

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., October 17, 2017
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 105
Columbia, South Carolina

Tuesday, October 17, 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 October 17, 2017, at 10:02 a.m. Other Board members present for the meeting included: Charvis Gray, Vice President, of Piedmont William B. Horton, Jr., of Kingstree; Wallace McKnight, Jr., of Andrews; Michelle A. Cooper, of Moncks Corner; Stephen Lee McMillan, Jr., of Myrtle Beach; D'Michelle P. DuPre, of Chapin; 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; Office of Board Services; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Monaca Harrelson, Administrative Assistant; Eric Thompson, Office of Investigations and Enforcement; Ernest Adams and William Poole, Inspectors, Office of Investigations and Enforcement; and Rodney Pigford, 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; Rion P. Rampey, Executive Director, South Carolina Funeral Directors Association; Gregory Dale Arnorld and Curtis W. Stoots, of Bass Cauthen Funeral Home; Alan Gray Burroughs and Joy Burroughs of Burroughs Funeral Home, Inc.; David Palmer Farr, of Fogle-Hungerpiller Funeral Home; Bernard Richard Putman, Marvin Mark Smith; Gregory Allen Rice, Michael Todd Griffin, Amanda Shealy Caceres, of McAlister-Smith Funeral Home, Inc.; Joshua R. Campbell and Mr. George H. Goldfinch of GFH Crematory; Micheal Lee Gillyard, and Gerald H. Mikell, Sr.

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

John L. Petty III was not in attendance.

MOTION

Mr. Horton made a motion to approve Mr. Petty's absent, 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 August 29, 2017 and August 30-31, 2017 board meetings.

MOTION

Dr. DuPre made a motion to approve the minutes as presented, Mr. Gray seconded, and the motion carried unanimously.

5. President's Remarks – Jeffrey K. Temples

Mr. Temples welcomed both Mr. Kenneth E. Baxter, Sr., and Mr. Landis D. Price, II to the South Carolina State Board of Funeral Service.

6. Administrator's Remarks – Amy Holleman

Ms. Holleman reported that the Board's cash balance at the end of September 2017 was -\$580,352.57. Ms. Holleman reminded the Board of the June 2018 renewals.

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. A Board Member training session will be on February 27, 2018. Ms. Holleman stated that in the past the Board has approved sponsoring the administrator plus two other board members.

Ms. League informed the Board that if the Board sponsors three or more members, the reimbursement will be divided equally among those being sponsored.

Ms. Holleman presented the Board with changes of Funeral Establishment managers, names, or locations.

Reports

A. Inspection Report

Mr. Adams confirmed that he and Mr. Poole conducted 29 inspections between August 22 and September 25, 2017.

B. Investigative Review Committee (IRC) Report

Ms. Holleman informed the Board that an IRC meeting did not occur since the last Board meeting.

C. Office of Investigations and Enforcement (OIE) Report

Ms. Holleman reported that from January 1 through October 11, 2017 OIE had six active investigations; 13 closed; five do not open; four opened; one pending board action; three pending IRC; 34 closed; and seven do not open cases.

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

Ms. Perlman reported that as of October 13, 2017, there were 12 open cases, seven pending actions, five pending hearings, and 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. Bass Cauthen Funeral Home – Rock Hill – Gregory Dale Arnold

Mr. Curtis W. Stoots and Mr. Gregory Dale Arnold appeared before the Board on behalf of Bass Cauthen Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Mr. Arnold is requesting that the Board approve the change of ownership with him as the manager. Mr. Arnold, #FDE 3744, initially licensed on May 24, 2013, resides 14.6 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that the owner of the facility is Bass Cauthen of Rock Hill, LLC with Mr. Curtis W. Stoots as the sole proprietor.

MOTION

Mr. McMillan made a motion to approve the application pending receipt of a copy of the social security card, and proof of purchase/ownership documentation. Ms. Cooper seconded the motion, which carried unanimously.

2. Burroughs Funeral Home, Inc. – Bennettsville – Alan Gray Burroughs

Mr. Alan Gray Burroughs and Ms. Joy Burroughs appeared before the Board on behalf of Burroughs Funeral Home, Inc.

Ms. Holleman informed the Board that the application is complete and that Mr. Burroughs is requesting that the Board approve the change of ownership with him as the manager. Mr. Burroughs, #FDE 2054, initially licensed on July 11, 1990, resides 2.4 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that the owner of the facility is Burroughs Funeral Home, Inc. with Alan G. Burroughs, William A. Burroughs, and Kevin Cooper as the shareholders.

Mr. Burroughs informed the Board that Mr. Cooper resigned his employment with the company in which he has a ten percent share. Ms. Holleman presented a copy of the resignation letter to the Board. Mr. Burroughs stated that he and William Burroughs own forty-five percent of the shares, respectively.

The Board asked that Mr. Burroughs produce documentation of the current ownership status of the company indicating the distribution of the shares. Mr. Burroughs did not have the documentation on his person nor on file.

Executive Session

MOTION

Ms. Cooper 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 a motion to approve the change of ownership application with Mr. Alan Gray Burroughs as the manager. Mr. McMillan seconded the motion, which carried unanimously.

3. Fogle-Hungerpiller Funeral Home – Elloree - David Palmer Farr

Mr. David Palmer Farr appeared before the Board on behalf of Fogle-Hungerpiller Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Mr. Farr is requesting that the Board approve the change ownership with him as the manager. Mr. Farr, #FDE 1605, initially licensed on March 21, 1979, resides 20 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that David Farr Investments, LLC is in the process of purchasing the facility.

Mr. Farr confirmed that closing should occur within 45 days. He stated he has read, and understands the laws and regulations governing South Carolina State Funeral Services. He asked that the Board consider the facility retaining its' current permit number FE 129. The Board responded that a new facility/change of ownership requires the assignment of a new permit number, unless the purchaser is a relative and requests the retention of the permit number.

MOTION

Mr. Horton made a motion to approve the change of ownership pending the completion of the sales transaction and a favorable letter from South Carolina Department of Consumer Affairs (SCDCA). Mr. Gray seconded the motion, which carried unanimously.

Ms. Michelle Cooper recused herself.

4. McAlister-Smith Funeral Home, Inc. – FE 750 – Charleston – Bernard Richard Putnam, III

Mr. Bernard Richard Putnam, III and Mr. Marvin Mark Smith appeared before the Board on behalf of McAlister-Smith Funeral Home, Inc., #FE 750. Mr. Smith addressed the Board and explained that the next seven agenda items for change of ownership are under the same circumstances, and asked that the Board hear the applications at the same time.

MOTION

Mr. Horton made a motion to combine the hearings of items 8.4 through 8.11.
Mr. McMillan seconded the motion, which carried unanimously.

5. McAlister-Smith Crematory- FE 751 – Charleston – Bernard Richard Putnam, III
Mr. Bernard Richard Putnam, III and Mr. Marvin Mark Smith appeared before the Board on behalf of McAlister-Smith Crematory, #FE 751.
6. McAlister-Smith Funeral Home-Goose Creek – FE 768 – Gregory Allen Rice
Mr. Gregory Allen Rice and Mr. Marvin Mark Smith appeared before the Board on behalf of McAlister-Smith Funeral Home-Goose Creek, #FE 768.
7. McAlister-Smith Funeral Home-Crematory – FE 769 – Goose Creek – Gregory Allen Rice
Mr. Gregory Allen Rice and Mr. Marvin Mark Smith appeared before the Board on behalf of McAlister-Smith Funeral Home-Crematory, #FE 769.
8. McAlister-Smith – FE 447 – Mt. Pleasant – Michael Todd Griffin
Mr. Michael Todd Griffin and Mr. Marvin Mark Smith appeared before the Board on behalf of McAlister-Smith, #FE 447.
9. McAlister-Smith Funeral Home-James Island – FE 904 – Michael Todd Griffin
Mr. Michael Todd Griffin and Mr. Marvin Mark Smith appeared before the Board on behalf of McAlister-Smith Funeral Home-James Island, #FE 904.
10. Palmetto Cremation Society – FE 884 – Charleston – Amanda Shealy Caceres
Ms. Amanda Shealy Caceres and Mr. Marvin Mark Smith appeared before the Board on behalf of Palmetto Cremation Society, #FE 884.
11. Palmetto Cremation Society – FE 430 – Charleston – Amanda Shealy Caceres
Ms. Amanda Shealy Caceres and Mr. Marvin Mark Smith appeared before the Board on behalf of Palmetto Cremation Society, #FE 430.

Ms. Holleman informed the Board that the applications are complete. The court reporter swore in Mr. Smith together with all the facility managers: Bernard Richard Putnam, III, Gregory Allen Rice, Michael Todd Griffin, and Amanda Shealy Caceres.

Mr. Smith informed the Board that he has been an owner of the facilities under McAlister-Smith Funeral Home, Inc., for the past 18 years and recently became the sole owner. Therefore, he is asking the Board to retain the permit numbers for all the facilities under the entity of McAlister-Smith Funeral Home, Inc.

In addition, Mr. Smith asked the Board to render an opinion regarding retaining a licensed general manager for all the locations. The Board concluded that the issue be taken under advisement and researched by the Administrator with an opinion to be rendered at a later date.

MOTION

Mr. Horton made a motion to approve the applications submitted under the McAlister-Smith Funeral Home, Inc., entity, approving the respective managers, and retaining the permit numbers. Mr. McMillan seconded the motion, which carried unanimously.

The Board recessed for ten minutes, and returned to session at 11:32 a.m. Ms. Cooper returned to the session.

9. Change of Facility Name

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

1. GFH Crematory – Murrells Inlet – Joshua R. Campbell

Mr. Joshua R. Campbell and Mr. George H. Goldfinch appeared before the Board on behalf of GFH Crematory.

Ms. Holleman informed the Board that the application is complete, and that Mr. Campbell is requesting that the Board approve the crematory's name change.

Ms. Holleman informed the Board that GFH Crematory (FE. 478) is currently the name of the crematory own by Grand Strand Funeral Home and Crematory, (GSFH). Ms. Holleman stated that Mr. Campbell, #FDE 2288, initially licensed on April 9, 1996, resides 11 miles from the facility.

Mr. Goldfinch informed the Board that the crematory at Grand Strand Funeral Home and Crematory is currently closed, and the company is planning to surrender the license. Mr. Goldfinch stated two retorts will be placed at the Beach Chapel.

MOTION

Ms. Cooper made a motion to accept the application for change of name, contingent that the facility's current license is surrendered to Board staff. Dr. DuPre seconded the motion, which carried unanimously.

10. Licensure by Endorsement

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

1. Tammy Jean Crenshaw

Ms. Tammy Jean Crenshaw appeared on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Ms. Crenshaw applied for a South Carolina Funeral Director/Embalmer's license by endorsement. Ms. Crenshaw, initially licensed as a Funeral Director/Embalmer in Texas on January 20, 2006, currently holds that license in good standing

Ms. Holleman stated that Ms. Crenshaw's criminal background check listed a felony in the state of Ohio with an October 22, 1987 conviction date. Ms. Crenshaw included an explanation for the charges with the application.

Ms. Crenshaw is requesting that the South Carolina State Board of Funeral Service approve her application for licensure by endorsement and provided a further explanation regarding the felony conviction.

Executive Session

MOTION

Mr. Horton 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. Dr. DuPre 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 a motion to accept the licensure by endorsement pending Ms. Crenshaw's passing of the law exam. Mr. McMillan seconded the motion, which carried unanimously.

11. Extension of Apprenticeship

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

1. Trevor Neil Buchanan

Mr. Buchanan appeared on his own behalf.

Ms. Holleman informed the Board that the application is complete and that Mr. Buchanan is applying for an extension of his apprentice Funeral Director/Embalmer license while completing his education at Piedmont Technical College. He anticipates graduating in December 2018.

Mr. Buchanan began his Funeral Director/Embalmer apprenticeship at Robinson Funeral Home, Easley, SC on October 20, 2015 and will complete it on October 20, 2017. The board staff received his extension request on October 5, 2017.

The Board determined according to Regulation 57-06.1.(7) that Mr. Buchanan's apprenticeship would require two extensions in order for him to continue through the completion of his anticipated graduation date of December 2018.

Mr. Temples called for a motion in this matter.

MOTION

Ms. Cooper made a motion to approve granting staff the authority to renew Mr. Buchanan's apprenticeship twice, including once for today's request and an additional request submitted on the appropriate Board approved application form. Mr. McMillan seconded the motion, which carried unanimously.

12. Acceptance of Apprenticeship Application

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

1. Andrew Charles Fuller

Mr. Andrew Charles Fuller and Mr. Caldwell Pinckney, his proposed supervisor, appeared on Mr. Fuller's behalf.

Ms. Hollman informed the Board that Mr. Fuller's Funeral Director apprenticeship application is complete.

Ms. Hollman informed the Board that Mr. Fuller is employed full-time, 12:00 a.m. to 8:00 a.m., at the Department of Justice at its Salters, SC facility, and that he plans to continue his employment with the Department of Justice while completing his apprenticeship.

Ms. Holleman informed the Board that his apprenticeship would be with Eutawville Community Funeral Home, Eutawville, S.C., working weekly 9 a.m. – 5 p.m., Monday through Friday. Mr. Fuller is asking the South Carolina State Board of Funeral Service to approve his Funeral Director apprenticeship application.

Mr. Fuller informed the Board that he would be able to meet his obligations as an apprentice while employed full-time with the Department of Justice.

MOTION

Mr. Horton made a motion to approve Mr. Andrew Charles Fuller's apprenticeship. Mr. McMillan seconded the motion, which carried unanimously.

2. Steven Christopher Holmes

Mr. Holmes appeared on his own behalf.

Ms. Holleman informed the Board that Mr. Holmes' Funeral Director application is complete. Ms. Holleman stated that Mr. Holmes completed his apprenticeship in December 2009 and passed the Art exam on September 23, 2017. Mr. Holmes received his Associate in Applied Science, in Funeral Service, from Piedmont Technical College on December 12, 2011.

MOTION

Mr. Horton made a motion to approve Mr. Steven Christopher Holmes' Funeral Director application on the condition that he passes the Law exam within 6 months. If he does not pass within this time frame, Mr. Holmes is required to reappear before the Board. Mr. McMillan seconded the motion, which carried unanimously.

3. Archie Preston Williams IV

Mr. Archie P. Williams IV appeared on his own behalf along with Ms. Carol B. Presley Williams, and Mr. Archie P. Williams III.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Mr. Williams completed his apprenticeship in 2005. He attended Charleston Southern University from Spring 1995 – Fall 1998; received a Funeral Services Certificate from Piedmont Technical College on May 2, 2007; and was awarded a Bachelor of Science in Business Administration from Benedict College on May 17, 2001.

Mr. Williams took the Arts section of the State Board Examination on May 7, 2007, July 30, 2010, and December 30, 2014.

Ms. Holleman informed the Board that Mr. Williams is asking the Board to approve his 2005 completed apprenticeship and allow him to continue taking the exams to become a Funeral Director.

The Board questioned Mr. Williams regarding lapse in time.

Mr. Williams informed the Board that various unforeseen circumstances (providing details), hindered his continuation to obtain licensure. He assured the Board that he is now ready to complete the process, and has scheduled to take the Art exam on November 4, 2017.

MOTION

Mr. Horton made a motion to accept the apprenticeship if Mr. Williams pass the Arts and State Law exams within six months. If he does not pass within the six months' time frame, Mr. Williams is required to reappear before Board. Mr. Gray seconded the motion, which carried unanimously.

13. Acceptance of Licensing Application

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

1. Michael Lee Gillyard

Mr. Michael Lee Gillyard appeared on his own behalf along with Mr. Gerald H. Mikell, Sr.

Ms. Holleman informed the Board that Mr. Gillyard's embalmer's application is complete.

Mr. Gillyard was issued a student embalmer certificate for Piedmont Technical College on August 29, 2012. He received an Associate of Applied Science Degree in Funeral Services on August 5, 2013. He passed the National Science exam for embalming on July 27, 2016.

Mr. Gillyard began his apprenticeship on January 1, 2013. While a student, he submitted a quarterly report that ended December 18, 2012. On August 16, 2017, staff received quarterly reports for the periods of January 2013 - March 2013, April 2013 - June 2013, and July 2013 - October 31, 2013.

Mr. Gillyard informed the Board that he submitted the quarterly reports during his time as an apprentice. Staff could only verify the quarterly reports submitted on August 16, 2017. Mr. Gillyard asked the Board to accept his quarterly reports as time served for his apprenticeship, approve his embalmer application, and grant permission for eligibility to take the law exam.

Executive Session

MOTION

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

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

MOTION

Ms. Cooper asked that the motion be read by the Advice Counsel, which stated that nine months of his apprenticeship will be accepted. Mr. Gillyard shall complete the additional fifteen months of apprenticeship, including documentation of completion of the twenty-five cases with specific requirements, prior to being eligible for Embalmer licensure. Mr. McMillan seconded the motion, which carried unanimously.

14. Investigative Review Committee (IRC) Appointments

Ms. Holleman informed the Board that two of the five IRC members, Brad Evans and Kenneth Beasley, have reached the end of their terms. The Board may nominate either or both candidates to retain the appointment or to nominate another member.

MOTION

Ms. Cooper made a motion to re-nominate Mr. Evans and to nominate Eddie Nelson for the IRC. Mr. McMillian seconded and the motion passed unanimously.

Disciplinary

15. Disciplinary Hearings

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

Mr. Temples and Mr. Gantt recused themselves from Case No. 2016-62. Mr. Gray assumed the Chair.

1. Case No.: 2016-62

The State and the Respondent presented arguments and evidence.

Executive Session

MOTION

Dr. DuPre made a motion to go into Executive Session to obtain legal advice. Mr. McMillian seconded and the motion passed unanimously.

Return to Open Session

MOTION

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

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

MOTION

Mr. Horton made a motion, read by Advice Counsel, that Case No. 2016-62 be dismissed. Mr. McMillan seconded and the motion was passed unanimously.

16. Executive Session for Legal Advice, If Needed

17. Public Comments (no votes taken)

24. Adjournment

Mr. Gray called for a motion to adjourn.

MOTION

Mr. Horton made a motion to adjourn the meeting, Mr. McKnight seconded, and the motion carried unanimously.

Mr. Gray, after ensuring there being no further business to discuss, adjourned the October 17, 2017 meeting for the South Carolina State Board of Funeral Service at 5:38 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is November 2, 2017 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.