

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., July 25, 2017
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Tuesday July 25, 2017

1. Meeting Called to Order

Eddie J. Nelson, President, of Blythewood called the regular meeting of the South Carolina State Board of Funeral Service to order on July 25, 2017, at 10:06 a.m. Other Board members present for the meeting included: Jeffrey K Temples, Vice President, of Columbia; Chavis K. Gray, Secretary, of Piedmont; Stephen R. Gantt, of Greenwood; William B. Horton, Jr. of Kingstree; John L. Petty III, of Landrum; Michelle A. Cooper, of Moncks Corner; and Micelle A. Cooper, of Moncks Corner, who arrived at 10:12 a.m.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Disciplinary Counsel, Office of Disciplinary Counsel; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Monaca Harrelson, Administrative Assistant; Sam Messa and Marissa VanCamp, Administrative Assistants, Office of Disciplinary Counsel; William Poole, and Ernest Adams, Inspectors, Office of Investigations and Enforcement; and Eric Thompson, Program Coordinator, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons and Carolyn B. Shortt, South Carolina Morticians Association; Jacob Flowers, South Carolina Department of Consumer Affairs; Kenyatta King and Lawrence Tindal James of People's Funeral Home; Leonard M. Hilton of The Lowcountry Mortuary, LLC; Matthew James Armstrong and Daniel Lynam of The Palmetto Mortuary & Crematory; Jeffery Marion McWatters and Curtis W. Stouts of Whitesell of Rock Hill LLC; Brent Caughman and Deanne Ross Baldwin of Caughman-Harmon Funeral Home, Lexington; Gene Ward of Ward Law Firm; Stewart Dunbar and JM Dunbar of Dunbar Funeral Home; Kathy Ronson; Ron Corbin; Brian Corbin; James Rapport; Lee Messer; Charlotte Smith; and April Harrill.

A. Public Notice

Mr. Nelson 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 Absence

Mr. Nelson called for a motion to excuse the absences of Dr. D'Michelle P. DuPre, Mr. Wallace McKnight, Jr., and Mr. Stephen Lee McMillan, Jr.

MOTION

Mr. Horton made a motion to approve the absences. Mr. Gray seconded the motion, which carried unanimously.

4. Approval of Minutes for the June 7-8, 2017 board meeting.

Mr. Nelson called for a motion to approve the minutes for the June 7-8, 2017 board meeting.

MOTION

Mr. Temples made a motion to approve the minutes as presented. Mr. Gray seconded the motion, which carried unanimously.

5. President's Remarks

Mr. Nelson thanked everyone for attending.

6. Administrator's Remarks – Amy Holleman

Ms. Holleman reported that the Board's cash balance ending June 2017 was -\$567,126.15.

Ms. Holleman informed the Board that she and the advice counsel will be attending the North American Death Care Regulators Association (DCRA) annual conference September 12-14, 2017, in Portland, OR.

Ms. Holleman reminded the Board that a work session with Piedmont Technical College is scheduled for August 29, 2017, at 1:00 p.m. Ms. Holleman stated the current topics on the agenda are student permits and changes to the mortuary science program. If board members would like to add additional topics, they should contact staff.

Ms. Holleman reported the change of managers since June 8, 2017 as follows:

FE#	Name of Funeral Establishment (FE)	Name of former Manager	Name of New Manager	Effective Date
750	McAlister-Smith Funeral Home, Inc.	Marvin Matthew Smith FDE 2340	Bernard R. Putnam III FDE 3877	07/06/2017
751	McAlister-Smith Crematory	Marvin Matthew Smith FDE 2340	Bernard R. Putnam III FDE 3877	07/06/2017
768	McAlister-Smith Funeral Home Goose Creek	Marvin Matthew Smith FDE 2340	Gregory A. Rice FDE 3482	07/06/2017
769	McAlister-Smith Crematory	Marvin Matthew Smith FDE 2340	Gregory A. Rice FDE 3482	07/06/2017

884	Palmetto Cremation Society (Branch)	Marvin Matthew Smith FDE 2340	Amanda Shealy Caceres – FD 3845	07/06/2017
430	Palmetto Cremation Society	Marvin Matthew Smith FDE 2340	Amanda Shealy Caceres – FD 3845	07/06/2017
904	McAlister-Smith Funeral Home – James Island	Archie D. Willis III FDE 1618	Michael Todd Griffin FDE 2220	07/06/2017
579	Woodlawn Funeral Home	Wesley M. James FDE 2821	Stanley Alan Stone FD 2784	07/12/2017

Ms. Holleman reported new funeral establishment branches since June 8, 2017 as follows:

FE#	Name of Funeral Establishment (Branch)	Name of Manager	Effective Date
1016	Simplicity: Low Country Burial Services	Darryl Stanley Young	07/12/2017
1018	Henryhand Funeral Home	Ivori Louise Henryhand	07/19/2017

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

7. Reports

A. Inspection Report

Mr. Poole reported that he and Mr. Adams conducted 131 inspections between May 26, 2017 and July 17, 2017.

Mr. Nelson called a motion to receive the Inspection Report as information only.

MOTION

Mr. Petty made a motion to receive the Inspection Report as information only. Mr. Gray seconded the motion, which carried unanimously.

B. Investigative Review Committee (IRC) Report

Ms. Wolfe presented the report. On July 11, 2017, the IRC recommended to dismiss cases 2017-11, 2017-14, 2017-16, 2017-20, and 2017-23; that a letter of caution be issued for case number 2017-22;.

MOTION

Mr. Petty made a motion to approve the Investigative Review Committee recommendations. Ms. Cooper seconded the motion, which carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report

Ms. Wolfe stated that the Office of Investigations and Enforcement received 27 cases, and closed 31 cases between January 1, 2017 and July 11, 2017.

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

Ms. Perlman reported that for the Office of Disciplinary Counsel (ODC), as of July 17, 2017, there were 13 cases open, eight pending actions, five pending hearings, and two closed since May 2017.

Mr. Nelson called for a motion to accept the Office of Disciplinary Counsel report as information only.

MOTION

Mr. Horton made a motion to accept the report as information only. Mr. Temples seconded the motion, which carried unanimously.

New Business

Application Hearings

8. New Funeral Home or Ownership Change

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

1. Lewis Funeral Home and Cremations – Union Richard Scott Lewis

Ms. Holleman informed the Board that Mr. Lewis was unable to attend the hearing. The Board decided to reschedule the hearing to a later date.

2. People's Funeral Directors, LLC – Pamplico Lawrence Tindal James

Ms. Holleman informed the Board that the application is complete. Mr. Kenyatta King is the owner of the facility, and Mr. Lawrence Tindal James is the proposed manager. Mr. James was licensed as a Funeral Director (FD. 3793) on March 25, 2014. He lives 12.2 miles from the facility.

The court reporter swore in Mr. King and Mr. James, who both appeared before the Board to answer any questions. Mr. James requested that the Board approve the new facility application, and he asked to be the manager of record. Mr. James stated the business currently does not sell pre-need funeral contracts. Mr. James confirmed he read and understands the South Carolina State Board of Funeral Service statutes, rules, and regulations.

MOTION

Mr. Horton made a motion to approve the application with Mr. James as the manager, pending a final inspection. Mr. Temples seconded the motion, which carried unanimously.

3. The Lowcountry Mortuary, LLC – North Charleston Leonard M. Hilton

Ms. Holleman informed the Board that the application is complete. Mr. Coakley A. Hilton is the owner of the facility, and Mr. Leonard M. Hilton is the proposed manager. Mr. Leonard M. Hilton was licensed as a Funeral Director Embalmer (FDE.1602) on November 2, 1978. He lives 10.88 miles from the facility. Mr. Leonard Hilton appeared as the representative for the facility.

The court reporter swore in Mr. Hilton, who appeared before the Board to answer any questions. Mr. Hilton stated the business will not sell pre-need funeral contracts at this time. The Board questioned Mr. Hilton regarding his available working hours. Mr. Hilton explained that his Red Cross employment is during the evening hours. He confirmed that his working hours for the funeral establishment will be 9:00 a.m. to 5:00 p.m. on weekdays. Mr. Hilton confirmed he read and understands the South Carolina State Board of Funeral Service statutes, rules, and regulations.

MOTION

Ms. Cooper made a motion to approve the application with Mr. Hilton as the manager of record, pending a final inspection. Mr. Temples seconded the motion, which carried unanimously.

4. The Palmetto Mortuary & Crematory – Greenville Matthew James Armstrong

Ms. Holleman informed the Board that the application is complete. Mr. Daniel Lynam, and T. Miller Corp. are the owners of the facility. Mr. Matthew James Armstrong, the proposed manager, was initially licensed as a Funeral Director Embalmer (FDE 2330) on December 4, 1996. Mr. Armstrong lives 8.5 miles from the facility. Ms. Holleman informed the Board that Mr. Armstrong requests the approval of the crematory.

The court reporter swore in Mr. Lynam and Mr. Armstrong, who both appeared before the Board to answer any questions. Mr. Armstrong informed the Board of his request for approval of the crematory and to be manager. Mr. Armstrong confirmed he read and understands the South Carolina State Board of Funeral Service statutes, rules, and regulations.

MOTION

Mr. Horton made a motion to approve the application with Mr. Matthew James Armstrong as manager of record pending a final inspection. Ms. Cooper seconded the motion, which carried unanimously.

5. Whitesell of Rock Hill LLC – Rock Hill Jeffery Marion McWatters

Ms. Holleman informed the Board that the application is complete. Mr. Curtis W. Stouts is the owner of the facility, and Mr. Jeffery M. McWatters is the proposed manager. Mr. McWatters is a licensed Funeral Director (FD.3820), and he was initially licensed on November 25, 2014. He lives 7.6 miles from the facility.

The court reporter swore in Mr. Stouts and Mr. McWatters, who both appeared before the Board to answer any questions. Mr. McWatters informed the Board of his request of approval for change of ownership and to be manager. Mr. McWatters stated pre-need contracts will be transferred to Whitesell of Rock Hill LLC. Mr. McWatters confirmed he read and understands the South Carolina State Board of Funeral Service statutes, rules, and regulations.

MOTION

Mr. Horton made a motion to approve the application with Mr. Jeffery M. McWatters as manager of record pending a favorable South Carolina Department of Consumer Affairs (SCDCA) letter, a signed Annual Facility Manager and Embalmer Verification Report form, and a final inspection. Ms. Cooper seconded the motion, which carried unanimously.

9. Extension of Apprenticeship and Acceptance of Education

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should

one be necessary.

1. Jonathan Edward Smith

Ms. Holleman informed the Board that Mr. Smith was unable to attend due to unforeseen circumstances. He requested that his hearing be postponed until the next board meeting.

10. Acceptance of Completed Apprenticeship

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

Mr. Jeffery K. Temples recused himself.

1. Deanne Ross Baldwin

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Ms. Baldwin asks that the Board to accept her apprenticeship, which she completed in August 2005. Ms. Baldwin passed the law exam on April 28, 2006. Board staff received Ms. Baldwin's second Funeral Director's application on July 6, 2017. Mr. Brent Caughman appeared alongside Ms. Baldwin.

The court reporter swore in Ms. Baldwin and Mr. Caughman. Ms. Baldwin informed the Board that she was unable to complete the Funeral Director's requirements due to traumatic personal experiences; however, she is now ready to complete the process. Ms. Baldwin stated, except for three years, she remained employed as a layperson in the funeral service industry since passing the exam in 2006.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

Mr. Nelson noted, for the record, that no votes were taken during Executive Session

MOTION

Ms. Cooper made the motion that Ms. Deanne Ross Baldwin be required to complete a one year apprenticeship with the 25 cases that include the mandatory requirements, and, upon successfully completion of the apprenticeship, Ms. Baldwin will be eligible to retake the South Carolina law exam. Mr. Gantt seconded the motion, which carried unanimously.

Mr. Temples returned to the meeting.

11. Approval of Reciprocal License

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

1. Cederick LeTron Lawson

Mr. Lawson appeared via teleconference. Mr. Lawson is currently licensed in Texas as a funeral director and embalmer and is seeking a Funeral Director/Embalmer South Carolina license via endorsement. Staff could not approve this application because the Board previously disciplined Mr. Lawson.

MOTION

Mr. Temples made a motion to go into Executive Session to receive legal advice, Mr. Horton seconded, and the motion passed unanimously.

Return to Open Session

MOTION

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

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

MOTION

Ms. Cooper made a motion, read by Mrs. League, that the Board not approve the licensure request. The Board determined that Texas, by only requiring a one year apprenticeship, did not have substantially similar requirements for licensure in South Carolina, as detailed in Sec. 40-19-235. Mr. Lawson could be eligible for licensure in South Carolina through endorsement if he has engaged in the licensed practice of funeral service for at least five years in Texas. Mr. Lawson could also be eligible for licensure in South Carolina if he were to fulfill the Memorandum of Agreement and complete the seven quarters of his apprenticeship. Mr. Horton seconded the motion and it passed unanimously.

Lunch Break

MOTION

Mr. Gantt made a motion to reconvene the Regular Board meeting after a lunch break. Mr. Gray seconded, and the motion passed unanimously.

MOTION

Mr. Horton made a motion to go into Executive Session to discuss personnel matters, Mr. Temples seconded, and the motion passed unanimously.

Return to Open Session

MOTION

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

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

12. Disciplinary Hearing – Tracey Perlman – Case No. 2015-35

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

Mrs. Perlman represented the state while Mr. Adams represented the Respondent.

Mr. Perlman presented the following Formal Complaint.

Executive Session

MOTION

Mr. Gray made a motion to go into Executive Session to receive legal advice, Mr. Temples seconded, and the motion passed unanimously.

Return to Open Session

MOTION

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

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

MOTION

Ms. Cooper made a motion, read by Mrs. League, that no violations were found and the case is dismissed. Mr. Horton seconded and motion which passed unanimously.

13. Executive Session for Legal Advice, if Needed

14. Public Comments (no votes taken)

There were no public comments.

15. Adjournment

MOTION

Ms. Cooper made a motion to adjourn the meeting, Mr. Horton seconded, and the motion passed unanimously.

Mr. Nelson adjourned the July 25, 2017 meeting for the South Carolina State Board of Funeral Service at 7:20 p.m.

The next meeting for the South Carolina State Board of Funeral Service is a work session scheduled for August 29, 2017 at 1:00 p. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 105, Columbia, South Carolina.

The next Board meeting is scheduled for August 30-31, 2017 at 10:00 a.m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.