

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., August 30 - 31, 2017
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Wednesday August 30, 2017

1. Meeting Called to Order

Jeffrey K. Temples, Acting President, of Columbia, called the regular meeting of the South Carolina State Board of Funeral Service to order on August 30, 2017, at 10:04 a.m. Other Board members present for the meeting included: William B. Horton, Jr., of Kingstree; Wallace McKnight, Jr., of Andrews; John L. Petty III, of Landrum; Stephen Lee McMillan, Jr., of Myrtle Beach; and Michelle A. Cooper, of Moncks Corner.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Disciplinary Counsel, Office of Disciplinary Counsel; Office of Board Services; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; Eric Thompson, Office of Investigations and Enforcement; Ernest Adams and William Poole, Inspectors, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons, South Carolina Morticians Association and Jacob Flowers, South Carolina Department of Consumer Affairs.

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 Absence

Charvis K. Gray, Dr. D'Michelle P. DuPre and Stephen R. Gantt were not in attendance.

MOTION

Mr. Horton made a motion to approve the absences, Mr. McMillian seconded, and the motion carried unanimously.

4. Approval of Minutes for the July 25, 2017 board meeting.

Mr. Temples called for a motion to approve the minutes for the July 25, 2017 board meeting.

MOTION

Ms. Cooper made a motion to approve the minutes as presented, Mr. Horton seconded, and the motion carried unanimously.

5. President’s Remarks – Jeffrey K. Temples

Mr. Temples did not make any remarks.

6. Administrator’s Remarks – Amy Holleman

Ms. Holleman introduced Mr. Landis D. Price II, the newly appointed Board member that replaced Mr. Eddie Nelson at the expiration of his term. Ms. Holleman informed the Board of the reappointment of Mr. William B. Horton, Jr.

Ms. Holleman reported that the Board’s cash balance at the end of July 2017 was -\$548,757.23.

Ms. Holleman informed the Board that she and Ms. League would be attending the DCNA conference in Portland, OR, on September 11 – 15, 2017.

Ms. Holleman presented the Board a listing of:

Funeral Establishment Change of Managers:

FE#	Name of Funeral Establishment (FE)	Name of former Manager	Name of New Manager	Effective Date
707	Heritage Funeral Home of Allendale Inc.	Stacey Haygood	Charles B. Harney	08/15/2017
735	Carolina Cremation Center LLC	Matthew Armstrong	Francis Allan Fletcher	08/07/2017
958	Woodridge Memorial Park & Funeral Home	Joann Marotta	Robert Arthur Shields	08/24/2017
1016	Simplicity Lowcountry Cremation& Burial Services – Ladson	Darryl Young	Jamie Peacher Waldun	08/15/2017

Funeral Establishment Change of Facility’s Name:

FE#	Former Name of Funeral Establishment (Branch)	New Name of Funeral Establishment	Name of Manager	Effective Date
960	Right Choice Cremations – South Carolina, LLC	South Carolina Cremation & Burial Society	Erin Willis Franklin	08/25/2017

Funeral Establishment Change of Location:

FE#	Name of Funeral Establishment (Branch)	Name of Manager	Effective Date
969	The Palmetto Mortuary	Matthew James Armstrong	08/24/2017

Reports

A. Inspection Report

Mr. Poole reported that he and Mr. Adams conducted 64 inspections between July 18 and August 21, 2017.

Ms. Holleman informed the Board that there has been a change in the method of calculating the fines for FTC offenders. Ms. Holleman also informed the Board that the OSHA violation fines have increased. The Board asked Ms. Holleman to provide documentation of the changes and have the information placed on the Board's website.

Ms. Holleman stated that she would contact the associations with the changes as well.

B. Investigative Review Committee (IRC) Report – Sharon Wolfe

It was recommended at the August 21, 2017 IRC meeting to dismiss case 2017-31, and to proceed with formal complaints for cases 2016-38.

MOTION

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

C. Office of Investigations and Enforcement (OIE) Report – Sharon Wolfe

Ms. Wolfe reported that OIE from January 1 through August 21, 2017 received 29 cases and closed 36.

Mr. Temples called for a motion to accept the OIE report as information only.

MOTION

Mr. McMillan made a motion to accept the OIE report as information only, Mr. Gantt seconded the motion, and the motion carried unanimously.

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

Ms. Perlman reported that ODC currently has 13 cases open with seven pending actions, six pending hearings, and one closed since July 25, 2017.

8. Disciplinary

1. Ms. Pearlman stated that Case Nos.: 2016-31 and 2016-43 were continued.
2. Ms. Pearlman stated that Case No. 2016-62 was continued.

9. Executive Session for Legal Advice, if Needed

10. Public Comments (no votes taken)

There were no public comments.

11. Adjournment

MOTION

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

Mr. Temples adjourned the August 30, 2017 meeting for the South Carolina State Board of Funeral Service at 10:25 a.m. The meeting will reconvene on August 31, 2017.

Thursday, August 31, 2017

12. Meeting Called to Order

Mr. Jeffrey K. Temples, Acting President, of Columbia called the regular meeting of the South Carolina State Board of Funeral Service to order on August 31, 2017 at 10:05 a.m. Other Board members present for the meeting included: Wallace McKnight, Jr., of Andrews, William B. Horton, Jr., of Kingstree; Michelle A. Cooper, of Moncks Corner; Dr. Michelle P. DuPre, of Columbia, John L. Petty III, of Laurens; and Stephen Lee McMillan, Jr., of Myrtle Beach.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Monaca Harrelson, Administrative Assistant, Ernest Adams and William Poole, Inspectors, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons, South Carolina Morticians; Jacob Flowers of South Carolina Department of Consumer Affairs; Brian Martin, Bobby Safrit II, Adolphus Howard of Johnson Funeral Home; and James A. Bell, of Leevy's Funeral Home

B. Pledge of Allegiance

All in attendance recited the Pledge of Allegiance.

13. Introduction of Board Members and Persons Attending the Meeting

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

14. Approval of Excused Absence

Charvis K. Gray, Landis D. Price II, and Stephen R. Gantt were not in attendance.

MOTION

Mr. McKnight made a motion to approve the absences. Mr. McMillan seconded the motion, which carried unanimously.

15. Reschedule October Meeting Date

The Chairperson called for a motion to reschedule the October 4-5, 2017 meeting to October 17, 2017.

MOTION

Mr. McMillan made a motion to reschedule the October 4-5, 2017 meeting to October 17, 2017. Mr. Horton seconded the motion, which carried unanimously.

16. 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. Johnson Funeral Home – Adolphus C. Howard – Travelers Rest, SC - Parent
Mr. Brian Martin, attorney for Afterlife Experiences, LLC, Bobby Safrit II, and Adolphus Howard appeared before the Board on behalf of Johnson Funeral Home.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated the previous owner, Ms. Mary Johnson is deceased, and that the estate has completed probate. Ms. Holleman informed the Board that Mr. Howard is requesting that the Board approve the change of ownership with Mr. Howard as the manager. Mr. Howard, #FDE 2353, initially licensed on April 7, 1997, resides 12.7 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that the facility is owned by Afterlife Experiences, LLC.

According to LLR records, per Ms. Holleman, the funeral home was last inspected on April 12, 2017.

Mr. Howard confirmed he has read, and understands, the South Carolina State Board of Funeral Service statutes, laws, and regulations.

MOTION

Mr. Horton made a motion to accept the application with Mr. Adolphus C. Howard as the manager, pending a favorable letter from the South Carolina Department of Consumer Affairs. Mr. McMillan seconded the motion, which carried unanimously.

2. Stribling Funeral Home – Joseph Reynolds Stribling – Duncan, SC – Parent
Mr. Robert Coble, legal representative for Journey Group South Carolina One, LLC, Billy McDougal, Michael Cumbee, and Joseph R. Stribling were present on behalf of the funeral home.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated Mr. Joseph Reynolds Stribling, FDE #2082, initially licensed on April 16, 1991, is the current and proposed manager. Mr. Stribling lives 10 miles from the funeral home. Journey Group South Carolina One, LLC is the facility owner. Ms. Holleman informed the Board Mr. Stribling is requesting approval of the change of ownership with him as the manager.

Mr. Coble, representing the owner, concurred that the request is for approval of the change of ownership with Mr. Joseph Reynolds Stribling as the manager.

Mr. Stribling confirmed that he has read and understands the South Carolina State Board of Funeral Service statutes, laws, and regulations.

MOTION

Mr. Horton made a motion to approve the application with Mr. Joseph Reynolds Stribling as the manager, pending a favorable letter from South Carolina Department of Consumer Affairs. Dr. DuPre seconded the motion, which carried unanimously.

3. Lewis Funeral Home and Cremations – Richard Scott Lewis – Union, SC - Crematory
Mr. Richard Scott Lewis, the owner and manager, appeared on behalf of the facility.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that Mr. Richard Scott Lewis, FDE# 2450, initially licensed on August 28, 2003, resides 12 miles from the funeral home, and is the owner. Mr. Lewis is the current manager of the funeral home, and proposed manager of the crematory. Ms. Holleman informed the

Board that Mr. Lewis had prior disciplinary matters with the Board, and has satisfied the conditions. Ms. Holleman informed the Board that Mr. Lewis is requesting approval of the new crematory with him as the manager.

Mr. Lewis confirmed he has read and understands the South Carolina State Board of Funeral Service statutes, laws and regulations.

MOTION

Mr. Horton made a motion to approve the application for the new crematory, and Mr. Richard Scott Lewis as the manager, pending a final inspection of the crematory. Ms. Cooper seconded the motion, which carried unanimously.

17. 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
Mr. Jonathan Edward Smith appeared on his own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Mr. Smith completed his apprenticeship within a two year period, July 2015 – July 2017. Ms. Holleman stated that Mr. Smith is requesting that the Board approve an extension of his apprenticeship through the completion of his education, and that the Board approve his credits earned at Bob Jones University during the institution's unaccredited years. Ms. Holleman stated that the Board of Trustees of the Southern Association of Colleges and Schools (SACSCOC) granted Bob Jones University membership as an accredited institution on June 15, 2017. Mr. Smith's employer is Blakely Funeral Home in Gaffney, South Carolina.

Mr. Smith stated he is requesting an extension of his apprenticeship to complete his education toward obtaining a funeral director license.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

MOTION

Ms. Cooper made a motion to extend Mr. Smith's apprenticeship for one year in order for him to complete his educational requirements to be eligible to take the exam, and that the Board accept the credits from Bob Jones University. The Board advised Mr. Smith to review the funeral director's educational

requirements provided in Regulation 57-05(C). Mr. McMillan seconded the motion, which carried unanimously.

18. Acceptance of late Quarterly Report

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

1. James Anthony Bell
Mr. Bell appeared on his own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that Mr. Bell turned in his quarterly report for April 12 – June 30, 2017 at the LLR offices on August 1, 2017. Staff informed Mr. Bell that staff did not have the authority to grant credit for reports received 30 days or more after the close of the quarter. Ms. Holleman informed the Board that Mr. Bell is in his 5th year of his apprenticeship which will end on April 12, 2018.

Mr. Bell is asking that the Board accept his late quarterly report for April 12 – June 30, 2017.

The Board questioned Mr. Bell regarding his apprenticeship, and reviewed his quarterly report history.

Mr. Temples called for a 15 minute recess.

Mr. Temples called for a motion to return to public session.

MOTION

Mr. McMillan made a motion to return to public session. Mr. McKnight seconded the motion, which passed unanimously.

Executive Session

MOTION

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

Return to Public Session

MOTION

Dr. DuPre made a motion to come out of Executive Session. Mr. McKnight seconded the motion which passed unanimously.

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

MOTION

Ms. Cooper made a motion to accept Mr. Bell's quarterly report for April 12, 2017 through June 30, 2017 with the understanding that his apprenticeship will expire April 12, 2017 which is the end of his 5 year period including extensions. Mr. Bell is required to successfully complete, and timely submit, his final reports to satisfactorily complete his apprenticeship program. Mr. McMillan seconded the motion, which carried unanimously.

19. Work Session Topics

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

1. Piedmont Technical College

Mr. Horton presented the proposed Embalmer’s Certificate curriculum. Ms. Holleman read the course description for FSE 225 Embalming I. The Board members discussed the proposed program. After ensuring each Board member voiced their concerns, Mr. Temples called for a motion to approve the proposed curriculum.

a. Proposed Embalmer Certificate Curriculum

AHS 102 – Medical Terminology	3 hours
CHM 106 – Contemporary CHM or CHM 110 – College CHM	4 hours
FSE 112 – Anatomy and Physiology for Funeral Service	3 hours
FSE 213 – Microbiology and Pathology for Funeral Service	3 hours
FSE 225 – Embalming I	3 hours
FSE 226 – Embalming II	3 hours
FSE 240 – Restorative Art I	3 hours
FSE 241 – Restorative Art II	3 hours

Total Credit Hours 25

- *10 cases minimum
- *One year Certificate program
- *Medical Terminology is an online course
- *Semester classes/courses offered for two full days per week
- *Embalming I course description includes coverage of law materials

MOTION

Ms. Cooper made a motion that the Board approve the Piedmont Technical College proposed curriculum for the Embalmer Certificate program. Mr. McMillan seconded the motion, which carried unanimously.

2. Student Permits

The Board members discussed the student permit requirements. The Board determined that according to SC statute section 40-19-30, a license must be issued to all persons engaging in the practice of funeral service. In conjunction, SC statute section 40-19-245 provides student permits for individuals enrolled in an accredited Mortuary Science College engaging in the practice of funeral service. This includes students that attend an out-of-state accredited Mortuary Science College that provides online classes with the student completing his/her clinical at an in-state establishment. This applies to the educational requirements only, and not an apprenticeship.

In conclusion, the Board concurred with the statement issued at the work session on August 30, 2017, and made a motion to support it.

MOTION

Mr. Horton made a motion that the Board’s interpretation of the statute and regulations is that a person engaging in funeral service as a part of their education is required to have a student permit. Out-of-state students completing their clinical at an in-state funeral establishment are required to obtain a student permit, unless the student is a licensed apprentice. Mr. McKnight seconded the motion, which carried unanimously.

3. Crematory Operators

Mr. Horton stated that the members at the work session made a suggestion that the President form a committee to research and develop the pre-requisite qualification; educational requirements; testing requirements; credit for experience; and other requirements for a crematory operator. Mr. Temples agreed to the formation of a committee to address the crematory operator. Mr. Temples called for a motion.

MOTION

Mr. McMillan made a motion that a Task Force Committee be appointed to research and develop the pre-requisite qualifications; educational requirements; testing requirements; credit for experience; and other requirement for the crematory operator; presenting the final approved draft to the legislators. Dr. DuPre seconded the motion, which carried unanimously. Mr. McMillan amended the motion to state that the President of the South Carolina State Board of Funeral Service appoints the Task Force Committee for the Crematory Operator by October 17, 2017. Dr. DuPre seconded the motion to amend, which carried unanimously.

4. Definition of a Hearse

The Board members discussed the definition of a hearse, referencing SC Statute sections 40-19-20 (11.d) and 40-19-265(A.5); and regulations 57-10(B.4); 57-15(4). In conclusion, the Board defined a hearse as:

- a. A licensed vehicle in good working order appropriately capable of transporting casketed and human remains.
- b. Landau bars are not required.

MOTION

Mr. McMillan made a motion that the definition of a hearse as interpreted by the Board, is a licensed vehicle in good working condition, appropriately capable of transporting casketed human remains. Mr. Horton seconded the motion, which carried unanimously.

MOTION

Dr. DuPre made a motion to amend the definition of a hearse to include casketed, and un-casketed human remains. Mr. McMillan seconded the motion, which carried unanimously.

5. Investigative Review Committee Member Qualifications and Guidelines

Recommendations provided by the SC State Board of Funeral Service

Purpose: To facilitate the complete review of complaint cases before the State Board of Funeral Service.

Terms: IRC Members should be appointed for a two year term. The Funeral Service Board (FSB) will evaluate the member's credentials and record of service. The nominations committee of the FSB is responsible and will make the recommendations for approval or rejection to the full FSB.

Attendance: IRC members should attend at least two days of hearings before the FSB. This experience is to insure that members are aware of the current FSB thought process in managing disciplinary cases. IRC members will then be better able to make recommendations to the FSB and include more detailed rationale.

Performance: IRC members are expected to have a valid SC FD/E license and SC residence and a character satisfactory to the FSB. They are expected to utilize South Carolina Funeral Service Laws to closely examine all cases and request all needed information from the investigating team. They should be non-biased in all cases and provide the FSB as much guidance in the cases as legally possible. If any member of the IRC has any prior knowledge of any case brought before them, they shall recuse themselves from all parts of that case

Confidentiality: All materials provided to/accessed by the IRC members are confidential and are not to be shared, disseminated and/or distributed except to applicable Office of Investigative (OIE) and Office of Disciplinary (ODC) staff. Electronic transmissions are also confidential and are not to be shared, disseminated and/or distributed to individuals other than the applicable OIE or ODC department staff.

Reappointment and Removal: IRC members may be appointed to multiple terms. They also may be removed if there are issues concerning their recommendations about cases that the FSB feels does not follow the Funeral Service Practice Act. All members are subject to the same confidentiality that other committees and the FSB are bound by.

Terms of Membership and Service: As stated above, terms will be for two years and members may be reappointed to multiple terms. Members must have the appropriate educational preparation and experience to facilitate the review of complaint matters before the Board.

Requirements/qualifications for nomination consideration:

Experience:

Must have been licensed in South Carolina for a minimum of five years as a Funeral Director and Embalmer.

Must hold an active unencumbered SC FDE license with no prior or current discipline.

The Board may deny membership based on disciplinary history.

The Board discuss attendance requirements and submitted the following:

Reappointment and Removal: IRC members may be appointed to multiple terms. They also may be removed if there are issues concerning their recommendations about cases that the FSB feels does not follow the Funeral Service Practice Act. All members are subject to the same confidentiality that other committees and the FSB are bound by. Members are required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal. Affirmative

action of the members is required to approve an excused absence and is entirely within the Committee’s discretion.

The Board discussed the submitted guidelines and qualifications; and made the following recommendations:

1. Terms: correction; paragraph 2 - change BSF to FSB
2. Confidentiality: paragraph 5 – change OCD to ODC
3. Requirements/qualifications for nomination consideration:
 - A. Add residency language from 40-19-10
 - B. Delete “The Board may deny membership based on disciplinary history”

MOTION

Mr. McMillan made a motion the Board table the final vote on the document, and to accept the changes/corrections to the Investigative Review Committee Member Qualifications and Guidelines document, and to present the corrected document at the next South Carolina State Board of Funeral Service meeting. Dr. DuPre seconded the motion, which carried unanimously.

20. Regulatory Review Pursuant to Executive Order 2017-09

The Board, instructed to conduct a review of the regulations, to create an action plan to approve; amend; or repeal the regulation. The Board gave the following recommendations:

Regulation	Recommendation	Action
57-01(F)	amend/update definition of crematory	Amend
57-02	*Change wording – revised to clarify officer designation. *President; 1 st Vice President; 2 nd Vice President	Revise
57-05(c)	*Change regionally accredited college or university *take out one year course * update education information 40-19-230 B(3) –not less than	Revise
57-05 (c)(2)	*Strike out “typing” * update educational and university	Revise

Mr. Petty left at 1:01pm

57-05 (c)(5)	Religion – change to “Religion and Philosophy”	Revise
57-06.1(6)	Change the verbiage for the breakdown of cases as set by the Board Clarify Preceptor qualifications	Amend
57.07(A)	Rewrite the entire paragraph for clarification	Revise
57-10 (D)	Amend regulations to confirm to statute	Amend
5710(B)(4)	Motor hearse – change verbiage	Revise
57-11(A)	6 hours of continuing education for every licensing period	Revise
57-12	Student fees – revise verbiage Fees – look at fee adjustments	Revise
57-14(1) 57-14(2) 57-14(3) 57-14(4)	Article 8 – Crematory requirements	Review Revise Amend

There were no changes recommended for: Regulations 57-03; 57-04; 57-06; 57-08; 57-09; 57-13; 57-15.

21. Elections of Officers

Mr. Horton nominated Jeffrey K. Temples for President; Chavis K. Gray for Vice President; and Stephen L. McMillan, Jr. for Secretary.

MOTION

Mr. Horton made the motion to close the nomination on said names. Dr. DuPre seconded the motion, which carried unanimously.

Mr. Temples called for a motion that the new officers for the South Carolina State Board of Funeral Services are; Jeffrey K. Temples for President; Chavis K. Gray for Vice President; and Stephen L. McMillan, Jr. for Secretary

MOTION

Mr. McKnight made the motion, and Mr. Horton seconded the motion, which carried unanimously.

22. Executive Session for Legal Advice, if needed

23. Public Comments (no votes taken)

24. Adjournment

Mr. Temples called for a motion to adjourn.

MOTION

Mr. Horton made a motion to adjourn the meeting, Ms. Cooper seconded the motion which carried unanimously.

Mr. Temples, after ensuring there being no further business to discuss, adjourned the August 31, 2017 meeting for the South Carolina State Board of Funeral Service at 1:38 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is October 17, 2017 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.