

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., October 27, 2021
Via Web/Teleconference

Wednesday, October 27, 2021

1. Meeting Called to Order

Landis Price, II, President, of Leesville, presiding, called the regular meeting of the South Carolina State Board of Funeral Service to order on October 27, 2021 at 10:08 a.m. Other board members present for the meeting included; Kenneth E. Baxter, Sr., Vice-President, of Greenville; James P. Hodge, Secretary/Treasurer, of Anderson; Michele A. Cooper, of Moncks Corner; Darryl Dickerson, of Goose Creek; Dr. D'Michelle P. DuPre, of Chapin; Gregory Evans, of Newberry; Eddie J. Nelson, of Blythewood; and William B. Taylor, of Chesterfield. Mr. Charvis K. Gray, of Greenville arrived at 12:08 p.m.

Staff members present for the meeting included: Erin Baldwin, Disciplinary Counsel, Office of Disciplinary Counsel; Alexis Bell, Disciplinary Counsel, Office of Disciplinary Counsel; Kyle Tennis, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Rodney Pigford, Chief Investigator, Office of Investigation and Enforcement; Beverly Gould, Paralegal, Office of Disciplinary Counsel; and Sonja Morse, Paralegal, Office of Disciplinary Counsel.

Members of the public attending the meeting included: Johnathan Holley, of J P Holley Funeral Home; Mark Hutto, Brandon Knotts, and Foy Dyches, of Dukes-Harley Funeral Home; Scott Talley, Attorney at Law; Rion Rampey, South Carolina Funeral Directors' Association; and Adam Birr, South Carolina Department of Consumer Affairs.

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, 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. 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. Approval of Agenda

Mr. Price called for a motion to approve the agenda with the amendment to move item 5(B1) to the December 1, 2021 Board meeting.

Motion: Mr. Baxter made a motion to approve the agenda with the amendment. Dr. DuPre seconded the motion, which carried unanimously.

3. Introduction of Board Members and Staff Attending the Meeting

The board members and staff introduced themselves.

4. Approval of Excused Absences

Mr. McMillan was not in attendance. Mr. Gray arrived at 12:08 p.m.

Motion: Dr. Dupre made a motion to approve the absences. Mr. Nelson seconded the motion, which carried unanimously.

Mr. Tennis, for the benefit of the new board member, Mr. William Taylor, provided a brief explanation regarding disciplinary hearing procedures.

Disciplinary Hearings

These proceedings were recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

5. A. Memorandum of Agreement (MOA)

1. Case No.: 2019-42
2. Case No.: 2020-6
3. Case No.: 2020-7

Ms. Erin Baldwin, Disciplinary Counsel, representing the State, presented the Memorandum of Agreement stating that both parties agreed to the stipulation of facts. The Respondent appeared before the Board without legal representation.

The Respondent addressed the Board and the Board questioned the Respondent regarding this matter. The Respondent and the State gave closing statements.

Executive Session

Motion: Mr. Baxter made a motion to go into Executive Session to receive legal advice. Mr. Dickinson seconded the motion, which carried unanimously.

Return to Public Session

Motion: Mr. Baxter made a motion that the Board 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 and called for a disposition in this matter.

Motion: Ms. Cooper made a motion, read by Advice Counsel and seconded by Dr. DuPre, that the Board accepts the MOA and that the Respondent be issued a public reprimand in cases 2019-42, 2020-6, and 2020-7. In case 2019-42, the Board finds that the respondent violated statutes 40-1-110(1)(F) and 40-1-110(k) by violating 40-19-290(D) and imposes a \$1,000 fine. In the cases 2020-6 and 2020-7, the Board finds that the respondents' actions supported violation of all three charges; therefore, the Board imposes a \$1,500 fine for each of those cases for a total fine of \$4,000 to be paid within 60 days. -7. In addition, the Board places the funeral home's license on a 3 year probation; suspends the license of the respondent manager's license for one year, and upon completion of the suspension, the respondent manager will serve a 2 year probationary period.

The Board recessed for 10 minutes.

Mr. Price recused and excused himself from the remainder of the meeting. Mr. Baxter, Vice-President presided.

C. Evidentiary Hearing

1. Case Nos.: 2020-53 and 2020-56

Both the State and the Respondent's attorney made opening statements. Ms. Baldwin, representing the State, then presented the case before the Board. Scott Talley, the respondent's attorney, presented his case before the Board.

The State and the Respondents' Attorney gave closing arguments. Mr. Baxter called for a disposition in the matter or a motion to go into executive session to seek legal advice.

Executive Session

Motion: Dr. DuPre made a motion to go into Executive Session to receive legal advice. Ms. Cooper 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. Gray seconded the motion, which carried unanimously.

Mr. Baxter noted, for the record, there were no votes taken during Executive Session and called for a disposition in this matter.

Motion: Ms. Cooper made a motion that the dismiss cases 2020-53 and 2020-56 in that the State did not meet its burden of proof. Mr. Taylor seconded the motion, which carried unanimously.

16. Adjournment

Mr. Baxter called for a motion to adjourn.

MOTION

Dr. DuPre made a motion to adjourn the meeting. Mr. Taylor seconded the motion, which carried unanimously.

Mr. Baxter, after ensuring there being no further business to discuss, adjourned the October 27, 2021 meeting for the South Carolina State Board of Funeral Service at 1:31 p.m.

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