

**MINUTES**  
**South Carolina State Board of Funeral Service**  
**Board Meeting**

10:00 a.m., August 18, 2016  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Thursday, August 18, 2016**

**1. Meeting Called to Order**

William B. Horton, Jr., President, of Kingtree, called the regular meeting of the South Carolina State Board of Funeral Service to order on August 18, 2016 at 10:05 a.m. Other Board members present for the meeting included: Eddie Nelson, Vice President, of Blythewood; Michelle Cooper, of Moncks Corner; Stephen R. Gantt, of Greenwood; Charvis K. Gray, of Piedmont; S. Lee McMillan, Jr., of Myrtle Beach and D'Michelle P. DuPre, of Chapin.

Staff members participating in the meeting included: Hardwick Stuart, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Monaca Harrelson, Administrative Assistant, Sharon Cook, Investigator, Office of Investigations and Enforcement; Kathy Meadows, Investigator, Office of Investigations and Enforcement; and Ernest Adams, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Justin Jones, South Carolina Department of Consumer Affairs; Leonard Hicks, of Spartanburg, SC; George Brandt, III, of Spartanburg; Fernando L. Barr, of Graham & Godwin Funeral Home, LLC; WM A. Hall, City of Lake City; and Elizabeth Simmons of South Carolina Morticians Association (SCMA).

**A. Public Notice**

Mr. Horton 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.

**B. Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**2. Introduction of Board Members and Persons Attending the Meeting**

The Board members, staff, and all other persons attending the meeting introduced themselves.

**3. Approval of Excused Absences**

Wallace McKnight, Jr. of Andrews, John L. Petty, III of Landrum, and Sh'Kur Francis of Charleston were not in attendance. Jeffrey K. Temples would be arriving late.

**MOTION**

Mr. Gantt made a motion to approve the absences, Mr. Gray seconded, and the motion carried unanimously.

#### **4. President's Remarks – Billy Horton**

Mr. Horton welcomed everyone. Mr. Horton noted that Sh'Kur M. Francis replaced Mark O'Steen on the Board as the new public member. Mr. Horton thanked Mark O'Steen for his service to the Board

#### **5. Administrator's Remarks – Amy Holleman**

Ms. Holleman informed the Board the notice for the new Board member, Sh'Kur Francis, was received on Monday, August 15, 2016. Ms. Holleman informed the Board a plaque will be ordered for Mark O'Steen. She reminded the Board of the next meeting on August 24, 2016 at 10:00 a.m.

#### **6. Disciplinary Hearings – Tracey Perlman**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

##### **1. Case Nos. OIE 2015-26 and 2015-27**

Graham and Godwin Funeral Home, LLC (License No. FE. 853 PAR) serves as a funeral establishment in Lake City, South Carolina. Mr. Philip Jeryl Lemmon, Sr., (License No. FD. 2374 FD) serves as the licensed funeral director for the establishment and is recognized by the Board as the manager of record for the establishment.

Ms. Perlman presented the Memorandum of Agreement and Stipulation of facts:

1. The Respondent Owner has a prior disciplinary action against him, in the form of Consent Agreement for operating/managing a funeral home without a valid permit The Respondent-Owner was issued a public reprimand and a civil penalty in the amount of \$250.00.

##### **OIE CASE NUMBER: 2015-26**

2. On or about January 21, 2014, the water at the Respondent–Establishment located at 384 S. Church St. Lake City, SC, was turned off by the City of Lake City for non-payment. The water/sewer account was finalized and completely closed on Thursday, March 26, 2014, indicating that the property no longer had water/sewer service with the City of Lake City. Information was obtained by city employees that Respondents were still operating and continuing to receive bodies despite the lack of running water at the Respondent-Establishment.
3. A complaint with South Carolina Department of Labor, Licensing and Regulation ("LLR") was filed against Respondents. LLR assigned Investigator Sharon Cook to investigate the allegations in the complaint. On or about March 27, 2015, Investigator Cook visited the Respondent-Establishment and confirmed that the facility was operating without both hot and cold running water.
4. During the course of the investigation, Investigator Cook found that the roof was leaking directly outside the embalming room. The embalming room was unclean and unsanitary, the flooring was in poor condition, and there were holes in the walls.

5. On March 30, 2015, Inspector Ernest Adams returned to the Respondent-Establishment and confirmed that the water had been turned back on and that the unsanitary conditions had been resolved.

**OIE CASE NUMBER: 2015-27**

6. Respondent-Owner is the owner/manager of record for the Respondent-Establishment where the violations of Respondent-Establishment relevant to OIE Case Number 2015-26 occurred. Respondent-Owner knowingly, willingly, and intentionally allowed the continued violations of a state or federal law or regulation concerning funeral establishments.

Respondents admit that the aforementioned acts of Respondents are violations of S.C. Code Ann. § 40-1-110(1)(f); S.C. Code Ann. § 40-19-110(14), and S.C. Code Ann. Reg. 57-15(2).

Ms. Perlman informed the Board as of date all issues have been resolved and the funeral establishment is in good standing.

Ms. Perlman presented the Board with a letter written by Mrs. Carolyn Lemmon, on behalf of Mr. Philip Lemmon, authorizing Mr. Fernando L. Barr, being present, to represent the funeral home. Ms. Perlman informed the Board that Mrs. Lemmon has power-of-attorney.

The Board requested a copy of the power-of-attorney. The President recessed at 10:21 a.m., in order for Ms. Perlman to obtain a copy of the power-of attorney.

The motion to return to session was made at 10:36 a.m. by Dr. Dupre and seconded by Mr. Gray, which carried unanimously.

Ms. Perlman presented a copy of the power-of-attorney and requested a change to the Memorandum of Agreement on page 2 to reflect the year "2015".

The Board asked Mr. Barr if he wanted to speak regarding the case. Mr. Barr declined.

**Executive Session**

**MOTION**

Mr. Nelson made a motion to go into Executive Session to receive legal advice.  
Mr. McMillan seconded the motion, which carried unanimously.

**Return to Public Session at 11:12a.m.**

**MOTION**

Mr. Nelson made a motion that the Board return to public session.  
Mr. Gantt seconded the motion, which carried unanimously.

Mr. Horton stated, for the record, that no votes were taken during executive session. The Chairman asked Mr. Barr and Ms. Perlman to approach the table. After a brief discussion, Mr. Horton called for a recess at 11:13 a.m.

The motion to return to public session was made at 11:27 a.m., by Mr. McMillan, and seconded by Mr. Gantt which carried unanimously.

Mr. Perlman submitted an emailed received from Mrs. Lemmon as exhibit #5.

**Executive Session**

**MOTION**

Mr. Nelson made a motion to go into Executive Session to receive legal advice.  
Mr. McMillan seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Dr. DuPre made a motion that the Board return to public session.  
Mr. Gray seconded the motion, which carried unanimously.

Mr. Horton stated, for the record, that no votes were taken during executive session.

**MOTION**

Ms. Cooper made a motion that the Board accept the Memorandum of Agreement with the change of year to "2015" on page 2, and that the Respondent in Case No. 2015-26 receive a public reprimand with a \$500.00 fine for each violation, totaling in the amount of \$1,500.00, paid within six months of the final order; and that the Respondent in Case No. 2015-27 receive a public reprimand.

Mr. Nelson seconded the motion, which carried unanimously.

**2. Case No. 2015-35**

Case No. 2015-35 was continued.

**3. Case No. 2015-42**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Ms. Perlman introduced a Formal Complaint against Respondent, a licensed Funeral Director and Funeral Establishment Manager who also served as the Preceptor of a Funeral Director Apprentice.

The State alleges that on July 10, 2014, September 30, 2014 and January 5, 2015, the Apprentice submitted quarterly reporting forms stating that she participated in the sale of funeral services, that she conducted funeral services, and that she prepared death certificates for 43 different cases listed in the reports. The Respondent signed the reports and certified that his Apprentice was properly supervised and that her statements were true and correct to the best of his knowledge and belief.

On or about March 23, 2015, Respondent received from Apprentice a fourth quarterly report for his signature. The Respondent noticed that there were items reported as having been performed that in fact had not been done by the Apprentice. Respondent refused to sign the potential fourth quarterly report and advised his Apprentice how the quarterly reports were to be completed truthfully.

Respondent then thoroughly reviewed the three previous reports and found that they all had ~~inadequate~~ information, as the Respondent did not allow the Apprentice to participate in the sale of funeral services, conduct funeral services, or prepare death certificates for all 43 different cases listed in the reports. Respondent then reported his error in signing the three quarterly reports already submitted to the Board.

Respondent may have violated S.C. Code Ann. Sections 40-19-110(1), Regs. § 57.06.1 (4), and 57-13 (A)(6).

Ms. Perlman presented arguments and witnesses on behalf of the Agency, and the Respondent's attorney presented arguments on behalf of the Respondent.

**MOTION**

Dr. DuPre made a motion to go into Executive Session to receive legal advice, Mr. Nelson seconded, and the motion passed unanimously.

**Return to Public Session**

**MOTION**

Mr. McMillan made a motion that the Board return to public session, Mr. Gray seconded, and the motion passed unanimously.

Mr. Horton stated, for the record, that no votes were taken during executive session.

**MOTION**

Ms. Cooper made a motion that the Board finds that Respondent violated S.C. Code Ann. Section 40-19-110(1). Respondent is subject to a Private Reprimand, a civil penalty of \$500.00, which is waived by the Board for self-reporting, and any applicable investigative costs. Mr. Nelson seconded the motion and it passed unanimously.

**12. Public Comments (no votes taken)**

There were no public comments

**13. Adjournment**

**MOTION**

Mr. McMillan made a motion to adjourn the meeting, Mr. Nelson seconded, and the motion carried unanimously.

Mr. Horton, after ensuring there being no further business to discuss, adjourned the August 18, 2016, meeting for the South Carolina Board of Funeral Service at 1:14 p.m.

The next meeting of the SC Board of Funeral Service is scheduled for August 24, 2016 at 10:00 a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree building, Room 108, Columbia, South Carolina.