

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., October 20, 2022
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, October 20, 2022

1. Meeting Called to Order

James P. Hodge, President, of Anderson, , called the regular meeting of the South Carolina State Board of Funeral Service to order on October 20, 2022 at 10:03 a.m.

Board Members Present:

James P. Hodge, President, of Anderson
Gregory Evans, Secretary/Treasurer, of Newberry
Darryl Dickerson, of Goose Creek;
Eddie J. Nelson, of Blythewood
Landis Price, II, of Leesville
William E. Taylor, of Chesterfield
Thomas J. Wright, of Beaufort
Michelle A. Cooper, of Moncks Corner arrived at 10:17 a.m.

SCDLLR Staff Present:

Kyle Tennis, Advice Counsel, Office of Advice Counsel
Amy Holleman, Administrator
Norma McAllister, Program Assistant
William Poole, Inspector, Office of Investigations and Enforcement
Matalie Mickens, Inspector, Office of Investigations and Enforcement
Xavier Keitt, Media Resource Technician, Web Development Division

Members of the Public:

Clinton Douglas Jackson, of Napier Funeral Home
Kyle Nilola, of Copeland Funeral Operations, LLC, and Lowcountry Cremation Service
Myron Dion Middleton, of Middleton Mortuary
Fred Douglas Garrett, Jr., of WGW-JC Moore Crematory
Ernest Adams, of WGW-JC Moore Crematory
Leroy Rivers, of Rivers Crematory
Taris J. Simmons

A. Public Notice

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

MOTION: Mr. Dickerson made a motion, seconded by Mr. Price, which carried unanimously that the Board approves today’s agenda.

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. Kenneth Baxter, Sr. and Dr. Michelle DuPre were not in attendance.

MOTION: Mr. Nelson made a motion, seconded by Mr. Dickerson which passed unanimously to approve the absences.

5. Approval of Minutes from the August 31, 2022 and September 1, 2022 meetings

The Board reviewed the minutes.

MOTION: Mr. Price made a motion, seconded by Mr. Taylor, which passed unanimously to approve the minutes.

6. President’s Remarks – James P. Hodge

Mr. Hodge welcomed everyone in attendance and the new board member, Mr. Thomas Wright, IV, of Beaufort. Mr. Hodge, on behalf the Board, offered their most sincere and heartfelt condolences to the family of Board member, Thoma William on the passing of her beloved husband, Minister Frank Williams, Jr.

Mr. Hodge, then addressed the Board about the remarkable funeral and committal services for Queen Elizabeth.

Mr. Hodge quoted his former teacher, colleague and friend, Dan Buchanan, saying, “everyone from the greatest to the least of these deserves a funeral service with a guest of honor present.” Mr. Hodge urged his fellow board members and other funeral service professionals to remember that as they plan funerals.. He said, “as we serve our own families who entrusted us with their loved ones into our care I want to charge each of us sitting in this room to strive to be above board in excellent service, sincerity, and to possess the joy of a servant’s heart while directing that particular funeral service whether simple or detailed. So that’s our charge this morning”.

7. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance as of September 30, 2022 was \$90,438.

B. Updates – Funeral Establishments

Change of Managers

FE#	Name of Funeral Establishment (FE) – location	Name of Former Manager		Name of New Manager		Effective Date
373	THE UNITY MORTUARY	DENISE J. THOMPSON	FD.2584	DEWINA L. THOMPSON	FD.4219	09/09/2022
543	THE UNITY MORTUARY OF ANDERSON INC	DENISE J. THOMPSON	FD.2584	DEWINA L. THOMPSON	FD.4219	09/09/2022
946	WALKER’S MORTUARY “CHAPEL OF PEACE” LLC	ANDRE LAMONT LOCKE	FD.3890	JON PATRICK HART	FD.4212	09/23/2022

Ms. Holleman informed the Board that since September 1, 2022, staff issued:

Apprentice Certificates			Student Certificates			License		
FDE	FD	EMB	FDE	FD	EMB	FDE	FD	EMB
11	8	3	13	0	3	4	1	0

8. Reports

A. Inspection Report – Matalie Mickens

Ms. Mickens informed the Board that she and Mr. Poole conducted 87 inspections between August 18, 2022 and October 5, 2022

B. Investigative Review Committee (IRC) Report

Ms. Holleman presented the October 6, 2022 IRC recommendations to the Board, which are to dismiss cases 2020-57, 2020-58, 2022-76, 2022-77, 2022-78, 2022-31, 2022-42, 2022-43, 2022-46, 2022-63, 2022-64, 2022-74, and 2022-75; and for the following cases to move forward with a formal complaint: 2022-88 and 2022-89.

Mr. Hodge called for a motion in this matter.

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

C. Office of Investigations and Enforcement (OIE) Report

Ms. Holleman presented the report stating that the Office of Investigation and Enforcement received 101 complaints between January 1, 2022 and October 6, 2022. There were 11 active investigations and 41 closed cases.

D. Office of Disciplinary Counsel (ODC) Report

Ms. Holleman presented the ODC report to the Board stating that as of October 7, 2022, there were 49 open cases; 19 pending hearings and agreements; and 26 closed since January 1, 2022.

Applications

Application Hearings

9. Funeral Establishment

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

A. Change of Ownership

1. Napier Funeral Home – Graniteville – Clinton Douglas Jackson

Mr. Jackson appeared before the Board on behalf of Napier Funeral Home.

Ms. Holleman informed the Board that Mr. Jackson, the proposed manager, license number FD.3885, initially licensed on April 10, 2015, resides 4.6 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Jackson Memorial Funeral Home, LLC is the owner of the facility.

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

MOTION: Mr. Price made a motion, seconded by Mr. Dickerson that the Board approves the change of ownership with Mr. Jackson as the manager of record pending the receipt of the South Carolina Department of Consumer Affairs' preneed favorable letter and the facility passing the final inspection. The motion carried unanimously.

2. Copeland Funeral Operations, LLC – Beaufort – Thomas Johnson Wright
3. Lowcountry Cremation Service – Beaufort – Thomas Johnson Wright

The Board heard the aforementioned applications simultaneously, with Mr. Thomas J. Wright and Mr. Kyle Nikola appearing on behalf of Copeland Funeral Operations, LLC, and Lowcountry Cremation Service.

Ms. Holleman informed the Board that the application is complete and that Mr. Wright is asking that the Board approves the change of ownership for Copeland Funeral Operations, LLC, and Lowcountry Cremation Service with him as the manager of record. Mr. Wright, license number FDE.1975, initially licensed on October 13, 1991, respectively resides 1.1 miles and 5 miles from the facilities, and does have a criminal background. Ms. Holleman stated that Copeland Funeral Operations, LLC is the parent company.

Both, Mr. Wright and Mr. Nikola responded to questioning from the Board. After concluding there were no other statements and/or questions, Mr. Hodge called for a disposition in this matter.

MOTION: Mr. Price made a motion, seconded by Mr. Nelson, which carried unanimously that the Board approves the change of ownership applications with Mr. Thomas J. Wright, IV as the manager of record pending the receipt of a South Carolina Department of Consumer Affairs' favorable letter and the facilities passing the final inspection.

B. New Funeral Home

1. Middleton Mortuary – Eutawville – Myron Dion Middleton

Mr. Myron Don Middleton appeared before the Board on behalf of Middleton Mortuary.

Ms. Holleman informed the Board that the application is complete and that Mr. Middleton is asking that the Board approves the new facility with him as the manager of record. Mr. Middleton, license number FDE.3770, initially licensed on November 12, 2013, resides 8.1 miles from the facility, and does not have a criminal background. Ms. Holleman stated that Middleton Mortuary is the parent facility.

Mr. Middleton addressed the Board and responded to questions. After concluding there were no other statements and/or questions, Mr. Hodge called for a disposition in this matter.

MOTION: Mr. Dickerson made a motion, seconded by Mr. Nelson, which carried unanimously that the Board approves the new facility with Mr. Middleton as the manager of record pending the facility passing the final inspection.

C. New Crematory/Extension

1. WGW-JC Moore Crematory – Easley – Fred Douglas Garrett, Jr.

Mr. Fred Douglas Garrett, Jr. and Mr. Ernest Adams appeared before the Board on behalf of WGW-JC Moore Crematory.

Ms. Holleman informed the Board that the application is complete and that the Board approved the initial application for the crematory on October 28, 2021 with Mr. Garrett as the manager of record; however, the crematory has not opened within a year of approval. Therefore, Mr. Garrett is before the Board requesting an extension.

Mr. Garrett, licensed number FDE.1962, initially licensed on July 8, 1987, resides 14.1 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Watkins, Garrett & Woods Mortuary is the parent facility.

Both, Mr. Garrett and Mr. Adams responded to questions from the Board. After concluding there were no other statements and/or questions, Mr. Hodge called for a disposition in this matter.

MOTION: Mr. Evans made a motion, seconded by Mr. Taylor, which carried unanimously that the Board approves an eight month extension beginning from October 20, 2022.

2. Lowcountry Cremations – Georgetown – Timothy Chase Ridgeway

Mr. Ridgeway was unable to attend; therefore, the application hearing was deferred to a future date.

3. Rivers Crematory – Goose Creek – Leroy Rivers

Mr. Leroy Rivers appeared before the Board on behalf of Rivers Crematory.

Ms. Holleman informed the Board that the application is complete and that the Board approved the initial application for the crematory on August 27, 202 with Mr. Rivers as the manager of record; however, the crematory has not opened within a year of approval. Therefore, Mr. Rivers is before the Board requesting an extension.

Mr. Rivers, licensed number FDE.1168, initially licensed on July 28, 1966, resides 6 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Rivers Funeral Home is the parent facility.

Mr. Rivers responded to questions from the Board. After concluding there were no other statements and/or questions, Mr. Hodge called for a disposition in this matter.

MOTION: Mr. Dickerson made a motion, seconded by Mr. Nelson, which carried unanimously that the Board approves the extension request.

10. 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. Taris J. Simmons

Mr. Taris J. Simmons appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete and that Mr. Simmons is asking that the Board approves his Funeral Director and Embalmer's apprenticeship application. Although statute does not address the criminal history requirement for an apprenticeship, it does require that as a consideration of licensure as a funeral director or an embalmer a person should not have been convicted of a violent crime; found guilty of a felony or crime of moral turpitude. Mr. Simmons application is before the Board due to his criminal report.

Ms. Simmons responded to questioning from the Board. After concluding there were no other statements and/or questions, Mr. Hodge called for disposition in this matter.

MOTION: Ms. Cooper made a motion, seconded by Mr. Dickerson, which carried unanimously that the Board approves Mr. Taris J. Simmons' Funeral Director and Embalmer apprenticeship application.

11. Continuing Education Waiver Request – Closed Session

Mr. Hodge called for a motion to go into closed session.

MOTION: Mr. Dickerson made a motion, seconded by Mr. Price, which carried unanimously that the Board entered into a closed session

MOTION: Ms. Cooper mad a motion, seconded by Mr. Dickerson, which carried unanimously that the Board return to regular session.

MOTION: Ms. Cooper made a motion, seconded by Mr. Price, which carried unanimously that the Board approves the continuing education waiver request and that the license be reinstated upon receipt of a completed renewal application with the applicable fees.

12. Regulatory Review, Cremation Task Force Update, and Notice of Drafting

Mr. Tennis stated that according every five years Boards are required to conduct a Regulatory Review. The review should identify any regulation that unnecessarily burden the pursuit of professional and occupational practice in the state or that no longer serve the purpose of promoting the health, safety and economic well-being of the public. It should identify any opportunities to amend the current regulations to better promote the health, safety, and economic well-being of the public and identify those that do not require either repeal or amendment because these will continue to promote the health, safety, and economic well-being of the public in the least restrictive manner.

Mr. Tennis stated as a recommended deletion, regulations 57-12 A, references an obsolete ULR, <http://lir.sc.gov/POL/Funeral/>. The Board should consider the removal of the obsolete link.

Mr. Tennis informed the Board that the Crematory Task Force met twice reviewing the current statutes and regulations regarding cremations. Although, the Board does not have the authority to create statutory changes, there are a few recommendations to the regulations, such as defining unprofessional conduct to include matters as it relates to cremation; proposing language for treating a body with dignity; updating the crematory, and inspection guidelines. Mr. Tennis explained that in order to initiate the process to effect these changes the Board would need to file a Notice of Drafting.

The Board discussed the matter and made a motion to file a Notice of Drafting

MOTION: Mr. Price made a motion, seconded by Mr. Taylor, which passed unanimously that the Board files a Notice of Drafting for the regulations.

In reference to the regulations change to 57-12 A, the Board made a motion to remove the ULR link from the regulation.

MOTION: Mr. Price made the motion, seconded by Mr. Dickerson, which carried unanimously that the Board recommends that the ULR <http://lir.sc.gov/POL/Funeral/> be removed from Regulations 57-12A.

13. Approval of 2023 Meeting Dates/Calendar

Ms. Holleman presented the proposed meeting dates. Mr. Hodge called for a motion

2023 SC State Board of Funeral Service Meeting Dates		
MONTH	DATE	ROOM
February	Wednesday, February 22, 2023 Thursday, February 23, 2023	107 & 108
April	Wednesday, April 26, 2023 Thursday, April 27, 2023	107 & 108
June	Wednesday, June 28, 2023 Thursday, June 29, 2023	107 & 108
August	Wednesday, August 30, 2023 Thursday, August 31, 2023	107 & 108
October	Wednesday, October 11, 2023 Thursday, October 12, 2023	107 & 108
December	Wednesday, December 6, 2023 Thursday, December 7, 2023	107 & 108

MOTION: Mr. Nelson made a motion, seconded by Mr. Price, which carried unanimously that the Board approves the 2023 meeting calendar.

14. Executive Session for Legal Advice, If Needed

15. Public Comments (no votes taken)

There were no public comments.

16. Adjournment

Mr. Hodge called for a motion to adjourn.

MOTION: Ms. Cooper made a motion, seconded by Mr. Price, to adjourn the meeting. The motion carried unanimously.

Mr. Hodge, after ensuring there being no further business to discuss, adjourned the October 20, 2022 meeting for the South Carolina State Board of Funeral Service at 12:03 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is December 7, 2022 and December 8, 2022 at 10:00 a.m.