

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

10:00 a.m., February 26, 2020  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Wednesday, February 27, 2020**

**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 February 26, 2020 at 10:06 a.m. Other board members present for the meeting included: Kenneth E. Baxter, Sr., of Greenville; Michelle A. Cooper, of Moncks Corner; Dr. D'Michelle P. DuPre, of Chapin; Charvis K. Gray, of Greenville; William B. Horton, Jr., of Kingtree; Eddie J. Nelson, of Blythewood; Darryl Dickerson, of Moncks Corner, Stephen R. Gantt, of Greenwood; and Jeffery K. Temples, of West Columbia.

Staff members participating in the meeting included: Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Robert Elam, Advice Counsel, Office of Advice Counsel; Kathy Meadows, Office of Investigations and Enforcement, Amy Holleman, Administrator; Monaca Harrelson, Administrative Assistant; and William Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Kerry Williams, Sean Williams, and Rosalind Jenkins.

**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, 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.

**3. Approval of Excused Absences**

Landis D. Price II was not in attendance.

**MOTION**

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

**4. Reports**

**A. Inspection Report – William Poole**

Mr. Poole informed the Board that 72 inspections had been conducted between November 18, 2019 and February 14, 2020.

B. Investigative Review Committee (IRC) Report – Kathy Meadows

Ms. Meadows presented the IRC recommendations to the Board, which are to dismiss cases 2019-14, 2019-47, 2020-10, and 2020-11 and file formal complaints for cases 2019-32, 2019-38, 2019-46, 2019-68.

Mr. McMillan called for a motion in this matter.

**MOTION**

Dr. DuPre made a motion to approve the IRC report, Mr. Gray seconded the motion, which passed unanimously.

C. Office of Investigations and Enforcement (OIE) Report – Kathy Meadows

Ms. Meadows presented the OIE report to the Board as follows; there are 27 active cases, 15 cases have been closed, 22 Do Not Open cases, seven cases pending Board action, and one cases pending IRC.

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

Mr. Jennings stated there are 27 open cases; 13 pending action, seven pending MOAs, and one hearing pending rescheduling.

## 5. Disciplinary Hearings

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

1. **Case Nos.: 2017-39, 2017-40 - MOA**

Mr. Jennings announced the cases will be continued.

**MOTION**

Mr. Horton made a motion to approve the continuation, Dr. DuPre seconded the motion, which passed unanimously.

2. **Case Nos: 2018-56, 2018-52 – MOA**

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

Mr. Jennings represented the State while the Respondent waived his right to an attorney and represented himself and the establishment.

The Memorandum of Agreement was presented with arguments from the State and the Respondent. Mr. Jennings noted that the MOA had been amended to correct a typographical error that the Respondent did admit violations.

**MOTION**

Dr. DuPre made a motion to go into Executive Session to receive legal advice. Mr. Gantt seconded and the motion passed unanimously.

**MOTION**

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

Mr. McMillan noted that no action was taken in Executive Session.

**MOTION**

Ms. Cooper made a motion that the Board accept the Memorandum of Agreement as presented. Respondents are assessed a fine of Fifty Dollars (\$50.00) for each of the four violations found, for a total of Two Hundred Dollars (\$200.00) along with investigative costs of Two Hundred and Forty Dollars (\$240.00), both to be paid within sixty (60) days of receipt of final order. Mr. Horton seconded the motion and it passed unanimously.

**3. Case No: 2018-86 – MOA**

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

Mr. Jennings represented the State while the Respondent waived his right to an attorney and his 30 days' notice of hearing and represented himself.

The Memorandum of Agreement was presented with arguments from the State and the Respondent.

**MOTION**

Dr. DuPre made a motion to go into Executive Session to receive legal advice. Mr. Horton seconded and the motion passed unanimously.

**MOTION**

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

Mr. McMillan noted that no action was taken in Executive Session.

**MOTION**

Ms. Cooper made a motion that the Board reject the MOA and dismiss the case. Mr. Horton seconded the motion and it passed unanimously.

**6. Adjournment**

Mr. McMillan called for a motion to adjourn.

**MOTION**

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

Mr. McMillan, after ensuring there being no further business to discuss, adjourned the February 26, 2020 meeting for the South Carolina State Board of Funeral Service at 11:52 a.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is February 27, 2020 at 10:00 a.m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.

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

10:00 a.m., February 27, 2020  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 108  
Columbia, South Carolina

**Thursday, February 27, 2020**

**8. 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 February 27, 2020 at 10:03 a.m. Other board members present for the meeting included: Kenneth E. Baxter, Sr., of Greenville; Michelle A. Cooper, of Moncks Corner; Dr. D'Michelle P. DuPre, of Chapin; Charvis K. Gray, of Greenville; William B. Horton, Jr., of Kingstree; Eddie J. Nelson, of Blythewood; and Jeffery K. Temples, of West Columbia.

Staff members participating in the meeting included: Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Robert Elam, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Jeanie Rose, Administrative Assistant; and William Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Rion Rampey, Executive Director, South Carolina Funeral Directors Association; Ernest C. Adams; Ada L. Ferguson and Carletha M. Frazier Singleton, of Compassion Funeral Service, LLC; Kimberly Ann Henderson Hagan; Torey Antron Shannon; William Eugene Marsh; Shaun Michael Singleton; John Henry Martin and Deborah Martin; I. S. Leevy, Johnson, P.A.; Representative John King; Margie B. King; Pansy K. Reid; Jerry Deese and Daniel Guy of Palmetto Transportation.

**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.

**9. Introduction of Board Members and Persons Attending the Meeting**

The board members, staff, and all other persons attending the meeting introduced themselves.

**10. Approval of Excused Absences**

Mr. Darryl Dickerson, Mr. Landis D. Price II, and Mr. Stephen R. Gantt were not in attendance.

**MOTION**

Mr. Gray made a motion to approve the absences. Dr. DuPre seconded the motion, which carried unanimously.

**11. Approval of Minutes from the December 4-5, 2019 meeting**

The Board reviewed the minutes.

**MOTION**

Ms. Cooper made a motion to approve the December 4-5, 2019 minutes. Mr. Gray seconded the motion which carried unanimously.

**12. Correction to the October 24, 2019 Minutes**

Ms. Holleman explained the minutes omitted the name of the person that seconded the motion and the final carry of the vote. The Board stated that Mr. Jeffrey Temples seconded the vote which carried unanimously.

**MOTION**

Mr. Nelson made a motion to accept the correction to the October 24, 2019 minutes. Mr. Baxter seconded the motion, which carried unanimously.

**13. President’s Remarks – Stephen L. McMillan, Jr.**

Mr. McMillan welcomed everyone to the meeting. The President along with the Board congratulated Mr. Ernest Carlton Adams on his retirement and presented him with a retirement resolution and plaque.

**14. Administrator’s Remarks – Amy Holleman**

**A. Financial Report**

Ms. Holleman reported that the Board’s cash balance at the end of January 2020 was -\$455,177.21. Ms. Holleman reminded the Board that all licensees will be in renewal beginning April 2020.

**B. Statement of Economic Interest**

Ms. Holleman reminded the Board members that their individual Statement of Economic Interest is due by March 30, 2020.

**C. Updates – Funeral Establishments – Change of Managers**

Ms. Holleman reported the following changes:

**Funeral Establishment Change of Managers**

<b>FE#</b>	<b>Name of Funeral Establishment</b>	<b>Name of Former Manager</b>	<b>Name of New Manager</b>	<b>Effective Date</b>
993	Upstate Family Funeral Services	Marcie Michelle Ferguson	Gaynell Workman Tarrance	02/12/2020
994	Upstate Funeral Services of Greenville	Marcie Michelle Ferguson	Gaynell Workman Tarrance	02/12/2020

**Funeral Establishment Change of Facility’s Name**

<b>FE#</b>	<b>Former Name of Funeral Establishment</b>	<b>New Name</b>	<b>Name of Manager</b>	<b>Effective Date</b>
994	Upstate Funeral Services Greenville	Upstate Funeral Services of Greenville	Gaynell W. Tarrance	02/12/2020

**Funeral Establishment Change of Location**

<b>FE#</b>	<b>Funeral Establishment</b>	<b>Previous location</b>	<b>New Location</b>	<b>Manager</b>	<b>Effective Date</b>
600	Chris King Memorial Chapel	703 Old York Rd., Chester, SC 29706	121 Mobley St. Chester, SC 29706	Margie B. King	01/15/2020

Ms. Holleman provided an overview regarding the International Conference for Funeral Examinations annual meeting she attended in February 2020.

**New Business**  
**Application Hearings**

**15. New Facility**

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

1. Compassion Funeral Service, LLC

Ms. Ada L. Ferguson and Ms. Carletha M. Frazier Singleton appeared before the Board on behalf of Compassion Funeral Service, LLC.

Ms. Holleman informed the Board that the application is complete and that Ms. Ada L. Ferguson requests that the Board approve the new facility with her as the manager. Ms. Ferguson, license number FDE.2295, initially licensed on June 3, 1996, resides five miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Compassion Funeral Service, LLC is the owner with members, Anthony J. Dickerson, and Carletha M. Frazier Singleton.

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

**MOTION**

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

**16. 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. 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 explained that Ms. Hagan initially appeared before the Board on June 6, 2019 resulting in the Board disposition to accept her Funeral Director's application pending she passes the required exams within six months. Since that time, Ms. Hagan has taken the Arts exam three times, but has failed to meet the required passing scores. However, Ms. Holleman informed the Board that due the International Conference's exam requirement that allows an individual to take the exam only three times within a 12 months period/span, Ms. Hagan will not be eligible to retake the exam until July 2020. Ms. Holleman informed the Board that Ms. Hagan is requesting additional time to take and pass the exams.

Ms. Hagan addressed the Board and the Board questioned Ms. Hagan regarding this matter. Ms. Hagan concurred that she is asking the Board for additional time to take and pass the exams.

**MOTION**

Mr. Horton made a motion to grant Ms. Hagan one year from July 2020 to take and pass the exams. Mr. Nelson seconded the motion, which carried unanimously.

2. Torey Antron Shannon

Mr. Torey Antron Shannon appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that Mr. Shannon is asking that the Board accepts his Funeral Director's application.

Ms. Holleman informed the Board that Mr. Shannon served his apprenticeship from April 5, 2011 through April 2013. Mr. Shannon does not have a criminal record. Ms. Holleman informed the Board that Mr. Shannon attended Morris College, Sumter, South Carolina receiving his Bachelor of Science in Organizational Management on May 4, 2013. Mr. Shannon has maintained part-time employment with Williams Funeral Home, Inc. beginning in August 2011 until present.

The Board questioned Mr. Shannon regarding this matter. Mr. Shannon addressed the Board and stated that due to various life circumstances/changes he was unable to complete his licensing process. He is asking that the Board accepts his funeral director's application.

### **Executive Session**

#### **MOTION**

Mr. Horton 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. 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 to accept the application pending Mr. Shannon passes all required exams within one year of the date of the final order. Mr. Nelson seconded the motion, which carried unanimously.

## **17. Extension of Apprenticeship**

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

### **1. William Eugene Marsh**

Mr. William Eugene Marsh appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that Mr. Marsh is asking that the Board extend his apprenticeship in order for him to complete his education. Mr. Marsh completed his apprenticeship in August 2019. He attended York Technical College and completed 37 semester hours of his studies. Ms. Holleman stated that Mr. Marsh is in the process of applying for acceptance to Piedmont Technical College.

The Board questioned Mr. Marsh regarding this matter. Mr. Marsh addressed the Board and stated that he previously studied business. He stated that he has submitted his application for acceptance to Piedmont Technical College anticipating beginning his studies in May of 2020. He stated that he anticipates completing the Certificate program within a year.

#### **MOTION**

Mr. Horton made a motion to approve Mr. Marsh's application to extend his apprenticeship for one year from the date of the final order. Dr. DuPre seconded the motion, which carried unanimously.

The Board recessed for 10 minutes. Mr. McMillan left the session during recess. Mr. Horton presided

over the remainder of the meeting.

## 18. **Apprenticeship Application**

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

### 1. John Henry Martin

Mr. John Henry Martin represented by Mr. I. S. Leevy Johnson, P.A., and Representative Chris King, appeared before the Board on Mr. Martin's behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Mr. Martin previously held a South Carolina State Board of Funeral Service Funeral Director and Embalmer's license. He initially licensed FDE.1730 in August 27, 1981. The Board revoked Mr. Martin's license on January 28, 2015 due to disciplinary infractions. Mr. Martin does not have a criminal background. Mr. Martin attended the American Academy McAllister Institute of Funeral Service, Inc., New York receiving his diploma in Funeral Service on September 21, 1979.

The Board questioned Mr. Martin regarding this matter.

Attorney Johnson and Mr. Martin addressed the Board, apologizing for Mr. Martin's previous actions resulting in the revocation of his license. Mr. Johnson stated that Mr. Martin had a distinguished career in the funeral profession prior to the sole incident five years ago. He stated that Mr. Martin has and continues to be a vital asset to his community. Mr. Johnson stated that Mr. Martin is asking that the Board approve his apprentice application. Representative Chris King spoke on behalf of Mr. Martin's character.

### **Executive Session**

#### **MOTION**

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

### **Return to Public Session**

#### **MOTION**

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

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

Mr. Horton called for a motion in this matter.

#### **MOTION**

Ms. Cooper made a motion that the Board accepts Mr. Martin's Funeral Director and Embalmer's apprenticeship application. Mr. Baxter seconded the motion, which carried unanimously.

### 2. Shaun Michael Singleton

Mr. Shaun Michael Singleton appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that the Board does not have the authority to deny an apprenticeship based on the criminal history. However, licensure requirements in Section 40-19-290 (A) (2) & (B) (2) in conjunction with Regulations 57-04 (F) & 57-05 (F) states that the applicant may be issued a license if the individual has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude.



Mr. Singleton presents a criminal background with multiple felonies; therefore, he is before the Board prior to engaging in the process of licensing as a Funeral Director and Embalmer to determine if the Board would accept his apprenticeship application with the consideration of his criminal history.

The Board questioned Mr. Singleton regarding this matter. He is currently working part-time at Johnson- Halls Funeral Home.

### **Executive Session**

#### **MOTION**

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

### **Return to Public Session**

#### **MOTION**

Dr. DuPre made a motion to come out of Executive Session. Mr. Gray seconded the motion, which carried unanimously.

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

Mr. Horton called for a motion in this matter.

#### **MOTION**

Ms. Cooper made a motion that the Board approves Mr. Singleton's Funeral Director and Embalmer's apprenticeship. Dr. DuPre seconded the motion, which carried unanimously.

The Board recessed for 5 minutes.

### **19. Federal Trade Commission Funeral Rule Review**

Ms. Holleman informed the Board that the Federal Trade Commission is accepting comments regarding the Funeral Rule Review. The Board recommended that each licensee review the document and express their individual opinions directly to the Federal Trade Commission.

### **20. Legislative Updates**

Ms. Holleman provided the following update:

1. The House Committee required that the Board change the water fountains' proposed verbiage by substituting the word "shall" for "should," offer bottled water in the proposed changes to 57-15 (3) allowing funeral establishments that do not have water fountains to offer bottled water. Also, the regulatory proposed changes included 57-15(1), removing the verbiage "excluding tables, cabinets and other equipment", and adding a grandfather clause regarding the 100 square foot embalming room requirement for Funeral Establishments licensed prior to 2012.
- 2, House Bill 4256 (Funeral Practice Act) reached the Senate Labor, Commerce & Industry Committee (LCI) has been carried over.

### **21. Executive Session for Legal Advice, If Needed**

### **22. Public Comments (no votes taken)**

Mr. Jerry Deese, FDE.3750, of Palmetto Transportation addressed the Board requesting clarification regarding Transportation Companies e-blast language issued by the Board and the Board's functions regarding the statutes. The Board explained that it maintains the authority to make and change the regulations according to the statute/laws, further stating that the purposes of the

regulations are to interpret, reinforce and/or to explain the statutes. The Board does not have the authority to initiate new regulations that do not pertain to the current statute. The Board issued an e-blast on the Transportation Company matter in order to state the statutes and regulations pertaining to this matter to its' licensees.

The Board restated the information submitted in the e-blast as follows:

It has come to the Board of Funeral Service's attention that some transportation companies may be engaging in the practice of funeral service as defined in S.C. Code § 40-19-20, including, but not limited to, offering such services as embalming and cremation in conjunction with the transportation of the deceased. Specifically, please note subsection (d) of § 40-19-20, provided below, regarding this issue. Per S.C. Code § 40-19-260, the practice of funeral service may be engaged in only at a licensed establishment by a licensed funeral professional; transportation companies are not licensed establishments. Funeral directors who allow transportation companies to participate in the practice of funeral service may be aiding and abetting unlicensed practice and may be sanctioned accordingly.

The "Practice of funeral service" means:

- (a) engaging in providing shelter, care, and custody of the human dead;
- (b) the practice of preparing the human dead by embalming or other methods for burial or other disposition;
- (c) arranging for the transportation of the human dead;
- (d) making arrangements at or before the time of death, financial or otherwise, including arrangements for cremation, for providing these services, or the sale of funeral merchandise, whether for present or future use; provided, that no funeral director, embalmer, funeral company, cemetery, or related entity shall charge a fee for the assignment to the funeral director, embalmer, funeral company, cemetery, or related entity of an insurance policy providing burial expenses, excluding preneed contracts as provided in Section 32-7-35; and
- (e) engaging in the practice or performing any functions of funeral directing or embalming as presently recognized by persons engaged in these functions.

You may work directly with transportation companies to transport bodies for your funeral home. A licensed funeral professional at your funeral establishment must be the one to make arrangements with families or with licensed funeral professionals at licensed funeral establishments for embalming or cremating.

FAQ:

Q: A representative of a transportation company called and would like to use my funeral home's embalming room to embalm a body that they are transporting out of state. The representative is a licensed embalmer. Can I let them use my funeral home's embalming room?

A: Because transportation companies are not licensed funeral establishments, they cannot embalm bodies. Allowing a transportation company to use your facilities may mean that you are aiding and abetting the unlicensed practice of funeral service, and you may be sanctioned by the Board for doing so.

### 23. Adjournment

Mr. Horton called for a motion to adjourn.

**MOTION**

Mr. Nelson made a motion to adjourn the meeting. Mr. Gray seconded the motion, which carried unanimously.

Mr. Horton, after ensuring there being no further business to discuss, adjourned the February 27, 2020 meeting for the South Carolina State Board of Funeral Service at 1:30 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is April 29-30, 2020 at 10:00 a.m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.