

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., December 8, 2022
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

Thursday, December 8, 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 December 8, 2022 at 10:04 a.m.

Board Members Present:

James P. Hodge, President, of Anderson
Thoma L. Williams, Vice-President, of Sumter
Gregory Evans, Secretary/Treasurer, of Newberry
Michelle A. Cooper, of Moncks Corner
Eddie J. Nelson, of Blythewood
Landis Price, II, of Leesville
Thomas J. Wright, of Beaufort

SCDLLR Staff Present:

Kyle Tennis, Advice Counsel, Office of Advice Counsel
Alexis Bell, Disciplinary Counsel, Office of Disciplinary Counsel
Amy Holleman, Administrator
Norma McAllister, Program Assistant
Matalie Mickens, Inspector, Office of Investigations and Enforcement
James Kempfort, Chief Investigator, Office of Investigations and Enforcement
Michael Smith, Investigator, Office of Investigations and Enforcement
Xavier Keitt, Media Resource Technician, Web Development Division

Members of the Public:

Stephen L. McMillan, of McMillan-Small Funeral Home Inc.
Gerald William Hutchins, of Roberts Funeral Home
Brandon Roberts, of Roberts Funeral Home
Montez Prentesvachard Haynes, of Greater Orangeburg Crematory
Willie Stroman, of Greater Orangeburg Crematory
Nicole Stroman, of Greater Orangeburg Crematory
Timothy Chase Ridgeway, of Lowcountry Cremations
Carolyn Johnson, of Young and Young Funeral Home, Inc.
Cedric Hasaun Swinton
Russell Dale Ulmer

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, 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. 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://llr.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. Wright 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., Mr. Darryl Dickerson, Mr. William B. Taylor, and Dr. Michelle DuPre were not in attendance. Mr. Hodge called for a motion to approve absences of the Mr. Baxter, Mr. Taylor, and Mr. Dickerson.

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

5. Approval of Excused Absences for IRC members

Mr. William Horton, Mr. Charvis Gray, and Mr. Glenn Crawford were not in attendance for the IRC meeting. Mr. Hodge called for a motion to excuse their absences.

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

6. Approval of Minutes from the October 19 & 20, 2022 meetings

The Board reviewed the minutes.

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

7. President's Remarks – James P. Hodge

Mr. Hodge welcomed everyone in attendance. Ms. Williams expressed her sincere gratitude to the Board for their support, kindness, and concerns extended to her and her family following the earthly departure of her husband.

8. Presentation of Service Plaque

Mr. Hodge presented the South Carolina State Board of Funeral Service plaque to Mr. Stephen L. McMillan, Jr., in recognition of his hard work, enthusiasm, and commitment to excellence to the Board and the citizens of South Carolina.

9. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board's cash balance as of October 31, 2022 was \$17,091.80.

B. The International Conference of Funeral Service Examining Board's 119th Annual Meeting, March 1-2, 2023, Chandler, AZ

Ms. Holleman informed the Board that The International Conference of Funeral Service Examining Board will hold its 119th annual meeting in Chandler, AZ, from February 28 through March 2, 2023, which includes a board member training session.

Ms. Holleman stated that the Board may choose to approve attendance to the conference for the Administrator and two board members. Also, as a consideration The International Conference is offering a grant for the Board's delegate to attend the conference. After discussing the matter, the Board decided to approve travel for the administrator as the Board's delegate, the Board's Advice Counsel, and two Board members, with the names of Board members to be submitted to the Board President.

MOTION: Mr. Price made a motion, seconded by Mr. Nelson which carried unanimously to approve travel for Ms. Holleman as the Board's delegate and administrator, as well as travel for Mr. Tennis, as the Board's Advice Counsel, to attend the 119th annual meeting for The International Conference of Funeral Service Examining Board in Chandler, AZ on March 1-2, 2023

MOTION: Mr. Price made a motion, seconded by Ms. Williams which carried unanimously that the Board approves travel for two board members, will be submitted by the Board's President to the 119th annual meeting for The International Conference of Funeral Service Examining Board in Chandler, AZ on February 28 through March 2, 2023

C. Updates – Funeral Establishments

Change of Managers

FE#	Name of Funeral Establishment (FE) – location	Name of Former Manager		Name of New Manager		Effective Date
950	COMMUNITY MORTUARY INC	MARCIA MICHELLE FERGUSON	FDE.2137	HELENA SUZANNE NORRIS-JACKSON	FDE.2320	11/03/2022
949	COMMUNITY MORTUARY INC	MARCIA MICHELLE FERGUSON	FDE.2137	HELENA SUZANNE NORRIS-JACKSON	FDE.2320	11/10/2022

Ms. Holleman informed the Board that since October 20, 2022, staff issued:

Apprentice Certificates			Student Certificates			License		
FDE	FD	EMB	FDE	FD	EMB	FDE	FD	EMB
5	7	1	1	0	0	4	1	0

Ms. Holleman noted that the International Conference for Funeral Service Examining Board issued a letter of understanding informing the Boards that The Conference will no longer offer the individual State's Arts and Sciences exams only the National exams will be provided. The Conference will convert all eligible persons to the National Exam status effective January 1, 2023, making all eligible candidates scheduled for the National Exams only. The Conference will continue to offer the individual State law exams.

10. **Reports**

A. Inspection Report – Matalie Mickens

Ms. Mickens and Mr. Poole conducted 61 inspections between October 6, 2022 and November 16, 2022.

B. Investigative Review Committee (IRC) Report

Mr. James Kemfort presented the November 21, 2022 IRC recommendations to the Board, which are to dismiss cases 2020-13, 2022-61, 2022-62, 2022-96, 2022-101, and 2022-102; issue a letter of caution for cases 2022-91 and 2022-97 and for the following cases to move forward with a formal complaint: 2022-90, 2022-40, 2022-92, 2022-93, 2022-104, 2022-105, and 2022-107.

Mr. Hodge called for a motion in this matter.

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

C. Office of Investigations and Enforcement (OIE) Report

Mr. Kemfort presented the report stating that the Office of Investigation and Enforcement received 123 complaints between January 1, 2022 and December 2, 2022. There were 10 active investigations and 54 closed cases.

D. Office of Disciplinary Counsel (ODC) Report

Ms. Bell presented the ODC report to the Board stating that as of November 29, 2022, there were 44 open cases; 23 pending hearings and agreements; and 33 closed since January 1, 2022.

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. Roberts Funeral Home – Boiling Springs – Gerald William Hutchins

Mr. Gerald William Hutchins and Mr. Brandon C. Roberts appeared before the Board on behalf of Roberts Funeral Home.

Ms. Holleman informed the Board that Mr. Hutchins, the proposed manager, license number FD.3977, initially licensed on February 9, 2017, resides 3.6 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Roberts Funeral Home is the parent facility.

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

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

B. New Crematory

1. Greater Orangeburg Crematory – Orangeburg – Montez Prentesvachard Haynes

Mr. Montez P. Haynes, Mr. Willie Stroman and Ms. Nicole Stroman appeared before the Board on behalf of Greater Orangeburg Crematory.

Ms. Holleman informed the Board that the application is complete and that Mr. Haynes is asking that the Board approves the new crematory with him as the manager of record. Mr. Haynes, license number FD.3965, initially licensed on October 17, 2016, resides 3 miles from the facility, and does not have a criminal background. Ms. Holleman stated that Greater Orangeburg Funeral Home is the parent facility.

Mr. Haynes 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. Nelson made a motion, seconded by Mr. Price, which carried unanimously that the Board approves the new crematory with Mr. Montez Prentesvachard Haynes as the manager of record pending the facility passing the final inspection.

2. Lowcountry Cremations – Georgetown – Timothy Chase Ridgeway

Mr. Timothy Chase Ridgeway appeared before the Board on behalf of Lowcountry Cremations.

Ms. Holleman informed the Board that the application is complete and that Mr. Ridgeway is asking that the Board approves the new crematory with him as the manager of record. Mr. Ridgeway, license number FDE.3374, initially licensed on April 30, 2008, resided 5.4 miles from the facility, and does not have a criminal background. Ms. Holleman stated that Ridgeway Funeral Home is the parent facility.

Mr. Ridgeway 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. Price made a motion, seconded by Ms. Cooper which carried unanimously that the Board approves the new crematory with Mr. Timothy Chase Ridgeway as the manager of record pending the facility passing the final inspection.

C. **Change of Manager/Extension**

1. Young and Young Funeral Home, Inc. – Hartsville

Ms. Carolyn Johnson, personal representative of the Estate of Samuel L. Davis appeared before the Board on behalf of Young and Young Funeral Home, Inc.

Ms. Holleman informed the Board that Ms. Young is requesting additional time to locate a manager that meets the statute and regulation requirements. Ms. Young addressed the Board and responded to questions.

Executive Session

Motion: Mr. Price made a motion, seconded by Ms. Cooper, to go into Executive Session to receive legal advice. The motion carried unanimously.

Return to Public Session

Motion: Mr. Price made a motion, seconded by Mr. Wright, that the Board comes out of Executive Session. The motion, carried unanimously.

Mr. Hodge 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. Price, which carried unanimously that the Board grants an extension until the next scheduled Board meeting, February 22, 2023 to secure a manager that meets all legal requirements, if this does not occur, Ms. Johnson must reappear before the Board at the April 27, 2023 Board meeting.

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 and/or Embalmer's Application**

1. Cedric Hassun Swinton

Mr. Cedric Hassun Swinton appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete and that Mr. Swinton is asking the Board to approve his Funeral Director and Embalmer by reciprocity application. Mr. Swinton has an active license in the state of New York; however, in or about 2015 The International Conference for Funeral Service invalidated his scores due to findings of testing improprieties with some students and faculty members at the American Academy Institute of Funeral Service, Inc., which included Mr. Swinton.

Mr. Swinton previously held a South Carolina Funeral Director and Embalmer's license from August 10, 2010, through November 22, 2016, at which time the license lapsed.

Mr. Swinton addressed the Board regarding the situation and responded to questions from the Board.

Executive Session

Motion: Mr. Price made a motion, seconded by Mr. Evans, to go into Executive Session to receive legal advice. The motion carried unanimously.

Return to Public Session

Motion: Ms. Cooper made a motion, seconded by Mr. Nelson that the Board comes out of Executive Session. The motion, carried unanimously.

Mr. Hodge 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. Evans which carried unanimously that the Board denies Mr. Swinton's Funeral Director and Embalmer application because he does not meet the S.C. Code Ann. Regs. 57-08's requirements in that he is unable to provide a passing exam score. The Board noted that he also does not meet the requirements for reinstatement pursuant to S.C. Code Ann. Regs. 57-09 because his South Carolina Funeral Director and Embalmer's license lapsed in November 2016, over five years ago.

2. Russell Dale Ulmer

Mr. Russell Dale Ulmer appeared before the Board on his own behalf via telephone.

Ms. Holleman informed the Board that the application is complete and that Mr. Ulmer is asking the Board to approve the reinstatement of his Funeral Director and Embalmer license.

Ms. Holleman informed the Board that Mr. Ulmer was initially licensed in South Carolina as a Funeral Director (FD. 1442) and Embalmer (FEM. 1258) on August 31, 1975. Both licenses have lapsed with lapsed date unknown. He licensed as a Funeral Director and Embalmer in Missouri on July 13, 1978 and in Kansas on January 16, 1986. Both licenses have lapsed, date unknown. He received his Mortuary Science Diploma on March 4, 1967 at the Kentucky School of Mortuary Science, Louisville, KY and passed the National Arts and Sciences exam on February 25, 1967.

Mr. Ulmer addressed the Board and responded to questions from the Board.

Executive Session

Motion: Mr. Price made a motion, seconded by Mr. Wright, to go into Executive Session to receive legal advice. The motion carried unanimously.

Return to Public Session

Motion: Mr. Price made a motion, seconded by Ms. Williams that the Board comes out of Executive Session. The motion, carried unanimously.

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

Mr. Ulmer responded to additional questioning by the Board. The board called for an executive session to seek legal advice.

Executive Session

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

Return to Public Session

Motion: Mr. Nelson made a motion, seconded by Mr. Price that the Board comes out of Executive Session. The motion, carried unanimously.

Mr. Hodge 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. Evans, which carried unanimously that the Board denies the Funeral Director and Embalmer reinstatement application for Mr. Russell Dale Ulmer in that the applicant fails to meet the reinstatement requirements in S.C. Code Ann. Regs. 57-09.

13. Executive Session for Legal Advice, If Needed

14. Public Comments (no votes taken)

There were no public comments.

15. Adjournment

Mr. Hodge called for a motion to adjourn.

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

Mr. Hodge, after ensuring there being no further business to discuss, adjourned the December 8, 2022 meeting for the South Carolina State Board of Funeral Service at 1:55 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is February 22, 2023 and February 23, 2023, at 10:00 a.m.