

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., February 23, 2023
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, February 23, 2023

Meeting Called to Order

James P. Hodge, President, of Anderson, called the meeting of the South Carolina State Board of Funeral Service to order on February 23, 2023, at 10:04 a.m.

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 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. Price made a motion, seconded by Mr. Dickerson, 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.

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
Darryl Dickerson, of Goose Creek
Landis Price, II, of Leesville
William E. Taylor, of Chesterfield
Thomas J. Wright, of Beaufort

SCDLLR Staff Present:

Donnell Jennings, Esq., Asst. Deputy Director, Dir. Of Enforcement, Office of Inv. & Enforcement
Kyle Tennis, Esq., Advice Counsel, Office of Advice Counsel
Megan Flannery, Esq., Advice Counsel, Office of Advice Counsel
Alexis Bell, Esq., Disciplinary Counsel, Office of Disciplinary Counsel
Amy Holleman, Administrator
Norma McAllister, Program Assistant

Matalie Mickens, Inspector, Office of Investigations and Enforcement
William "Buddy" Poole, Inspector, Office of Investigations and Enforcement
James Kemfort, Chief Investigator, Office of Investigations and Enforcement
Michael Smith, Investigator, Office of Investigations and Enforcement
Shari Waters, Media Resource Technician, Web Development Division

Members of the Public:

Thomas E. Baker, II, of Evergreen Crematorium
Wayne K. Pratt, Sr., of Pratt Funeral Home Crematory
Jean Pratt, of Pratt Funeral Home Crematory
Stephen L. McMillan, Jr., of MSFH Operating Co., Inc.
David Craig Thomas, of MSFH Operating Co., Inc.
Stephen Mark Holmes, of Callaham-Hicks & Leaside Funeral Home
Thomas Lee, of Callaham-Hicks & Leaside Funeral Home
Kevin S. Ayers
Tina Behles, Capital City Reporting, LLC

4. Approval of Excused Absences

Dr. Michelle DuPre was not in attendance. Mr. Hodge called for a motion to approve her absence.

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

5. Approval of Excused Absences for IRC members

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

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

6. Approval of Minutes from the December 7-8, 2022 meetings

The Board reviewed the minutes.

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

Ms. Cooper arrived at 10:12 a.m.

7. President's Remarks – James P. Hodge

Mr. Hodge welcomed everyone in attendance.

8. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board's cash balance as of December 31, 2022 was \$-78,441.04.

B. Statement of Economic Interest

Ms. Holleman reminded the Board that the Statement of Economic Interest filing with the South Carolina State Ethics Commission is due on March 30, 2023, by 12:00 noon.

C. Updates – Funeral Establishments

Funeral Establishment **Change of Managers**

FE#	Name of Funeral Establishment (FE) -location	Name of Former Manager		Name of New Manager		Effective Date
346	WILLIAMS FUNERAL HOME, INC.	FRANK E WILLIAMS, JR.	FDE.1417	JAMES ELBERT WILLIAMS	FDE.2035	02/17/2023
874	ANDERSON CREMATORY	GARY S QUECK	FDE.2816	CARLA ANDERSON SMITH	FD.2028	02/22/2023

Funeral Establishment **New Branch**

FE#	Name of Funeral Establishment (Branch)	Parent Facility	Branch Location	Name of Manager		Effective Date
1145	COMMUNITY FUNERAL HOME OF BARNWELL	ALLENDALE COMMUNITY FUNERAL HOME	361 JACKSON ST. BARNWELL SC	BETTY D STRUDWICK	FDE.3146	12/19/2022
1147	MCALISTER-SMITH FUNERAL HOME & CREMATION SERVICE	MCALISTER-SMITH FUNERAL HOME INC	200 STATE STREET, W. COLUMBIA SC	JOHN DAVID THOMPSON	FD.1346	01/31/2023

Funeral Establishment – Change of Location

FE#	Name of Funeral Establishment	Previous Location	New Location	Name of Manager	Effective Date
862	A. A. DICKS FUNERAL HOME SULLIVAN CHAPEL	2548 MAIN STREET COLUMBIA SC 29201	6400 N. MAIN STREET COLUMBIA SC 29203	ANTHONY AU DWIN DICKS SR FDE.1957	01/13/2023

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
11	9	0	5	0	0	5	7	2

9. **Reports**

A. Inspection Report – William Poole

Ms. Mickens and Mr. Poole conducted 117 inspections between November 17, 2022, and February 8, 2023.

B. Investigative Review Committee (IRC) Report

Mr. James Kemfort presented the February 8, 2023 IRC recommendations to the Board, which are to dismiss cases 2022-100, 2022-98, 2022-99, 2022-80, 2022-83, 2022-106, 2022-126, and 2022-127; issue a letter of caution for cases 2022-125 and 2022-128; and for the following cases to move forward with a formal complaint: 2022-10, 2022-108, 2022-111, 2022-112, 2022-1113, 2022-114, 2022-115, 2022-120, and 2022-123.

Mr. Hodge called for a motion in this matter.

MOTION: Mr. Evans made a motion, seconded by Mr. Price, 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 17 complaints between January 1, 2023 and February 13, 2023. There were 13 active investigations and one closed.

D. Office of Disciplinary Counsel (ODC) Report

Ms. Bell presented the ODC report to the Board stating that as of February 10, 2023, there were 48 open cases; 30 pending hearings and agreements; and 4 closed since the last report.

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 Crematory

1. Evergreen Crematorium – Kershaw – Thomas E. Baker, II

Mr. Thomas E. Baker, II appeared before the Board on behalf of Evergreen Crematorium.

Ms. Holleman informed the Board that the application is complete and that Mr. Baker is asking that the Board approves the new crematory with him as the manager of record. Mr. Baker, license number FDE.2370, initially licensed on July 11, 1997, resides .2 miles from the facility. Baker Funeral Home is the parent facility.

Mr. Baker 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. Taylor made a motion, seconded by Mr. Evans which carried unanimously that the Board approves the new crematory with Mr. Thomas E. Baker, II as the manager of record pending the facility passing the final inspection.

2. Pratt Funeral Home Crematory – Newberry – Wayne K. Pratt, Sr.

Mr. Wayne K. Pratt, Sr., and Ms. Jean Pratt appeared before the Board on behalf of Pratt Funeral Home Crematory.

Ms. Holleman informed the Board that the application is complete and that Mr. Pratt is asking that the Board approves the new crematory with him as the manager of record. Mr. Pratt, license number FDE.1553, initially licensed on April 6, 1978, resides 4 miles from the facility. F.B. Pratt & Son Funeral Home, Inc. is the parent facility.

Mr. Pratt 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 Mr. Dickerson which carried unanimously that the Board approves the new crematory with Mr. Wayne K. Pratt, Sr., as the manager of record pending the facility passing the final inspection.

B. Change of Ownership

1. MSFH Operating Co., Inc. DBA McMillan-Small Funeral Home Inc., - Myrtle Beach – Stephen Lee McMillan, Jr.
2. MSFH Operating Co., Inc., DBA McMillan-Small Funeral Home Inc. – Crematory – Myrtle Beach – Stephen Lee McMillan, Jr.

Mr. Stephen L. McMillan, Jr., and Mr. David Craig Thomas appeared before the Board on behalf of MSFH Operating Co., Inc.

Ms. Holleman informed the Board that the applications are complete and that Mr. McMillan is asking that the Board approves the change of ownership with him as the manager of record of both facilities and that both facilities retaining their current license numbers. Mr. McMillan, license number FDE.2604, initially licensed on April 6, 2000, resides 1 mile from the facility. McMillan-Small Funeral Home, Inc. is the parent facility.

Mr. McMillan 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 Mr. Taylor, which carried unanimously that the Board approves the change of ownership with Mr. Stephen Lee McMillan, Jr. as the manager of record and the facilities retaining their current license numbers pending the facilities passing final inspection and the receipt of a South Carolina Department of Consumer Affairs' favorable pre-need letter.

The Board recessed for 15 minutes.

Mr. Kyle Tennis, Esq., recused himself from the next application hearing, and Ms. Megan Flannery served as Advice Counsel for the Board.

2. Callaham-Hicks & Leaside Funeral Home – Spartanburg – Stephen Mark Holmes
Mr. Thomas Lee and Mr. Stephen Mark Holmes appeared before the Board on behalf of Callaham-Hicks & Leaside Funeral Home.

Ms. Holleman informed the Board that Mr. Holmes is asking the Board to approve the change of ownership application, Callaham-Hicks & Leaside Funeral Home with him as the manager of record.

Both, Mr. Lee and Mr. Holmes responded to questions from the Board. After an extensive review of the application and discussion it was determined that, the application was incomplete. The Board moved into executive session to seek legal advice in the matter.

Executive Session

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

Return to Public Session

Motion: Mr. Dickerson 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 and called for a disposition in this matter.

Mr. Lee withdrew his application for Callaham-Hicks & Leaside Funeral Home.

Mr. Tennis returned to advising the Board.

11. Funeral Director and/or Embalmer Applications

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

A. Funeral Director

1. Kevin S. Ayers

Mr. Kevin S. Ayers appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete and that Mr. Ayers is requesting that the Board reinstate his Funeral Director license. Mr. Ayers was initially licensed in South Carolina as a Funeral Director (FD.2154) on May 18, 1993. The license lapsed on June 30, 1997.

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

Executive Session

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

Return to Public Session

Motion: Mr. Taylor 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: Mr. Price made a motion, seconded by Mr. Dickerson which carried unanimously that the Board approves reinstatement of Mr. Ayers Funeral Director's license upon him taking and passing both the Arts and State Law exams.

12. Executive Session for Legal Advice

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. Dickerson 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.

MOTION: Mr. Price made a motion, seconded by Mr. Dickerson, which carried unanimously; that at the next meeting an item be placed on the agenda for the Board to re-evaluate the policies and procedures of the branch location approval process.

13. Public Comments (no votes taken)

There were no public comments.

14. Adjournment

Mr. Hodge called for a motion to adjourn.

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

Mr. Hodge, after ensuring there being no further business to discuss, adjourned the February 23, 2023 meeting for the South Carolina State Board of Funeral Service at 1:15 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is April 26, 2023 and April 27, 2023 at 10:00 a.m.