

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., October 4, 2018
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

Thursday, October 4, 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 October 4, 2018, at 10:01 a.m. Other board members present for the meeting included: Stephen L. McMillan, Jr., Vice-President of Myrtle Beach; Darryl Dickerson, Secretary/Treasurer of Goose Creek; Jeffrey K. Temples, of Columbia; William B. Horton, Jr., of Kingtree; 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; Norma McAllister, Program Assistant; Sharon Wolfe, Chief Investigator, 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; Rion P. Rampey, Executive Director, South Carolina Funeral Directors' Association; Bryan Eugene Tate; Kimberly Janine Brown; Hakeem Tyquan Brown; and Conner Parker, 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, 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.

Mr. Horton asked that the Board extend its condolences to the family and fellow comrades of the officer in Florence, SC that lost his life in the line of duty. Also, that the Board express its deepest concerns and prayers to the injured officers and their families.

Mr. Gray called for a moment of silence to honor the fallen officer, his family, his comrades; and the injured officers and their families.

3. Approval of Excused Absences

Mr. Stephen R. Gantt was not in attendance.

MOTION

Mr. Horton made a motion to approve Mr. Gantt's absent. Mr. Nelson seconded the motion, which carried unanimously.

4. Approval of Excused Absences for IRC members

Ms. Holleman informed the Board that Mr. Crawford was not in attendance for an IRC meeting due to extenuating circumstances.

MOTION

Mr. Horton made a motion to approve Mr. Crawford's absent. Dr. DuPre seconded the motion, which carried unanimously.

5. Approval of Minutes from the August 22-23, 2018 meetings

Mr. Gray called for a motion regarding the August 22-23, 2018 meeting minutes.

MOTION

Mr. McMillan made a motion that the Board approves the minutes with corrections to the spelling of his name. Mr. Dickerson seconded the motion which carried unanimously.

6. President's Remarks – Charvis K. Gray

Mr. Gray welcomed everyone to the meeting.

7. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman informed the Board that at the end of August 2018 the financial balance was -\$140,854.03. The Board inquired regarding the number of lapsed licensees for 2018-2020 renewal period. Ms. Holleman asked in order to provide an accurate number that would exclude those that lapsed prior to this renewal that the Board grants additional time and would accept an emailed listing of the results. The Board agreed upon an emailed list.

B. Travel Budget

Ms. Holleman informed the Board that of the \$26,000.00 Fiscal Year 2019 travel budget requested by the Board the Director approved \$17,600.00. Ms. Holleman reviewed the current 2019 travel expenditures with the Board. The Board discussed with Ms. Holleman the financial metric applied to obtaining the current approved budget. The Board expressed its concerns that any approved travel budget should consider and meet the monetary needs of the Board.

C. Updates: Funeral Establishments: Change of Managers

Ms. Holleman informed the Board that there were no updates to report.

8. Reports

A. Inspection Report

Mr. Poole informed the Board that he and Mr. Adams conducted 81 inspections between August 13, 2018 and September 25, 2018.

B. Investigative Review Committee (IRC) Report

Mr. Landis Price II and Mr. Eddie J. Nelson recused themselves. .

Ms. Wolfe presented the IRC recommendations to the Board, which are to dismiss cases 2018-2 and 2018-10; and file formal complaints for cases 2018-4; 2018-7; 2018-9; 2015-15; 2018-17; 2018-25; 2018-26; 2018-27; 2018-30; 2018-31; 2018-46; 2018-52; and 2018-54.

Mr. Gray called for a motion in this matter.

MOTION

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

Mr. Price and Mr. Nelson returned to the meeting. Mr. Temples arrived at the meeting.

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

Ms. Wolfe presented the OIE report to the Board as follows: cases received January 1 – September 25, 2018 are 31 active; three open cases; 21 closed; 11 do not open; 16 pending Board action; two pending complaint analysis review; four pending IRC; three pending ODC action and two pending respondents' agreement. There were 39 cases closed and 14 do not open cases.

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

Mr. Jennings reported that there are 23 open cases. Mr. Jennings stated there are currently eight pending action, and two pending hearings.

Mr. Gray called for a five minute recess.

New Business

Application

9. Approval of Funeral Director/Embalmer's Application

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

1. Bryan Eugene Tate

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

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Mr. Tate served a South Carolina Funeral Director/Embalmer's apprenticeship beginning August 1, 2016 through August 1, 2018. During this period, Mr. Tate submitted his initial quarterly report seven days late and submitted the remaining reports on time.

Mr. Tate asked that the Board approves his Funeral Director/Embalmer's application.

The Board confirmed that Mr. Tate's submitted his initial quarterly report late and the remaining on time. Therefore, the Board accepted Mr. Tate's Funeral Director/Embalmer's application.

MOTION

Mr. Horton made a motion that the Board accepts Mr. Tate's Funeral Director/Embalmer application. Mr. McMillan seconded the motion, which carried unanimously.

2. Kimberely Janine Brown

Ms. Brown appeared before the Board on her own behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman informed the Board that Ms. Brown served a South Carolina Funeral Director's apprenticeship beginning October 1, 2016 through October 1, 2018. During this period, Ms. Brown submitted her quarterly report for July – September 2017 late and submitted the remaining reports on time. Ms. Brown has completed the required Funeral Director's cases.

Ms. Brown asked that the Board approve her Funeral Director's application.

The Board questioned Ms. Brown regarding this matter.

MOTION

Mr. Dickerson made a motion that the Board accepts Ms. Brown's Funeral Director application. Mr. Baxter 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. Hakeem Tyquan Brown

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

Ms. Holleman informed the Board that the application is complete. Mr. Brown initially licensed in July 19, 2018 as a Funeral Director/Embalmer in North Carolina. The license is active in good standings. Ms. Holleman informed the Board that South Carolina approved Mr. Brown for an apprenticeship beginning January 1, 2016 through January 1, 2018. Mr. Brown served nine months of the apprenticeship completing seven cases each for funeral director and embalming both included five specified cases. He attended Fayetteville Technical College in Fayetteville, North Carolina receiving an Associate in Applied Science in Funeral Service Education on May 5, 2017. Mr. Brown passed the National Board Exam for Science on June 5, 2018 and the Arts on August 25, 2017.

The Board questioned Mr. Brown regarding this matter. Mr. Brown confirmed that the information is correct. He asked that the Board approve his Funeral Director and Embalmer's licensing by endorsement/reciprocity application.

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. Nelson made a motion to come out of Executive Session. Mr. Baxter 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 moved for Advice Counsel to read the motion. Ms. League read that the motion is to deny the license by endorsement/reciprocity and that the Board approves an extension of Mr. Hakeem Tyquan Brown's South Carolina apprenticeship for him to complete three additional months; and complete 20 specified cases each for Funeral Director and Embalmer. Mr. Brown must complete these months and cases as a full-time employee with a licensed South Carolina Funeral Establishment. Mr. McMillan seconded the motion, which carried unanimously.

11. Change to Retail Sales Outlet Application

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

Ms. Holleman presented the revised Retail Sales Outlet application to the Board. Ms. Holleman asked the Board to approve the revisions including adding a bullet for the change of location/address. The Board reviewed the statute, Sections 40-19-20(19); 40-19-265(C); 40-19-270(A)(B)(D); and 40-19-290(C) to determine the information that should be captured on the application. The Board accepted the revisions to the application adding the name of the facilities' contact person and the change of location/address as part of revisions.

MOTION

Mr. Baxter made a motion that the Board approve the revised Retail Sales Outlet application including adding the change of location/address, and changing the verbiage from "Proposed Manager of Facility" to Contact Person for Facility." Mr. Dickerson seconded the motion, which carried unanimously.

12. Application Deadline Policies

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

Ms. Holleman asked that the Board provide guidance regarding the deadline for submitting Board applications. Ms. Holleman explained that the applicant that submits a partial application, which has increased in numbers, normally requires significant staff follow-up. This process normally results in the individual submitting materials a few days or less prior to presenting before the Board giving the Board minimal time to review the applicants' materials.

Ms. Holleman stated the Board historically verbalized that applicants should submit completed applications within 10 business days of the scheduled Board meeting; however, this has not occurred as a policy.

The Board discussed the issue and determined that in its endeavor to protect the public and provide the regulatory functions required by the Board an applicant must submit a substantially completed application within 10 business days of the Board meeting.

MOTION

Mr. McMillan made a motion that the Board shall require that all applications must be substantially completed within 10 business days of the upcoming Board meeting and if not complete, the applicant must be deferred to the next Board meeting. Mr. Baxter seconded the motion, which carried unanimously.

13. Executive Session for Legal Advice, If Needed

Executive Session

MOTION

Mr. Horton made a motion to go into executive session to receive legal advice. Mr. Temples 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 carried unanimously.

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

14. Public Comments (no votes taken)

15. Adjournment

Mr. Gray called for a motion to adjourn.

MOTION

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

Mr. Gray, after ensuring there being no further business to discuss, adjourned the October 4, 2018 meeting for the South Carolina State Board of Funeral Service at 12:57 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is December 5, 2018 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.