

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., April 27, 2022
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, south Carolina

Wednesday, April 27, 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 April 27, 2022 at 10:01 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; Stephen L. McMillan, Jr., of Myrtle Beach; Eddie J. Nelson, of Blythewood; and Thoma L. Williams, of Sumter..

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; Kristina Zepp, Administrative Assistant; Rodney Pigford, Chief Investigator, Office of Investigation and Enforcement; Michael Smith, Office of Investigation and Enforcement; Rosa Campbell, Investigator, Office of Investigation and Enforcement; and Matalie Mickens, Inspector, Office of Investigation and Enforcement.

Members of the public attending the meeting included: Greg Evans, Chad Frye, Market Leader, of South Carolina Cremation Society, Robert D. Coble, Esq.; and Gloria Vessels, President of the South Carolina Morticians Association, Inc.

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 live streaming at <https://lr.sc.gov/fs/videos.aspx>.

Mr. Price asked that the Board observed a moment of silence in memory of the Cayce Police Officer Drew Barr, who lost his life while serving in the line of duty.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Approval of Agenda

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

MOTION: Mr. Nelson made the motion, seconded by Mr. McMillan, to approve the April 27, 2022 agenda. The motion carried unanimously.

3. Introduction of Board Members and Staff Attending the Meeting

The board members and staff introduced themselves.

Mr. Price and the Board congratulated Dr. DuPre on her retirement as an educator with Columbia College, Columbia, South Carolina.

4. Approval of Excused Absences

Mr. Taylor was not in attendance.

MOTION: Mr. McMillan made the motion, seconded by Dr. Dupre, to approve the absence. The motion carried unanimously.

Mr. Price introduced Ms. Thoma Williams, the new Board member.

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 Nos.: 2020-2 and 2020-5

Ms. Alexis Bell, 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 and was represented by Robert D. Coble, Esq.

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

Executive Session

Motion: Ms. Cooper made a motion to go into Executive Session to receive legal advice. Mr. Dickerson 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. Baxter 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, seconded by Mr. McMillan, that the Board accepts the Memorandum of Agreement and that the Board issues a letter of caution concerning the timely filing of a death certificate.

6. Discussion: Seeking Injunctive Relief at the ALC

Mr. Tennis explained the function/purpose of seeking injunctive relief at the ALC with respect to the Board.

Definitions/acronyms:

1. Injunctive relief – a remedy that restrains an individual and/or company from engaging in certain activity. In the present context, by seeking injunctive relief, a party is asking for a court to step in and order another party to stop engaging in specified activity.
2. ALC – Administrative Law Court
3. IRC – Investigative Review Committee
4. ODC – Office of Disciplinary Counsel

Funeral Board - Presented Circumstances for Injunctive Relief:

1. Unlicensed Practice
2. Violation of a Board Order

Unlicensed Practice Injunctive Relief:

1. The individual/and or company (respondent) is placed on notice with a Cease and Desist Order that informs the individual that he/she is in violation of the law for practicing without a license and this action must cease or the matter would be elevated to the next legal recourse
2. Board must provide evidence that the Cease and Desist Order has been received by the individual and/or company
 - A. Mail Certified
 - B. Personally served through internal processors
3. The receipt of at least one complaint following the individual's/company's receipt of the Cease and Desist Order
4. The complaint is investigated, found to be substantiated by evidence, and goes through the IRC process
5. Board approves IRC recommendations - ALC action
6. ODC has the authority to elevate the matter by seeking injunctive relief through the ALC
7. ODC files a Petition for Injunctive Relief to the ALC
8. ALC hearing is scheduled
9. The ALC judge hears evidence and argument from the State and the respondent.
10. The ALC judge can either make a ruling on the record at the conclusion of the hearing that day, or take the matter under advisement and then issue a detailed written order explaining the Judge's decision.

Violation of a Board Order

1. Board Order issued against a licensee (respondent)
2. Non-compliance by the individual and/or company
3. Non-compliance with monetary fines are not normally presented to the ALC. There are other remedies/measures within the Board's authority or at the disposal of the Board
4. Non-compliance complaint filed, fully investigated, and IRC process completed
5. Board approves IRC recommendations – ALC action
6. ODC files a Petition for Injunctive Relief to the ALC
7. ALC hearing is scheduled

8. The ALC judge hears evidence and argument from the State and the respondent.
9. The Judge can either make a ruling on the record at the conclusion of the hearing that day, or take the matter under advisement and then issue a detailed written order explaining the Judge's decision.

Potential Disciplinary consequences of the first Injunction

1. Violators can be fined up to \$10,000
2. Although ODC may seek incarceration, it is not normally imposed for a respondent's first appearance before the ALC.

Rule to Show Cause:

1. ODC will file a Rule to Show Cause if the respondent(s) violates the Judge's order.
2. The Judge at this time may issue an order which includes incarceration for contempt.

7. Discussion: Cremation Task Force

The Board discussed re-establishing the Cremation Task Force with the previously agreed upon structure to include two members of the Board and two individuals each with an alternate from South Carolina Funeral Directors Association and South Carolina Mortician's Association.

After a brief discussion, the Board recommended that the Cremation Task Force consist of three Board members with two association members and an alternate from both the South Carolina Funeral Directors Association and South Carolina Morticians Association.

Mr. Price called for a motion in this matter.

MOTION: Mr. McMillan made a motion, seconded by Mr. Nelson, that the Cremation Task Force would consist of three Board members, one of which should be a public member, and two association members and an alternate from both the South Carolina Funeral Directors Association and the South Carolina Morticians Association. The motion carried unanimously.

MOTION: Mr. McMillan made a motion, seconded by Ms. Cooper, that Dr. Michele DuPre would serve as the public member; Mr. James Hodge and Mr. Landis Price, Jr as the board members; and Mr. Stephen McMillan as the alternate. The motion carried unanimously.

8. Adjournment

Mr. Price called for a motion to adjourn the April 27, 2022 Funeral Board meeting.

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

Mr. Price, after ensuring there being no further business to discuss, adjourned the April 27, 2022 meeting for the South Carolina State Board of Funeral Service at 11:17 a.m.

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