that his current employer is Island Funeral Home and that his job assignments have not included any funeral directing and/or embalming duties. Mr. Huff provided the Board with an explanation of his prior arrest which resulted in a non-conviction of any charges.

Executive Session

MOTION

Mr. Horton made a motion to go into executive session to receive legal advice. Mr. Dickerson seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Temples made a motion to come out of Executive Session. Mr. Baxter seconded the motion, which carried unanimously.

Mr. McMillan noted, for the record, there were no votes taken during Executive Session.

Mr. McMillan called for a motion in this matter.

MOTION

Ms. Cooper made a motion that the Board denies the application because Indiana requires a 12 month apprenticeship which is not substantially similar to South Carolina and that Mr. Huff licensed for three years, does not meet the five year requirement for licensure by endorsement. If, Mr. Huff desires to obtain a South Carolina Funeral Director and Embalmer license prior to the five years, he must complete a one year apprenticeship and upon completion reappear before the Board. Mr. Temples seconded the motion, which carried unanimously.

The Board recessed for 10 minutes. Mr. Stephen Gantt joined the meeting.

3. Lashawn Nijean Landy

Mr. Lashawn Nijean Landy appeared before the board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Mr. Landy initially licensed July 17, 2017 as a Funeral Director and Embalmer in Georgia. The license is active in good standings and Mr. Landy does not have a criminal record. Ms. Holleman informed the Board that Mr. Landy licensed as an apprentice September 10, 2013 through March 31, 2016; verification submitted to the Board.

Mr. Landy attended Gupton-Jones College of Funeral Service, Decatur, GA, receiving his

Associate in Science in Funeral Service on February 27, 2015. Mr. Landy passed the National Board Examination in Science on February 4, 2017 and the National Board Examination in Arts on June 9, 2017.

Mr. Landy addressed the Board and asked that his application for licensure by endorsement be approved. The Board questioned Mr. Landy regarding this matter.

Executive Session

MOTION

Mr. Temples made a motion to go into executive session to receive legal advice. Mr. Horton seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Horton made a motion to come out of Executive Session. Mr. Dickerson seconded the motion, which carried unanimously.

Mr. McMillan noted, for the record, there were no votes taken during Executive Session.

Mr. McMillan called for a motion in this matter.

MOTION

Ms. Cooper asked that the motion be read by the Advice Counsel, which states, whereas, South Carolina Code Section 40-19-230 requires that a person who's going to be licensed as an embalmer or funeral director in South Carolina is at least 18 years of age; has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude; has a high school education; and has completed a minimum of two years successful attendance in an accredited academic college; and most importantly and for our purposes, has completed a minimum of 24 months of service pursuant to South Carolina Code Section 40-19-240 as an apprentice funeral director under the direct supervision of a licensed funeral director actively engaged in the practice of funeral directing in this state. So, in other words, 24 months of apprenticeship and passed examination prescribed by the board.

And whereas, a person seeking licensure from another state that is by endorsement, which is your case

Whereas, the Statute 40-19-235 says, A person holding a valid embalmer or funeral director license in another state or territory having substantially similar requirements to the requirements of this chapter may apply for a license to practice in this state by submitting to the appropriate non-refundable fee, which you have; application on the board-approved form, which you have; board certified statement from the state or territory in which the person holds the license and has successfully taken and passed that state law exam, period.

Whereas, the requirement for endorsement licensure from another state allows the person who has substantially similar requirements for licensure to be licensed without any other requirements such as having been licensed as a funeral director or embalmer for five years.

The motion is to grant your licensure conditionally. And the condition is upon your taking and passing the state law examination within 30 days here in South Carolina.

The motion notes that the Statute 40-19-235 goes on after that period to say that the board may approve an applicant who presents evidence of licensure in another jurisdiction even if that

jurisdiction does not require substantially similar requirements upon a showing that the applicant has engaged in licensed practice of funeral service for at least five years and the applicant has achieved a passing score on examination approved by the board. Five years, this motion does not require the five-year part of the statute because the motion accepts the 24 plus four months, 28 months, of apprenticeship that you have served in Georgia as a substantial compliance with the requirements of substantially similar requirements between the two states. And that the basis for the motion is to conditionally grant your licensure with the condition that you pass the state law exam within six months.

We note that there is a regulation that would seem to require five years of service in your situation. But we note for the record that the statute trumps the regulation, and we believe the statute rules in this case. And we note for the record that the regulation may be the cause of some confusion in this case.

Mr. Baxter seconded the motion, which carried unanimously.

Ms. Holleman asked for clarification regarding the 30 days or six months. The Board stated that the time frame for Mr. Landy to pass the state law exam is within six months.

12. Approval of Funeral Director and/or Embalmer Application

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

1. Lakeisha Shuntae Faucette

Mr. Kenneth Baxter recused himself. Ms. LaKeisha Shuntae Faucette appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Ms. Faucette served a South Carolina Funeral Director and Embalmer's apprenticeship beginning November 1, 2016 through November 1, 2018. During this period, Ms. Faucette submitted her quarterly report for October 2017 through December 2017 late and submitted the remaining reports on time. Ms. Holleman informed the Board that Ms. Faucette attended Piedmont Technical College, Greenwood, SC, receiving her Associate in Science in Funeral Service on May 1, 2019.

Ms. Faucette asked that the Board approve her Funeral Director and Embalmer application.

MOTION

Mr. Horton made a motion that the Board approves Ms. Faucette's Funeral Director and Embalmer application. Mr. Temples seconded the motion, which carried unanimously.

Mr. Baxter returned to the meeting.

2. Kimberly Ann Henderson Hagan

Ms. Kimberly Ann Henderson Hagan appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Ms. Hagan completed her apprentice on December 31, 2013. Ms. Holleman reminded the Board that staff does not have the authority to approve an applicant that completed its apprenticeship over five years.

The Board questioned Ms. Hagan in regards to this matter. Ms. Hagan informed the Board that she currently employed at Holcombe Cemeteries, Inc., since 2006, is asking that the Board approve

her application.

MOTION

Mr. Horton made a motion that the Board approves the application. Ms. Cooper seconded the motion, which carried unanimously. Mr. Horton amended the motion to state that the Board approves the application pending Ms. Hagan takes the state law examination within thirty days and passes it within six months. Mr. Price seconded the motion, which carried unanimously.

3. Sarah Simmons Holcombe

Ms. Sarah Simmons Holcombe appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Ms. Holcombe completed her apprentice on March 31, 2014.

Ms. Holcombe asked that the Board approve her application. The Board questioned Ms. Holcombe regarding this matter.

MOTION

Mr. Horton made a motion that the Board approves the application pending Ms. Holcombe takes the state board examination within thirty days and passes it within six months. Mr. Dickerson seconded the motion, which carried unanimously.

The Board recessed for 5 minutes.

13. Discussion: What to do when an establishment doesn't meet inspection criteria.

Ms. Holleman addressed the Board stating that the Board has approved a pass/fail inspection process with a fail resulting in the inspector granting thirty business days to correct the failed issue. Ms. Holleman informed the Board that due to the current statutes and regulations, and in the absence of a grandfather clause, a few funeral establishments will fail some requirements that may only be corrected by making structural changes to the facility. Ms. Holleman informed the Board that the facilities in question were constructed prior to Regulation 57-15(1), or prior to an update of the building codes.

Ms. Beeson was present during the meeting. The Board discussed the matter and determined that the Board would allow Ms. Beeson to submit/publish a notice of drafting to address Regulations 57-15(1) in reference to the 100 square feet working space embalming room requirement; and 57-15(3) regarding the water fountains accessibility in the facility.

MOTION

Mr. Baxter made a motion that the Board grants Ms. Beeson permission to publish a notice of drafting in the register for the regulation. Mr. Temples seconded the motion, which carried unanimously.

The Board discussed the action needed if a facility fails an inspection for the cause of Regulation 57-15 (1). The Board decided that during the process in updating and passing the regulations, an established facility prior to the enactment of regulations 57-15 (1) shall be deem pass on this requirement until the regulation has been updated.

MOTION

Mr. Price made a motion that a facility that does not meet Regulations 57-15 (1), and the section of 57-15 (3) which states, "water fountains and accessibility to and throughout the facility" will not fail for non-compliance of this portions of the regulation if the facility was established and/or built prior to 2010 pending the re-drafting of these regulations. Mr. Baxter seconded the motion, which carried unanimously.

Ms. Holleman asked the Board for guidance regarding the inspection of a licensed parent facility consisting of an embalming room and a hearse that only serves other establishments through transportation and embalming. The Board discussed this matter and determined that a licensed parent funeral establishment must meet all statutory requirements in sections 40-19-260 and 40-19-265.

Mr. Nelson left the meeting at 1:35 p.m.

14. Discussion: South Carolina State Board of Funeral Service Travel Budget

Ms. Holleman presented the Travel Budget to the Board. The Board discussed the matter and agreed to submit \$20,000.00 for the FY20 budget.

MOTION

Mr. Horton made a motion to approve \$20,000.00 for the FY20 budget. Mr. Baxter seconded the motion, which carried unanimously.

15. Executive Session for Legal Advice, If Needed

16. Public Comments (no votes taken)

17. Adjournment

Mr. McMillan called for a motion to adjourn.

MOTION

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

Mr. McMillan, after ensuring there being no further business to discuss, adjourned the June 6, 2019 meeting for the South Carolina State Board of Funeral Service at 2:15 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is August 28-29, 2019 at 10:00 a.m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.