

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., December 5, 2018
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, December 5, 2018

1. Meeting Called to Order

Mr. Charvis K. Gray, President, of Piedmont called the regular meeting of the South Carolina State Board of Funeral Service to order on December 5, 2018, at 10:04 a.m. Other board members present for the meeting included: Darryl Dickerson, Secretary/Treasurer of Goose Creek; William B. Horton, Jr., of Kingstree; Michelle A. Cooper, of Moncks Corner; Eddie J. Nelson of Blythewood; Dr. D'Michelle P. DuPre, of Chapin; Kenneth E. Baxter, Sr., of Greenville; and Landis D. Price II of Leesville.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Monaca Harrelson, Administrative Assistant; Sharon Wolfe, Rodney Pigford, and Eric Thompson, Office of Investigations and Enforcement; and 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; Betty Eggers, Brandon Roberts, Katie Tiller, and Bob Buhl of Eggers Funeral Home, Terry Finger and Allen Richardson, and Jacob Flowers of the SC Department of Consumer Affairs.

A. Public Notice

Mr. Gray announced that public notice of this meeting was properly posted at the South Carolina State Board of Funeral Service office, Synergy Business Park, Kingstree building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Introduction of Board Members and Persons Attending the Meeting

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

3. Approval of Excused Absences

Stephen L. McMillan, Jeffrey K. Temples, and Stephen R. Gantt were not in attendance.

MOTION

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

4. Approval of Minutes from the October 4, 2018 meetings

Mr. Gray called for a motion regarding the October 4, 2018 meeting minutes.

MOTION

Mr. Dickerson made a motion that the Board approves the minutes. Mr. Price seconded the motion which carried unanimously.

5. President’s Remarks – Charvis K. Gray

Mr. Gray welcomed everyone to the meeting. He then noted that the agenda would be adjusted to move the Administrator’s Remarks to tomorrow’s meeting.

6. Reports

A. Inspection Report

Mr. Poole informed the Board that he and Mr. Adams conducted 96 inspections between September 26, 2018 and November 29, 2018.

B. Investigative Review Committee (IRC) Report

Mr. Pigford presented the IRC recommendations to the Board, which are to dismiss 10 cases (2018-42, 2018-43, 2018-51, 2018-56, 2018-57, 2018-58, 2018-67, 2018-68, 2018-90, 2018-91), issue one Cease and Dismiss (2018-14), and file formal complaints for five cases (2018-21, 2018-24, 2018-50, 2018-83, 2018-84).

Mr. Gray called for a motion in this matter.

MOTION

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

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

Mr. Pigford presented the OIE report to the Board as follows: cases received January 1 – November 26, 2018 are 38 active; 24 closed, 13 Do Not Open, three open cases; 21 closed; 11 do not open; 16 pending Board action; one pending complaint analysis review; 10 pending IRC review. Fifty-five cases have been closed, with 25 considered Do Not Open for a total of 80.

D. Office of Disciplinary (ODC) Counsel – Donnell Jennings

Mr. Jennings reported that there are 27 open cases. Mr. Jennings stated there are currently five pending hearings.

Disciplinary Hearing

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

**8. Approval of Memorandum of Agreement – MOA
1./2.- Case Nos. 2018-28 and 2018-33**

Mr. Jennings represented the State. The respondent represented herself.

Mr. Jennings presented the Formal Complaint, in which there was no objection to the cases being presented together.

Executive Session

MOTION

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

Return to Open Session

MOTION

Mr. Baxter made a motion to come out of Executive Session. Dr. DuPre seconded, and the motion passed unanimously.

MOTION

Ms. Cooper made a motion that the Board accept the Memorandum of Agreement, that both complaints be dismissed, and that a Letter of Caution is issued to be mindful of the General Price List. Mr. Price seconded and motion passed unanimously.

Disciplinary Hearing

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

8. Approval of Memorandum of Agreement – MOA 3./4.- Case Nos. 2015-79 and 2015-73

Mr. Jennings represented the State while Terry Finger served as legal representation for the Respondent.

The Memorandum of Agreement was presented.

Executive Session

MOTION

Ms. Cooper 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. Price seconded, and the motion passed unanimously.

MOTION

Ms. Cooper made a motion, read by Advice Counsel, that the Board accept the Memorandum of Agreement. Respondent has violated Secs 40-19-110(7), 40-1-110 (11), 40-1-110 (1)(d) and Regs 57.06.1 (4). Respondent is issued a Public Reprimand, and \$500 civil penalty fee for each violation for a total of \$2,000 and \$200 in investigative costs payable in 30 days, and license suspension for one year.

Respondent is in violation of Sec 40-1-110(1)(f) it is an issue of first impression and a Letter of Caution will be issued with a reminder that a funeral establishment must only handle human remains.

Mr. Baxter seconded the motion, which passed unanimously.

9. Public Comments (no votes taken)

10. Adjournment

Mr. Gray called for a motion to adjourn.

MOTION

Mr. Price made a motion to adjourn the meeting. Dr. DuPre seconded the motion, which carried unanimously.

Mr. Gray, after ensuring there being no further business to discuss, adjourned the December 5, 2018 meeting for the South Carolina State Board of Funeral Service at 12:16 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is December 6 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.

Thursday, December 6, 2018

12. Meeting Called to Order

Mr. Charvis K. Gray, President, of Piedmont called the regular meeting of the South Carolina State Board of Funeral Service to order on December 6, 2018, at 10:03 a.m. Other board members present for the meeting included: Darryl Dickerson, Secretary/Treasurer of Goose Creek; Jeffrey K. Temples, of Columbia; William B. Horton, Jr., of Kingstree; Michelle A. Cooper, of Moncks Corner; Dr. D'Michelle P. DuPre, of Chapin; Kenneth E. Baxter, Sr., of Greenville; and Landis D. Price II of Leesville.

Staff members participating in the meeting included: Hardwick Stuart, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigations and Enforcement; and William Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons, South Carolina Morticians Association; Benjamin F. Cave of B. F. Cave Funeral Home, LLC; Grace Posey; Frank Repole; and Jacob Flowers, South Carolina Department of Consumer Affairs.

A. Public Notice

Mr. Gray 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.

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 Absences

Mr. Stephen R. Gantt, Mr. Eddie J. Nelson, and Mr. Stephen L. McMillan were not in attendance.

MOTION

Mr. Horton made a motion to approve absence of the board members. Mr. Temples seconded the motion, which carried unanimously.

Mr. Gray stated that the Administrator's remarks will follow item #17 Investigative Review Committee (IRC) appointments.

New Business Application

15. 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. B. F. Cave Funeral Home, LLC – Allendale – Benjamin F. Cave
Mr. Benjamin F. Cave appeared before the Board on behalf of B. F. Cave Funeral Home, LLC.
2. B. F. Cave Funeral Chapel – Ehrhardt – Benjamin F. Cave
Mr. Benjamin F. Cave appeared before the Board on behalf of B. F. Cave Funeral Chapel.

Ms. Holleman informed the Board that the applications are complete and that Mr. Benjamin F. Cave is asking that the Board approves the change of ownership with him as manager. Ms. Holleman informed the Board that Mr. Cave, license number FD.2335, initially licensed January 2, 1997, resides 15.9 miles from B. F. Cave Funeral Home, LLC and 24 miles from B. F. Cave Funeral Chapel. Ms. Holleman stated he does not have a criminal background. Ms. Holleman informed the Board that B. F. Cave Funeral Home, LLC is the parent company and owner of the facilities with Mr. Benjamin F. Cave as the sole member. Ms. Holleman informed the Board that the ownership has changed from a sole proprietorship, Mr. Benjamin F. Cave to B. F. Cave Funeral Home, LLC with Mr. Benjamin F. Cave as the sole member and all other aspects of the company remaining the same.

Mr. Cave informed the Board that the parent company will now be located at the Allendale location and the Chapel at the Ehrhardt location, as submitted on the application. Mr. Cave concurred with the information provided by Ms. Holleman and asked that the Board approve his change of ownership application.

The Board questioned Mr. Cave regarding this matter and asked if he understands the statute, rules, and regulations. Mr. Cave answered yes he understands the statute, rules, and regulations.

MOTION

Ms. Cooper made a motion to approve the change of ownership for B. F. Cave Funeral Home, LLC, and B. B. Cave Funeral Chapel with Mr. Benjamin F. Cave as the manager. Mr. Dickerson seconded the motion, which carried unanimously.

Mr. Cave asked the Board to retain the previous license numbers for each facility.

MOTION

Mr. Horton made a motion to approve that the facilities retain the current license numbers. Mr. Temples seconded the motion, which carried unanimously.

16. Licensure by Endorsement

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

1. Grace Ursula Posey
Ms. Posey appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Posey initially licensed in June 7, 2016 as a Funeral Director/Embalmer in Georgia. The licenses are active and in good standing. Ms. Holleman informed the Board Ms. Posey attended Gupton-Jones College of Funeral Service in Decatur, Georgia receiving an Associate of Science on February 28, 2014. Ms. Posey passed the National Board Exam for Science and Arts on March 5, 2014. Ms. Holleman informed the Board that Georgia requires an 18 month apprenticeship.

The Board questioned Ms. Posey regarding this matter. Ms. Posey confirmed that the information is correct. Ms. Posey informed the Board that the state of Georgia requires a Funeral Director/Embalmer apprentice to complete 50 each, funeral and embalming cases in addition to the 18 months to complete its apprenticeship program. Ms. Posey stated she was employed for 1 ½ years at A. S. Turner Funeral Home that has an estimated yearly call volume of 1,200 to 1,400 cases. Ms. Posey stated she has experience with conducting various types of funerals as per the decedent's cultures in addition to on-call embalming four to five bodies a night.

Ms. Posey stated that upon receiving her license she was employed at Tim Stewart Funeral Home with an average call volume of 800 to 1000 per year. Ms. Posey stated within the first year of her licensing she met with 150 families. Ms. Posey asked that based on her 18 months apprenticeship with the requirements of 50 cases each for funeral and embalming, in which she exceeded, and her experience as a licensee would meet the South Carolina Funeral Director /Embalmer qualifications and that the Board would approve her Funeral Director and Embalmer's licensing by endorsement/reciprocity application.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

Mr. Gray called for a motion in this matter.

MOTION

Ms. Cooper made a motion that the Board deny the application; however, based on the similarities, the Board recognizes 18 months of Ms. Posey's apprenticeship and will allow Ms. Posey to complete a six month full-time apprenticeship in South Carolina at a licensed South Carolina Funeral Establishment. Upon the completion of the six months apprenticeship the Board approves that Ms. Posey would be eligible to take the South Carolina Funeral Service Law exam. After completing the six months apprenticeship and passing the S.C. law exam the Board approves granting Ms. Posey a license by endorsement/reciprocity.

Mr. Horton seconded the motion, which carried unanimously.

Mr. Gray called for a 10 minute recess.

2. Frank Anthony Repole

Mr. Repole appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete. Mr. Repole initially licensed in October 31, 2014 as a Funeral Director in North Carolina. The license is active and in good standing. Ms. Holleman informed the Board that Mr. Repole served a 24 month apprenticeship in North Carolina. Mr. Repole attended Fayetteville Technical Community College in Fayetteville, North Carolina receiving a Diploma in Funeral Service Education/NC Funeral Director on July 22, 2014. Mr. Repole passed the North Carolina state Arts exam on October 24, 2014.

Mr. Repole informed the Board that he began his apprenticeship in May of 2012 with McEwen Funeral Service in Charlotte, North Carolina. He stayed employed as an at-need funeral director, served over 200 families on an at-need basis, and sold millions of dollars in pre-need.

The Board questioned Mr. Repole regarding this matter. Mr. Gray asked the Board if there were any further questions regarding this matter.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

Mr. Gray called for a motion in this matter.

MOTION

Ms. Cooper made a motion that based on the South Carolina laws and statutes the Board rejects Mr. Repole's reciprocity application based on the fact that he has not met the South Carolina five year licensure requirement. The Board recognizing the similarities between North Carolina and South Carolina approves licensing of Mr. Repole if his North Carolina license remains in good standing and he retains a license for five years. After being licensed in good standings for five years, Mr. Repole without reappearing before the Board may apply to take the South Carolina law exam and upon successfully passing it, become licensed in the state of South Carolina. Mr. Baxter seconded the motion, which carried unanimously.

17. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman informed the Board that at the end of October 2018 the financial balance was \$-163,703.96. Ms. Holleman informed the Board that four funeral establishments have not renewed and that 100 Funeral Directors and/or Embalmers have not renewed. The Board questioned the methods that are in place to determine if a lapsed licensee has continued to practice/operate. Ms. Holleman explained that the inspectors are unable to inspect an unlicensed facility and that the

investigation division has the authority to enter for investigative purposes only upon receipt of a complaint.

The Board asked is the South Carolina Department of Health and Environmental Control (DHEC) notified of the lapsed licenses for funeral services licensees. Ms. Holleman responded the agency does not notify DHEC; however, licensure status of the license is public record. The Board questioned if the Department of Labor, Licensing, and Regulations posted a listing of lapsed licensees on the various Boards' websites or is there a precedent for this option. Mr. Stuart stated that currently boards do not provide lapsed licensees listing on the Board's website. Ms. Holleman informed the Board that she will research to see if the listing is a viable option.

B. The 115th Annual Meeting of The International Conference of Funeral Service Examining Board

Ms. Holleman informed the Board that on February 27-28, 2019 The International Conference of Funeral Service Examining Board will hold its 115th annual meeting in San Diego, CA, which includes a board member training session. Ms. Holleman provided an overview of the itinerary for annual meeting.

Ms. Holleman stated that subject to monetary considerations, the Board has authorization to approve attendance to the conference for the Administrator and two board members. After discussing the matter and reviewing the current budget, the Board decided to approve travel for the administrator and board members, Kenneth Baxter, Sr. and Darryl Dickerson. Mr. Gray called for a motion in this matter.

MOTION

Mr. Price made a motion that the Board approves travel for the 115th Annual Meeting of The International Conference of Funeral Service Examining Board in San Diego, CA on February 27-28, 2019 for the administrator and board members, Kenneth Prices and Mr. Darryl Dickerson. Mr. Temples seconded the motion, which carried unanimously.

C. Updates: Funeral Establishments; Change of Managers

Ms. Holleman reported the following changes:

Funeral Establishments Change of Managers:

FE#	Name of Funeral Establishment (FE)	Name of former Manager	Name of New Manager	Effective Date
107	McKiever Funeral Home Inc.	Sandra Williams Brown – deceased	George L. Williams Jr. FDE.1794	08/29/2018
999	Alpha-Shine Funeral Services Inc.	Gaynell Workman Tarrance	James E. Boyd FD.2234	08/27/2018
482	Dyson's Home For Funerals	Richard Dyson – deceased	Tarleton Blackwell FDE.2075	09/18/2018
1035	Avinger Funeral Home	Ernest W. Avinger Sr.	Branigan Leanne Kizer FDE.3975	09/25/2018
430	Palmetto Cremation Society	Amanda Shealy Caceres	Daniel Keith Driggers FDE.3216	0925/2018
958	Woodridge Memorial Park & Funeral Home	Thomas Maddux	David Richmond Hardee FD.3366	11/08/2018
277	Bethea Funeral Home	Sheera Yates	Robert Bethea III FDE.1555	10/29/2018

Funeral Establishment New Branches:

FE#	Name of Funeral Establishment (Branch)	Name of Manager	Effective Date
1051	Mercantile Funeral Home Johnston Chapel	David Burnett FDE.1980	09/10/2018

Funeral Establishment Change of Facility's Name:

FE#	Name of Funeral Establishment (Branch)	New Name	Effective Date
902	McLean Funeral Directors of Lancaster-Mahaffey Chapel	A Simple Service Burial and Cremation	10/03/2018

18. Investigative Review Committee (IRC) Appointments

Ms. Holleman informed the Board of the IRC members' whose terms expired and members that have resigned. Ms. Holleman stated that Mr. Glen Crawford's term expired October 27, 2018, Mr. Glenn C. Miller's term expired October 27, 2018, Mr. Frank Way's term expired October 27, 2018, and that Mr. Eddie J. Nelson resigned in July 2018. The Board discussed the matter and determined to reappoint Mr. Glen Crawford and Mr. Glen C. Miller. Mr. Gray called for a motion in this matter.

MOTION

Mr. Price made a motion that the Board reappoint Mr. Glen Crawford and Mr. Glen C. Miller to the South Carolina State Board of Funeral Service Investigative Review Committee and that the Board defer the remaining appointments to the next Board meeting. Mr. Dickerson seconded the motion, which carried unanimously.

19. Approval of 2019 Meeting Dates/Calendar

Ms. Holleman presented the proposed 2019 meeting dates to the Board. The Board discussed the dates and voted to approve the proposed schedule.

MOTION

Dr. DuPre made a motion to approve the 2019 proposed meeting schedule as follows,

2019 SC State Board of Funeral Service Meeting Dates

MONTH	DATE	ROOM
February	Wednesday, February 20, 2019 Thursday, February 21, 2019	Rooms 107 & 108
April	Tuesday, April 23, 2019 Wednesday, April 24, 2019	Rooms 107 & 108
June	Wednesday, June 5, 2019 Thursday, June 6, 2019	Rooms 107 & 108
August	Wednesday, August 28, 2019 Thursday, August 29, 2019	Rooms 107 & 108
October	Wednesday, October 23, 2019 Thursday, October 24, 2019	Rooms 107 & 108
December	Wednesday, December 4, 2019 Thursday, December 5, 2019	Rooms 107 & 108

Mr. Temples seconded the motion, which carried unanimously.

20. Executive Session for Legal Advice, If Needed

21. Executive Session to Discuss Personnel Matter

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. Baxter made a motion to come out of Executive Session. Mr. Dickerson seconded the motion, which carried unanimously.

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

22. Public Comments (no votes taken)

23. Adjournment

Mr. Gray called for a motion to adjourn.

MOTION

Mr. Horton made a motion to adjourn the meeting. Dr. DuPre seconded the motion, which carried unanimously.

Mr. Gray, after ensuring there being no further business to discuss, adjourned the December 6, 2018 meeting for the South Carolina State Board of Funeral Service at 12:29 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is February 20-21, 2019 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.