

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., December 4-5, 2019
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

Wednesday, December 4, 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 December 4, 2019, at 10:09 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; William B. Horton, Jr. of Kingtree; Eddie J. Nelson, of Blythewood; Jeffrey K. Temples of West Columbia, Charvis K. Gray of Greenville; Michelle A. Cooper of Moncks Corner; and D'Michelle P. DuPre of Chapin; and Kenneth E. Baxter, Sr. of Greenville were in attendance.

Staff members participating in the meeting included: Robert Elam, Advice Counsel, Office of Advice Counsel;; Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Monaca Harrelson, Administrative Assistant; Rodney Pigford, 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; Jennie Daniels, of the South Carolina Department of Consumer Affairs, Darryl Mattison, and Scott Talley of Talley Law Firm.

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

Stephen R. Gantt of Greenwood was not in attendance.

MOTION

Mr. Baxter made a motion to approve the absence. Mr. Gray seconded the motion, which carried unanimously.

4. **President's Remarks – Stephen L. McMillan, Jr.**

Mr. McMillan welcomed everyone to the meeting.

5. **Reports**

A. Inspection Report – Ernest Adams

Mr. Adams informed the Board that he and Mr. Poole conducted 77 inspections between October 8, 2019 and November 20, 2019. Mr. Adams also announced that he would be retiring and wanted to thank the Board for their service and fellowship over the years.

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

Mr. Pigford presented the IRC recommendations to the Board, which are to dismiss cases 2019-24 and 2019-37 and file a formal complaint for case 2019-11.

Mr. McMillan called for a motion in this matter.

MOTION

Mr. Horton made a motion to approve the IRC report, Mr. Price seconded the motion, which passed unanimously.

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

Mr. Pigford presented the OIE report to the Board as follows; there is 22 active cases, 13 cases have been closed, 19 Do Not Open cases, three cases pending Board action, one MOA being drafted, and two cases pending IRC.

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

Mr. Jennings stated there are 29 open cases; 14 pending action, six pending CAs or MOAs, and seven cases closed since January 2019.

Disciplinary

6. **Disciplinary Hearings**

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

1. **Case No.: 2018-86**

Mr. Jennings presented the Consent Agreement to the Board

MOTION

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

MOTION

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

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

D'Michelle P. DuPre arrived at 11:01 am.

MOTION

Mr. Horton made a motion that the Board reject the Consent Agreement in favor of a Memorandum of Agreement with supporting exhibits and appearance of the owner in front of the Board. Mr. Dickerson seconded and the motion passed unanimously.

Michelle A. Cooper arrived at 11:12 am.

2. Case Nos: 2018-7, 2018-17, 2018-24, and 2018-25 – MOA

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

Mr. Temples and Mr. Gray recused themselves from the proceedings. Mr. Jennings represented the State while the Respondent appeared and was represented by attorney Scott F. Talley. Counsel for the State and the Respondent agreed to proceed with Case No. 2018-7 with deferment for the other cases.

Landis D. Price left at 12:55 pm.

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. Dickerson seconded and the motion passed unanimously.

MOTION

Mr. Horton made a motion to come out of Executive Committee. Mr. McMillan 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 portion Memorandum of Agreement for Case No. 2018-7 Respondent violated S.C. Code Ann. Sec. 40-1-110(1)(f). Respondent is issued a Public Reprimand, a \$500 civil penalty fee, to be paid within 30 days of the final order, and \$300 in investigative costs to be paid within 30 days of the final order. Respondent's authorization to practice as a funeral director is revoked, while authorization to embalm remains in effect. Mr. Horton seconded the motion and it passed unanimously.

7. Executive Session for Personnel Matter

MOTION

Ms. Cooper made a motion to go into Executive Session to discuss a personnel matter. Mr. Baxter seconded and the motion passed unanimously.

MOTION

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

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

8. Public Comments (no votes taken)

9. Adjournment

Mr. McMillan called for a motion to adjourn.

MOTION

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

Mr. McMillan, after ensuring there being no further business to discuss, adjourned the December 4, 2019 meeting for the South Carolina State Board of Funeral Service at 3:13 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is December 5, 2019 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., December 4-5, 2019
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

Thursday, December 5, 2019

10. 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 December 5, 2019, at 10:02 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; Dr. D'Michelle P. DuPre, of Chapin; Charvis K. Gray of Greenville; William B. Horton, Jr., of Kingtree; and Michelle A. Cooper, of Moncks Corner; and Stephen R. Gantt of Greenwood arrived at 10:07 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; 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; Atu Williams and Charles Thomas, of Beach Crematory, LLC; Heyward P. Scott, III, Benjamin T. Hood and Linda Ledford of Keowee Funeral Services of Oconee Inc.; Sheri Stahl, of Foundation Partners; Ablean B. Hanna; Cynthia Amanda Mitchell; and Kimberley Crowder Wyatt

A. Public Notice

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B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

11. Introduction of Board Members and Persons Attending the Meeting

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

12. Approval of Excused Absences

Mr. Kenneth E. Baxter, Sr., Mr. Eddie J. Nelson, and Mr. Jeffery K. Temples were not in attendance.

MOTION

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

13. Approval of Excused absences for IRC members

Mr. Brad Evans and Mr. Glen Crawford were not in attendance.

MOTION

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

14. Approval of Minutes from the October 24, 2019 meeting

The Board reviewed the minutes. Mr. Steve Gantt joined the meeting at 10:07.

MOTION

Mr. Price made a motion to approve the October 24, 2019 minutes. Mr. Gray seconded the motion which carried unanimously.

15. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance at the end of October 2019 was -\$381,775.25.

Ms. Holleman informed the Board that the Director has reviewed the fees and there are no changes at this time.

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 |
|------------|--|--------------------------------|----------------------------|-----------------------|
| 359 | Blizzard Funeral Home and Cremation Services, Inc. | Hubert Wilson Blizzard, Jr. | Kendell MaQuel Jackson | 10/29/2019 |

Funeral Establishment Change of Facility’s Name

| FE# | Former Name of Funeral Establishment | New Name | Name of Manager | Effective Date |
|------------|---|-----------------------|------------------------|-----------------------|
| 712 | Pee Dee Cremation Services | Affordable Cremations | Lucius Harvin Bullock | 11/04/2019 |

Funeral Establishment New Branch

| FE# | Name of Funeral Establishment | Name of Manager | Effective Date |
|------------|---|----------------------------------|-----------------------|
| 1070 | Simplicity Lowcountry Cremation & Burial Services | Sharon Nancy Richardson Stahl | 12/03/2019 |

Ms. Holleman informed the Board that CE Broker working toward opening up to all licensees at the beginning of 2020. Ms. Holleman informed the Board that Ernest Adams is leaving the agency and his last official Board meeting is today.

New Business

Application Hearings

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

A. Change of Ownership

1. Keowee Funeral Services of Oconee – Seneca – Benjamin Thomas Hood

Mr. Benjamin Thomas Hood and Mr. Heyward P. Scott, III appeared before the Board on behalf of Keowee Funeral Services of Oconee, Inc.

Ms. Holleman informed the Board that the application is complete and that Mr. Benjamin Thomas Hood requests that the Board approve the change of ownership with him as the manager. Mr. Hood, license number FDE 3160, initially licensed on January 19, 2005, resides 12 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Keowee Funeral Services of Oconee, Inc. is the owner with Heyward Preston Scott, III as the sole shareholder. Ms. Holleman informed the Board that name of the former facility was Brown-Oglesby Funeral Home.

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

MOTION

Mr. Horton made a motion that the Board approves the change of ownership application pending final inspection and a favorable letter form South Carolina Department of Consumer Affairs. Ms. Cooper seconded the motion, which carried unanimously.

B. New Crematory

1. Beach Crematory – Myrtle Beach – Charles David Thomas

Stephen L. Millan, Jr., President recused himself. Darryl Dickerson, Vice-President presided. Mr. Atu J. Williams and Mr. Charles David Thomas appeared before the Board on behalf of Beach Crematory.

Ms. Holleman informed the Board that the application is complete and that Mr. Charles David Thomas requests that the Board approve the new crematory with him as the manager. Mr. Thomas, license number FDE 3161, initially licensed on January 20, 2005, resides 7.1 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Ocean View Funeral Home & Cremation Services, LLC is the owner with members, Atu J. Williams and Tammy Gore Williams.

MOTION

Mr. Horton made a motion to approve the new crematory pending final inspection. Mr. Gray seconded the motion, which carried unanimously.

Mr. McMillan returned to the meeting.

17. 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. Ablean B. Hanna

Ms. Ablean B. Hanna appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that Ms. Hanna is asking that the Board accepts her Funeral Director's application.

Ms. Holleman informed the Board that Ms. Hanna served her apprenticeship from February 15, 2008 through March 2011. Ms. Hanna does not have a criminal background. Ms. Holleman stated that Ms. Hanna has not taken any of the required exams.

Ms. Holleman stated that 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. Hanna regarding this matter.

Executive Session

MOTION

Mr. Price 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. 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 to accept the application pending that Ms. Hana passes all requires exams, including the law by February 1, 2021. Mr. Horton seconded the motion, which carried unanimously.

2. Cynthia Amanda Mitchell

Ms. Cynthia Amanda Mitchell appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that Ms. Mitchell is asking that the Board accepts her Funeral Director's application.

Ms. Holleman informed the Board that Ms. Mitchell served her apprenticeship from June 13, 2011 through June 13, 2013. Ms. Mitchell initially appeared before the Board on August 23, 2018. The Board approved her Funeral Director's application pending that she pass the require test within one year. If Ms. Mitchell did not pass the test within the allotted time, she was required to reappear before the Board. Ms. Mitchell took the test on August 20, 2019, but did not pass.

The Board questioned Ms. Mitchell regarding this matter.

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. Gray made a motion to come out of Executive Session. Dr. DuPre 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 Ms. Mitchell passes all required exams, including the law by February 1, 2021. Mr. Gray seconded the motion, which carried unanimously.

The Board recessed for 10 minutes. Mr. McMillan left the session during recess. Mr. Dickerson presided over the remainder of the meeting.

3. **Ms. Kimberley Crowder Wyatt**

Ms. Kimberley Crowder Wyatt appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that Ms. Wyatt is asking that the Board accepts her Funeral Director and Embalmer's application.

Ms. Holleman informed the Board that Ms. Wyatt served her apprenticeship from February 10, 2005 through February 10, 2008. Ms. Wyatt does not have a criminal record. Ms. Holleman informed the Board that Ms. Wyatt attended Piedmont Technical College, Greenwood, South Carolina receiving her Associate in Business with a major in Funeral Services on December 10, 2004. She licensed as a Funeral Director on February 17, 2016 and has been employed with Fletcher Funeral Service since January 2015.

Executive Session

MOTION

Mr. Gray 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. Price seconded the motion, which carried unanimously.

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

Mr. Dickerson called for a motion in this matter.

MOTION

Ms. Cooper made a motion to accept the application pending Ms. Wyatt passes all required exams before February 1, 2021. If she does not pass the exams she will be required to reappear before the Board.

Mr. Gray seconded the motion, which carried unanimously. The Board clarified that Ms. Wyatt is not required to retake the South Carolina State Law exam.

18. Transportation Companies FAQ Language

Ms. Holleman presented the FAQ language to the Board and the Board agreed on the following with any necessary corrections:

It has come to the attention of the Board that some transportation companies may be engaging in the practice of funeral service as defined in South Carolina code section 40-19-20 including, but not limited to, offering such services as embalming and cremation in conjunction with the transportation of the deceased. Specifically regarding this example note, especially subsection (D) of section 40-19-20 provided below.

Please be reminded that section 40-19-260 states the practice of funeral service may be engaged in only at a licensed establishment and by a licensed funeral professional. Transportation companies are not licensed funeral establishments. Funeral Directors who allow transportation companies to participate in the practice of funeral service maybe aiding and abetting the unlicensed practice of funeral service and maybe sanction accordingly.

The practice of Funeral services means 40-19-20 (19)

(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 the families or with licensed funeral professionals at licensed funeral establishments for embalming and cremations.

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.

Ms. Cooper left the meeting at 11:59 a.m.

MOTION

Mr. Price made a motion to approve the FAQ and e-blast transportation company language. Dr. DuPre seconded the motion, which carried unanimously.

19. Legislative Contact

Ms. Holleman informed the Board that the agency is requiring that each Board/Commission select a member or members to receive legislative updates/information and to operate as the legislative liaison between the agency and the Board/Commission. The Board discussed the matter and decided that the Board Chairperson, Mr. William Horton, and Mr. Jeffrey Temples serve as the legislative contacts.

MOTION

Mr. Price made a motion that the Board approves the Board Chairperson, Mr. William Horton, and Mr. Jeffrey Temples to serve as the legislative contacts. Dr. DuPre seconded the motion, which carried unanimously.

20. Executive Session for Legal Advice, If Needed

21. Public Comments (no votes taken)

22. Adjournment

Mr. Dickerson 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. Dickerson, after ensuring there being no further business to discuss, adjourned the December 5, 2019 meeting for the South Carolina State Board of Funeral Service at 12:05 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is February 26-27, 2020 at 10:00 a.m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.