

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

9:00 a.m., December 11, 2014  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Thursday, December 11, 2014**

**1. Meeting Called to Order**

Wallace McKnight, Jr., President, of Andrews, called the regular meeting of the SC Board of Funeral Service to order at 9:15 a.m. Other Board members present for the meeting included: Charlie Bradford Evans, Vice President, of Abbeville; Marcus D. Brown, Secretary/Treasurer, of Anderson; Thomas E. Baker, II, of Kershaw; Michelle Cooper, of Monks Corner; Eddie Nelson, of Blythewood; Mark R. O'Steen, of Spartanburg; and, John L. Petty, III, of Landrum.

Staff members participating in the meeting included: Alex Imgrund, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Office of Disciplinary Counsel; Wendi Elrod, Program Assistant; Doris Cubitt, Administrator; Amy Holleman, Administrative Assistant; Jeanie Rose, Administrative Assistant; Ernest Adams, Inspector, Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and Enforcement; and, Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons, of the SC Morticians Association (SCMA); Charles Harney; Shirley Harney; Matalie Mickens, of SC Department of Consumer Affairs (SCCA); Darryl Mattison, of First Family Funeral Home; Lawrence R. Meadows, of First Family Funeral Home; Dr Toris T. Quick, of Quick Funeral Home; Daisy B. Nixon; Bobby Nixon; Jackie Nelson, of the SC Morticians Association (SCMA); and, Glen Crawford, of the SC Morticians Association (SCMA).

a. Public Notice

Mr. McKnight announced that public notice of this meeting was properly posted at the SC 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**

William B. Horton, Jr., of Kingtree; and, Jeffrey K. Temples, of Columbia, were granted excused absences.

**MOTION**

Ms. Cooper made a motion that the Board excuse Mr. Horton's and Mr. Temples' absences. Mr. Baker seconded the motion, which carried unanimously.

#### 4. Reports

##### A. Inspection Report – Ernest Adams

Mr. Adams informed the Board that he and Mr. Poole conducted 76 inspections from October 9, 2014 to December 1, 2014.

##### **MOTION**

Mr. Evans made a motion that the Board accept this report as information. Mr. O'Steen seconded the motion, which carried unanimously.

##### B. Investigative Review Committee (IRC) Report – Sharon Wolfe

###### November 25, 2014 IRC report

Ms Wolfe presented the Investigative Review Committee (IRC) report from the November 25, 2014 IRC meeting. The IRC recommended that the Board issue cease and desist for case number 2014-62; they recommended that the Board issue a formal complaint for case numbers 2014-30, 2014-43, 2014-45, 2014-46, 2014-69, and 2014-73; and, dismiss case number 2014-28, 2014-36, and 2014-40.

##### **MOTION**

Mr. Baker made a motion that the Board approve the IRC recommendations. Ms. Cooper seconded the motion, which carried unanimously.

##### C. Office of Investigations and Enforcement (OIE) Report

Ms. Wolfe informed the Board that there are currently 18 active investigations, thirteen do not open cases, four opened case, 19 pending Board action, and nine closed cases from January 1, 2014 through December 2, 2014. And the oldest active case is 272 days.

##### D. Office of Disciplinary (ODC) Counsel

Ms. Perlman presented the Board with the report from the Office of Disciplinary Counsel (ODC). She included in the report that ODC opened 27 cases, ten cases are pending action, ten cases pending hearings, seven pending final orders hearings, and one closed.

#### New Business

##### **Application Hearings**

#### 5. New Funeral Home or Ownership change

##### 1. Webb-Settles Funeral Home – Gaynell W Tarrance

No one from Webb-Settles Funeral Home were present so the Board tabled the issue until someone can appear.

#### 6. Manager Change

##### 1. Brockington Funeral Home – William H Ketterer

Ms. Rose stated that we received an application for Brockington Funeral Home with Mr. Ketterer as the proposed manager. She stated that Mr. Ketterer currently lives 33 miles away from the funeral home. He plans on moving within the 25 mile radius sometime after the first of the year but hasn't since his wife has some health issues.

She stated that he still needs to submit his criminal background check, and, once he moves, he needs to send in proof that he has moved and an updated driver's license.

**MOTION**

Mr. Evans made a motion that the Board deny the application with Mr. Ketterer as manager since he resides over the 25 mile requirement. Mr. Baker seconded the motion, which carried unanimously.

2. First Family Funeral Home – Darryl J Mattison

Ms. Rose stated that Mr. Mattison is the proposed manager. The funeral home is still owned by Mr. Meadows.

Ms. Rose stated that Ms. Cubitt can usually approve manager changes, but, since Mr. Mattison is a trade embalmer for several other funeral homes, the Board needs to make the decision.

Mr. Nelson asked what other funeral homes Mr. Mattison embalms for. Mr. Mattison stated he embalms for Richie Funeral Home, Robinson Walker Funeral Home, and DB Walker Funeral Home.

He stated that he has done about 30 embalming cases this year between all three funeral homes.

Ms. Cooper asked when he does the embalming during the day or night.

He stated the embalming is usually done at night, but there may have been a hand-full that were during the day.

Mr. Evans and Mr. Brown both stated that they know Richie Funeral Home and the Walkers Funeral Homes have low volume.

**MOTION**

Mr. Brown made a motion that the Board approve the manager change. Ms. Cooper seconded the motion, which carried unanimously.

**7. Reinstatement**

1. Charles B Harney – Funeral Director/Embalmer

Ms. Rose stated that Mr. Harney wishes to reinstate his license since it lapsed on June 30, 2012.

Mr. Harney stated that he has been in the funeral business since he was 16 years old. He then went into the school system.

He stated he use to work for Garner Funeral Home in Allendale, then it became Garner Harney Funeral Home. It is now Heritage Funeral Home.

**MOTION**

Mr. Evans made a motion that the Board approve Mr. Harney's request to reinstate is license. Mr. O'Steen seconded the motion, which carried unanimously.

**8. Request to serve Apprenticeship for 4<sup>th</sup> time**

1. Korie Allen Galloway – Apprentice Embalmer

Ms. Rose stated that Mr. Galloway called stating that his supervisor is sick so they wish to be placed on the January 22, 2015 agenda.

9. **Break** – Mr. McKnight stated that the Board will break for 5 minutes

10. **Disciplinary Hearing – Tracey Perlman**

1. Case No. OIE – 2013-34 Toris T. Quick, FDE 2104

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

Ms. Perlman reminded the Board that this has come before them before for a consent agreement and it was rejected.

She stated that a complaint was received stating that the Respondent was contacted on May 8, 2013, when the Complainant's sister passed away. Respondent contacted a local funeral home in Georgia, where the decedent was located, to bring the remains to South Carolina for service. The Respondent admits that he never fully explained a detailed description of what the costs were for and the services he provided.

Ms. Perlman then stated that the Complainant claims that the Respondent forged a contract because the signature of her mother did not match that on the document. The Respondent signed the contract after obtaining verbal permission to do so from the decedent's mother. The Complainant also claims that the decedent was embalmed without permission as the remains were to be cremated. The Respondent failed to deliver to the family a copy of the death certificate for the decedent.

**Executive Session**

**MOTION**

Mr. Evans made a motion that the Board enter into executive session for legal advice. Mr. Brown seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Baker made a motion that the Board return to public session. Mr. O'Steen seconded the motion, which carried unanimously.

Mr. McKnight stated, for the record, that no votes were taken during executive session.

**MOTION**

Ms. Evans made a motion that the Board dismiss violation 40-19-110 (14) since the death certificate was filed and the family did not request a copy. He also stated to dismiss the violation 57-13- (A)(3) since verbal permission was given. Mr. O'Steen seconded the motion, which carried unanimously.

Mr. Evans cautioned Dr. Quick to have a written signed contract in the future.

2. Case No. OIE – 2013-64 William E. Free, FDE 1645

Ms. Perlman stated she requested a continuance and it was granted.

3. Case No. OIE – 2011-4 William D. McCutchen, Jr., FDE 2188

4. Case No. OIE – 2011-11 William D. McCutchen, Jr., FDE 2188

5. Case No. OIE – 2011-13 Russell-McCutchen Funeral Home, FE 380

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

Mr. Nelson recused himself.

Ms. Perlman stated that they have reached a memorandum of agreement (MOA) and she will address the issues for each case separately.

**Case 2011-4**

On December 15, 2010, the Respondent/Director appeared before the Board in connection with OIE case 2008-38 for selling pre-need funeral services without a license. Thereafter, the Board issued an Order suspending Respondent/Director's license for two (2) years with three (3) years probation beginning January 12, 2011.

On February 10, 2011, LLR Investigator Tony Kennedy received a call from Inspector Adams indicating that DHEC inquired about several suspicious death certificates submitted by Respondent/Director.

The suspicious death certificates were issued listing the Respondent/Establishment of Winnsboro and were signed by Randy Smalls as funeral director and Zebbie Goudelock as embalmer. However, on some of the certificates, names were misspelled and the embalmer license number did not match that of Mr. Goudelock.

On February 23, 2011, Zebbie Goudelock made the following statement before a notary witness: "I am the embalmer of record for Russell-McCutchen Funeral Home of Winnsboro, South Carolina. I have never been called by William McCutchen to conduct any embalming nor have I signed any death certificates for Mr. McCutchen pertaining to any embalming. The signatures that appear on the death certificates that were shown to me are not my signatures".

**Case 2011-11**

On or about September 29, 2010, Respondent-Director met with Complainant to discuss a pre-need contract. Complainant toured Russell-McCutchen Funeral Home and was told that the Respondent-Establishment could provide Complainant with a pre-need contract however, the contract would need to be run through J.P. Holley Funeral Home.

Respondent-Director allowed Complainant to fill out a contract with J.P. Holley Funeral Home and collected a cashier's check in the amount of \$6, 600.83.

When Complainant discovered that neither Respondent-Establishment nor Respondent-Director was licensed for pre-need funeral services, Complainant requested a refund from Respondent-Director. Complainant's funds were ultimately refunded by J.P. Holley Funeral Home on April 11, 2011.

**Case 2011-13**

Respondent-Establishment is the Funeral Establishment where Respondent-Director conducted all actions relevant to Case Number 2011-4 and Case Number 2011-11. Respondent-Establishment knowingly, willingly, and intentionally allowed the unlicensed practice of funeral service and the unlicensed sale of pre-need funeral services by the Respondent-Director.

Ms. Perlman stated that the Respondents has agreed that he violated the following statutory provisions governing the practice of funeral services, 40-1-110(1)(f), 40-1-110(1)(d), 40-1-110(1)(k), 40-19-110(1), 40-19-110(11), and 40-19-110(12).

**Executive Session**

**MOTION**

Mr. Baker made a motion that the Board enter into executive session for legal advice. Ms. Cooper seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Evans made a motion that the Board return to public session. Mr. O'Steen seconded the motion, which carried unanimously.

Mr. McKnight stated, for the record, that no votes were taken during executive session.

**MOTION**

Mr. Baker made a motion that the Board find the Respondent in violation of all six violations, Sections 40-1-110(1)(f), 40-1-110(1)(d), 40-1-110(1)(k), 40-19-110(1), 40-19-110(11), and 40-19-110(12). The Board feels that the appropriate sanctions are for a public reprimand for Mr. McCutchen and the funeral home, pay a Five Hundred Dollar (\$500.00) fine for each violation paid within 60 days of the effective date of the Board's Order. The fines should be \$1,500 for Mr. McCutchen and \$1,500 for the funeral home. Mr. Evans seconded the motion, which carried unanimously.

**11. Approval of Minutes for the November 14, 2014**

**MOTION**

Mr. Evans made a motion on that the Board accept the meeting minutes for the November 14, 2014, as written. Mr. Brown seconded the motion, which carried unanimously.

**12. President's Remarks – Wallace McKnight**

Mr. McKnight welcomed everyone.

**13. Administrator's Remarks – Doris Cubitt**

**A. Conference Model Practice Act for Funeral Service**

Ms. Cubitt presented the Conference Model Practice Act for Funeral Service which all states may adopt.

She asked that Board members forward any comments to her so she may forward on to the Conference.

**B. Financial reports**

Ms. Cubitt presented the financial reports for the Board's review.

**C. International Conference/Exam questions**

Ms. Cubitt stated that the International Conference is asking people to review the exam questions. She stated if anyone is interested please contact the Conference.

Ms. Cubitt stated that everyone should have received an email stating that Ms. Richelle Taylor has now been appointed as the new Director. She stated that Ms. Taylor has been with LLR about a

year and she was the Deputy Director over Administration. Mr. Imgrund also added that she is an attorney that worked for Fisher and Phillips Law Firm, which is a top tier labor employment law firm.

Ms. Cubitt stated that the Administrative Authority committee needs to add a member in the interest of diversity.

**MOTION**

Mr. Evans made a motion on that the Board appoint Mr. Nelson to the committee. So the Administrative Authority committee will be Mr. Nelson, Mr. Horton, Ms. Cooper and Mr. Evans. Mr. O'Steen seconded the motion, which carried unanimously.

**D. Reinstatement of license to be manager**

Ms. Cubitt stated that the question has come up if a licensee lets their license lapse and reinstates the license can they be a manager immediately following the reinstatement.

Mr. Evans stated in Section 40-19-20 (16) "Manager" - means a licensed funeral director who has been licensed in this State for at least one year, who is a fulltime regular employee, and who is responsible for and has the binding authority from the owner for the day-to-day management of funeral establishments or crematories including compliance with all applicable laws governed by this chapter.

He stated the Boards position is the license must be active and in good standing for one (1) year prior to being a manager.

Mr. Nelson inquired on if the manager of the cremator has to be a crematory operator as well. Ms. Cubitt stated the manager of a crematory does not need to be a crematory operator unless the manager is the operator of the crematory.

**14. Review 2015 Board meeting dates**

The scheduled 2015 board meeting dates are January 22, 2015, February 3, 2015 at the Mid-Winter Conference or February 5, 2015 at LLR, March 19, 2015, April 15, 2015, May 20, 2015, June 10, 2015, July 23, 2015, August 12, 2015, October 22, 2015, and December 9, 2015.

Mr. Baker stated that he believes the Board would like to have the February 3, 2015 meeting date which is scheduled during the SC Funeral Directors Association Mid-Winter Conference.

**MOTION**

Mr. Evans made a motion the Board approve the 2015 board meeting dates as January 22, 2015, February 3, 2015, March 19, 2015, April 15, 2015, May 20, 2015, June 10, 2015, July 23, 2015, August 12, 2015, October 22, 2015, and December 9, 2015. Mr. O'Steen seconded the motion, which carried unanimously.

**15. Public Comments (no votes taken)**

No public comments at this time.

**16. Adjournment**

**MOTION**

Mr. Baker made a motion the Board adjourn. Mr. Evans seconded the motion, which carried unanimously.

The December 11, 2014, meeting of the SC Board of Funeral Service adjourned at 12:07 p.m.  
The next meeting of the SC Board of Funeral Service is scheduled for January 22, 2015.