

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., April 27, 2023
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Members of the public who wish to observe may do so by live streaming at
<https://llr.sc.gov/fs/videos.aspx>

Thursday, April 27, 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 April 27, 2023, at 10:02 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.

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
Dr. D'Michelle P. DuPre, of Chapin
Wayne K. Pratt, Sr., of Newberry
Landis D. Price, II, of Leesville
William E. Taylor, of Chesterfield
Thomas J. Wright, of Beaufort

SCDLLR Staff Present:

Holly Beeson, Counsel, Office of Communication and Governmental Affairs
Katie Phillips, Legislative Liaison, Office of Communication and Governmental Affairs
Kyle Tennis, 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
Xavier Keitt, Media Resource Technician, Web Development Division

Members of the Public:

Marion Curry Belk, of Belk Funeral Home Crematory
James Paul Keith, of Keith’s Crematory
Frederick Davis, of Peoples & Peoples Funeral Directors
David Edward Tompkins, of Bostick-Tompkins Funeral Home
Debra Leanora Jackson, of Bostick-Tompkins Funeral Home
Rodriquez Antwan Jenkins, of Bostick-Tompkins Funeral Home
Tray Washington, of Bostick-Tompkins Funeral Home
Mike Kelly, Esq. of Mike Kelly Law Group, LLC
Kelly Marie Davidson
Alex D. Henderson
Carlton Bryony Haltiwanger
Tina Behles, Capital City Reporting, LLC

4. Approval of Excused Absences

All Board members were in attendance.

5. Approval of Excused Absences for IRC members

Mr. William Horton was not in attendance for the IRC meeting.

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

6. Approval of Minutes from the February 22 & 23, 2023 meetings

The Board reviewed the minutes.

MOTION: Mr. Dickerson made a motion, seconded by Dr. DuPre, which passed unanimously to approve the minutes.

7. President’s Remarks – James P. Hodge

Mr. Hodge welcomed everyone and thanked the Board for granting him the opportunity to attend the International Conference of Funeral Service Examining Board’s annual meeting in Arizona. Mr. Hodge stated that attending the new board member training provided him with valuable information for serving as a regulator for the Board of Funeral Service. He encouraged every board member to attend the Conference, which offers information and training for serving as a Board member. Next year’s annual Conference will be held in Myrtle Beach, SC.

8. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance as of March 31, 2023 was \$-270,365.63.

B. 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 |
|-----|--|--------------------------|----------|-----------------------|----------|-----------------|
| 3 | RICHIE FUNERAL HOME | SEVEN CHRISTOPHER HOLMES | FD.4015 | CHARLES WAYNE FORSTER | FDE.2334 | 03/21/2023 |
| 750 | MCALISTER-SMITH FUNERAL HOME INC | AMANDA SHEALY CACERES | FD.3845 | HARRY E. PARDEE, JR. | FDE.2045 | 03/24/2023 |
| 751 | MCALISTER-SMITH CREMATORY | AMANDA SHEALY CACERES | FD.3845 | HARRY E. PARDEE, JR. | FDE.2045 | 03/24/2023 |
| 884 | PALMETTO CREMATION SOCIETY | GREGORY R ROBERTSON | FDE.3170 | AMANDA SHEALY CACERES | FD.3845 | 03/27/2023 |
| 182 | YOUNG & YOUNG FUNERAL HMOE INC | SAMUEL L. DAVIS | FD.1823 | JADE ELIZABETH SOWELL | FDE.4133 | 04/18/2022 3 |

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

| <u>Apprentice Certificates</u> | | | <u>Student Certificates</u> | | | <u>Licenses</u> | | |
|--------------------------------|----|-----|-----------------------------|----|-----|-----------------|----|-----|
| FDE | FD | EMB | FDE | FD | EMB | FDE | FD | EMB |
| 20 | 20 | 1 | 15 | 0 | 2 | 9 | 10 | 2 |

9. **Reports**

A. Inspection Report – Matalie Mickens

Ms. Mickens and Mr. Poole conducted 132 inspections between February 9, 2023 and April 18, 2023.

B. Investigative Review Committee (IRC) Report

Ms. Holleman presented the April 12, 2023 IRC recommendations to the Board, which are to dismiss cases 2022-118, 2022-119, 2023-12, 2023-13, 2023-11, 2023-14, 2023-15, 2023-16, and 2023-5; issue a letter of caution for cases 2022-130 and 2023-6; issue a cease and desist for case 2023-3; and move forward with a formal complaint for cases 2022-131, 2023-4, 2023-7, and 2023-8.

Mr. Hodge called for a motion in this matter.

MOTION: Dr. DuPre made a motion, seconded by Mr. Price, 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 33 complaints between January 1, 2023 and April 24, 2023. There were eight (8) active investigations and two (2) closed.

D. Office of Disciplinary Counsel (ODC) Report

Ms. Bell presented the ODC report to the Board stating that as of April 17, 2023, there were 50 open cases; 42 pending hearings and agreements; four (4) pending closure and 8 closed since the last report. One case was also on appeal at the Administrative Law Court.

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. Belk Funeral Home Crematory – Darlington – Marion Curry Belk

Mr. Marion Curry Belk appeared before the Board on behalf of Belk Funeral Home Crematory.

Ms. Holleman informed the Board that the application is complete and that Mr. Belk is asking that the Board approves the new crematory with him as the manager of record. Mr. Belk, license number FDE.2783, initially licensed on July 15, 2003, resides 197 ft. from the facility. Belk Funeral Home is the parent facility.

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

2. Keith's Crematory – Hilton Head Island – James Paul Keith

Mr. James Paul Keith appeared before the Board on behalf of Keith's Crematory.

Ms. Holleman informed the Board that the application is complete and that Mr. Keith is asking that the Board approves the new crematory with him as the manager of record. Mr. Keith, license number FDE.3834, initially licensed on August 15, 2014, resides 1.2 miles from the facility. Keith Funeral & Cremation Services is the parent facility.

Mr. Keith 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. Wright made a motion, seconded by Dr. DuPre which carried unanimously that the Board approves the new crematory with Mr. James Paul Keith as the manager of record pending the facility passing the final inspection.

B. New Funeral Home

1. Peoples & Peoples Funeral Directors – Pamplico – Frederick Davis

Kenyatta King and Frederick Davis appeared before the Board on behalf of Peoples & Peoples Funeral Directors.

Ms. Holleman informed the Board that the application is complete and that Mr. Davis is asking that the Board approves the new facility with him as the manager of record. Mr. Davis, license number FD.4046, initially licensed on May 4, 2018, resides 9 miles from the facility. Peoples &

Peoples Funeral Directors, LLC is the owner of the facility with members, Kenyatta King and Phillip M. King, Sr.

Both, Mr. Davis and Mr. King 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, at which time a motion to go into executive session to seek legal advice was made.

Executive Session

Motion: Ms. Cooper 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: Dr. DuPre made a motion, seconded by Mr. Dickerson 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.

The Board further questioned Mr. King, Mr. Davis, and Ms. Holleman. After concluding there were on other statements and/or questions, Mr. Hodge called for a disposition in this matter, at which time a motion for a second executive session to seek legal advice was made.

Executive Session

Motion: Mr. Dickerson 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 Mr. Taylor 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. Pratt, Mr. Price abstained, and the motion carried with a majority that the Board approves the new facility with Mr. Frederick Davis as the manager of record pending the facility passing the final inspection.

The Board heard items C1 & 2 and D1 simultaneously.

C. Change of Ownership

1. Bostick-Tompkins Funeral Home – Columbia – David Edward Tompkins
2. Bostick – Tompkins Funeral Home – Sumter – Debra Leanora Jackson

D. New Branch Facility

1. Bostick-Tompkins Funeral Home – McCormick – Rodriguez Antwan Jenkins

David E. Tompkins, Debra L. Jackson, and Rodriguez A. Jenkins appeared. Mike Kelly, Esquire represented the Bostick-Tompkins Funeral Home facilities.

Ms. Holleman informed the Board that the applications are complete. Mr. Tompkins (FD.2762) is asking that the Board approve the change of ownership of Bostick-Tompkins Funeral Home and the new branch with him as the manager of record of the Columbia location with the Columbia and Sumter locations retaining their current license numbers. Ms. Debra Leanora Jackson (FDE.4051), the current and proposed manager for the Sumter location, resides 9.3 miles from the facility. Mr. Rodriguez Antwan Jenkins (FDE.3778), the proposed manager for the new McCormick Branch resides .09 miles from the facility.

Bostick-Tompkins Home, Inc. is the owner of the facilities with sole shareholder, David Edward Tompkins.

Mr. Mike Kelly, legal representative for the applicant, 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: Ms. Cooper made a motion, seconded by Ms. Williams, which carried unanimously that the Board approves the change of ownership with Mr. David Edward Tompkins as manager of Columbia location and Debra Leanora Jackson, as manager of Sumter location, pending the receipt of a South Carolina Department of Consumer Affairs' favorable pre-need letter for the Columbia location. The Board approves the new McCormick branch with Rodriguez Autwan Jenkins as the proposed manager with all approvals pending the facilities passing the final inspections.

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. Licensure by Endorsement

1. Kelly Marie Davidson

Ms. Kelly Marie Davidson appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete and that Ms. Davidson is requesting that the Board approves her Funeral Director and Embalmer's licensure by endorsement. Ms. Davidson initially licensed in Washington as a funeral Director on May 9, 2019, and an Embalmer on August 17, 2020. On August 1, 2016, Arapahoe Community College, Littleton, Colorado awarded Ms. Davidson an Associate of Applied Science in Funeral Service Education.

Ms. Davidson addressed the Board and 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.

Executive Session

Motion: Mr. Price made a motion, seconded by Mr. Dickerson, 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 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. Wright, which carried unanimously that the Board approves the Funeral Director and Embalmer's application licensure by endorsement pending completing one (1) year apprenticeships for both a Funeral Director and an Embalmer at a South Carolina-licensed facility to include the 25 specified cases task as required on the quarterly reports. Ms. Davidson must take and pass the state law exam after completion of the funeral director and embalmer apprenticeships.

B. Funeral Director

1. Alex D. Henderson – Reinstatement

Mr. Alex D. Henderson appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete and that Mr. Henderson is asking that the Board reinstates his Funeral Director's license. Mr. Henderson initially licensed as a Funeral Director on February 13, 1996 and his license lapsed on June 30, 2008. On May 9, 1998, Bob Jones University, Greenville, SC, a non-regionally accredited University at that time, awarded him a Bachelor of Arts Degree. Mr. Henderson passed the National Board of Examination Arts' examination on December 4, 1995.

Mr. Henderson addressed the Board and 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.

Executive Session

Motion: Mr. Price 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. 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, read by Advice Counsel, and seconded by Mr. Wright, which carried unanimously, that the Board grants the reinstatement of Mr. Henderson's Funeral Director's license upon completing a two-year apprenticeship and taking and passing both the National Arts and state law exams.

2. Carlton Bryony Haltiwanger

I.S. Leevy Johnson, Attorney, legal representative for applicant, and Mr. Carlton Bryony Haltiwanger appeared before the Board.

Ms. Holleman informed the Board that the application is complete and that Mr. Haltiwanger is asking that the Board approves his Funeral Director's application, initially submitted on April 4, 2019. Mr. Haltiwanger completed his apprenticeship on May 26, 2012, and on December 7, 2018 Piedmont Technical College, Greenwood, SC awarded Mr. Haltiwanger his Funeral Director's Certificate. He initially appeared before the Board on April 24, 2019, regarding his application. The Board conditionally approved his application pending that he reported the disposition of the pending criminal charges to the Board and that he successfully take and pass all Board-required examinations. The criminal charges were dismissed and he passed the National Arts exam on February 25, 2023; however, he did not take and pass the law exam, prior to the expiration of his application on April 4, 2023. Therefore, he submitted a new application on March 8, 2023.

Both, Mr. Johnson, legal representative for applicant, and Mr. Haltiwanger addressed and responded to questions from the Board.

Executive Session

Motion: Mr. Taylor 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. Taylor 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.

MOTION: Ms. Cooper made a motion, seconded by Mr. Dickerson which carried unanimously that the Board approves Mr. Haltiwanger's Funeral Director's application allowing him to take the state law exam for licensing.

The recessed for 10 minutes.

12. **Branch Location, Change of Location, and Change of Manager approval policies and procedures**

The Board discussed the issues and decided that all new branch applications must be presented before the full Board for approval.

MOTION: Mr. Price made the motion, seconded by Mr. Wright, which carried unanimously that all new branch applications must be presented before the full Board for approval.

13. **Legislative Updates**

Ms. Holly Beason and Ms. Katie Phillips provided updates and answered questions regarding the current Funeral Board bills in the legislation.

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

Mr. Hodge, after ensuring there being no further business to discuss, adjourned the April 27, 2023 meeting for the South Carolina State Board of Funeral Service at 4:10 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is June 28, 2023 and June 29, 2023 at 10:00 a.m.