

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

10:00 a.m., February 19, 2021
Columbia, South Carolina

Friday, February 19, 2021

1. Meeting Called to Order

Landis Price, II, Vice- President, of Leesville, presiding, called the regular meeting of the South Carolina State Board of Funeral Service to order on February 19, 2021 at 10:05 a.m. Other board members present for the meeting included: Kenneth E. Baxter, Sr., of Greenville; James P. Hodge of Anderson; Charvis K. Gray, of Greenville; William B. Horton, Jr., of Kingstree; Eddie J. Nelson, of Blythewood; Gregory Evans, of Newberry, and Michelle A Cooper, of Goose Creek joined at 2:29 p.m.

Staff members present for the meeting included: Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Mary League, Advice Counsel, Office of Advice Counsel; Kyle Tennis, 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; Matalie Mickens, Inspector, Office of Investigations and Enforcement; Tracy Solet, Paralegal, Office of Disciplinary Counsel; Allison Fuller, Clerk, Office of Disciplinary Counsel; and Courtney Clark, Administrative Coordinator I, Office of Disciplinary Counsel.

Members of the public attending the meeting included: Gloria W. Outlaw, Wayne Russell, and Shelia Russell of Trinity Funeral Services, LLC; William Maurice Sullivan and Roshelle Sullivan of Sullivan Bros Mortuary, Inc.; Charles D. Thomas and Atu Williams of Beach Crematory; Jeremiah Vaignuer, of Beaufort Jasper Cremations; Wendell Davis, of Davis Funeral Home LLC; Wallace McKnight and Roberta McKnight of McKnight-Fraser Funeral Home; Wendi Weiner, Attorney, Erin C. Whitaker, Misty Beck, Justin N. Baxley of Whitaker Funeral Homes and Midlands Crematory; Benjamin Singleton and Jonathan Altman, Attorney; Macy Burroughs, of Cremation Services Direct, LLC; Leonard J. Hicks; Edward K. Taylor; Esmeralda Walsh; Zebulon Young; Jennifer L. Thomas; Thomas Lee and Stephen M. Holmes, of Leeside Funeral Home; Rion Rampey, Executive Director, South Carolina Funeral Directors Association; Chris Collins of the South Carolina Department of Consumer Affairs and Ernest Adams.

A. Public Notice

Mr. Price 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@lfr.sc.gov.

2. Introduction of Board Members and Persons Attending the Meeting

The board members introduced themselves.

3. Approval of Excused Absences

Mr. Stephen L. McMillan, Jr., Mr. Darryl Dickerson, and Dr. D'Michelle DuPre were not in attendance. Ms. Michelle Cooper joined the meeting at 2:29 p.m.

MOTION

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

4. Approval of Excused Absences for IRC Members

All members of the IRC were present for the meeting.

5. Approval of Minutes from the December 3, 2020 meeting

The Board reviewed the minutes.

MOTION

Mr. Horton made a motion to approve the December 3, 2020 minutes. Mr. Baxter seconded the motion, which carried unanimously.

6. President’s Remarks

Mr. Price welcomed everyone in attendance

7. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance at the end of December 31, 2020 was -\$55,468.59.

Ms. Holleman informed the Board that on February 24 & 25, 2021 she, Mr. Baxter, and Ms. Mickens will virtually attend the annual International Conference meeting.

B. Updates – Funeral Establishments –Change of Managers

FE#	Name of Funeral Establishment (FE) -location	Name of former Manager		Name of New Manager	Effective Date	
554	Pasley’s Mortuary	William P. Gilmore	FD.1280	Samuel Lamar	FDE.3590	12/22/2020
1082	Wilson Funeral Home	Almastine Parks	FD.2781	Steven T. Butler	FD.3683	01/22/2021
597	Alexander, Casey & Gist Funeral Service Chapel	Earl N. Alexander	FDE.1296	Kenneth Eugene Gist	FD.1928	01/06/2021

8. Reports

A. Inspection Report – William Poole

Mr. Poole informed the Board that he and Ms. Mickens conducted 163 inspections between November 19, 2020 and February 11, 2021.

B. Investigative Review Committee (IRC) Report

Mr. Pigford presented the IRC recommendations to the Board, which are to file formal complaints for cases 2020-6, 2020-7, 2020-68, 2020-75, 2020-78, 2020-82, and 2020-83; issue a letter of caution for cases 2020-80, 2020-89, 2020-103, and 2020-104, and a reconsideration letter of caution for case 2019-61.

Mr. Price called for a motion in this matter.

MOTION

Mr. Horton made a motion to approve the IRC report, Mr. Evans 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 two active investigations; one complaint referred to the inspection unit; one pending Complaint Analyst Review, and two pending review by the IRC.

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

Mr. Jennings stated there are 62 open cases; 29 pending action, 20 pending CAs or MOAs, five pending rescheduling of hearings, seven pending final order hearings, one pending final order and eight closed.

Disciplinary

9. A. Consent Agreements

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

1. Case No.: 2020-35

2. Case No.: 2020-33

Mr. Donnell Jennings, presented the Consent Agreements to the Board. Mr. Jennings stated that Case Nos.: 2020-35 and 2020-33 are companion cases. The Board reviewed the agreements. Mr. Price called for questions and/or a disposition from the Board.

MOTION

Mr. Horton made a motion to accept the Consent Agreements. Mr. Baxter seconded the motion, which carried unanimously.

3. Case No.: 2020-31

4. Case No.: 2020-30

Mr. Donnell Jennings, presented the Consent Agreements to the Board. Mr. Jennings stated that Case Nos.: 2020-31 and 2020-30 are companion cases. The Board reviewed the agreements. Mr. Price called for questions and/or a disposition from the Board.

MOTION

Mr. Gray made a motion to accept the Consent Agreements. Mr. Hodge seconded the motion, which carried unanimously.

10. A. Final Order Hearings

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

1. Case No.: 2018-50

Mr. Donnell Jennings represented the State and presented the Hearing Officer's Recommendation. The Respondent was present. Mr. Price called for the Board's disposition in this matter.

MOTION

Mr. Nelson made a motion that the Board accepts the Hearing Officer's Recommendation. Mr. Horton seconded the motion, which carried unanimously.

The Chair called for a five minute recess. The meeting resumed at 11:17 a.m. Mr. Horton left the session at 11:33 a.m.

2. Case Nos.: 2019-51, 2020-28, & 2020-29

Mr. Donnell Jennings represented the State and presented the Hearing Officer's Recommendation. The Respondents were present and agreed to proceed with the proceedings without legal representation.

The Respondents addressed the Board and the Board questioned the respondents regarding this matter.

Executive Session

MOTION

Mr. Nelson 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. Baxter made a motion to come out of Executive Session. Mr. Hodge seconded the motion, which carried unanimously.

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

Mr. Price called for a motion in this matter.

MOTION

Mr. Baxter made a motion that the Board accepts the Hearing Officer's Recommendation. Mr. Evans seconded the motion, which carried unanimously.

Ms. League asked that due to the applicant's prior obligations that the Board move item #11 B4 be next on the agenda. Mr. Jennings did not object to the change. Mr. Horton left the meeting.

11. B. New Crematory and/or Extension request

4. Beaufort Jasper Cremations – Ridgeland – Jeremiah Edgell Vaigneur II

Mr. Vaigneur appeared before the Board on behalf of Beaufort Jasper Cremations.

Ms. Holleman informed the Board that the application is complete and that Mr. Vaigneur requests that the Board approve the new crematory with him as the manager. Mr. Vaigneur, license number FDE.3332, initially licensed on August 20, 2007 resides 3 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Vaigneur Funeral Home, LLC is the owner.

The Board questioned Mr. Vaigneur regarding this matter.

Mr. Price, after ensuring there were no further questions from the Board and/or comments from the applicant, called for a motion in this matter.

MOTION

Mr. Gray made a motion that the Board approves the new crematory application with Mr. Vaigneur as the manager pending that the crematory passes the final inspection. Mr. Evans seconded the motion, which carried unanimously.

Mr. Horton returned to the session.

3. Case Nos.: 2017-39 and 2017-40

Respondents were present with their attorney, Jonathan Altman. Mr. Donnell Jennings represented the State and presented the Hearing Officer's Recommendation. Attorney Altman addressed the Board and asked that the Board consider modifying the findings for a letter of caution instead of a public reprimand. The Board questioned Mr. Altman regarding this matter.

Mr. Price called for a motion to go into executive session.

Executive Session

MOTION

Mr. Nelson made a motion to go into executive session to receive legal advice. Mr. Horton seconded the motion, which carried unanimously. Mr. Nelson amended the motion, inviting the Administrator to the executive session. Mr. Horton seconded the amended motion, which carried unanimously.

Return to Public Session

MOTION

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

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

Mr. Price called for a motion in this matter.

MOTION

Mr. Evans made a motion to accept the Hearing Officer's findings in part and to reject them in part, and to accept the applicable recommended sanction of a public reprimand and a fine. Mr. Gray seconded the motion, which carried unanimously.

The Board recessed for 15 minutes

4. Case No.: 2018-15

Mr. Donnell Jennings represented the State and presented the Hearing Officer's Recommendation. The Respondent was present and agreed to the Hearing Officer's Recommendation.

Mr. Price called for the Board's disposition in this matter.

MOTION

Mr. Nelson made a motion to accept the Hearing Officer's Recommendation. Mr. Baxter seconded the motion, which carried unanimously.

New Business

Application Hearings

11. Funeral Establishments

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

A. New Facility and/or Extension Request

1. Leeside Funeral Home, LLC – Spartanburg – Stephen Mark Holmes

Mr. Thomas Lee and Mr. Stephen Mark Holmes appeared before the Board on behalf of Leeside Funeral Home, LLC.

Ms. Holleman informed the Board that the application is complete and that Mr. Holmes requests that the Board approve the new facility with him as the manager. Mr. Holmes, license number FDE.3602, initially licensed on May 24, 2011 resides 7.2 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Leeside Funeral Home, LLC is the owner.

The Board questioned Mr. Lee regarding the name of the facility. Mr. Lee informed the Board that Leeside is defined as the side of something that provides shelter to something and confirmed that his last name is "Lee". Mr. Lee and Mr. Holmes addressed the Board regarding the new facility application. Mr. Holmes asked the Board to approve the new facility application with him as the manager. Mr. Holmes stated that he has read and understands the South Carolina State Board of Funeral Services statutes and regulations.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

Mr. Price called for a motion in this matter.

MOTION

Mr. Baxter made a motion that the Board approves the new facility application with Mr. Stephen Mark Holmes as the manager pending the facility passing the final inspection. Mr. Horton seconded the motion, which carried unanimously.

2. Davis Funeral Home, LLC – Hartsville – Wendell Davis

Mr. Wendell Davis appeared before the Board on behalf of Davis Funeral Home, LLC.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman explained that on August 28, 2019 the Board approved the new funeral home application with Mr. Wendell Davis as the manager; however, the funeral establishment has not opened. Mr. Davis is asking that the Board grant him an extension.

Mr. Holleman informed the Board that Mr. Davis, the proposed manager, license number FDE.2343, initially licensed on January 24, 1997, resides 6.4 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Davis Brothers Funeral Home, LLC is the owner of the facility.

The Board questioned Mr. Davis regarding this matter. Mr. Davis addressed the Board and stated that the pandemic presented issues with the contractors securing materials to complete the renovation.

Mr. Price called for the disposition in this matter.

MOTION

Mr. Horton made a motion that the Board grants an extension until August 14, 2022. Mr. Gray seconded the motion, which carried unanimously.

The Board recessed for 10 minutes. Ms. Cooper joined the meeting.

3. Trinity Funeral Services – Marion – Gloria Ann Outlaw

Ms. Gloria Ann Outlaw, Mr. Wayne Russell, and Ms. Shelia Russell appeared before the Board on behalf of Trinity Funeral Services.

Ms. Holleman informed the Board that the application is complete and that Ms. Outlaw requests that the Board approve the new facility with her as the manager. Ms. Outlaw, license number FD.3883, initially licensed on April 4, 2016, resides 23 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Trinity Funeral Home, LLC is the owner.

The Board questioned Ms. Outlaw regarding the matter. Ms. Outlaw stated that she has read and understands the South Carolina State Board of Funeral Services statutes and regulations.

Mr. Price called for a disposition in this matter.

MOTION

Ms. Cooper made a motion that the Board approves the new facility application, pending the facility passing final inspection, with Ms. Outlaw as the manager. Mr. Baxter seconded the motion, which carried unanimously.

B. New Crematory and/or Extension request

1. Beach Crematory – Myrtle Beach – Charles David Thomas

Mr. Atu Williams and Mr. Charles David Thomas appeared on behalf of Beach Crematory.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman explained that on December 5, 2019 the Board approved the new crematory application; however, the crematory has not opened, therefore, Mr. Williams and Mr. Thomas are asking for an extension.

Ms. Holleman informed the Board that Mr. Thomas, the proposed manager, 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.

Mr. Thomas asked that the Board grant the extension for the opening of the new crematory with him as the manager. Mr. Thomas explained the construction/renovation project has experienced contractual and permitting delays due to the COVID-19 medical crisis.

MOTION

Mr. Gray made a motion that the Board approves the extension request through August 31, 2021. Mr. Nelson seconded the motion, which carried unanimously.

2. Cremation Services Direct, LLC – Myrtle Beach – Macy Nicole Burroughs

Ms. Macy N. Burroughs appeared before the Board on behalf of Cremation Services Direct, LLC.

Ms. Holleman informed the Board that the application is complete and that Ms. Macy N. Burroughs requests that the Board approve the new crematory with her as the manager. Ms. Burroughs, license number FDE 3998, initially licensed on February 28, 2017, resides 4.8 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Cremation Services Direct, LLC is the owner with member Macy N. Burroughs.

The Board questioned Ms. Burroughs regarding this matter.

MOTION

Mr. Gray made a motion to approve the new crematory with Ms. Macy Burroughs as the manager pending final inspection. Ms. Cooper seconded the motion, which carried unanimously.

Mr. Horton left the meeting.

3. Sullivan Bros Mortuary, Inc. – Greer – William Maurice Sullivan

Mr. William Maurice Sullivan appeared before the Board on behalf of Sullivan Bros Mortuary, Inc.

Ms. Holleman informed the Board that the application is complete and that Mr. Sullivan requests that the Board approve the new crematory with him as the manager. Mr. Sullivan, licensed number FDE.3478, initially licensed on September 18, 2009, resides 4.2 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Sullivan Bros Mortuary, Inc. is the owner.

The Board questioned Mr. Sullivan regarding this matter. Mr. Price called for a disposition in this matter.

MOTION

Mr. Gray made a motion that the Board approves the new crematory with Mr. Sullivan as the manager, pending final inspection. Mr. Baxter seconded the motion, which carried unanimously.

Ms. Holleman informed the Board that the next three facilities have the same owner. The Board agreed to hear the applications simultaneously.

C. New Facility/Crematory

1. Whitaker Funeral Home – Newberry – Erin Christie Whitaker
2. Whitaker Funeral Home – Chapin (Branch) Erin Christie Whitaker
3. Midlands Crematory – Newberry (Crematory) – Erin Christie Whitaker

Ms. Erin C. Whitaker, Mr. Justin Baxley, Ms. Wendy Weiner; and Ms. Misty Birch appeared on behalf of Whitaker Funeral Home – Newberry, Whitaker Funeral Home – Chapin, and Midlands Crematory – Newberry.

Ms. Holleman informed the Board that the application is complete and that Mr. Whitaker requests that the Board approve the change of ownership and new crematory with her as the manager. Ms. Whitaker, license number FDE.3525, initially licensed on June 3, 2010, resides one mile from the Whitaker – Newberry, 22 miles from Whitaker – Chapin, and three miles from Midlands Crematory. Ms. Whitaker does not have a criminal background. Ms. Holleman informed the Board that HSI – SC, LLC is the owner with members Erin Christie Whitaker and Justin Baxley.

The Board questioned Ms. Whitaker regarding this matter. Ms. Whitaker asked the Board to approve the change of ownership and the new crematory with her as the manager.

MOTION

Ms. Cooper made a motion that the Board approves the changes of ownership and new crematory with Ms. Whitaker as the manager pending the facilities passing the final inspection. Mr. Gray seconded the motion, which carried unanimously.

12. Funeral Director and/or Embalmer

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

A. Licensure by Endorsement/Reciprocity

1. Tamika Patterson

Prior to the Board meeting, Ms. Patterson rescheduled to appear on April 29, 2021.

2. Jennifer Lorraine Thomas

Ms. Jennifer Lorraine Thomas appeared before the Board on her own behalf.

Ms. Holleman informed the Board that Ms. Thomas, initially licensed on March 20, 2019 in North Carolina. does not have a criminal background. Ms. Thomas served her apprenticeship from August 1, 2016 through November 1, 2018. She has not submitted an official transcript. Ms. Thomas is asking the Board to approve her application for licensing by endorsement.

Ms. Thomas addressed the Board and stated that she completed a two year required apprenticeship with one year as a residency and one year as an apprentice. Ms. Thomas stated she completed 65 cases during the apprenticeship and residency.

The Board questioned Ms. Thomas regarding this matter.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

Mr. Price called for a motion in this matter.

MOTION

Ms. Cooper made a motion that the Board approves the licensure by endorsement pending the receipt of Ms. Thomas' transcript and passing the law exam. Mr. Gray seconded the motion, which carried unanimously.

3. Esmeralda Walsh

Ms. Esmeralda Walsh appeared before the Board on her own behalf.

Ms. Holleman informed the Board that Ms. Walsh initially licensed in Arizona as an embalmer on June 21, 2005 and a Funeral Director on July 18, 2006 and licensed in North Carolina on/about May 23, 2018 as a Funeral Director and Embalmer. In 2004, Ms. Walsh received an Associate of Applied Science in Mortuary Science from Mesa Community College, Mesa, Arizona.

Ms. Holleman informed the Board that the application is incomplete. It lacks North Carolina's official licensure verification and criminal background check. Ms. Walsh resided in Arizona within the past five years and due to it being a closed state the criminal background report lacked any identifiable information. Staff received the Arizona official verification of licensure.

MOTION

Ms. Cooper made a motion that the Board approves the licensure by endorsement application pending a favorable North Carolina background check and Ms. Walsh passing the law exam. Mr. Nelson seconded the motion, which carried unanimously.

B. Funeral Director and/or Embalmer Application

1. Edward Kenneth Taylor

Mr. Edward Kenneth Taylor appeared before the Board on his own behalf.

Ms. Holleman informed the Board that Mr. Taylor's application is complete. Mr. Taylor is asking that the Board accepts the late January 1, 2020 – March 31, 2020 quarterly report and approve his funeral director application.

The Board questioned Mr. Taylor regarding this matter.

MOTION

Ms. Cooper made a motion that the Board accepts the late quarterly report and allows Mr. Taylor to take the Art exam and upon passing Mr. Taylor would be eligible to take the law exam. Mr. Baxter seconded the motion, which carried unanimously.

13. Legislative Update

There were no updates.

14. Executive Session for Legal Advice, If Needed

15. Public Comments (no votes taken)

16. Adjournment

Mr. Price called for a motion to adjourn.

MOTION

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

Mr. Price, after ensuring there being no further business to discuss, adjourned the February 19, 2021 meeting for the South Carolina State Board of Funeral Service at 3:38 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is April 28-29, 2021 at 10:00 a.m.