

South Carolina State Board of Funeral Service
Board Meeting Minutes
Thursday, February 22, 2024, at 10:00 am
110 Centerview Dr., Kingstree Building, Lowcountry Conference Room
Columbia, South Carolina 29210

1. Meeting Called to Order

Thoma L. Williams, President, called the meeting of the South Carolina State Board of Funeral Service to order on February 22, 2024, at 10:17am.

Public Notice

Public notice of this meeting was properly posted at the S.C. State Board of Funeral Service Office, Synergy Business Park, Kingstree Building, the Board's website, 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.

2. Pledge of Allegiance

All present recited the Pledge of Allegiance.

3. Approval of the Agenda

Motion: To approve the agenda. Motion was made by Mr. Dickerson and seconded by Mr. Hodge. The motion passed.

4. Introductions of Board Members and Persons Attending the Meeting

Board Members Present:

Thoma L. Williams, President, of Sumter
Gregory E. Evans, Vice President, of Newberry
James P. Hodge, of Anderson
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
Stoney W. Bachman, of Norway
William B. Taylor, of Chesterfield

SCLLR Staff Present:

Kyle Tennis, Esq., Office of Advice Counsel
Alexis Bell, Esq., Disciplinary Counsel, Office of Disciplinary Counsel
Robert Dean, Lead Investigator, Office of Investigations and Enforcement
Jennifer Stillwell, Lead Inspector, Office of Investigations and Enforcement
Matalie Mickens, Board Executive
Shamone Breazeale, Administrative Assistant
Chuck Waters, Investigator, Office of Investigations and Enforcement

Byron Ray, Investigator, Office of Investigations and Enforcement
Tori Smith, Investigator, Office of Investigations and Enforcement
Rosa McKoy, Investigator, Office of Investigations and Enforcement

Public Present:

Tina Behles, Court Reporter
Savannah Behles, Assistant Court Reporter
Monique Bennett Lynn Armstrong Patterson
Wayne A. Bennett Anthony Patterson
Kathy A. Bennett Rion Rampey
Andrew Wardlaw Adam Birr
Kenneth Beasley Carolyn Johnson
Andy Byrd Thomas Lee, Jr.
Stephen M. Holmes

5. Approval of Excused Absences

Motion: To approve the excused absence of Thomas Wright, IV. Motion was made by Dr. Dupre and seconded by Mr. Price. The motion passed.

6. Approval of Excused Absences of IRC members

All IRC members were present at the IRC so no action taken.

7. Approval of Meeting Minutes

a. December 7, 2023 Board Meeting

Motion: To approve the minutes for the December 7, 2023 meeting. Motion was made by Dr. DuPre and seconded by Mr. Price. The motion passed.

8. President’s Remarks – Thoma L. Williams

Mrs. Williams hoped everyone had a great holiday season and welcomed everyone.

9. Staff Reports

a. Board Executive Report-Matalie Mickens

Ms. Mickens gave a breakdown of current funeral license totals. She reminded the Board that renewals for all funeral licenses will take place April 1, 2024, through June 30, 2024. The Board members were reminded to complete the statement of economic interest that is due March 30, 2024. Ms. Mickens asked the Board to consider appointing new IRC members as the term ends in June.

Financial Report: Cash Balance -\$345,777.46

b. Office of Inspections Report – Jennifer Stilwell

Mrs. Stillwell presented the Inspection Report. 35 inspections were performed between December 1, 2023, and February 16, 2024. Last year, a total of 557 inspections were performed.

a. Office of Investigations and Enforcement (OIE) Report – Robert Dean

Mr. Dean presented the OIE report and provided that 19 complaints were received from January 1, 2024, to February 13, 2024. There are currently 13 active investigations, and 9 complaints were closed since the last Board meeting.

b. Investigative Review Conference (IRC) Report – Robert Dean

Mrs. Williams recused herself from the IRC Report. In Mrs. Williams’ absence, Mr. Evans, as Vice President, chaired this agenda item.

Mr. Dean presented the IRC Report for the Board’s review that there were 17 cases on the IRC report: 9 for dismissal; 6 for Formal Complaints; and 2 for Letters of Caution.

Ms. Bell answered questions from the Board.

Motion: To go into executive session for legal advice regarding the IRC Report. Motion was made by Mr. Price and seconded by Ms. Cooper. The motion passed.

Motion: To exit executive session during which legal advice was sought and no votes were taken. Motion was made by Dr. Dupree and seconded by Mr. Pratt. The motion passed.

Motion: To accept the IRC Report. Motion was made by Mr. Price and seconded by Mr. Dickerson. The motion passed.

Mrs. Williams returned

c. Office of Disciplinary Counsel (ODC) Report - Alexis Bell, Esq.

Ms. Bell presented the ODC report and provided that as of February 21, 2024, there are 32 open cases and 28 cases pending hearings and agreements. 3 cases have been closed since the last Board meeting.

10. Application Hearings

A. New Facility

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

1. Bennett Funeral Home – Walterboro – Wayne Bennett

Ms. Mickens informed the Board that the application is complete and that the request is for the Board to approve the new facility application with Wayne A. Bennett as the proposed manager. Mr. Bennett, license number FDE.2632, initially licensed March 20, 2009, resides .9 miles from the facility. Bennett Funeral Home, LLC is the parent company.

Mr. Bennett was sworn in. Attorney Monique Bennett represented Bennett Funeral Home. Both spoke and responded to questions from the Board.

Motion: To go into executive session for legal advice. Motion was made by Mr. Dickerson and seconded by Ms. Cooper. The motion passed.

Motion: To exit executive session during which legal advice was sought and no votes were taken. Motion was made by Mr. Hodge and seconded by Mr. Price. The motion passed.

Motion: To approve application with Mr. Wayne Bennett as the proposed manager pending final inspection. Motion was made by Ms. Cooper and seconded by Dr. DuPre. The motion passed.

BREAK

B. New Branch Facility

1. Andrew Wardlaw Funeral Home Abbeville Chapel-Andrew Wardlaw

Ms. Mickens informed the Board that the application was complete and that Mr. Wardlaw is asking for the Board to approve the branch facility with Mr. Wardlaw as the proposed manager. Mr. Wardlaw, license number FDE.3539, initially licensed July 30, 2010, resides 18.30 miles from the proposed facility. JAT Investments, Inc, is the parent company.

Mr. Wardlaw was sworn in, testified, and responded to questions from the Board.

Motion: Mr. Price made a motion to approve the facility with Mr. Wardlaw as the proposed manager pending final inspection and surrender of the license of Pierce Funeral Home, which currently occupies the proposed location for the branch facility. Motion was made by Mr. Price and seconded by Ms. Cooper. The motion passed.

BREAK

C. Change of Ownership

Young and Young Funeral Home –Hartsville-Carolyn Johnson

1. Ms. Mickens informed the Board that the application was complete. Ms. Johnson FD.4343 is requesting approval for change of ownership and to retain the current license number. Ms. Johnson, license FD.4343, initially licensed May 16, 2022, resides 79 feet from the facility. Young and Young Funeral Home Inc. is the parent company.

Ms. Johnson was sworn in, testified, and responded to questions from the Board.

Motion: To approve the change of ownership and allow the funeral home to retain the current license number upon passing a final Board inspection and Board staff being provided a favorable letter from the South Carolina Department of Consumer Affairs regarding preneed. The motion also approved Applicant's request to retain its current license number. Motion was made by Mr. Dickerson and seconded by Ms. Cooper. The motion passed.

[The next 3 application hearings were heard together.]

2. Beasley Funeral Home-Laurens-Kenneth Beasley

3. Beasley Funeral Home-Greenville-Kenneth Beasley
4. Beasley Funeral Home-Fountain Inn-Kenneth Beasley

Ms. Mickens informed the Board that the applications for the three establishments are complete and that Mr. Beasley is asking that the Board approves the change of ownership with him as the manager of record for Beasley Funeral Home, Laurens, Beasley Funeral Home, Greenville and Beasley Funeral Home Fountain Inn. Mr. Beasley also requested that all three locations be able to retain their current license numbers. Mr. Beasley, license FDE.2055, initially licensed July 11, 1990, resides 10.74 miles from the Greenville facility, 7.12 miles from the Fountain Inn facility, and 22.86 miles from the Laurens facility. Byrd Funeral Holdings, LLC is the parent company.

Mr. Beasley and Mr. Byrd were sworn in, testified, and responded to questions from the Board.

Motion: To approve the change of ownership applications for all three establishments with Mr. Beasley as the proposed manager upon each establishment passing a final Board inspection and each establishment Board staff being provided a favorable letter from the South Carolina Department of Consumer Affairs regarding preneed. However, the motion denied Applicants' requests to retain their existing license numbers. Motion was made by Ms. Cooper and seconded by Mr. Dickerson. The motion passed.

D. Change of Location

1. Leaside Funeral Home-Spartanburg-Stephen Mark Holmes

Ms. Mickens informed the Board that Mr. Holmes is requesting approval for change of location and Mr. Holmes as the proposed manager. Currently there is another licensed funeral home, Callaham-Hicks Funeral Home, operating out of the proposed location.

Mr. Lee, Leaside Funeral Home's owner, and Mr. Holmes were sworn in, testified, and responded to questions from the Board.

Motion: To go into executive session for legal advice. Motion was made by Dr. Dupre and seconded by Mr. Price. The motion passed.

[Mr. Evans left the meeting at 1:08pm while the Board was in executive session.]

Motion To exit executive session during which legal advice was sought and no votes were taken. Motion made by Mr. Hodge and seconded by Mr. Pratt. The motion passed.

Motion: To deny the application for change of location until Callaham-Hicks Funeral Home ceases to exist as a licensed Funeral Establishment, with its current owner and manager, at the proposed location address. Said cessation may occur in one of three ways: upon submission of a complete change of ownership application, the Board may approve said change of ownership application if there are no issues precluding the Board from being

able to approve said application; Callaham-Hicks Funeral Home’s license can be surrendered to the Board; or Callaham-Hicks Funeral Home’s license expires and therefore Callaham-Hicks Funeral Home ceases to exist as a funeral establishment. The motion was made by Ms. Cooper and seconded by Mr. Hodge. The motion passed.

E. New Crematory

1. AP Cremation Services-Dillon-Lynn Patterson

Ms. Mickens informed the Board that the application was complete. Mrs. Lynn Armstrong-Patterson is requesting approval for new crematory with Mrs. Armstrong-Patterson as the proposed manager. Mrs. Armstrong-Patterson, license FDE.4188, initially licensed October 8, 2019, resides 23.95 miles from the proposed facility. AP Cremation Service, Inc. is the parent company.

Mr. Patterson-Armstrong and Mr. Patterson, Jr were sworn in, testified, and responded to questions from the Board.

Motion: To go into executive session for legal advice. Motion was made by Ms. Cooper and seconded by Mr. Price. The motion passed.

Motion: To exit executive session during which legal advice was sought and no votes were taken. Motion made by Mr. Dickerson and seconded by M. Cooper. The motion passed.

Motion: To approve the crematory application for AP Cremations with Lynn Armstrong-Patterson as proposed manager pending final inspection. If the crematory does not become licensed within two (2) years of February 22, 2024 (the date of the hearing), Applicant must reappear before the Board. The motion was made by Ms. Cooper and seconded by Mr. Price. The motion passed.

BREAK

11. Disciplinary Hearings

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

a. Consent Agreements

[The following two Consent Agreements were presented together,]

1. Case No.: 2023-51
2. Case No.: 2023-52

Ms. Alexis Bell, Disciplinary Counsel, presented the two Consent Agreements listed above.

Mrs. Williams called for questions. The Board had no questions, Mrs. Williams called for a motion to as to the disposition of these matters.

Motion: To approve both the Consent Agreements. Motion made by Ms. Cooper made a motion and seconded by Dr. DuPre. The motion passed.

3. Case No.: 2023-68

Ms. Alexis Bell, Disciplinary Counsel, presented the Consent Agreement

Mrs. Williams called for questions. The Board had no questions, Mrs. Williams called for a disposition.

Motion: To approve the Consent Agreement. Motion was made by Dr. DuPre and seconded by Ms. Cooper. The motion passed.

[The next 3 disciplinary hearings were heard together]

5. Case No.: 2023-104

6. Case No.: 2023-105

7. Case No.: 2023-106

Ms. Alexis Bell, Disciplinary Counsel, presented the three Consent Agreements together.

Mrs. Williams called for questions. The Board asked for clarity regarding certain portions of the Consent Agreements. Ms. Bell answered the Board's questions and provided that because of the nature of Consent Agreements, they cannot be modified, but rather only accepted or rejected by the Board.

Motion: To approve the Consent Agreements for Case Nos. 2023-104, 2023-105, and 2023-106. Motion was made by Dr. DuPre and seconded by Mr. Taylor. The motion passed.

12. New Business

a. Continuing Education Program

Ms. Mickens informed the Board that she is working with OSHA on completing a continuing education course specifically for the Board's licensees. There is also an apprenticeship continuing education program that is in the editing stage.

13. Legislative Update

Mr. Tennis provided the Board an update on the current bills that may affect the funeral board and funeral industry. Of note were the following:

- H.4116, which would make numerous changes to the Funeral Practice Act (S.C. Code Ann. § 40-19-5 et seq., and Preneed Funeral Contracts (S.C. Code Ann. § 32-7-10 et seq.) including but not limited to increasing the penalties for violating preneed funeral contract statutes, changing the mileage radius required for a manager to live within in order to manage a funeral home, changing the definition of cremation to include "alkaline hydrolysis," providing for registrations of crematory operators, and changing the continuing education requirements from three hours to four hours annually and requiring

that two hours must require the physical attendance of the licensee.

- H.4615, which would address funeral processions, including but not limited to providing definitions, providing that certain equipment must be maintained on funeral escort and lead vehicles, providing right of way conditions for funeral processions and conditions for the operations of vehicles in processions, providing the imposition of liability for injuries that occur in processions.
- H.4823, which applies to would provide for an expedited program to review and approve license applications. Additionally, the bill would prohibit departments of state government from implementing or enforcing against any person a policy or guideline that has not been adopted as a regulation.

14. Agenda Topics for Future Meetings

No one had agenda topics to add for the next meeting at this time.

15. Public Comments

Adam Birr, an attorney with the South Carolina Department of Consumer Affairs, asked the Board if there was any protocol or procedures in place that would allow a third party to a contested case to defend itself or testify in the event the third party is referenced in a contested case hearing. While the Board understands Mr. Birr's concern, Mr. Tennis provided that the Board does not allow third parties to speak from the gallery during a contested case; instead, the Board can weigh the evidence presented during the contested case from the parties and witnesses and evaluate the credibility of any statement that references a third party.

16. Adjournment

Motion: To adjourn the meeting. Motion was made by Mr. Dickerson made and seconded by Mr. Hodge. The motion passed.

The next scheduled meeting for the SC Board of Funeral Service is **April 24 and 25, 2024.**