

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., February 17, 2022
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, February 17, 2022

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 February 17, 2022 at 10:00 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; Michelle A. Cooper, of Moncks Corner; Darryl Dickerson, of Goose Creek; Dr. D'Michelle P. DuPre, of Chapin; Gregory Evans, of Newberry; Charvis K. Gray, of Greenville; and Eddie J. Nelson, of Blythewood.

Staff members present for the meeting included: Alexis Bell, Disciplinary Counsel, Office of Disciplinary Counsel; Kyle Tennis, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Doc Smith, Investigator, Office of Investigations and Enforcement; Matalie Mickens, Inspector, Office of Investigations and Enforcement; Kristina Zepp, Administrative Assistant; and Sandra Filipovic, Administrative Assistant.

Members of the public attending the meeting included: Lashawn N. Landy and Montez P. Haynes of Dignity Mortuary and Cremation Services; James Anthony Bell and Jac'kel S. Brown of Legacy Mortuary & Cremation Services, LLC; Margie B. King, Pansy King-Reid, and Nelson M. King of Kings Family Funeral Home; Patrick T. Ethridge and Charlie Ethridge of Mayer-Ethridge Funeral home, Mayer-Ethridge Funeral Home Crematory and Mayer-Ethridge Funeral Home, Andrews; Homer Eugene Elwood, Jr., of Gray Funeral Home & Crematory, Inc., Clinton and Laurens, and Gray Crematory; Zachary Todd Elwood of Gray Funeral Home & Crematory, Inc – Whitmire; William Maurice Sullivan, of Sullivan Bros Mortuary Inc.; Ramona Renea Brown and William J. McLean, III, of A Simple Service Burial and Cremation.

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. The meeting will be held via video and teleconference. Members of the public who wish to attend may do so by live streaming at <https://lfr.sc.gov/fs/videos.aspx>.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

Mr. Price made a motion and Mr. Dickerson seconded to move item 12 A1 to the April 2022 agenda due to a death in Ms. Johnson's family, per her request. The motion carried unanimously.

2. Approval of the Agenda

Mr. Price called for a motion to approve the agenda.

MOTION: Mr. Baxter made a motion that the Board approves today’s agenda with the correction to the Subcommittee minutes meeting date of February 14, 2022. Dr. DuPre seconded the motion, which carried unanimously.

3. Introduction of Board Members and Staff Attending the Meeting

The board members and staff attending the meeting introduced themselves.

4. Approval of Excused Absences

Mr. Stephen L. McMillan, Jr. and Mr. William E. Taylor were not in attendance.

MOTION: Mr. Baxter made a motion, and Dr. DuPre seconded, to approve absences. The motion carried unanimously.

5. Approval of Excused Absences for IRC Members

Ms. Holleman reported that all members were present for the Investigator Review Committee meeting.

6. Approval of Minutes from December 2, 2021, February 7, 2022, and February 14, 2022

The Board reviewed the minutes.

MOTION: Mr. Baxter made a motion to approve the minutes as described and the correction to the February 14, 2022 subcommittee meeting date on the agenda. Dr. DuPre seconded the motion, which carried unanimously.

7. President’s Remarks – Landis D. Price, II

Mr. Price welcomed everyone in attendance.

8. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance at the end of December 31, 2021 was -\$326,947.30.

B. Updates – Funeral Establishments

Change of Managers

FE#	Name of Funeral Establishment (FE) – location	Name of Former Manager	Name of New Manager	Effective Date
1023	THE PALMETTO MORTUARY & CREMATORY	MATTHEW JAMES FDE.2330	NATALIE LYNN GOGLIA FD.4092	12/08/2021
954	THOMPSON FUNERAL HOME OF LEXINGTON	AARON CHADWICK FRYE FDE.2648	WILLIAM HERBERT LYNCH FDE.4024	12/08/2021
1012	J P HOLLEY CREMATORY	JOHNATHAN HOLLEY FD.3517	FELICIA B WOODS FD.3599	01/14/2021

Funeral Establishment – Change of Facility’s Name

FE#	Former Name of Funeral Establishment	New Name of Funeral Establishment	Name of Manager	Effective Date
1062	Pressley Funeral Home	PRESSLEY CARES MORTUARY SERVICES	ISAAC DARYL PRESSLEY FDE.2254	01/27/2022

Ms. Holleman informed the Board that since the last Board meeting, December 2, 2021, staff issued:

Apprentice Certificates			Student Certificates			License		
FDE	FD	EMB	FDE	FD	EMB	FDE	FD	EMB
10	13	0	4	1	3	6	9	0

Ms. Holleman informed the Board that during the years of 2021 and 2020 staff issued the following:

Funeral Establishment Licenses									
PARENT		BRANCH		CREMATORY		CHAPEL		RSO	
2021	2020	2021	2020	2021	2020	2021	2020	2021	2020
12	34	8	14	10	3	0	3	0	1

FDE; FD; & EMB Licenses					
FDE		FD		EMB	
2021	2020	2021	2020	2021	2020
31	25	20	25	2	3

Apprentice Certificates					
FDE		FD		EMB	
2021	2020	2021	2020	2021	2020
63	44	49	30	4	2

Student Certificates					
FDE		FD		EMB	
2021	2020	2021	2020	2021	2020
10	5	0	0	24	48

Ms. Holleman introduced the new staff members, Sandra Filipovic and Kristina Zepp, Administrative Assistants to the Board.

9. Reports

A. Inspection Report – Matalie Mickens

Ms. Mickens informed the Board that she and Mr. Poole conducted 113 inspections between November 16, 2021 and February 1, 2022.

B. Investigative Review Committee (IRC) Report

Mr. Smith presented the February 3, 2022 IRC recommendations to the Board, which are to dismiss cases 2019-38, 2021-51, 2021-55, 2019-46, 2020-21, and 2020-42; file a formal complaint for cases 2021-21, 2021-22, 2021-23, and 2020-43; issue a letter of caution for cases 2021-33, 2021-45, 2021-36, 2021-54, 2021-47, 2021-49, 2021-50, and 2020-20; and issue a cease and desist for case 2021-69.

Mr. Price called for a motion in this matter.

MOTION: Mr. Nelson made a motion that the Board approves the IRC recommendations. Mr. Gray seconded the motion, which carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report

Mr. Smith stated that the Office of Investigation and Enforcement received 79 complaints between January 1, 2021 and December 31, 2021 and 13 complaints between January 1, 2022 and February 14, 2022. As of February 14, 2022, there were six active investigations and 0 closed cases.

D. Office of Disciplinary Counsel (ODC) Report

Ms. Bell presented the ODC report to the Board stating that as of February 11, 2022, there were 51 open cases; 25 pending hearings and agreements; four pending closure and two closed since December 1, 2021.

Disciplinary

Disciplinary Hearings

10. A. Consent Agreement

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

1. Case Nos.: 2020-51 & 2020-52

Ms. Bell presented the Consent Agreement to the Board. The Board reviewed the agreement.

MOTION: Mr. Nelson made a motion and Mr. Dickerson seconded that the Board accept the Consent Agreement. The motion carried unanimously.

2. Case No.: 2021-11

Ms. Bell presented the Consent Agreement to the Board. The Board reviewed the agreement.

MOTION: Ms. Cooper made a motion and Mr. Nelson seconded that the Board accept the Consent Agreement. The motion carried unanimously.

3. Case Nos.: 2021-31 & 2021-44

Ms. Bell presented the Consent Agreement to the Board. The Board reviewed the agreement.

MOTION: Mr. Dickerson made a motion and Mr. Gray seconded that the Board accept the Consent Agreement. The motion carried unanimously.

4. Case Nos.: 2021-37 & 2021-57

Ms. Bell presented the Consent Agreement to the Board. The Board reviewed the agreement.

MOTION: Dr. DuPre made a motion and Mr. Baxter seconded that the Board accept the Consent Agreement. The motion carried unanimously.

Applications

Application Hearings

11. Funeral Establishment

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

A. New Funeral Home

1. Dignity Mortuary and Cremation Services – Salley – Lashawn N. Landy

Mr. Lashawn N. Landy and Mr. Montez Hayes appeared before the Board on behalf of Dignity Mortuary and Cremation Services.

Ms. Holleman informed the Board that the application is complete and that Mr. Landy requests that the Board approve the new facility with him as the manager. Mr. Landy, license number FDE.4164, initially licensed on June 28, 2019, resides 24.3 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Dignity Mortuary and Cremation Services, LLC is the owner.

The Board questioned Mr. Landy regarding this matter. After concluding there were no other statements and/or questions, Mr. Price called for a disposition in this matter.

MOTION: Mr. Dickerson made the motion and Mr. Nelson seconded, that the Board approves the new facility with Mr. Lashawn N. Landy as the manager of record, pending the facility passing the final inspection. The motion carried unanimously.

2. Legacy Mortuary & Cremation Services LLC – Turbeville – James Anthony Bell

Mr. James Anthony Bell and Mr. Jac'kel S. Brown appeared before the Board on behalf of Legacy Mortuary & Cremation Services, LLC.

Ms. Holleman informed the Board that the application is complete and that Mr. Bell requests that the Board approve the new facility with him as the manager. Mr. Bell, license number FDE.4046, initially licensed on October 12, 2017, resides 14.5 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Legacy Mortuary & Cremation Services, LLC is the owner of the facility with sole member, Jac'kel Shakur Brown.

The Board questioned Mr. Bell and Mr. Brown regarding this matter. After concluding there were no other statements and/or questions, Mr. Price called for a disposition in this matter.

MOTION: Mr. Dickerson made the motion and Mr. Baxter seconded, that the Board approves the new facility with Mr. James Anthony Bell as the manager of record, pending the facility passing the final inspection. The motion carried unanimously.

3. Kings Family Funeral Home – Spartanburg – Margie B. King

Ms. Margie B. King, Ms. Pansy King-Reid and Mr. Nelson M. King appeared on before the Board on behalf of Kings Family Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Ms. King requests that the Board approve the new facility with her as the manager. Ms. King, license number FD.1361, initially licensed on August 7, 1973, resides 1.7 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that King and Wright Funeral Home LLC is the owner the facility with members, Pansy King-Reid and Terrance Wright.

The Board questioned Ms. King regarding this matter. After concluding there were no other statements and/or questions, Mr. Price called for a disposition in this matter.

MOTION: Mr. Baxter made the motion and Mr. Dickerson seconded, that the Board approves the new facility with Ms. Margie B. King as the manager of record, pending the facility passing the final inspection. The motion carried unanimously.

The Board heard B1, B2, and B3 simultaneously. There were no objections.

B. Change of Ownership

1. Mayer-Ethridge Funeral Home – Georgetown – Patrick Ted Ethridge
2. Mayer-Ethridge Funeral Home Crematory – Georgetown – Patrick Ted Ethridge
3. Mayer-Ethridge Funeral Home, Andrews Chapel – Andrews – Patrick Ted Ethridge

Mr. Patrick T. Ethridge and Mr. Charles Ethridge appeared before the Board on behalf of Ethridge Funeral Services, LLC properties.

Ms. Holleman informed the Board that the applications are complete and that Mr. Ethridge is asking that the Board approve the change of ownership with him as the manager. Mr. Ethridge, license number FDE. 2326, initially licensed on September 30, 1996 resides 22.9 from the Andrews's location and 6.2 miles from the other facilities. He does not have a criminal background. Ms. Holleman informed the Board that Ethridge Funeral Services, LLC is the owner of the facility with member, Patrick T. Ethridge.

The Board questioned Mr. Ethridge regarding this matter. After concluding there were no other statements and/or questions, Mr. Price called for a disposition in this matter.

MOTION: Ms. Cooper made a motion and Dr. DuPre seconded that the Board approves the change of ownerships with Mr. Patrick Ted Ethridge as the manager of record pending the facilities passing the final inspection, and the receipt of South Carolina Department of Consumer Affairs' pre-need favorable letter. The motion carried unanimously.

The Board heard B4, B5, and B6 simultaneously. There were no objections

4. Gray Funeral Home & Crematory, Inc. – Clinton – Homer Eugene Elwood, Jr.
5. Gray Funeral Home & Crematory, Inc. – Laurens – Homer Eugene Elwood, Jr.
6. Gray Crematory – Clinton – Homer Eugene Elwood, Jr.

Mr. Homer Eugene Elwood, Jr. appeared before the Board on behalf of the Clinton and Laurens locations of Gray Funeral Home & Crematory, Inc., and the Gray Crematory.

Ms. Holleman informed the Board that the applications are complete and that Mr. Elwood is asking that the Board approve the change of ownership with him as the manager. Mr. Elwood, license number FDE.1864, initially licensed on August 28, 1984 resides 13.5 miles from the Clinton facilities and 4.2 miles from the Laurens facility. He does not have a criminal background. Ms. Holleman informed the Board that Gray Funeral Home & Crematory, Inc. is the owner with shareholder Homer Eugene Elwood, Jr.

The Board questioned Mr. Elwood regarding this matter. After concluding there were no other statements and/or questions, Mr. Price called for a disposition in this matter.

MOTION: Mr. Gray made a motion, seconded by Ms. Cooper that the Board approves the change of ownership with Mr. Homer Eugene Elwood, Jr. as the manager of record, pending the facilities passing the final inspection and the receipt of South Carolina Department of Consumer Affairs' pre-need favorable letter. The motion carried unanimously.

7. Gray Funeral Home & Crematory, Inc. – Whitmire – Zachary Todd Elwood

Mr. Zachary Todd Elwood appeared before the Board on behalf of Gray Funeral Home & Crematory, Inc., Whitmire.

Ms. Holleman informed the Board that the application is complete and that Mr. Elwood is asking that the Board approve the change of ownership with him as the manager. Mr. Elwood, license number FDE.3858, initially licensed on January 26, 2015 resides 23.28 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Gray Funeral Home & Crematory, Inc. is the owner with shareholder, Homer E. Elwood, Jr.

The Board questioned Mr. Elwood regarding this matter. After concluding there were no other statements and/or questions, Mr. Price called for a disposition in this matter.

MOTION: Ms. Cooper made a motion, seconded by Mr. Nelson that the Board approves the change of ownership with Mr. Zachary Todd Elwood as the manager of record, pending the facility passing the final inspection and the receipt of South Carolina Department of Consumer Affairs' pre-need favorable letter. The motion carried unanimously.

C. New Crematory/Extension Request

1. 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 the Board approved the initial application for the crematory on February 19, 2021 with Mr. Sullivan as the manager of record; however, the crematory has not opened within the year of approval. Therefore, Mr. Sullivan is before the Board requesting an extension.

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. Sullivan explained to the Board that supply chain issues resulted in the delay of receiving building materials. After concluding there were no others statements and/or questions, Mr. Price called for a disposition in this matter.

MOTION: Mr. Dickerson made the motion, seconded by Dr. DuPre that the Board approves an extension until December 31, 2022, with the facility passing the final inspection to open within that time frame. The motion carried unanimously.

D. Change of Manager

1. A Simple Service Burial and Cremation – Lancaster – Ramona Renea Brown

Ms. Ramona Renea Brown and Mr. William J. McLean, III appeared before the Board on behalf of A Simple Service Burial and Cremation.

Ms. Holleman informed the Board that the application is complete and that Ms. Brown is asking the Board to approve the change of manager application with her as the manager. Ms. Brown, license number FD.4279, initially licensed on August 11, 2021, resides .03 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that the owner of the facility is McLean Funeral Directors of South Carolina, LLC, with member, William Jacob McLean, III.

Ms. Holleman informed the Board that staff was unable to approve the application because Ms. Brown does not meet the statutory requirement that an individual holds a South Carolina license for at least one year to qualify for a manager's positions. Ms. Brown has held a license for less than one year.

The Board questioned Ms. Brown and Mr. McLean regarding this matter. Mr. McLean confirmed that he is the owner of the facility; however, he does not live within a 25 miles radius of the facility. He answered other questions posed by the Board. After concluding there were no other statements and/or questions, the Board asked to go into executive session to seek legal advice.

Executive Session

Motion: Mr. Baxter made the motion, seconded by Mr. Dickerson to go into Executive Session to receive legal advice. The motion carried unanimously.

Return to Public Session

Motion: Mr. Baxter made the motion, seconded by Mr. Gray that the Board comes out of Executive Session. The motion 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, seconded by Mr. Gray that the Board, based on Ms. Brown not meeting the statutory license period requirement, denies the change of manager application for A Simple Service Burial and Cremation with Ms. Ramona Renea Brown as the manager. However, the Board will grant permission for Mr. McLean to temporarily serve as the manager until April 28, 2022. If the facility is unable to secure a manager that meets statutory requirements by the time of the next scheduled Board meeting, the applicant must appear before the Board to explain its dilemma. The motion carried unanimously.

Ms. Holleman asked the Board for clarification regarding Mr. McLean's appointment as the manager, should an application be submitted from Mr. McLean. Mr. Price called for a motion to reopen the matter in order to discuss the issue presented by Ms. Holleman.

MOTION: Dr. DuPre made a motion, seconded by Mr. Gray to reopen the matter. The motion carried unanimously.

The Board discussed the questioned and made a motion regarding the matter.

MOTION: Ms. Cooper made a motion, seconded by Mr. Nelson as an amendment to the initial motion, granting permission for Mr. McLean to operate as the manager through April 28, 2022, pending that he submits to Board staff a change of manager application with all the supporting documents. The motion carried unanimously.

12. Funeral Director and/or Embalmer

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

A. Funeral Director's Application

1. Carolyn Johnson

The application has been moved to the April 28, 2022 scheduled Board meeting date.

13. Apprentice Quarterly Report

Ms. Holleman presented the Apprenticeship Quarterly Reporting Form Committee recommendations to the Board. The Board reviewed and discussed the recommendation. The Board recommended revisions to the funeral director's task "D" verbiage to state arranging for transportation of decedent to include but not limited to acquiring the proper documentation. Mr. Price called a disposition in this matter.

MOTION: Dr. DuPre made the motion, seconded by Mr. Gray to accept the Committee's recommendations with the Board's recommended changes for the Funeral Director Apprenticeship task requirements. The motion carried unanimously. (See Attachment A)

MOTION: Mr. Gray made the motion, seconded by Dr. DuPre to accept the Committee's recommendations for the Embalmer Apprenticeship task requirements. The motion carried unanimously. (See Attachment A)

MOTION: Dr. DuPre made the motion, seconded by Mr. Gray to approve the new Apprentice Quarterly Report Form recommended by the Committee with the Board approved changes. The motion carried unanimously. (See Attachment A)

MOTION: Mr. Gray made the motion, seconded by Mr. Hodge that the revised apprentice quarterly task reporting form is in effect as of April 1, 2022 for all initial/new apprentice applicants. The motion carried unanimously. (See Attachment A)

14. Cremation Authorization and S.C. Code Ann. Section 32-8-320

The Board reviewed the Safe Cremation Act, including sections 32-8-320 and 32-8-325, with respect to who may serve as a decedent's agent and authorize cremation as well as what documentation is necessary to prove that someone is married, divorced, the of the decedent, etc.

The Board discussed the issue and how far a funeral director must go to determine who is the person qualified to serve as decedent's agent for the purpose of cremation authorization. After discussion, the Board found that funeral directors should be able to rely on the paperwork provided, including the death certificate worksheet and the cremation authorization form, and follow the statutory guidance provided in section 32-38-325 of the Safe Cremation Act.

15. Legislative Contact

There were no legislative updates. Ms. Holleman asked that the Board consider electing a member in addition to the Board's President whom the Board has slated for the legislative contact. The Board briefly discussed the matter.

Ms. Cooper and Mr. Nelson volunteered to serve, in addition to the President, as the Board's legislative contacts. Mr. Price called for a motion in this matter.

MOTION: Mr. Gray made a motion, seconded by Mr. Dickerson that the Board approves the President, Ms. Cooper and Mr. Nelson as the legislative contacts. The motion carried unanimously.

16. Executive Session for Legal Advice, If Needed

Executive Session

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

Return to Public Session

Motion: Mr. Dickerson made the motion, seconded by Dr. DuPre that the Board comes out of Executive Session. The motion carried unanimously.

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

17. Public Comments (no votes taken)

There were no public comments.

18. Adjournment

Mr. Price called for a motion to adjourn.

MOTION: Mr. Dickerson made a motion and Ms. Cooper seconded to adjourn the meeting. The motion carried unanimously.

Mr. Price, after ensuring there being no further business to discuss, adjourned the February 17, 2022 meeting for the South Carolina State Board of Funeral Service at 1:15 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is April 27-28, 2022 at 10:00 a.m.