

MINUTES
South Carolina State Board of Funeral Service
Board Meeting Via Web/Teleconference

10:00 a.m., April 30, 2020
Columbia, South Carolina

Thursday, April 30, 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 April 30, 2020 at 10:06 a.m. Other board members present for the meeting included: Darryl Dickerson, Vice-President, of Goose Creek; Stephen R. Gantt of Greenwood; Michelle A. Cooper, of Moncks Corner; Dr. D'Michelle P. DuPre, of Chapin; Charvis K. Gray, of Greenville; Eddie J. Nelson, of Blythewood; Jeffery K. Temples, of West Columbia; and Kenneth E. Baxter, Sr., of Greenville joined the meeting at 10:57 a.m.

Staff members present for 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; Georgia Lewis, Advice Counsel, Office of Advice Counsel; Jack Beasley, Assistant Deputy Director, Office of Professional and Occupational Licenses; Lesia Kudelka, Director, Office of Communication and Governmental Affairs, Amy Holleman, Administrator; Norma McAllister, Program Assistant; Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement; Eric Thompson, Chief Inspector, Office of Investigations and Enforcement; and Sheraton Spoon, Administrator

Members of the public attending the meeting included: Rion Rampey, Executive Director, South Carolina Funeral Directors Association; Glover Holman Pinckney of Eutawville Community Funeral Home, Inc.; Kimberly Renee Formby Derienzo of Cooner Funeral Home, LLC; Samuel Lance Gray of Gray Crematory; Scott F. Talley, Attorney; Mark William Hutto, Thomas Genoble, and Gerald William Hutchins of Southern Funeral Group, Inc., Eggers Funeral Home; Haley Walters of the Greenville News; Darlene Paull and Lauren Thomas of The International Conference of Funeral Service Examining Boards; and Adam Birr of the 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.

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. Landis D. Price II and Mr. William B. Horton were not in attendance.

MOTION

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

Mr. Kenneth Baxter was not present at the beginning of the meeting.

MOTION

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

4. Approval of Excused Absences for IRC members

Mr. Glen Crawford was not in attendance at the Investigative Review Committee meeting.

MOTION

Dr. DuPre made a motion to approve his absence. Mr. Gray seconded the motion which carried unanimously.

5. Approval of Minutes from the February 26-27, 2020 meeting

The Board reviewed the minutes.

MOTION

Dr. DuPre made a motion to approve the February 26-27, 2020 minutes. Mr. Nelson seconded the motion which carried unanimously.

6. Correction to the December 4-5, 2019 Minutes

Ms. Holleman explained that a scrivener’s error occurred in the minutes for Beach Crematory. The correction should note that Mr. Thomas does not have a criminal background.

MOTION

Dr. DuPre made a motion to accept the correction to the December 4-5, 2019 minutes. Mr. Gray seconded the motion, which carried unanimously.

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

Mr. McMillan welcomed everyone to the meeting.

8. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance at the end of March 2020 was -\$501,943.01. Ms. Holleman reminded the Board that renewals been extended through September 2020.

B. U. S. Census

Ms. Holleman reminded everyone to complete and file their census form which provides a guidance for federal funding to the state.

C. Updates – Funeral Establishments – Change of Managers

FE#	Name of Funeral Establishment (FE) - location	Name of former Manager	Name of New Manager	Effective Date
750	McAlister-Smith Funeral Home, Inc.	Michael Todd Griffin	FDE.2220 Amanda Shealy Caceres	FD.3845 04/10/2020
751	McAlister-Smith Crematory	Michael Todd Griffin	FDE.2220 Amanda Shealy Caceres	FD.3845 04/10/2020
768	McAlister-Smith Funeral Home - Goose Creek	Michael Todd Griffin	FDE.2220 Donald James Miller, Jr.	FDE.2588 04/10/2020
769	McAlister-Smith Crematory	Michael Todd Griffin	FDE.2220 Stephanie Z. Mikulec	FDE.406 0 04/10/2020
447	McAlister-Smith	Michael Todd Griffin	FDE.2220 Robert Benjamin Pooser	FD.3810 04/10/2020
904	McAlister-Smith Funeral Home - James Island	Michael Todd Griffin	FDE.2220 Amanda Shealy Caceres	FD.3845 04/10/2020
884	Palmetto Cremation Society	Bernard R. Putnam III	FDE.3877 Gregory R. Robertson	FDE.3170 04/10/2020
879	Brown & Son Funeral Home and Chapel, LLC	Warren S. Smith (deceased)	FD.1821 Ernest Monroe Smith	FDE.2276 03/30/2020

1072	Keowee Funeral Services of Oconee, Inc	Paul David Oglesby	FDE.2662	Benjamin T. Hood	FDE.3160	04/22/2020
973	Cremation Society of SC – Westville Funerals	Teresa Mary Mercer	FD.4040	Richard James Murtaugh, Jr.	FD.2574	04/22/2020
886	Cremation Society of SC – Westville Funerals	Teresa Mary Mercer	FD.4040	Richard James Murtaugh, Jr.	FD.2574	04/22/2020

Ms. Holleman asked that the Board consider amending the agenda, moving item #9 after item #10 and that the Board considers Cooner Funeral Home’s request to extend its time for securing a manager due to extenuating circumstances. Mr. McMillan called a motion.

MOTION

Mr. Gray made a motion to amend the agenda as requested. Mr. Dickerson seconded the motion, which carried unanimously.

9. Reports

A. Inspection Report – Eric Thompson

Mr. Thompson informed the Board that Mr. Poole conducted 13 inspections between February 15, 2020 and April 20, 2020.

B. Investigative Review Committee (IRC) Report

Mr. Jennings presented the IRC recommendations to the Board, which are to dismiss cases 2019-50; 2019-57; 2019-58; 2019-66; 2019-67 and 2019-72; reconsideration to dismiss cases 2018-17 and 2018-25; issue a letter of caution to cases 2019-35; 2019-55; 2019-63; 2020-14; 2020-17; 2020-18; 2020-8; and 2020-9; reconsideration letter of caution for case 2018-24; and file formal complaints for cases 2019-60; 2019-73; 2020-12; 2020-13; 2020-15; and 2020-16.

Mr. McMillan called for a motion in this matter.

MOTION

Mr. Gray made a motion to approve the IRC report, Mr. Dickerson seconded the motion, which passed unanimously. Ms. Cooper abstained because she was unable to hear a portion of the report. All the other present Board members voted in favor of approving the IRC report.

C. Office of Investigations and Enforcement (OIE) Report

Mr. Jennings presented the OIE report to the Board as follows; there are 31 active investigations, 19 cases have been closed, 24 do not open cases, two pending attorney review, 20 cases pending Board action, one Complaint Analyst Review, 3 pending drafting Consent Agreement, one pending drafting formal complaint and one pending IRC.

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

Mr. Jennings stated there are 29 open cases; 16 pending action, 10 pending CAs or MOAs, three pending rescheduling of hearings, and three cases closed as of April 24, 2020.

New Business

Application Hearings

10. A. Change of Ownership

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

1. Eutawville Community Funeral Home, Inc. – Glover Holman Pinckney

Mr. Glover Holman Pinckney appeared before the Board on behalf of Eutawville Community Funeral Home, Inc.

Ms. Holleman informed the Board that the application is complete and that Mr. Pinckney requests that the Board approve the change of ownership with him as the manager. Mr. Pinckney, license number FD.2161, initially licensed on May 18, 1993, resides 15 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Eutawville Community Funeral Home, Inc. is the owner with shareholders, Glover Holman Pinckney and Linda B. Taylor.

The Board questioned Mr. Pinckney regarding this matter.

MOTION

Mr. Nelson made a motion that the Board approves the new facility application pending final inspection. Dr. DuPre seconded the motion, which carried unanimously. Mr. Nelson amended the motion to include the approval for the facility to retain its' current license number. Dr. DuPre seconded the amended motion, which carried unanimously.

2. Southern Funeral Group, Inc. dba Eggers Funeral Home
Southern Funeral Group, Inc. dba Eggers Funeral Home of Chesnee
Southern Funeral Group, Inc. dba Eggers Funeral Home & Crematory

Mr. Thomas H. Genoble, Mr. Mark W. Hutto, Mr. Gerald William Hutchins and Scott F. Talley, Esquire appeared on behalf of the aforementioned facilities.

Ms. Holleman informed the Board that the applications are complete and that Mr. Hutchins requests that the Board approve the change of ownerships with him as the manager. Mr. Hutchins, license number FD.3977, initially licensed on February 9, 2017, resides 6.7 miles from Eggers Funeral Home and 11 mile from Eggers Funeral Home of Chesnee and Eggers Funeral Home and Crematory. Mr. Hutchins does not have a criminal background. Ms. Holleman informed the Board that the owner of the facilities is Southern Funeral Group, Inc.

The Board questioned Mr. Hutchins and Mr. Hutto regarding this matter.

MOTION

Dr. DuPre made a motion to approve the change of ownership applications for the Southern Funeral Group, Inc. facilities pending successfully passing a final inspection and the receipt of a favorable letter from the South Carolina Department of Consumer Affairs. Mr. Nelson seconded the motion, which carried unanimously.

MOTION

After further discussion, Ms. Cooper made a motion to rescind the previous motion. Mr. Nelson seconded the motion, which carried unanimously.

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. Dickerson 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

Ms. Cooper made motion that the Board approves the change of ownership applications for the Southern Funeral Group, Inc. facilities pending successfully passing a final inspection and with the caveat that the applicants may not sell pre-need until the Board's administrator receives a favorable report from the South Carolina Department of Consumer Affairs.

Mr. Kenneth Baxter, Sr. joined the meeting.

B. Crematory – New Facility

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

1. Gray Crematory – Pelzer – Samuel Lance Gray

Mr. James Lee Gray, Jr. and Mr. Samuel Lance Gray appeared on behalf of Gray Crematory.

Ms. Holleman informed the Board that the application is complete and Mr. Gray request that the Board approve the new crematory with him as the manager. Mr. Gray, license number FDE.2143, initially licensed on February 2, 1992, resides 3 miles from the funeral establishment. Mr. Gray does not have a criminal background. Ms. Holleman informed the Board that the owner of the facility is Gray Mortuary, Inc. with shareholders Samuel Lance Gray and James Lee Gray, Jr. Ms. Holleman informed the Board that Gray Mortuary, Inc. is the parent company.

The Board questioned Mr. Gray regarding this matter.

MOTION

Ms. Cooper made a motion to approve the crematory application for Gray Crematory pending final inspection. Mr. Gray seconded the motion, which carried unanimously.

C. Request for Extension – Change of Manager

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

1. Cooner Funeral Home – Bamberg

Ms. Holleman informed the Board that the application is complete and that Ms. Formby is requesting an extension to hire a manager for the funeral establishment.

Ms. Formby informed the Board that the manager resigned on March 1, 2020 and that she has been acting seeking a manager that qualifies according to statute and regulations. However, due to the current medical crisis, COVID-19, there have been limited responses. Also, the current situation has limited the ability to conduct interviews with prospective candidates. Ms. Formby stated that she has reached out to others in the profession for guidance and as of today, she has placed an ad in the State Newspaper.

The Board questioned Ms. Formby regarding this matter.

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. Dickerson 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

Ms. Cooper made a motion that the Board grants the extension request through the next scheduled Board meeting on June 24, 2020. Mr. Gray seconded the motion, which carried unanimously.

11. Executive Session for Legal Advice, If Needed

12. Public Comments (no votes taken)

13. Adjournment

Mr. McMillan called for a motion to adjourn.

MOTION

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

Mr. McMillan, after ensuring there being no further business to discuss, adjourned the April 30, 2020 meeting for the South Carolina State Board of Funeral Service at 12:37 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is June 24-25, 2020 at 10:00 a.m.