

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., August 31, 2022
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, south Carolina

Wednesday, August 31, 2022

1. Meeting Called to Order

Landis Price, II, President, of Leesville, called the meeting of the South Carolina State Board of Funeral Service to order on August 31, 2022 at 10:00 a.m. Other board members present for the meeting included; James P. Hodge, Secretary/Treasurer, of Anderson; Michele A. Cooper, of Moncks Corner; Darryl Dickerson, of Goose Creek; Gregory Evans, of Newberry; Stephen L. McMillan, Jr., of Myrtle Beach; Eddie J. Nelson, of Blythewood; William B. Taylor, of Chesterfield; and Thoma L. Williams, of Sumter. Kenneth E. Baxter, Sr., Vice-President, of Greenville arrived at 10:07 a.m.

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; Michael Smith, Investigator, Office of Investigation and Enforcement; Chuck Waters, Investigator, Office of Investigation and Enforcement; Kathy Meadows, Investigator, Office of Investigation and Enforcement; and Beverly Gould, Paralegal, Office of Disciplinary Counsel.

Members of the public attending the meeting included: Randall Hiller, Attorney at Law; Teresa Mercer, Cremation, of Cremation Society of SC-Westville Funerals; and Sharon Cole

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://lfr.sc.gov/fs/videos.aspx>.

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. Hodge made the motion, seconded by Mr. McMillan, to approve the August 31, 2022 agenda. The motion carried unanimously.

3. Introduction of Board Members and Staff Attending the Meeting

The board members and staff introduced themselves.

4. Approval of Excused Absences

Dr DuPre was not in attendance.

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

Disciplinary Hearings

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

5. A. Consent Agreement

1. Case Nos.: 2021-21, 2021-222 & 2021-23

Ms. Alexis Bell, Disciplinary Counsel, presented the Consent Agreement.

Mr. Baxter arrived at the meeting after the presentation and discussion for the Consent Agreement. He did not participate in the Executive Session.

Executive Session

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

Return to Public Session

Motion: Mr. McMillan made a motion that the Board come out of Executive Session. Mr. Dickerson 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, which carried by the majority that the Board accepts the Consent Agreement. Mr. Baxter abstained.

B. Evidentiary Hearing

1. Case No.: 2017-27

Both the State and the Respondent's attorney made opening statements. Ms. Bell, representing the State, then presented the case before the Board. The State presented Kathy Meadows, Investigator for the State, and Ms. Sharon Cole as witnesses. Randall Hiller, Respondent's attorney, cross-examined both witnesses. Ms. Teresa Mercer testified as a witness for Respondent. The State cross-examined Respondent's witness.

The State and Respondent's Attorney gave closing arguments. Mr. Price called for a motion to go into executive session to seek legal advice.

Executive Session

Motion: Mr. Baxter 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: Mr. McMillan 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. Baxter, which carried unanimously that the Board finds that the State has substantially proven violations of Section 40-1-110(1)(f), unprofessional conduct based on the lack of communication with the agent, no proof of the location of cremains, and no signed contract between agent and the funeral director. The State has proven that the respondent violated Sections 40-19-119(9), refusing to properly release a dead human body to the custody of the person or entity who has the legal right to effect a release; and 32-8-345(C) in that respondent failed to deliver the cremains to decedent's agent as instructed on the authorization form signed by the agent.

In light of these of these violations, the Board assesses fines payable within 60 days for \$500.00 each for the first two violations and \$2,500 for violation of the Safe Cremation Act, 32-8-345; a public reprimand; and two year probation for the facility's license. Both, the sixty (60) days for payment of the fines and probationary period commencing on the date of the signed final order.

8. Adjournment

Mr. Price called for a motion to adjourn the August 31, 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 August 31, 2022 meeting for the South Carolina State Board of Funeral Service at 2:15 p.m..

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is September 1, 2022 at 10:00 a.m.