

MINUTES
South Carolina State Board of Funeral Service
Board Meeting
110 Centerview Drive, Room 108
10:00 a.m., June 23, 2021
Columbia, South Carolina

Wednesday, June 23, 2021

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 June 23, 2021 at 10:10 a.m. Other board members present for the meeting included: Landis Price, II, Vice- President, of Leesville; Kenneth E. Baxter, Sr., Secretary/Treasurer, of Greenville; Michelle A Cooper, of Moncks Corner; Dr. D'Michelle P. DuPre, of Chapin; Gregory Evans, of Newberry; James P. Hodge of Anderson; William B. Horton, Jr., of Kingstree; and Eddie J. Nelson, of Blythewood.

Staff members present for the meeting included: Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Kyle Tennis, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Kathy Meadows, Investigator, Office of Investigation and Enforcement; and Tracy Solet, Paralegal, Office of Disciplinary Counsel.

Members of the public attending the meeting included: William F. Guinyard, of Guinyard & Son Funeral Home; Robert C. Pearson, of Pearson's Funeral Home; Keisha L. Floyd; and Ms. Tandra Miller.

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. Members of the public who wish to attend may do so by live streaming at <https://youtu.be/8smpDFu9e M>.

2. Introduction of Board Members and Persons Attending the Meeting

The board members introduced themselves.

Mr. Horton asked that the Board give special recognition to a fellow Funeral Director/Embalmer, Mr. Ogden C. Sutton (FDE.839) of Pageland who recently passed. Mr. Sutton served as an active licensee from 1954-2008, serving on The Funeral Board from 1961-1964 and as the President of the South Carolina Funeral Directors' Association from 1977-1978. He was the owner of Sutton Funeral Home in Pageland.

The South Carolina State Board of Funeral Service recognizes Mr. Ogden C. Sutton for his hard work, enthusiasm, commitment, dedication, and service to the citizens of South Carolina and to the funeral profession.

Mr. Horton made a motion that the written minutes for today's Board's meeting document the recognition of Mr. Sutton. Mr. Baxter seconded the motion, which carried unanimously.

Mr. Dickerson called for a moment of silence in honor of Mr. Ogden C. Sutton.

Application Hearing

3. Change of Ownership/Control

1. Guinyard & Son Funeral Home, LLC – William Frayward Guinyard

Mr. William Frayward Guinyard appeared before the Board on behalf Guinyard & Son Funeral Home, LLC.

Ms. Holleman informed the Board that the application is complete and that Mr. Guinyard requests that the Board approve the change of ownership with him as the manager. Mr. Guinyard, license number FD.1692, initially licensed on August 25, 1980 resides .4 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Guinyard & Son Funeral Home, LLC. is the owner.

The Board questioned Mr. Guinyard regarding this matter.

MOTION

Mr. Horton made a motion that the Board approves the change of ownership/control with Mr. Guinyard as the manager and the funeral facility retaining the current license number.

4. A. Memorandum of Agreement (MOA)

1. Case Nos.: 2019-60 & 2019-73

Mr. Donnell Jennings, Disciplinary Counsel, representing the State, presented the Memorandum of Agreement stating that both parties agreed to the stipulation of facts. The Respondent addressed the Board regarding this matter. The Board questioned the Respondent regarding the MOA.

Executive Session

MOTION

Mr. Price made a motion to go into Executive Session to receive legal advice. Dr. DuPre seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Dr. DuPre made a motion that the Board come out of Executive Session. Mr. Horton seconded the motion, which carried unanimously.

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

MOTION

Ms. Cooper made a motion that the Board reject the MOA and dismiss the case finding that the respondent did not violate Statute 40-19-110. Dr. DuPre seconded the motion, which carried unanimously.

Mr. Dickerson called for a motion for a 10 minute recess.

MOTION

Mr. Price made a motion that the Board recess for 10 minutes. Mr. Horton seconded the motion, which carried unanimously.

A. Evidentiary Hearing

1. Case No.: 2017-54

Both the State and Respondent made opening statements. Mr. Jennings, representing the State, then presented the case before the Board. Respondent then presented her case before the Board after waiving her right to be represented by legal counsel.

The Board heard testimony from the State's witnesses: Ms. Kathy Meadows and Ms. Tandra Miller. Respondent and the Board questioned the witnesses. Respondent then testified.

The State gave closing remarks, and Respondent declined to make a closing statement. Afterward, Mr. Dickerson called for a motion to go into Executive Session to receive legal advice.

Executive Session

MOTION

Mr. Price made a motion to go into Executive Session to receive legal advice. Dr. DuPre seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Dr. Price made a motion that the Board come out of Executive Session. Mr. Horton seconded the motion, which carried unanimously.

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

MOTION

Ms. Cooper made a motion that the Board finds that the Respondent violated Statute 40-1-110(1)(f) by committing a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public by not providing and obtaining proper documentation from the family. The Board finds that the Respondent made misrepresentations or committed fraud while engaging in the practice of funeral service by allowing someone to present himself or herself as a licensed Funeral Director. The Board finds that the Respondent aided and abetted an unlicensed person to engage in the practice of funeral service by allowing in her presence an unlicensed person to engage in the selling of funeral goods and services. The Board finds that the State did not meet its burden of proof that Respondent knowingly made a false statement on a certificate of death.

Due to its findings, the Board shall suspend respondent's license for a period of three years, respondent shall receive a public reprimand, a fine of fifteen hundred dollars (\$1,500) for the violations, and pay the investigative cost of \$480.00. In addition, the respondent must complete six hours of continuing education in professional ethics by the end of her suspension period, in addition to the normal continuing education requirements. The Respondent must pay all fines and the investigative cost within 60 days of the final order. Mr. Baxter seconded the motion, which carried unanimously.

Mr. Price left the meeting during the executive session at 3:52 p.m.

16. Adjournment

Mr. Dickerson called for a motion to adjourn.

MOTION

Ms. Cooper made a motion to adjourn the meeting. Dr. DuPre seconded the motion, which carried unanimously.

Mr. Dickerson, after ensuring there being no further business to discuss, adjourned the June 23, 2021 meeting for the South Carolina State Board of Funeral Service at 4:35 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is June 24, 2021, at 10:00 a.m.