

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., September 1, 2022
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, September 1, 2022

1. Meeting Called to Order

Landis Price, II, President, of Leesville, called the regular meeting of the South Carolina State Board of Funeral Service to order on September 1, 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; Darryl Dickerson, of Goose Creek; Gregory Evans, of Newberry; Eddie J. Nelson, of Blythewood; William E. Taylor, of Chesterfield; Thoma L. Williams, of Sumter and Dr. D'Michele Dupre, of Chapin. Ms. Michelle A. Cooper, of Moncks Corner 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; Kristina Zepp, Administrative Assistant; Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement; Matalie Mickens, Inspector, Office of Investigations and Enforcement; William Poole, Inspector, Office of Investigations and Enforcement; Michael Smith, Investigator, Office of Investigations and Enforcement; Chuck Water, Investigator, Office of Investigations and Enforcement; Kathy Meadows, Investigator, Office of Investigations and Enforcement; and Xavier Keitt, Media Resource Technician, Web Development Division

Members of the public attending the meeting included: Wendell Davis, of Davis Funeral Home; Steven Christopher Holmes, Steven Mark Holmes, and Timothy George, of Richie Funeral Home; Darryl J. Mattison; I.S. Leevy Johnson, Esquire; Jeffrey and Emily Temples; Steven and Stacey Gantt; and Jeanie Rose

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.

2. Approval of the Agenda

Mr. Price called for a motion to approve the agenda. Mr. Price stated that due to traffic delays, the Service Plaque Presentation potentially will be moved to a later slot on the agenda.

MOTION: Mr. Dickerson made a motion, seconded by Mr. Nelson that the Board approves today's agenda. The motion 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

All members were present. Ms. Michelle Cooper arrived at 10:07 a.m.

5. Approval of Minutes from the June 23, 2022 meetings.

The Board reviewed the minutes.

MOTION: Mr. Baxter made a motion, seconded by Dr. DuPre, to approve the minutes. The motion carried unanimously.

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

Mr. Price welcomed everyone in attendance. Mr. Price announced that the meeting would be his last meeting serving as president and thanked staff.

7. Presentation of Service Plaques

Mr. Price presented the service plaques after the below reports.

8. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance as of July 31, 2022 was \$178,056.59.

B. Updates – Funeral Establishments

Change of Managers

FE#	Name of Funeral Establishment (FE) – location	Name of Former Manager		Name of New Manager		Effective Date
181	HINES FUNERAL HOME INC	FRANKLIN HINES	FDE.1429	CARL M DAYS	FDE.1912	06/29/2022
212	HINES FUNERAL HOME INC	FRANKLIN HINES	FDE.1429	CARL M DAYS	FDE.1912	06/29/2022
2261	TROY FUNERAL HOME	VIVIAN L TROY	FD.1581	MILTON W TROY II	FD.1960	07/08/2022
146	BEASLEY FUNERAL HOME INC	MARION BEASLEY	FDE.742	SARAH C BEASLEY	FD.1472	07/27/2022
226	BEASLEY FUNERAL HOME INC	MARION BEASLEY	FDE.742	SARAH C BEASLEY	FD.1472	07/27/2022
940	BEASLEY FUNERAL HOME	MARION BEASLEY	FDE.742	SARAH C BEASLEY	FD.1472	07/27/2022
110	JORDAN FUNERAL HOME	RAYMOND W JORDAN	FD.1991	DEDALE J GREEN	FDE.3765	08/30/2022

Funeral Establishment – New Branch

FE#	Name of Funeral Establishment (Branch)	Parent Facility	Branch Location	Name of Manager		Effective Date
1131	UPSTATE CREMATION SERVICES	KENNEDY MORTUARY INC	748 TEMPLETON RD, LAURENS, SC 29380	BEVERLEY KENNEDY	FDE.3162	07/18/2022

Funeral Establishment – Change of Facility’s Name

FE#	Former Name of Funeral Establishment	New Name of Funeral Establishment	Name of New Manager		Effective Date
878	HERITAGE FUNERAL HOME	CANNON-BYRD FUNERAL HOME – SIMPSONVILLE	JAMES WESLEY DAVIS	FD.3991	08/08/2022
836	THE KENNEDY MORTUARY	THE KENNEDY MORTUARY & CREMATORY	BEVERLEY PRICE KENNEDY	FDE.3162	08/12/2022

Ms. Holleman informed the Board that since June 6, 2022, staff issued:

Apprentice Certificates			Student Certificates			License		
FDE	FD	EMB	FDE	FD	EMB	FDE	FD	EMB
1	6	1	4	0	2	5	1	0

Ms. Holleman informed the Board that the South Carolina Mortician's Association submitted Mr. Marcus Brown as its alternate member of the Cremation Task Force.

9. Reports

A. Inspection Report – Buddy Poole

Mr. Poole informed the Board that he and Ms. Mickens conducted 141 inspections between June 8, 2022 and August 16, 2022.

B. Investigative Review Committee (IRC) Report – Michael Smith

Mr. Smith presented the September 1, 2022 IRC recommendations to the Board, which are to dismiss cases 2022-33, 2022-47, 2022-52, 2022-59, 2022-60, 2022-71, 2022-72, 2022-51, 2022-54, 2022-57, and 2022-58; issue a letter of caution for cases 2022-15, 2022-16, 2022-17, and 2022-18; and for the following cases to move forward with a formal complaint: 2022-32, 2022-84, 2022-85, 2021-61, and 2022-79.

Mr. Price called for a motion in this matter.

MOTION: Mr. McMillan made a motion, seconded by Mr. Dickerson, to approve the IRC recommendations. The motion carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report – Michael Smith

Mr. Smith stated that the Office of Investigation and Enforcement received 91 complaints between January 1, 2022 and August 19, 2022. There were 11 active investigations and 24 closed cases.

D. Office of Disciplinary Counsel (ODC) Report – Alexis Bell

Ms. Bell presented the ODC report to the Board stating that as of August 22, 2022, there were 47 open cases; 17 pending hearings and agreements; and 23 closed since January 1, 2022.

Presentation of Service Plaques

Mr. Price presented the South Carolina State Board of Funeral Service plaques in recognition of their hard work, enthusiasm, and commitment to excellence to Mr. Jeffrey K. Temples, Stephen R. Gantt and acknowledging in their absence, Mr. William B. Horton and Mr. Charvis K. Gray.

In recognition of her 26 years of service and dedication as a staff member to the Board, Mr. Price presented Ms. Linda Jeanie Rose with a well-deserved service plaque. Ms. Holleman also spoke on Ms. Rose's behalf.

Applications

Application Hearings

10. 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. Davis Funeral Home – Hartsville – Wendell Davis

Mr. Wendell Davis appeared before the Board on behalf of Davis Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Mr. Davis is asking that the Board grants the second extension for the opening of Davis Funeral Home with him as

the manager. Ms. Holleman reminded the Board that it initially approved the new facility on August 28, 2019 and granted an extension on February 19, 2021 through August 14, 2022.

Ms. Holleman informed the Board that Mr. Davis, the proposed manager, license number FDE.2343, initially licensed on January 24, 1997, resides 6.4 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Davis Brothers Funeral Home, LLC is the owner of the facility.

The Board questioned Mr. Davis regarding this matter. Mr. Davis addressed the Board and stated that the contractor continued to experience delays in securing building materials to complete the project.

After concluding there were no other statements and/or questions, Mr. Price called for a disposition in the matter.

MOTION: Mr. McMillan made a motion, seconded by Mr. Nelson, that the Board grants a six month extension to include passing the final inspection. The motion carried unanimously.

B. Change of Manager

1. Richie Funeral Home – Abbeville – Steven Christopher Holmes

Mr. Steven Christopher Holmes and Mr. Timothy George appeared before the Board on behalf of Richie Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Mr. Holmes is asking that the Board approves the change of manager application with him as the manager of record. Mr. Holmes, license number FD.4015, initially licensed on November 2, 2017, resides 14.4 miles from the facility, and does not have a criminal background. Ms. Holleman stated that Richie Funeral Home is the parent company.

Both, Mr. Holmes and Mr. George responded to questioning from the Board. Mr. Holmes informed the Board that he would be resigning from his current employer if approved as manager. After concluding there were no other statements and/or questions, Mr. Price called for a disposition in this matter.

MOTION: Mr. Dickerson made a motion, seconded by Mr. Nelson that the Board approves the change of manager application with Mr. Steven Christopher Holmes as the manager of record. The motion carried unanimously.

The Board recessed for 15 minutes.

11. 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. Apprenticeship

1. Darryl J. Mattison

Mr. Darryl J. Mattison and his legal counsel, I. S. Leevy Johnson appeared before the Board.

Ms. Holleman informed the Board that the application is complete and Mr. Mattison is asking the Board to approve his funeral director apprenticeship. Ms. Holleman reminded the Board that the

Board's Order dated January 22, 2020 revoked Mr. Mattison's funeral director's license due to disciplinary infractions, but they allowed him to retain his embalmer's license.

Mr. Mattison, embalmer license number FEM.1778, initially held a Funeral Director and Embalmer's license (FDE.2297) beginning June 3, 1996. Due to disciplinary infractions, the Board subsequently revoked his funeral director's license and ordered respondent to pay monetary fines and investigative costs with the payments due within 30 days of the January 22, 2020 Final Order. Mr. Mattison paid the fines on June 7, 2022.

Mr. Mattison stated that his former legal representative assured him that the fines would be taken care of; however, immediately after finding that this did not occur, he paid the fine.

Both, Mr. Johnson, the applicant's attorney, and Mr. Mattison addressed the Board and responded to questions from the Board.

After concluding there were no other questions, Mr. Price called for a disposition in the matter.

Executive Session

Motion: Mr. Dickerson 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. McMillan 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.

MOTION: Ms. Cooper made a motion, read by advice counsel, and seconded by Mr. Baxter, that the Board denies Mr. Mattison's apprenticeship application at this time. Based on 40-1-130, and given the major issues involving his competency and decision making as a funeral director and manager, as evident in the disciplinary matter that lead to revocation of his funeral director's license, the Board finds that it is appropriate to deny Mr. Mattison's apprenticeship application at this time in order to protect the public. While the Board is concerned with Applicant failing to comply with its order regarding the payment of the disciplinary fine and investigative costs, it is more concerned that he has not sufficiently demonstrated that he has taken enough remedial action or that present circumstances differ in any meaningful way from the circumstances existing at the time the Board revoked Applicant's funeral director license to demonstrate that he is now fit to practice as a funeral director. The Board's decision to deny Applicant's application at this time is not done to punish him, but rather is to protect the health, safety, and welfare of the public at large given the serious deficiencies and unprofessionalism in his practice as both a funeral director and manager for which he was revoked less than three years ago. In doing so, the Board does not want Applicant to waste time completing an apprenticeship only for him to potentially be denied a license upon applying for his funeral director license

With respect to Mr. Mattison's revoked Funeral Director's license, a revoked license cannot be reinstated; revocation voids that license and causes it to cease to exist. In contrast, lapsed licenses, suspended licenses, and licenses that have been voluntarily surrendered may be reinstated. Further, while the Board does have

discretion with respect to approving a license by reciprocity, the Board finds that it is not in the public interest to grant Mr. Mattison a license by endorsement pursuant to his Georgia license, especially in light of his testimony that he has not notified Georgia of the disciplinary action taken against him by this Board.

Mr. Mattison can submit an apprenticeship application on or after January 22, 2025, that is five years from the date of the original revocation. If he chooses to submit an apprenticeship application at that time, barring any other issues with respect to the application, his apprenticeship application can be approved at staff level without needing to appear before the Board. Upon successful completion of the apprenticeship, he would need to take and pass both the arts and state law exam. The motion passed unanimously.

12. Regulatory Review

Mr. Tennis addressed the Board stating that per state law, every five years the Board is required to review the current regulations to determine which regulations can remain, which should be repealed or withdrawn, and which should be amended. Mr. Tennis asked that the each Board member review the regulations in order to facilitate future discussions on the findings and recommendations on the regulations.

13. Discussion: CE Broker

Ms. Holleman stated that the agency is asking that each Board review its current policies as it refers to CE Broker. The Funeral Board, in 2020, mandated that all licensees and continuing education providers register with CE Broker. In addition, all approved continuing education providers must report the names of all licensees that have completed provider sponsored courses to CE Broker.

The Board discussed the matter and made motions to the effect that CE Broker shall continue to operate as the continuing education clearinghouse for South Carolina State Board of Funeral Service's licensees.

In addition, the Board recommended that its initial audit conducted through CE Broker's system should include auditing 100 percent of licensees; thereafter, the Board will subsequently decide the percentage for future audits.

MOTION: Mr. McMillan made a motion, seconded by Ms. Cooper that CE Broker continues to operate as the clearinghouse for monitoring and auditing the continuing educations for licensees. The motion carried unanimously.

MOTION: Ms. Cooper made a motion, seconded by Mr. McMillan, that the initial continuing education audit through CE Broker would include all active licensees, thereafter; the Board would determine subsequent percentages for future audits. The Board Administrator and Advice Counsel will construct verbiage that will provide advance notifications of the audit to the licensees through an email blast and on the Board's website. The Board discussed the motion. The motion carried unanimously.

14. Election of Officers

Mr. Price called for the nominations for the President. Mr. Dickerson nominated, which was seconded by Mr. McMillan, Mr. James Hodge for President. The Board discussed the nomination. There were no other nominations. Mr. Price called for a motion for Mr. Hodge's nomination as President.

MOTION: Mr. Dickerson made a motion, seconded by Ms. Williams, naming Mr. James P. Hodge, President of the South Carolina State Board of Funeral Service. The motion carried unanimously.

Mr. Price called for nominations for the Vice-President. Mr. Price nominated Mr. Baxter, who declined. Ms. Cooper nominated Ms. Williams. There were no other nominations. Mr. Price called for a motion for Ms. William's nomination as Vice-President.

MOTION: Mr. Taylor made a motion, seconded by Mr. McMillan, naming Ms. Thoma L. Williams, Vice-President of the South Carolina State Board of Funeral Service. The motion carried unanimously.

Mr. Price called for the nominations for the Secretary-Treasurer. Mr. Dickerson nominated Mr. Greg Evans. There were no other nominations. Mr. Price called a motion for Mr. Evans' nomination as Secretary-Treasurer.

MOTION: Mr. McMillan made a motion, seconded by Dr. DuPre, naming Mr. Gregory E. Evans Secretary-Treasurer of the South Carolina State Board of Funeral Service. The motion carried unanimously.

15. Executive Session for Legal Advice, If Needed

16. Public Comments (no votes taken)

There were no public comments.

17. Adjournment

Mr. Price called for a motion to adjourn.

MOTION: Mr. Dickerson made a motion, seconded by Mr. Nelson, to adjourn the meeting. The motion carried unanimously.

Mr. Price, after ensuring there being no further business to discuss, adjourned the September 1, 2022 meeting for the South Carolina State Board of Funeral Service at 12:50 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is October 19, 2022 and October 20, 2022 at 10:00 a.m.