

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., November 2, 2017
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, November 2, 2017

1. Meeting Called to Order

Jeffrey K. Temples, President, of Columbia, called the regular meeting of the South Carolina State Board of Funeral Service to order on November 2, 2017, at 10:06 a.m. Other board members present for the meeting included: Charvis K. Gray, Vice President, of Piedmont; William B. Horton, Jr., of Kingstree; Wallace McKnight, Jr., of Andrews; Michelle A. Cooper, of Moncks Corner; John L. Petty III, of Landrum; Stephen R. Gantt, of Greenwood; Landis D. Price, II, of Lexington; and Kenneth E. Baxter, Sr., of Greenville.

Staff members participating in the meeting included: Mary League, 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 Wolfe, Chief Investigator, Office of Investigations and Enforcement; Eric Thompson, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigators and Enforcement; William Poole, Inspector, Office of Investigations and Enforcement; Rodney Pigford, Investigator, Office of Investigations and Enforcement; Sharon Cooke, Investigator, Office of Investigations and Enforcement; and Kathy Meadows, Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons, South Carolina Morticians Association; Jacob Flowers, South Carolina Department of Consumer Affairs; Fletcher J. Pierce of Brown, Walker and Pierce Funeral Home, LLC; Hugh William Jackson of Thompson Funeral Home, Inc.; David Siddons, Attorney for Thompson Funeral Home, Inc.; Thomas C. Kelsch; Marianne Douglas; Chase Ridgeway, Amanda Ridgeway, and Kenny Johnson of Ridgeway Funeral Home; Kathleen McDougill, Attorney; Russ Graham, Karen G. Turner, and Bill Turner of Graham Funeral Home; Angela Sumpter; James Sumpter; Leah Sumpter; and Kaleb Thomas.

A. Public Notice

Mr. Temples 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.

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

Dr. D'Michelle P. DuPre and Stephen Lee McMillan, Jr., were not in attendance.

MOTION

Mr. Horton made a motion to excuse the absences of Dr. DuPre and Mr. McMillan, Jr.. Mr. Gray seconded, and the motion carried unanimously.

4. Approval of Minutes for the October 17, 2017 board meeting

Mr. Temples called for a motion to approve the minutes for the October 17, 2017.

MOTION

Mr. Horton made a motion to approve the October 17, 2017 minutes with a correction to page 10, item 15.1, to acknowledge that Ms. Cooper voted, "nay," on the motion and that Mr. Baxter, Dr. DuPre, Mr. Gray, Mr. Horton, Mr. McKnight, Mr. McMillan and Mr. Price voted, "yes." Mr. Gray seconded the motion which passed unanimously.

5. President's Remarks – Jeffrey K. Temples

Mr. Temples did not make remarks.

6. Administrator's Remarks – Amy Holleman

Ms. Holleman informed the Board that the Agency has not released the October 2017 financial report.

Ms. Holleman informed the Board that on February 28 – March 1, 2018 The International Conference of Funeral Service Examining Boards will hold its 114th annual meeting in New Orleans, LA, which includes a board member training session on February 27, 2018. Ms. Holleman stated that subject to monetary considerations the Board has authorization to approve attendance to the conference for the Administrator and two board members.

MOTION

Ms. Cooper made a motion that the Board approved Ms. Holleman, Mr. Kenneth Baxter, Sr., and Mr. Jeffrey Temples to attend The International Conference of Funeral Service Examining Board's 114th annual meeting on February 27 – March 1, 2018 in New Orleans, LA. Mr. Gray seconded the motion, which carried unanimously.

Ms. Holleman presented the Board a listing for the funeral establishment change of facility name:

FE#	Former Name of Funeral Establishment (Branch)	New Name of Funeral Establishment	Name of Manager	Effective Date
742	Ocean View Funeral Home of Horry County LLC	Ocean View Funeral Home and Cremation Services Myrtle Beach Chapel	Atu J. Williams	10/17/2017
1015	Ocean View Funeral Home of Horry County LLC	Ocean View Funeral Home and Cremation Services Conway Chapel	Atu J. Williams	10/17/2017

Reports

A. Inspection Report

Mr. Poole informed the Board that he and Mr. Adams conducted 52 inspections between September 26, and October 24, 2017.

B. Investigative Review Committee (IRC) Report

Ms. Wolfe asked the Board to review and approve the IRC report that dismisses cases, 2017-17; 2017-32; 2017-33 and 2017-34.

MOTION

Ms. Cooper made a motion to approve the IRC report. Mr. Gray seconded the motion, which carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report

Ms. Wolfe reported that as of October 21, 2017, there were 40 cases received, and 43 cases closed.

D. Office of Disciplinary (ODC) Counsel – Tracey Perlman

Ms. Perlman reported 12 open cases, seven pending actions, five pending hearings, and, as of August 28, 2017, one closed.

New Business

Application Hearings

8. New Funeral Home or Change of Ownership

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

1. Brown, Walker and Pierce Funeral Home, LLC – Abbeville - Fletcher J. Pierce

Mr. Fletcher J. Pierce appeared before the Board on behalf of Brown, Walker and Pierce Funeral Home, LLC.

Ms. Holleman informed the Board that the application is complete and that Mr. Pierce requests that the Board approve the change of ownership and name with him as the manager. Mr. Fletcher, #FD 2023, initially licensed on July 12, 1989, resides 22.5 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that the owner of the facility is Brown, Walker and Pierce Funeral Home, LLC.

The Board mentioned the statement in the purchase agreement that states, "The Purchaser shall remove the name "Walker" from the LLC name no later than March 31, 2019." The Board decided that at the time the name change occurs, Mr. Pierce is required to submit a change of name application to Board staff, which the Board administrator has the authority to approve.

Mr. Pierce informed the Board that he has been an owner since about 1991, and is now the sole member. Mr. Pierce asked that the Board approve the change of ownership and name change to Brown, Walker and Pierce Funeral Home, LLC.

MOTION

Mr. Horton made a motion to approve the application and Mr. Fletcher J. Pierce as the manager pending an inspection and a favorable South Carolina Department of Consumer Affairs letter. Mr. Horton amended the motion to include the acceptance of the name change. Mr. Gantt seconded the motion, which carried unanimously.

2. Thompson Funeral Home, Inc. – Orangeburg – Hugh William Jackson

Mr. Hugh William Jackson represented by David Siddons, Esq., appeared before the Board on behalf of Thompson Funeral Home, Inc.

Ms. Holleman informed the Board that the application is complete and that Mr. Jackson, the current manager is requesting that the Board approve the change of ownership with him remaining manager. Mr. Jackson, #FDE 2074, initially licensed on September 18, 1998, resides 9.9 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that the owner of the facility is Thompson Funeral Home, Inc. The latest inspection was September 19, 2017.

Mr. Jackson informed the Board that the funeral home is a family business that began with his grandfather and was acquired by his mother in 1992. Mr. Jackson stated his mother, Sandra Rickenbaker, owns the land and building; he purchased the business.

MOTION

Ms. Cooper made a motion to approve the change of ownership application with Mr. Hugh William Jackson as the manager. Mr. McKnight, Jr. seconded the motion, which carried unanimously.

9. Licensure after Voluntary Surrender

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

1. Thomas C. Kelsch

Mr. Thomas C. Kelsch appeared on his own behalf.

Ms. Holleman informed the Board that Mr. Kelsch voluntarily surrendered his funeral director's license (#FD 3372) on February 5, 2016.

Ms. Holleman stated that Mr. Kelsch contacted staff in October 2017, regarding relicensing after voluntarily surrendering his funeral director's license. Mr. Kelsch submitted a funeral director's licensing application on October 25, 2017 to reinstate his license. Mr. Kelsch is requesting that the Board approve his funeral director's licensing application.

Mr. Kelsch informed the Board that he surrendered his license under the South Carolina Department of Insurance's instructions that as a condition to obtain a license to sell pre-need insurance he was required to surrender his funeral director's license. Mr. Kelsch stated that later, the South Carolina Department of Insurance, informed him he did not need to surrender his funeral director's license. He is requesting reinstatement of his funeral director's license.

Executive Session

MOTION

Mr. Horton made a motion to go into executive session to receive legal advice. Mr. Gray seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Horton made a motion to come out of Executive Session. Mr. McMillan seconded the motion which passed unanimously.

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

Mr. Temples called for a motion in this matter.

MOTION

Ms. Cooper made the motion to approve the application for reinstatement, pending the receipt of the \$720.00 fee. Mr. Gray seconded the motion, which carried unanimously.

10. Approval of Meeting Dates/Calendar for 2018

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

The Board reviewed the tentative calendar dates.

MOTION

Mr. Horton made a motion to approve the 2018 South Carolina State Board of Funeral Service meeting calendar. Mr. McKnight, Jr. seconded the motion which carried unanimously for the dates as listed:

2018 SC STATE BOARD OF FUNERAL SERVICE MEETING DATES

MONTH	DATE	NOTES
JANUARY	Tuesday, January 30, 2018 Wednesday, January 31, 2018	Rooms 107 & 108
FEBRUARY	Wednesday, February 21, 2018 Thursday, February 22, 2018	Rooms 107 & 108
March	No Meeting	
APRIL	Wednesday, April 25, 2018 Thursday, April 26, 2018	Rooms 107 & 108
MAY	Tuesday, May 22, 2018	Rooms 107 & 108
JUNE	Wednesday, June 6, 2018 Thursday, June 7, 2018	Rooms 107 & 108
July	No Meeting	
AUGUST	Wednesday, August 22, 2018	Election of Officers

	Thursday, August 23, 2018	Rooms 107 & 108
SEPTEMBER	Thursday, September 13, 2018	Rooms 107 & 108
OCTOBER	Wednesday, October 3, 2018 Thursday, October 4, 2018	Rooms 107 & 108
November	No Meeting	
DECEMBER	Wednesday, December 5, 2018 Thursday, December 6, 2018	Rooms 107 & 108

Disciplinary

11. Disciplinary Hearings

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

1. Case Nos.: 2014-72, 2015-1

Ms. Perlman informed the Board that Case Nos.: 2017-72, 2015-1 was continued.

2. Case No.: 2015-16

Ms. Perlman informed the Board that on November 1, 2017 Mr. Kenneth Mitchell Johnson surrendered his funeral director’s license, in accordance with S.C. Code Ann. §§ 40-19-150, and 40-1-150.

3. Case No: 2015-17

Mr. Horton and Mr. McKnight recused themselves from the case.

The State and the Respondent presented arguments and evidence.

The State withdrew the alleged violation of S.C. Code Ann Section 40-1-110 (1)(c).

Executive Session

MOTION

Ms. Cooper made a motion to go into Executive Session to obtain legal advice. Mr. Gray seconded and the motion passed unanimously.

Return to Open Session

MOTION

Ms. Cooper made a motion to come out of Executive Session. Mr. Gantt seconded and the motion passed unanimously.

Mr. Temples noted that no action was taken in Executive Session.

MOTION

Ms. Cooper made a motion that Case No. 2015-17 be dismissed. Mr. Petty seconded and the motion was passed unanimously.

Mr. Horton rejoined the meeting.

12. Executive Session for Legal Advice, If Needed

13. Public Comments (no votes taken)

14. Adjournment

Mr. Temples called for a motion to adjourn.

MOTION

Mr. Gray made a motion to adjourn the meeting, Mr. Petty seconded, and the motion carried unanimously.

Mr. Temples, after ensuring there being no further business to discuss, adjourned the November 2, 2017 meeting for the South Carolina State Board of Funeral Service at 5:28 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is December 7, 2017 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.