

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

10:00 a.m., January 30, 2018  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Tuesday, January 30, 2018**

**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 January 30, 2018, at 10:05 a.m. Other board members present for the meeting included: Charvis K. Gray, Vice President, of Piedmont; Stephen Lee McMillan, Jr., Secretary, of Myrtle Beach; William B. Horton, Jr., of Kingtree; Wallace McKnight, Jr., of Andrews; Michelle A. Cooper, of Moncks Corner; Stephen R. Gantt, of Greenwood; Dr. D'Michelle P. DuPre, of Chapin; Landis D. Price II, of Leesville; and Kenneth E. Baxter, Sr., of Greenville.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Erin Baldwin, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; Eric Thompson, Chief Inspector, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigators and Enforcement; William Poole, Inspector, Office of Investigations and Enforcement; and Dylan Sitterle, Project Coordinator, Professional and Occupational Licensing.

Members of the public attending the meeting included: Elizabeth Simmons, South Carolina Morticians Association; Jacob Flowers, South Carolina Department of Consumer Affairs; Gloria A. Wade Outlaw and Sherman L. Barno, Jr., of Sherman L. Barno Funeral Directors; Andy Cone and Matt James of SCI South Carolina Funeral Services, Inc.; Thomas Joseph Conway of Williamsburg Funeral Home; Bill Gray and Kelvin Lewis of Lewis Crematory & Funeral Services, LLC; Paul A. Simmons of Simmons Funeral Home and Crematory; and Jeraldo K. Brown.

**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, 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**

Mr. John L. Petty III was not in attendance.

**MOTION**

Mr. Price made a motion to approve Mr. Petty's absent. Mr. McMillan seconded the motion, which carried unanimously.

**4. Approval of Minutes for the December 7, 2017 board meeting**

Mr. Temples called for a motion to approve the minutes for the December 7, 2017.

**MOTION**

Mr. McMillan made a motion to approve the December 7, 2017 minutes. Dr. DuPre 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 reported that the Board's cash balance at the end of December 2017 was -\$597,596.86.

Ms. Holleman informed the Board that:

- 1) The Statement of Economic Interest is due at the State of South Carolina State Ethics Commission on March 30, 2018 by 12:00 noon. Fines will be assessed to individuals that do not file on time.
- 2) She is awaiting the Director's decision regarding the approval or denial for the attendees to the International Conference annual meeting.
- 3) Funeral Services licensees renew this year.
- 4) Per the Director's directive, all Boards/Commissions are required submit a travel budget. Ms. Holleman will provide a budget for discussion during the April meeting.

Ms. Holleman informed the Board that she and Mr. Temples are working together to present to the board a restructuring of the remaining 2018 board meetings, (i.e. continue the current schedule; alternating one month one day disciplinary, and next month one day regular board business; or return to two day meetings every other month.) Ms. Holleman stated that she consulted with disciplinary counsel regarding the current caseload, which, according to Ms. Baldwin, has been significantly reduced. Ms. Holleman stated the manageable case load should generate a lower travel budget.

Ms. Holleman reported the following changes:

Funeral Establishment Change of Managers:

FE#	Name of Funeral Establishment (FE)	Name of former Manager	Name of New Manager	Effective Date
955	Thompson Funeral Home at Greenlawn Memorial Park	Anthony J. Bracy, Jr.	Charles Robert Akers	01/26/2018
959	Greenlawn Crematory	Anthony J. Bracy, Jr.	Charles Robert Akers	01/26/2018

Funeral Establishment Change of Facility's Name:

FE#	Former Name of Funeral Establishment (Branch)	New Name of Funeral Establishment	Effective Date
792	Myers Mortuary LLC	Myers Mortuary & Cremation Services, LLC	12/06/2017

Funeral Establishment New Branches:

FE#	Name of Funeral Establishment (Branch)	Name of Manager	Effective Date
1027	Myers Mortuary & Cremation Services LLC	Brian Walter Myers	12/15/2017
1028	Simmons Funeral Home Orangeburg	Paul A. Simmons	01/05/2018

**7. Reports**

A. Inspection Report

Mr. Poole informed the Board that he and Mr. Adams conducted 63 inspections between November 28, 2017 and January 22, 2018.

B. Investigative Review Committee (IRC) Report

Ms. Wolfe presented the IRC recommendations to the Board to dismiss case 2017-37, and file formal complaints for case numbers 2017-27, 2017-39, and 2017-40.

Mr. Temples called for a motion in this matter.

**MOTION**

Mr. Horton made a motion that the Board accepts the Investigative Review Committee recommendations. Mr. Gray seconded the motion, which carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report

Ms. Wolfe presented the OIE report to the Board: 49 complaints received, and 43 complaints closed in 2017. One complaint received and three closed as of today.

D. Office of Disciplinary (ODC) Counsel – Erin Baldwin

Ms. Baldwin reported eight open cases, two pending actions, four pending rescheduling of hearings, and three closed as of January 16, 2018.

**New Business**

**Application Hearings**

Mr. Price made a motion to move agenda item #9 next. Mr. Gray seconded the motion which, carried unanimously

**8. Extension of Apprenticeship**

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

1. Jeraldo K. Brown

Mr. Brown appeared on his own behalf.

Ms. Holleman informed the Board that Mr. Brown is applying for an extension of his funeral director apprenticeship while completing his education.

Mr. Brown completed his funeral director apprenticeship within two years. He served his apprenticeship under his current employer, Koger's Mortuary Service, Inc. from April 2007 through April 2009, which was more than five years ago. According to Mr. Brown, his employment began with Koger's Mortuary Service, Inc. in 2007.

Mr. Brown stated he currently attends Piedmont Technical College with four credits remaining to complete his education. He anticipates graduating the summer of 2018.

The Board questioned Mr. Brown regarding this matter.

Mr. Brown concurred with the information Ms. Holleman presented to the Board, reiterating that he is asking the Board to extend his apprenticeship while completing his education. He stated that due to life circumstances he was unable to continue his education immediately following the completion of his apprenticeship. Mr. Brown informed the Board that he is familiar with the laws and regulations.

### **Executive Session**

#### **MOTION**

Ms. Cooper made a motion to go into executive session to receive legal advice. Mr. Price seconded the motion, which carried unanimously.

### **Return to Public Session**

Mr. Horton made a motion to come out of Executive Session. Dr. DuPre seconded the motion, which carried unanimously.

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

#### **MOTION**

Ms. Cooper made a motion to approve the one year extension, Mr. Brown to complete the 25 required special cases and that he reads the State law book. Mr. Baxter seconded the motion, which carried unanimously.

## **2. Thomas Joseph Conway**

Mr. Conway appeared on his own behalf. Mr. Horton recused himself.

Ms. Holleman informed the Board that Mr. Conway is requesting an extension on his completed apprenticeship while attending Piedmont Technical College.

On October 27, 2016, Mr. Conway appeared before the Board requesting an extension of his apprenticeship in order to complete his education with an anticipated graduation date in August 2017; however, Mr. Conway did not complete his education at that time and now requests an additional extension while he continues his education at Piedmont Technical College. He anticipates graduating in May 2018.

#### **MOTION**

Ms. Cooper made a motion to approve the one year extension of apprenticeship. Mr. McMillan seconded the motion, which carried unanimously.

## **9. New Funeral Home / Change of Ownership / Change of Name**

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

Mr. Horton returned to session. Ms. Holleman informed the Board that Lewis Crematory & Funeral Service, LLC and Lewis Crematory have the same owner. The Board agreed to hear the applications jointly.

1. Lewis Crematory & Funeral Services, LLC – Bill Gray

Mr. Bill Gray and Mr. Kelvin K. Lewis appeared before the Board on behalf of Lewis Crematory & Funeral Services, LLC.

2. Lewis Crematory – Bill Gray

Mr. Bill Gray and Mr. Kelvin K. Lewis appeared before the Board on behalf of Lewis Crematory.

Ms. Holleman informed the Board that the applications are complete and that Mr. Gray requests that the Board approve the new funeral home with him as the manager. Mr. Gray, #FD 2384, initially licensed on September 18, 1997, resides 11.9 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Kelvin F. Lewis is the sole shareholder, and that Lewis Crematory Funeral Services, LLC is the parent company.

The Board questioned Mr. Gray, and Mr. Lewis regarding the application.

Mr. Gray informed the Board that this is his first position as a manager of a funeral establishment. He stated he has read and understands the state laws. Mr. Gary informed the Board that he plans to sell bank trusts through the establishment. The Board informed Mr. Gary that to sell bank trusts a preneed license is required from the South Carolina Department of Consumer Affairs.

The Board questioned Mr. Lewis regarding his credentials. He confirmed that he is a South Carolina licensed funeral director.

Mr. Lewis stated the construction of the facility is nearing its final stage and anticipates opening in March 2018.

Mr. Temples called for a motion in this matter.

**MOTION**

Mr. Horton made a motion that the Board approves the new facility application pending that the business legally opens for operation within a year, pending final inspection.

Ms. Cooper seconded the motion, which carried unanimously.

3. Sherman L. Barno Funeral Directors – Gloria A. Wade Outlaw

Ms. Gloria Ann Wade-Outlaw and Mr. Sherman L. Barno appeared on behalf of Sherman L. Barno Funeral Directors, LLC.

Ms. Holleman informed the Board that the application is complete, and that Ms. Outlaw requests that the Board approve the new funeral home with her as the manager. Ms. Outlaw, #FD 3883, initially licensed on April 4, 2016, resides 13.6 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Sherman L. Barno Funeral Directors, LLC owns the business, with Mr. Sherman L. Barno as the sole shareholder.

The Board questioned Ms. Outlaw regarding this matter. Ms. Outlaw concurred that the information provided to the Board from Ms. Holleman is correct. Ms. Outlaw informed the Board that she has read and understands the state laws. When questioned, Mr. Barno informed the Board that the anticipated opening of the facility is March or April 2018.

**MOTION**

Mr. McMillan made a motion to accept the application pending that the funeral home is ready to operate and open within one year, pending a favorable final inspection. In addition, if the owner decides to sell pre-need, obtain a favorable letter from South Carolina Department of Consumer Affairs. Dr. DuPre seconded the motion, which carried unanimously.

4. Simmons Funeral Home and Crematory – Paul A. Simmons

Mr. Paul A. Simmons appeared on behalf of Simmons Funeral Home and Crematory.

Ms. Holleman informed the Board that the application is complete and that Mr. Simmons requests that the Board approve the new crematory and him as the manager. Mr. Simmons, #FDE 1317, initially licensed on September 22, 1972, resides 4 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Paul A. Simmons owns the facility.

Mr. Simmons informed the Board that the facility is ready except for a few modifications to correct damages sustained during delivery, which he anticipates completion within a week. Mr. Simmons confirmed he has read and understands the state laws.

**MOTION**

Mr. Horton made a motion to approve the new crematory with Mr. Paul A. Simmons as the manager pending final inspection. Mr. McKnight seconded the motion, which carried unanimously.

5. Mackey Funerals and Cremations at Woodlawn Memorial Park – Stanley Alan Stone

Mr. Andrew W. Cone and Mr. Matt James appeared on behalf of Mackey Funerals and Cremations at Woodlawn Memorial Park.

Ms. Holleman informed the Board that Mackey Funerals and Cremations at Woodlawn Memorial Park, is the proposed new name for Woodlawn Funeral Home.

Ms. Holleman stated that SCI owns all of the shares of both corporate entities, SCI South Carolina Funeral Services, Inc. which owns Woodlawn Funeral Home; and SE Funeral Homes of South Carolina, formerly known as Stewart Enterprise, which owns Mackey Mortuary Funerals and Cremations. Ms. Holleman informed the board that while the immediate ownership of the funeral establishments are different, SCI is the owner/grandparent of both companies.

In addition, Ms. Holleman informed the board that traditionally if a company or person purchases a funeral establishment with the name of a person in it the purchaser could retain the name. Ms. Holleman stated that the board has not allowed a name change if the proposed name is of an individual that does not have ownership in the establishment, which is the case with Woodlawn Funeral Home. Ms. Holleman cited statute 40-19-30, "No permit to operate a funeral home may be issued to a corporation, partnership, or individual when the name of an unlicensed person appears in the name of the corporation, partnership, or individually owned business. This prohibition does not apply to established funeral homes existing prior to July 1, 1969." Also, cited were statute 40-19-110 (c), "The board may refuse to issue or renew or may suspend or revoke the license of a funeral director or embalmer or may place the licensee on probation after notice and a hearing for unprofessional conduct which includes:.....(2) using false or misleading advertising or using the name of an unlicensed person in connection with that of a funeral establishment;"

Ms. Holleman informed the Board that a Mackey is not a licensee with the South Carolina State Board of Funeral Service. Ms. Holleman stated there are two questions before the Board:

- 1) Can Woodlawn Funeral Home change its name to Mackey Funerals and Cremations at Woodlawn Memorial Park when the name "Mackey" is not the name of a licensee who is associated with Woodlawn Funeral Home? And,
- 2) Can Woodlawn Funeral Home's name change to include the "Mackey" name with SE Funeral Homes of South Carolina, Inc., formerly Stewart Enterprises, being the direct owner of Mackey Mortuary Funerals and Cremations?

Ms. Holleman stated Mr. Cone is requesting that Mackey Mortuary Funerals and Cremations add at Century Drive and delete Mortuary from the current establishment, Mackey Mortuary Funerals and Cremations.

The Board questioned Mr. Cone and Mr. Matt James regarding this matter.

Mr. Cone informed the Board that the two corporations, one being, SE Funeral Homes of South Carolina was a corporate entity that existed formerly under Stewart Enterprises and that everything funeral home related owned in South Carolina was under that corporation. He stated that SCI acquired Stewart Enterprises in December 2013, buying 100 percent of Stewart Enterprises and its subsidiaries.

Mr. Cone stated that Woodlawn Memorial Park, a landmark in the Greenville area, has been in existence since the '1930s and acquired by Stewart Enterprises in the 1990s. Shortly after the acquisition by SCI, the company built an onsite funeral establishment.

Mr. Cone stated that Mackey Funeral Home and Woodlawn Funeral Home immediate parent companies have different names but assured the Board that both are 100 percent owned by Service Corporation, whose common parent companies are members of the same network.

Mr. Cone stated the facilities are located 1.4 miles apart from each other. He stated prior to the 2013 acquisition, Fetcher Kirkland, the former owner, purchased the funeral home and the name rights from Mr. Mackey and that name right transferred with the purchase by SCI.

Mr. Cone stated after the 2013 acquisition that the community viewed these facilities as different entities; however, since the merger the company combined many aspects of daily functions including staff sharing. He stated the company would like to rename /rebrand Woodlawn Funeral Home to Mackey Funeral Home and Cremations at Woodlawn, and Mackey Mortuary Funerals and Cremations to Mackey Funeral Home and Cremations at Century Drive. Mr. Cone stated there are no other changes, only requesting the name change.

### **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. Price seconded the motion, which carried unanimously.

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

Mr. Temples asked Mr. Cone if they, as representatives for the funeral establishments would agree for the Board to make a disposition regarding both of the establishments' change of name applications. Mr. Cone agreed. Ms. League stated for clarification during the discussion the parties provided information for both establishments' request for name changes, and it is the Board's belief that the information is sufficient to take action on both matters.

**MOTION**

Ms. Cooper made a motion to approve the name changes of Woodlawn Funeral Home to Mackey Funerals and Cremations at Woodlawn Memorial Park, and Mackey Mortuary Funerals and Cremations to Mackey Funerals and Cremations at Century Drive. Mr. Gantt seconded the motion, which carried unanimously.

**10. CE Broker – Dylan Sitterle**

Ms. Cooper excused herself at 12:15 p.m.

Mr. Sitterle appeared before the Board to discuss the possibility of using CE Broker to manage, report, and audit continuing education for the Board.

After a presentation about some of the features of CE Broker, the Board discussed CE Broker as a possible way to track and audit continuing education for the South Carolina State Board of Funeral Service. The Board decided to table its decision on this matter, preferring to inform, both the South Carolina Funeral Directors' Association and South Carolina Morticians' Association of the possible upcoming changes, prior to a final decision.

The Board asked that Mr. Sitterle provide brochures and questioned if he was available to present to the associations.

Mr. Temples directed the Board to move item #13 Legislative Committee and Contacts Update, next on the agenda.

**11. Legislative Committee and Contacts Update – Ms. Holly Beeson**

Ms. Beeson presented the legislative update for Senate Bill 185 – Sponsored by Senator Shealy, which related to third party funeral service providers and internet advertising.

Ms. Holleman read the amended language of the Bill:

(2) 'Aiding and abetting' means allowing or permitting an internet service provider, unlicensed person, establishment, or entity to engage in the practice of funeral service, embalming, cremating, or conducting business as a funeral home, funeral establishment, crematory, or mortuary; provided, however, that 'aiding and abetting' does not include the publication, dissemination, circulation, or placing before the public by an internet service provider of an advertisement prepared by an unaffiliated or unlicensed person or entity.

Ms. Holleman also asked that the Board reaffirm whom should receive emails from the Office of Communication about legislative matters. . Temples stated the Office of Communication should contact the members of the Legislative Review Committee, that is the Board President, Mr. William

B. Horton, Jr., Mr. Charvis K. Gray, and Mr. Stephen L. McMillan, Jr.

**MOTION**

Dr. DuPre made a motion that the Board approves the Legislative Review Committee members, the President of the Board, Mr. William B. Horton, Jr., Mr. Charvis K. Gray, and Mr. Stephen L. McMillan, Jr. Mr. McKnight seconded the motion, which carried unanimously.

Ms. Beeson stated that the Administrator would receive weekly legislative updates by email and would forward those to the Legislative Review Committee. The Board's update will include what has transpired in the legislation concerning LLR, any new bills introduced to the legislation, any action on existing bills and if a bill has been scheduled for a hearing.

**12. Policy Updates**

Ms. Holleman presented the policies. The Board discussed the policies, and made the following motions:

A) (1) Apprentices Sitting for State Funeral Directors and/or Embalmers Exams

If an apprentice has not completed his or her apprenticeship but has completed his/her education and fully meets the education requirement to license, the Board will allow the apprentice to take the State Funeral Director or State Embalmer exams while completing the remainder of his/her apprenticeship. In order to sit for the exams, the candidate must be an active apprenticeship.

Once an apprenticeship is complete and the applicant submits a Funeral Director or Embalmer application along with all required documents to LLR, the applicant will be notified that he or she is eligible to take the State Law exam. The State Law exam will still be taken **after** the apprenticeship is complete and is the last step before an individual is licensed.

**MOTION**

Mr. Horton made a motion to reaffirm the previous policy. Mr. Gray seconded the motion, which carried unanimously.

(2) Extension of Apprentice to take examination – completed education and apprenticeship

If an apprentice completes his or her apprenticeship and education, the Board will allow that individual to extend his/her apprenticeship up to the five years allowed by law while taking the State Funeral Director or State Embalmer exams under the following conditions:

- The apprentice must apply for an extended apprenticeship license
- The apprentice must be actively employed by a licensed funeral home.
- The apprentice cannot renew the apprenticeship more times than allowed by statute (total of 5 years).
- The apprentice must take the State Funeral Director or State Embalmer exams at least twice yearly.
- The apprentice must apply for Funeral Director or Embalmer license in order to be eligible to take exams.

**MOTION**

Mr. Gray made a motion to reaffirm the policy. Mr. McMillan seconded the motion, which carried unanimously.

The Funeral Director or Embalmer application will remain in pending status until the exams are complete. Once the candidate passes the exams, including the State Law exam, LLR will change his/her apprenticeship status to inactive (complete).

B) Timeline for application in pending status

An applicant's application for licensure can remain in pending status for a period of up to two years. After two years, the application expires, and the individual must re-apply.

**MOTION**

Mr. McMillan made a motion to reaffirm the policy. Mr. McKnight seconded the motion, which carried unanimously.

C) Reciprocity/Endorsement (2008 policy)

The Board will allow an applicant licensed in another state or territory who has successfully passed the National Funeral Director or Embalmer exam the ability to obtain a reciprocal license from SC without meeting the five (5) year requirement providing that individual also passes the State Law exam. If the applicant has not taken and successfully passed the National exams, he or she **must** follow the five (5) year requirement outlined in 40-19-235 and pass the State Law exam.

The Board reviewed statute 40-19-235. The Board discussed the metric used to determine if a state's licensure requirements, for the purpose of reciprocity, are substantially similar to South Carolina.

**MOTION**

Mr. Gray made a motion that all licensure by endorsement/reciprocity applicants licensed for less than 5 years must appear before the Board. Mr. McKnight seconded the motion, which carried unanimously.

Ms. Holleman asked the Board if they still wanted to hear all apprenticeship requests for those who completed their apprenticeships but were still in school. The Board responded that they still want to hear those because they will continue to review those on a case-by-case basis.

### 13. Reinstatement after 5 Years

#### Executive Session

**MOTION**

Mr. Price made a motion to go into executive session to receive legal advice. Mr. Gray seconded the motion, which carried unanimously. The Board requested that the Administrator remain for the executive session.

#### Return to Public Session

Mr. Temples called for a motion to come out of executive session.

**MOTION**

Dr. DuPre made a motion to come out of Executive Session. Mr. Gray seconded the motion, which carried unanimously.

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

### 14. Executive Session for Legal Advice, If Needed

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

**16. Adjournment**

Mr. Temples called for a motion to adjourn.

**MOTION**

Mr. McMillan made a motion to adjourn the meeting. Mr. Gray seconded the motion, which carried unanimously.

Mr. Temples, after ensuring there being no further business to discuss, adjourned the January 3, 2018 meeting for the South Carolina State Board of Funeral Service at 2:14 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is February 21, 2018 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.