

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., October 24, 2019
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, October 24, 2019

1. Meeting Called to Order

Stephen L. McMillan Jr., President, of Myrtle Beach, called the regular meeting of the South Carolina State Board of Funeral Service to order on October 24, 2019, at 10:04 a.m. Other board members present for the meeting included: Darryl Dickerson, Vice-President, of Goose Creek; Landis D. Price II, Secretary/Treasurer, of Leesville; Kenneth E. Baxter, Sr., of Greenville; Dr. D'Michelle P. DuPre, of Chapin; Stephen R. Gantt, of Greenwood; Charvis K. Gray of Greenville; William B. Horton, Jr., of Kingstree; Eddie J. Nelson, of Blythewood; and Jeffery K. Temples, of West Columbia. Michelle A. Cooper, of Moncks Corner arrived at 10:15 a.m.

Staff members participating in the meeting included: Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Robert Elam, Advice Counsel, Office of Advice Counsel; Mary League, Advice Counsel, Office of Advice Counsel; Christa Bell, Assistant Deputy Director of Enforcement, Office of Investigations and Enforcement; Amy Holleman, Administrator; Norma McAllister, Program Assistant; 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; Rondia J. Bailey and Bernadette Snider, of Divinity Mortuary, LLC; Richard Scott Lewis of Lewis Funeral Home and South Eastern Cremation Service; Greg Arnold and Joshua Ross Heidenreich, of Palmetto Funeral Home & Cremation Service and Palmetto Crematory of Fort Mill; Terry Lamont Hunter; Tara Graham Wright; Melvin Wright; Aljanun Lavar Myers; Jacquelyn Nelson; Sheri Stahl, of Foundation Partners, and Adam Birr, of South Carolina Department of Consumer Affairs.

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

All Board members attended the meeting.

4. Approval of Excused absences for IRC members

All IRC members attended the Investigative Review Committee meeting.

5. Approval of Minutes from the August 28-29, 2019 meeting

MOTION

Mr. Baxter made a motion to approve the August 28-29, 2019 minutes. Mr. Dickerson seconded the motion which carried unanimously.

6. President’s Remarks – Stephen L. McMillan, Jr.

Mr. McMillan welcomed everyone to the meeting.

7. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance at the end of September 2019 was -\$358,407.93.

Ms. Holleman informed the Board that of the \$25,000.00 Fiscal Year 2020 travel budget requested by the Board the Director approved \$17,000.00.

Ms. Cooper arrived at the meeting.

B. The 116th Annual Meeting of The International Conference of Funeral Service Examining Board

Ms. Holleman informed the Board that on February 19-20, 2020 The International Conference of Funeral Service Examining Board will hold its 116th annual meeting in Palm Coast, FL, which includes a board member training session. Ms. Holleman provided an overview of the itinerary for annual meeting.

Ms. Holleman stated that subject to monetary considerations, the Board has authorization to approve attendance to the conference for the Administrator and two board members. After discussing the matter, the Board decided to approve travel for the administrator and board members, Kenneth Baxter, Sr. and Dr. D’Michelle DuPre. Mr. Millan called for a motion in this matter.

MOTION

Mr. Nelson made a motion that the Board approves travel to the 116th Annual Meeting of The International Conference of Funeral Service Examining Board in Palm Coast, FL on February 19-20, 2020 for the administrator and board members, Mr. Kenneth Baxter and Dr. D’Michelle DuPre. Mr. Gray seconded the motion, which carried unanimously.

C. 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
989	Cannon Funeral Home	Preston Charles Calvert, Jr.	Carol Cannon Hopkins	10/11/2019

Funeral Establishment Change of Facility’s Name

FE#	Former Name of Funeral Establishment	New Name	Name of Manager	Effective Date
945	Dimery & Rogers Funeral Home & Chapel of Florence	Dimery & Rogers Funeral Home Kingstree	Alvin L Dimery	09/04/2019

Funeral Establishment Change of Location

FE#	Former Name of Funeral Establishment	Previous Location	New Location	Name of Manager	Effective Date
945	Dimery & Rogers Funeral Home & Chapel of Florence	501 N Longstreet Kingstree SC	404 E Main St. Kingstree SC	Alvin L Dimery	09/04/2019

8. Reports

A. Inspection Report – Ernest Adams

Mr. Adams informed the Board that he and Mr. Poole conducted 101 inspections between August 15, 2019 and October 7, 2019.

B. Investigative Review Committee (IRC) Report – Christa Bell

Christa Bell presented the IRC recommendations to the Board, which are to dismiss cases 2019-2, 2019-16 and 2019-34; issue a letter of caution case 2019-12; issue formal complaints for cases 2018-60, 2018-107, 2018-108, 2019-1 and 2019-56; and reconsideration dismiss cases 2018-26, 2018-27, 2018-31, 2018-54 and 2018-89.

Mr. McMillan called for a motion in this matter.

MOTION

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

C. Office of Investigations and Enforcement (OIE) Report – Christa Bell

Christa Bell presented the OIE report to the Board as follows; cases received January 1, 2019 – October 9, 2019 are 14 active investigations; 18 do not open; two pending further information; one pending Complaint Analyst review; and 9 closed.

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

Mr. Jennings stated there are currently 31 open cases; 16 pending action; 10 pending Consent Agreements and/or Memorandum of Agreements; three pending hearings; two pending final hearings; and 7 closed as of August 23, 2019.

Disciplinary

Disciplinary Hearing

9. Final Order Hearing

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

1. Case Nos.: 2018-69 and 2018-70

Mr. Eddie J. Nelson and Mr. Robert Elam recused themselves.

Ms. Mary League served as Advice Counsel. Mr. Donnell Jennings presented the Panel Hearing recommendations to the Board.

Executive Session

MOTION

Mr. Price 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. Horton made a motion to come out of Executive Session. Mr. Price 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 accepts the Hearing Panel's recommendations. Mr. Temples seconded the motion, which carried unanimously.

Mr. Nelson and Mr. Elam returned to the meeting.

New Business

Application Hearings

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

A. New Funeral Home

1. Divinity Mortuary, LLC – Moncks Corner – Rondia J. Bailey

Ms. Bernadette Snider and Ms. Rondia J. Bailey appeared before the Board on behalf of Divinity Mortuary, LLC.

Ms. Holleman informed the Board that the application is complete and that Ms. Rondia J. Bailey requests that the Board approve the new facility with her as the manager. Ms. Bailey, license number FD 3822, initially licensed on December 1, 2014, resides 24.2 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Divinity Mortuary, LLC is the owner with Bernadette Snider as the sole member.

The Board questioned Ms. Bailey regarding this matter. Ms. Bailey informed the Board that she read and understands the statute and laws.

Executive Session

MOTION

Mr. Price 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. Horton made a motion to come out of Executive Session. Mr. Gray 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

Mr. Horton made a motion that the Board approves the new facility application pending final inspection. Mr. Gray seconded the motion, which carried unanimously.

The Board agreed to hear the applications for Lewis Funeral Home and Lewis Funeral Home and Cremations together.

B. Change of Ownership

1. Lewis Funeral Home – Union – Richard Scott Lewis

C. Change of Ownership and Name

1. Lewis Funeral Home and Cremations – Union – Richard Scott Lewis

Mr. Richard Scott Lewis appeared before the Board on behalf of Lewis Funeral Home and Lewis Funeral Home and Cremations.

Ms. Holleman informed the Board that the application is complete and that Mr. Richard Scott Lewis requests that the Board approve the change of ownership for both, Lewis Funeral Home and Lewis Funeral Home and Cremations with him as the manager. Also, that the Board approve the name change of Lewis Funeral Home and Cremations to South Eastern Cremation Service.

Mr. Lewis, license number FDE 2450, initially licensed on May 22, 1998, resides 11.7 miles from the facility, and does have a criminal background. Ms. Holleman informed the Board that Lewis Funeral Home of Union, LLC is the owner with Richard Scott Lewis as the sole member.

The Board questioned Mr. Scott regarding this matter.

MOTION

Mr. Horton made a motion to approve the change of ownership with Mr. Richard Scott Lewis remaining as manager and the funeral establishments retain the current permit number. Also, that the Board approve the change of name of Lewis Funeral Home and Cremations to South Eastern Cremation Service. Mr. Nelson seconded the motion, which carried unanimously.

The Board recessed for 10 minutes.

D. Change of Manager

1. Palmetto Funeral Home & Cremation Service – Fort Mill
2. Palmetto Crematory of Fort Mill

Mr. Joshua Ross Heidenreich, and Mr. Greg Arnold appeared before the Board on behalf of Palmetto Funeral Home & Cremation Service and Palmetto Crematory of Fort Mill.

Ms. Holleman informed the Board that the applications are complete and that Mr. Joshua Ross Heidenreich requests that the Board approve the change of manager application with him as manager. Mr. Heidenreich, license number FDE 3846, initially licensed on July 2, 2015, resides 6.9 miles from the facility, and does not have a criminal background. He has worked in South Carolina since July 2, 2015. Ms. Holleman informed the Board that Palmetto Funeral Home of Fort Mill, LLC is the owner with Mr. Curtis W. Stoots as the sole member.

Ms. Holleman informed the Board that Mr. Heidenreich relocated to South Carolina in February 2019. Ms. Holleman informed the Board that regulations 57-10 requires that the proposed manager be a South Carolina resident for at least one (1) year prior to being named the manager of a facility and that the Board's previously interpreted the regulations to mean one (1) year immediately preceding an application to manage a funeral home.

The Board questioned Mr. Heidenreich and Mr. Arnold regarding this matter. Mr. Heidenreich stated that he resided in South Carolina from July 2015 until he briefly relocated to North Carolina for about a year. He stated that he returned to South Carolina on February 18, 2019. He currently resides in South Carolina.

Executive Session

MOTION

Mr. Nelson 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. Temples 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 stated that regulations states residence for one (1) year; however, statute only requires that the licensee holds a South Carolina Funeral Director's license for one (1) year prior to becoming a manager. Mr. Heidenreich has met statute requirements; therefore, the motion is that the Board approves the change of manager application for both facilities. Mr. Temples seconded the motion, which carried unanimously.

11. 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. Terry Lamont Hunter

Mr. Terry Lamont Hunter appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Mr. Hunters served a South Carolina Funeral Director's apprenticeship beginning October 27, 2017. The apprenticeship will expire on October 27, 2019. While serving his apprenticeship, Mr. Hunt submitted the quarterly report for January 26, 2018 through March 2018 late, submitting all the other reports on time.

Ms. Holleman informed the Board that Mr. Hunt attend Gupton-Jones College of Funeral Service, Decatur, Georgia, receiving his Associate of Science in Funeral Service. Also, Mr. Hunt passed the National Board Exams for science and art.

The Board questioned Mr. Hunter regarding this matter.

MOTION

Mr. Price made a motion that the Board accepts the late quarterly report. Mr. Dickerson seconded the motions, which carried unanimously.

2. Tara Graham Wright

Ms. Tara Graham Wright appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that Ms. Wright is asking that the Board accepts her Embalmer's application.

Ms. Holleman informed the Board that Ms. Wright served her apprenticeship from October 16, 2007 through September 2, 2012. Ms. Wright has a criminal background. Ms. Holleman informed the Board that Ms. Wright attended Gupton-Jones College of Funeral Service, Decatur,

Georgia, receiving her Associate of Science on August 25, 2005. Ms. Wright passed the National Board Exams for science and has taken the National Board and State Board Exams for the arts.

Ms. Holleman state that according to statute individuals that complete an apprenticeship but fail to license within five years of the completion date must appear before the Board.

The Board questioned Ms. Wright regarding this matter.

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. Horton 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 approves the application provided that Ms. Wright completes an additional one (1) year embalmer's apprenticeship within the next two (2) years. If Ms. Wright does not complete the apprenticeship within the next two years, she must reappear before the Board. Mr. Gantt seconded the motion, which carried unanimously.

12. Apprenticeship Application

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

1. Aljanun Lavar Myers

Mr. Aljanun Lavar Myers appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete; however, due to felony charges on the background report, Board staff does not have the authority to approve the application.

Ms. Holleman stated that although an apprenticeship does not state a felony may present cause for a denial, the Funeral Director and Embalmer's licensing process does state that a felony may present cause for a denial. Ms. Holleman stated in order to circumvent Mr. Myers' completing the apprenticeship and later being denied licensure as a Funeral Director/Embalmer based on the current criminal background history, the Board is asked to make a determination based this matter.

Mr. Myers explained his history to the Board. The Board questioned Mr. Myers regarding this matter.

Executive Session

MOTION

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

Return to Public Session

Mr. Gantt excused himself from the meeting.

MOTION

Mr. Horton 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 accepts the Funeral Director/Embalmer apprenticeship application. Mr. Dickerson seconded the motion, which carried unanimously.

13. Discussion: Apprentices and Facilities

Ms. Holleman explained that a current trend is that companies with multiply branches are now performing specific funeral service tasks at a designated branch(s). For example, the company may designate a branch for embalming and the other locations for conducting other funeral service matters. According to the current Board interpretation of the statute and regulations, in this instance, a Funeral Director/Embalmer apprentice would not be able to serve both apprenticeships, because he/she would not be able to serve 35 hours a week at both facilities. Ms. Holleman asked that the Board give staff guidance on this issue.

The Board discussed the matter.

MOTION

Mr. Dickerson made a motion that the Board approves that an apprentice training under his/her assigned preceptor and within the same business entity/ownership (parent and branches) would be allowed to serve his/her apprenticeship at the various locations under the supervision of his/her assigned preceptor. Mr. Temples seconded the motion, which carried unanimously.

14. Discussion: Transportation Companies

Ms. Holleman informed the Board that some transportation companies include embalming and other funeral services when contracting with out-of-state funeral establishment. Many of these companies do not employ licensed individuals and are practicing unlicensed funeral services. Ms. Holleman asked that the Board provide guidance whether or not these actions consist of aiding and abetting unlicensed practices.

The Board discussed the matter and determined that the new statute regarding aiding and abetting unlicensed practices clearly address and explain this issue. However, the Board agreed that an e-blast or verbiage addressing this issue under FAQ on the website maybe an appropriate avenue to reaffirm the statute to licensees. The Board asked that Ms. Holleman, Mr. Elam, and Mr. Jennings develop the verbiage for the licensees' information and present the final draft to the Board for approval.

15. Approval of 2020 Meeting Dates/Calendar

The Board reviewed the proposed 2020 meeting dates.

MOTION

Dr. DuPre made a motion to approve the 2020 proposed meeting dates. Mr. Dickerson seconded

the motion, which carried unanimously. The approved dates are as follows:

2020 SC State Board of Funeral Service Meeting Dates

February	Wednesday, February 26, 2020 Thursday, February 27, 2020	Rooms 107 & 108
April	Tuesday, April 29, 2020 Wednesday, April 30, 2020	Rooms 107 & 108
June	Wednesday, June 24, 2020 Thursday, June 25, 2020	Rooms 107 & 108
August	Wednesday, August 26, 2020 Thursday, August 27, 2020	<i>Elections of Officers</i> Rooms 107 & 108
October	Tuesday, October 27, 2020 Wednesday, October 28, 2020	Rooms 107 & 108
December	Wednesday, December 2, 2020 Thursday, December 3, 2020	Rooms 107 & 108

16. Legislative Updates

There were no legislative updates.

17. Executive Session for Legal Advice, If Needed

18. Public Comments (no votes taken)

Mr. Price inquired regarding the status of the Crematory Task Force. Ms. Holleman provided an update to the Board.

19. Adjournment

Mr. McMillan called for a motion to adjourn.

MOTION

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

Mr. McMillan, after ensuring there being no further business to discuss, adjourned the October 24, 2019 meeting for the South Carolina State Board of Funeral Service at 12:55 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.