

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

10:00 a.m., October 28, 2020
Columbia, South Carolina

Wednesday, October 28, 2020

1. Meeting Called to Order

Darryl Dickerson, President, of Goose Creek, presiding, called the regular meeting of the South Carolina State Board of Funeral Service to order on October 28, 2020 at 10:13 a.m. Other board members present for the meeting included: Dr. D'Michelle P. DuPre, of Chapin; Eddie J. Nelson, of Blythewood; Kenneth E. Baxter, Sr., of Greenville; Landis Price, II of Leesville; James P. Hodge of Anderson; and Gregory Evans, of West Columbia.

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; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Jeanie Rose, Administrative Assistant; Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement; William Poole, Inspector, Office of Investigations and Enforcement; and Matalie Mickens, Inspector, Office of Investigations and Enforcement

Members of the public attending the meeting included: Felicia Flemming McCall and James Thomas Flemming, II of Flemming Funeral Home, Inc., Flemming Funeral Home – Cheraw Chapel, and Flemming's Funeral Home of Pageland; Glenn Carol Miller, Jeffrey Dinersterin, Attorney, Felicia Fibich, PLC's Internal Legal Counsel, of Floyd Greenlawn Chapel, Floyd's Pacolet Chapel, The J. F. Floyd Mortuary and The J. F. Floyd Mortuary – Boiling Springs; Andrew Gordon Floyd, of Piedmont Crematory; Lamar Ruple Harley, III of Harley Funeral Home & Crematory; Jodi Lauren Gunter Harmon, of Milton Shealy Funeral Home and Milton Shealy Crematory; Almastine P. Butler and Harold T. Mims, of Wilson Funeral Home; Raymond John Visotski; Don Raemon McDaniel; Jameka Aasha Syndab-Cohen; Rachel Gulley; Rion Rampey, Executive Director, South Carolina Funeral Directors Association; and Adam Birr of the South Carolina Department of Consumer Affairs.

A. Public Notice

Mr. Dickerson 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. In accordance with the Governor's directives regarding social distancing, the meeting will be held via video and teleconference. Members of the public who wish to attend may do so by telephone. For telephone logon information, please email contact.funeral@llr.sc.gov.

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. Stephen L. McMillan, Jr., Mr. Jeffery K. Temples, Ms. Michelle A. Cooper, and Mr. Charvis K. Gray were not in attendance.

MOTION

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

4. Approval of Excused Absences for IRC members

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

MOTION

Mr. Price made a motion to approve their absence. Mr. Baxter seconded the motion which carried unanimously.

5. Approval of Minutes from the August 27, 2020 meeting

The Board reviewed the minutes.

MOTION

Mr. Baxter made a motion to approve the August 27, 2020 minutes. Mr. Price seconded the motion which carried unanimously.

6. President's Remarks

Mr. Dickerson welcomed everyone and introduced the new board member, Mr. Gregory Evans.

7. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board's cash balance at the end of September 2020 was -\$76,266.12.

B. Updates – Funeral Establishments –Change of Managers

FE#	Name of Funeral Establishment (FE) -Location	Name of former Manager	Name of New Manager	Effective Date
1060	Goldfinch Funeral Services Inc.	Casey Vance Ward FDE.2719	Bobby E. richardson II FD.1964	09/29/2020
842	Goldfinch Funeral Services Inc.	Casey Vance Ward FDE.2719	Thomas G. Spencer FDE.1952	09/29/2020
969	Cannon Byrd Funeral Services	Carol Cannon Hopkins FDE.1947	Wyndell Andrew Byrd FD.4081	09/29/2020
514	Holcombe's Jonesville	Thomas H. Genoble FDE.1981	William E. Holcombe FDE.1898	09/29/2020
1047	Simplicity Lowcountry	Sharon Nancy Richardson Stahl FD.2091	Joseph Demerly Bell FD.4177	09/29/2020
1070	Simplicity Lowcountry Cremation & Burial Services	Sharon Nancy Richardson Stahl FD.2091	Joseph Demerly Bell FD.4177	09/29/2020
1048	Lowcountry Crematory	Sharon Nancy Richardson Stahl FD.2091	Joseph Demerly Bell FD.4177	09/29/2020
1000	Cooner Funeral Home LLC	James Ronald Smith FDE.2352	Richard D. Allen FDE.1950	09/29/2020
171	Robinson & Son Mortuary Inc.	Donald E. Robinson FD.1200	Taylor A. Searles FDE.3245	09/29/2020
1054	Harold Frazier Mortuary LLC	Ella Fishbum Mungo FDE.2404	Harold Frazier Jr. FDE.2473	10/01/2020

FE#	Former Name of Establishment	New Name of Funeral Establishment	Name of Manager	Effective Date
989	Cannon Funeral Home	Cannon Byrd Funeral Services	Wyndell Andrew Byrd FD.4081	09/29/2020

Ms. Holleman introduced and welcomed new Board member Gregory Evans.

8. Reports

A. Inspection Report – William Poole

Mr. Poole informed the Board that he and Ms. Mickens conducted 155 inspections between August 18, 2020 and October 19, 2020.

B. Investigative Review Committee (IRC) Report

Mr. Rodney Pigford presented the IRC recommendations to the Board, which are to dismiss cases 2019-74; 2020-19; 2020-37; 2020-38; 2020-62; 2020-63; 2020-64; 2020-65; and 2020-66; issue a letter of caution to cases 2020-69 and 2020-70; and file formal complaints for cases 2020-53; 2020-56; 2020-59; and 2020-60.

Mr. Dickerson called for a motion in this matter.

MOTION

Mr. Nelson made a motion to approve the IRC report, Mr. Baxter seconded the motion, which passed unanimously.

C. Office of Investigations and Enforcement (OIE) Report

Mr. Pigford presented the OIE report to the Board as follows, there are 22 active investigations, Twenty cases have been closed, eight do not open cases, 19 cases pending Board action, one pending Complaint Analyst Review, eight pending drafting Consent Agreement, six pending drafting formal complaint, one pending drafting Memorandum Of Agreement, one pending Cease & Desist, and one pending Respondents Agreement.

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

Mr. Jennings stated there are 55 open cases; 235 pending action, 13 pending CAs or MOAs, one pending rescheduling of hearings, three pending hearings, two pending final order hearings, and one pending final order.

New Business

Application Hearings

9. A. **New Funeral Home**

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

1. Floyd Family Funeral Home – Laurens – James Thomas Floyd, Jr.

Mr. James Thomas Floyd, Jr. appeared before the Board on behalf of Floyd Family Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Mr. Floyd requests that the Board approve the new facility with him as the manager. Mr. Floyd, license number FD.3965, initially licensed on March 20, 1998, resides 11.3 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Floyd Family Funeral Home, LLC is the owner with member James T. Floyd, Jr.

The Board questioned Mr. Floyd regarding this matter. Mr. Floyd asked the Board to approve the new facility application with him as the manager.

MOTION

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

Ms. Holleman informed the Board that Flemming Funeral Home, Inc., Flemming Funeral Home-Cheraw Chapel and Flemming's Funeral Home of Pageland are under the same ownership; therefore, would the Board consider hearing the applications simultaneously. The Board agreed.

B. Change of Ownership

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

1. Flemming Funeral Home, Inc. – Chesterfield
2. Flemming Funeral Home – Cheraw Chapel
3. Flemming's Funeral Home of Pageland

Ms. Felicia Flemming McCall and Mr. James Thomas Flemming II appeared on behalf of Flemming Funeral Home, Inc., Flemming Funeral Home – Cheraw Chapel and Flemming's Funeral Home of Pageland.

Ms. Holleman informed the Board that the applications are complete. Ms. Holleman stated that Ms McCall is requesting that the Board approve the change of ownership applications for Flemming Funeral Home, Inc and Flemming Funeral Home with her as the manager. Mr. Flemming is requesting that the Board approve the the change of ownership for Flemming's Funeral Home of Pageland with him as the manager. Ms. Holleman informed the Board that the owner of the facilities is Flemming Funeral Home, Inc. with shareholders, Felicia F. McCall, James T. Flemming, II, and Donald J. Bridges. In addition, they are asking that the Board allows each facility to retain its current license number.

Ms. Holleman informed the Board that Ms. McCall, license number FDE.2305, initially licensed on July 31, 1996, resides 8.3 miles from the facility, and does not have a criminal background. Mr. Flemming II, license number FD.3367, initially licensed on February 7, 2008, resides 21.2 miles from the facility, and does not have a criminal background.

The Board questioned the applicants regarding the matter.

Ms. McCall explained that this is a change of stocks only and nothing else has changed.

MOTION

Mr. Nelson made a motion that the Board approves the change of ownership for the facilities, and that each facility retains its current license number pending passing inspection and a favorable letter from the South Carolina Department of Consumer Affairs. Dr. DuPre seconded the motion, which carried unanimously.

4. Floyd's Greenlawn Chapel – Spartanburg
5. Floyd's Pacolet Chapel – Pacolet
7. The J. F. Floyd Mortuary Boiling Springs
8. The J. F. Floyd Mortuary – Spartanburg

Mr. Glenn Carol Miller, Ms. Felicia Fibich, Internal Attorney for PLC, and Jeff Dinersterin, Attorney for PLC, appeared before the Board on behalf of the owner of the aforementioned facilities, PLC-SC Assets, LLC.

Ms. Holleman informed the Board that the applications are complete. Mr. Miller is requesting that the Board approves the change of ownership with him as the manager. Mr. Miller, license number FDE.1209, initially licensed on August 1, 1968, resides from 3.2 to 12.2 miles from the facilities, and does not have a criminal background. Ms. Holleman informed the Board that PLC-SC Assets, LLC is owner of the facilities.

Ms. Holleman informed the Board that the facilities received and passed an inspection within the past few weeks.

Mr. Miller addressed the Board, asking that the Board approve the change of ownership with him as the manager.

MOTION

Mr. Baxter made a motion that the Board approves the change of manager applications for the facilities with Mr. Glenn Miller as the manager. Mr. Nelson seconded the motion, which carries unanimously.

6. Piedmont Crematory – Wellford – Andrew Gordon Floyd

Mr. Andrew Gordon Floyd, Ms. Felicia Fibich, Internal Attorney for PLC, and Jeff Dinersterin, Attorney for PLC, appeared before the Board on behalf of the owner of the aforementioned facility, PLC-SC Assets, LLC.

Ms. Holleman informed the Board that the application is complete. Mr. Floyd is requesting that the Board approves the change of ownership with him as the manager. Mr. Floyd, license number FD.1576, initially licensed on August 1, 1978, resides from 12.2 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that PLC-SC Assets, LLC is owner of the facilities.

Ms. Holleman informed the Board that the facility received and passed an inspection within the past few weeks.

Mr. Floyd addressed the Board, asking that the Board approve the change of ownership with him as the manager.

MOTION

Mr. Nelson made a motion that the Board approves the change of ownership with Mr. Andrew Gordon Floyd as the manager of record. Mr. Baxter seconded the motion, which carried unanimously.

Ms. Holleman informed the Board that Harley Funeral Home & Crematory and Harley Funeral Home & Crematory (the crematory) are under the same ownership; therefore, would the Board consider hearing the applications simultaneously. The Board agreed.

9. Harley Funeral Home & Crematory – Greenwood – Lamar Ruple Harley III

10. Harley Funeral Home & Crematory – Greenwood – Lamar Ruple Harley III (Crematory)

Mr. Lamar Ruple Harley III appeared before the Board on behalf of Harley Funeral Home & Crematory (the funeral home and crematory).

Ms. Holleman informed the Board that the application is complete and that Mr. Harley requests that the Board approve the change of ownership with him as the manager. Mr. Harley, license number FDE.2012, initially licensed on March 21, 1989 resides 15 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that owner of the facilities is Harley Funeral Home and Crematory, Inc with shareholders, L. Ruple Harley, Jr., L. Ruple Harley, III, and Allison Harley Cobb. The applicant is asking to retain the current license number for the facilities.

Mr. Harley addressed the Board and stated there has been a changed in the stockholders and that all other aspects of the business remain the same.

The Board questioned Mr. Harley regarding this matter.

MOTION

Mr. Nelson made a motion that the Board approves the change of ownership applications and manager for both facilities pending passing the final inspection and a favorable South Carolina Department of Consumer Affairs pre-need letter. The Board approves the facilities retaining the current license number. Dr. DuPre seconded the motion, which carried unanimously.

Ms. Holleman informed the Board that Milton Shealy Funeral Home and Milton Shealy Crematory are under the same ownership; therefore, would the Board consider hearing the applications simultaneously. The Board agreed.

Mr. Price recused himself.

11. Milton Shealy Funeral Home – Batesburg – Jodi Lauren Gunter Harmon

12. Milton Shealy Crematory – Batesburg – Jodi Lauren Gunter Harmon

Ms. Jodi Lauren Gunter Harmon appeared before the Board on behalf of Milton Shealy Funeral Home & Milton Shealy Crematory.

Ms. Holleman informed the Board that the application is complete and that Ms. Harmon requests that the Board approve the change of ownership with her as the manager. Ms. Harmon, license number FD.3841, initially licensed on April 27, 2015 resides 11.3 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that owner of the facilities is Milton Shealy Funerals and Cremation, Inc. with shareholder, Jerry C. Deese. Ms. Holleman informed the Board that the South Carolina Department of Consumer Affairs' preneed favorable letter has been received.

Ms. Harmon addressed the Board and asked that the Board approve the change of ownership with her manager.

The Board questioned Ms. Harmon regarding this matter.

MOTION

Mr. Baxter made a motion that the Board approve the change of ownership applications and manager for both facilities pending passing the final inspection. Mr. Nelson seconded the motion, which carried unanimously.

Mr. Price returned to the meeting.

13. Wilson Funeral Home –Newbery – Almastine P. Butler

Mr. Harold T. Mims and Ms. Almastine P. Butler appeared on behalf of Wilson Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Ms. Butler requests that the Board approve the change of ownership with her as the manager. Ms. Holleman informed the Board that the Funeral Home was transferred to Mr. Mims after the death of the previous owner, Myrtle Wilson.

Ms. Holleman stated that Ms. Butler, license number FD.2781, initially licensed on July 11, 2003 resides 23 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that owner of the facility is Harold T. Mims, the sole proprietor.

Ms. Butler addressed the Board and asked that the Board approve the change of ownership with her manager.

The Board questioned Ms. Butler and Mr. Mims regarding this matter.

MOTION

Mr. Baxter made a motion that the Board approves the change of ownership with Ms. Almastine Butler as the manager, pending the facility passing final inspection and the receipt of a favorable preneed letter from the South Carolina Department of Consumer Affairs.

The Chair requested a motion for a 10 minute recess. Dr. DuPre made the motion for the recess and Mr. Nelson seconded the motion, which carried unanimously. The Board returned from the break at 12:23 p.m. Mr. Landis Price recused himself.

10. 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.

Mr. Price recused himself.

1. Raymond John Visotski

Mr. Visotski appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete and that Mr. Visotski is asking the Board to approve his Funeral Director's application. Ms. Holleman informed the Board that Mr. Visotski previously licensed by endorsement as a South Carolina Funeral Director on December 4, 1996 and surrendered his license on October 31, 2017 in order to sell life insurance. Ms. Holleman stated that Board staff, at time of him surrendering his license, informed Mr. Visotski, if he chose to reinstate later, staff does not have the authority to approve a reinstatement of his license. Mr. Visotski did not complete a South Carolina apprenticeship.

Mr. Visotski addressed the Board and asked that the Board approve his Funeral Director's application.

The Board questioned Mr. Visotski regarding this matter.

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. Baxter made a motion to come out of Executive Session. Mr. Hodges 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

Mr. Evans made a motion that the Board approve Mr. Visotski's funeral director's application pending him completing 12 hours of continuing education and passing the law exam. Mr. Hodges seconded the motion, which carried unanimously.

Mr. Price returned to the meeting.

2. Don Raemon McDaniel

Mr. Don Raemon McDaniel and Mr. Mel Pennington appeared on behalf of Mr. McDaniel.

Ms. Holleman informed the Board that Mr. McDaniel's application is complete. Mr. McDaniel is asking that the Board accepts the late April 1, 2020 – April 16, 2020 quarterly report and approve his funeral director application.

Mr. McDaniel addressed the Board asking that the Board accept the late quarterly report. Mr. McDaniel's stated that he worked at the funeral home performing administrative duties during this time; however due to his age and health the manager asked that he not meet with families because of the COVID-19 pandemic.

Executive Session

MOTION

Mr. Baxter 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. Nelson 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

Mr. Hodges made a motion to accept the late quarterly report and approve the funeral director's application. Mr. Baxter seconded the motion, which carried unanimously.

3. Jameka Aasha Syndab-Cohen

Ms. Jameka Aasha Syndab-Cohen appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Syndab-Cohen is asking that the Board accepts the late April 2017 – June 2017 quarterly report and approve her funeral director's application.

Ms. Syndab-Cohen addressed the Board asking the Board to accept the late quarterly report and approve her funeral director's application. She stated that due to medical complications the report was submitted one day late.

Ms. Hollman confirmed receipt of the report one day after the due date.

MOTION

Mr. Price made a motion to accept the late quarterly report and approve the funeral director's application. Mr. Baxter seconded the motion, which carried unanimously.

11. Extension of Apprenticeship

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

1. Yvette Samuels Green

Ms. Green asked to reschedule her Board appearance prior to the meeting. Ms. Green did not appear before the Board at this time.

12. Licensure by Endorsement/Reciprocity

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

1. Rachel Gulley.

Ms. Rachel Gulley and Mr. John Pinckney appeared on behalf of Ms. Gulley.

Ms. Holleman informed the Board that the application is complete and that Ms. Gulley, licensed in June 2020 in Maryland, is applying for a Funeral Director's license by endorsement/reciprocity. Ms. Holleman reminded the Board that it has required all persons requesting licensure by endorsement that has been licensed for less than 5 years to appear before the Board.

Ms. Gulley addressed the Board and stated she plans to relocate to South Carolina. She stated as part of her Maryland apprenticeship she assisted with 43 funerals and that she conducted 17 funerals since obtaining her Maryland license.

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. Baxter a motion to come out of Executive Session. Mr. Hodges 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

Mr. Price asked that Advice Counsel read the motion, which states that the Board denies the funeral director; however, if the applicant wishes to seek South Carolina licensure prior to the end of 5 years practicing, she must obtain a full-time employment in South Carolina to complete an additional 12 months apprenticeship and take and pass the law examination. Mr. Baxter seconded the motion, which carried unanimously.

13. Consent Agreement Parameters

Ms. Holleman asked that the Board consider providing Consent Agreement parameters. Mr. Nelson asked that the Board postpone the discussion to allow more Board members to participate in the discussion. The Board agreed.

14. Regulations

Ms. Holleman stated that the Regulations Committee had completed its proposed changes and will present to the Board. The Board Chair, Mr. Dickerson asked that the Board postpone the discussion

to allow more Board members to participate in the discussion. The Board agreed.

15. Continuing Education Committee Member

Ms. Holleman explained that Mr. Temples will no longer be serving as a Continuing Education Committee member; therefore, the Board may want to choose a member to serve as his replacement.

MOTION

Mr. Baxter made a motion to appoint Mr. Gregory Evans as a Continuing Education Committee Member Mr. Hodges seconded the motion, which carried unanimously.

16. Approval of 2021 Meeting Dates/Calendar

Ms. Holleman presented the proposed 2021 Meeting Dates.

Thursday, February 18, 2021 Rooms 107 & 108

Friday, February 19, 2021

Wednesday, April 28, 2021 Rooms 107 & 108

Thursday, April 29, 2021

Wednesday, June 23, 2021 Rooms 107 & 108

Thursday, June 24, 2021

Wednesday, August 25, 2021 Elections of Officers

Thursday, August 26, 2021 Rooms 107 & 108

Wednesday, October 27, 2021 Rooms 107 & 108

Thursday, October 28, 2021

Wednesday, December 1, 2021 Rooms 107 & 108

Thursday, December 2, 2021

MOTION

Dr. DuPre made a motion to approve the 2021 meeting dates. Mr. Price seconded the motion, which carried unanimously.

17. Executive Session for Legal Advice, If Needed

18. Public Comments (no votes taken)

19. Adjournment

Mr. Dickerson called for a motion to adjourn.

MOTION

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

Mr. Dickerson, after ensuring there being no further business to discuss, adjourned the October 28, 2020 meeting for the South Carolina State Board of Funeral Service at 2:01 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is December 2-3, 2020 at 10:00 a.m.