

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., April 24, 2019
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Wednesday, April 24, 2019

1. Meeting Called to Order

Charvis K. Gray, President, of Greenville, called the regular meeting of the South Carolina State Board of Funeral Service to order on April 24, 2019, at 10:06 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; Michelle A. Cooper, of Moncks Corner; Stephen R. Gantt, of Greenwood; Eddie J. Nelson, of Blythewood; Kenneth E. Baxter, Sr., of Greenville; and Landis D. Price II, of Leesville.

Staff members participating in the meeting included: Robert Elam, Advice Counsel, Office of Advice Counsel; Mary League, Advice Counsel, Office of Advice Counsel; Donnell Jennings, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Sharon Cooke, 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; Monroe Fields, Jr and James Albert Rose, of Albert A. Glover Funeral Home; Andrew M. Wardlaw, Jr., of Andrew Wardlaw Funeral Home; Charles H. Jackson and Yvonne Samuels, of Samuels Funeral Home, LLC; Warren J. Gist, of Gist Caskets; Deitra S. Briggman, Jaidan Briggman and Jaivian Briggman, of the Casket Parlour, LLC; Poiette M. Bromell and Kevin Thomas, Jr., of House of Thomas Funeral Home; Cody Anderson and William H. Tucker, of George Funeral Home & Cremation Center; Marie Harrelson Thompson; Brandon Roberts; Carlton Bryony Haltiwanger; and Adam Birr, of the 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.

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. Jeffrey K. Temples, Dr. D’Michelle P. DuPre and Mr. William B. Horton were not in attendance.

MOTION

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

4. Approval of Minutes from the February 20-21, 2019 meeting

Mr. Gray called for a motion to approve the minutes for February 20-21, 2019.

MOTION

Mr. Gantt made a motion that the Board approve the February 20-21, 2019 minutes. Mr. Baxter seconded the motion, which carried unanimously.

5. President’s Remarks – Charvis K. Gray

Mr. Gray welcomed everyone to the meeting.

6. Administrator’s Remarks – Amy Holleman

A. Financial Report

Ms. Holleman reported that the Board’s cash balance at the end of February 2019 was -\$211,076.71.

B. Updates – Funeral Establishments – Change of Managers

Ms. Holleman reported the following changes:

Funeral Establishment Change of Managers

FE#	Name of Funeral Establishment	Name of Former Manager	Name of New Manager	Effective Date
497	House of Thomas Funeral Home	Milton Stubbs III	Christopher Daniels	01/03/2019
980	Simplicity Lowcountry Cremation & Burial Service	Branigan Kizer	James L. Dobbins	03/15/2019
981	Cremation Services of South Carolina	Branigan Kizer	James L. Dobbins	03/15/2019
955	Thompson Funeral Home At Greenlawn Memorial Park	Charles Robert Akers	Sean M. Schreffler	03/29/2019
959	Greenlawn Crematory	Charles Robert Akers	Sean M. Schreffler	03/29/2019
777	Blyth Crematory	Thomas Duane Brown	Stephen Rodney Gantt	04/09/2019

Funeral Establishment New Branches

FE#	Name of Funeral Establishment (Branch)	Name of New Manager	Effective Date
1058	Stubbs Funeral Home LLC-Dillon Chapel	Reginald Avery Stubbs	04/16/2019

Funeral Establishment Change of Facility’s Name

FE#	Former Name of Funeral Establishment	New Name of Funeral Establishment	Manager	Effective Date
1029	Brown, Walker and Pierce LLC	Pierce Funeral Home	Fletcher J. Pierce	03/06/2019
600	Christopher King’s Funeral Home	Chris King Memorial Chapel	Margie Buckson King	04/04/2019

Ms. Holleman informed the Board that:

- She is working toward scheduling the initial CE Broker's standard suite enrollment for licensees
- Initially all active licensees will receive an e-blast with instructions informing the licensee how to enroll in CE Broker's standard suite.
- The agency is requiring all Boards/Commissions to operate completely paperless.
- Currently the agency has the capability to invoice customers electronically which enables the consumer/licensee to pay fines and fees via laptops, computer, smart phone, and tablets onsite or online.

7. Reports

A. Inspection Report – William Poole

Mr. Poole informed the Board that he and Mr. Adams conducted 146 inspections between February 12, 2019 and April 15, 2019.

B. Investigative Review Committee (IRC) Report – Amy Holleman

Ms. Holleman presented the IRC recommendations to the Board, which are to dismiss cases 2018-61; 2018-66; 2018-80; 2018-99 and 2018-102; issue a letter of caution for cases 2018-93; 2018-94; 2018-101 and 2018-105; file formal complaints for cases 2018-81; 2018-86; 2018-89; and 2018-100; and a reconsideration letter of caution for case 2018-104.

Mr. Gray called for a motion in this matter.

MOTION

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

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

Ms. Cooke presented the OIE report to the Board as follows; cases received January 1, 2019 – April 16, 2019 are nine active investigations; five do not open; one pending further information; and one pending Complaint Analyst review, totaling 16 cases. Between January 1, 2018 and December 31, 2018, there were 46 closed, 15 do not open cases and nine cases remaining in active investigations.

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

Mr. Jennings stated there are currently 32 open cases; 31 pending action; one pending Consent Agreements; and closed six since January 2019.

New Business

Application Hearings

8. New Funeral Home/Change of Ownership/New Crematory

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

1. Albert A. Glover Funeral Home – Summerville – James Albert Ross

Mr. Monroe D. Fields, Jr., and Mr. James Albert Ross appeared before the Board on behalf of Albert A. Glover Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Mr. James Albert Ross requests that the Board approve the change of ownership with him as the manager. Mr. Ross, license number FD 2685, initially licensed on December 20, 2001, resides 16.7 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Fields Funeral Group, LLC is the owner with Monroe D. Fields, Jr. as the sole member.

Both, Mr. Fields and Mr. Ross asked that the Board grant approval of the change of ownership with Mr. Ross as the manager. Mr. Ross stated that he read and understands the statute and laws.

The Board questioned Mr. Ross regarding this matter. Mr. Ross informed the Board that he read and understands the statute and laws.

MOTION

Mr. McMillan made a motion to approve the change of ownership pending final inspection and a favorable letter from South Carolina Department of Consumer Affairs. Mr. Nelson seconded the motion which carried unanimously.

2. Andrew Wardlaw Funeral Home – McCormick – Andrew M. Wardlaw, Jr.

Mr. Andrew Mathis Wardlaw, Jr. appeared before the Board on behalf of Andrew Wardlaw Funeral Home.

Ms. Holleman informed the Board that the application is complete and that Mr. Andrew Mathis Wardlaw, Jr. requests that the Board approve the new facility with him as the manager. Mr. Wardlaw, license number FDE 3539, initially licensed on July 30, 2010, resides 0.2 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that JAT Investments, Inc. is the owner with Andrew M. Wardlaw, Jr. and Judy Y. Wardlaw as Directors.

Mr. Wardlaw asked that the Board approve the new facility with him as the manager. Mr. Wardlaw stated he purchased the building, which is currently under renovations, in January 2019. He anticipates opening in May 2019. He informed the Board that he plans to sell pre-need.

The Board questioned Mr. Wardlaw regarding the matter. Mr. Wardlaw informed the Board that he read and understands the statute and laws.

MOTION

Mr. Nelson made a motion to approve the new facility pending final inspection. Mr. Baxter seconded the motion which carried unanimously.

3. Samuels Funeral Home, LLC – Manning – Charles H. Jackson

Mr. Charles H. Jackson and Mrs. Yvonne Samuels appeared before the Board on behalf of Samuels Funeral Home, LLC.

Ms. Holleman informed the Board that the application is complete, that Mr. Charles H. Jackson is requesting the Board's approval of him being the manager of Samuels Funeral Home, LLC, and that the business retains the current license number. Mr. Jackson, license number FDE 1613, initially licensed on July 12, 1979, resides 3.6 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Samuels Funeral Home, LLC is the owner with Yvonne Samuels and Yvette Samuels Green as the members.

Ms. Holleman informed the Board that the application is a change of control and that Mr. Hayes Samuels the previous controlling member of Samuels Funeral Home, LLC is deceased. The estate has since completed probate with the controlling company/ownership remaining the same and with the family.

Mr. Jackson asked that the Board grant approval of the change of control with him as the manager, and that the business retains the current license number. Mr. Jackson confirmed that Mr. Hayes Samuels passed in January of 2018 and the estate has completed probate.

The Board questioned Mr. Jackson regarding the matter. Mr. Jackson informed the Board that he read and understands the statute and laws.

MOTION

Mr. Dickerson made a motion to approve the change of ownership pending final inspection; a favorable letter from South Carolina Department of Consumer Affairs and that the business shall retain the current license number. Mr. McMillan seconded the motion which carried unanimously.

The Chair called for a five minute recess.

9. New Retail Outlet Store

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

1. Gist Caskets – Duncan – Warren J. Gist

Mr. Warren J. Gist appeared before the Board on behalf of Gist Caskets.

Ms. Holleman informed the Board that the application is complete and that Mr. Warren J. Gist requests that the Board approves the application for the retail sales outlet. Ms. Holleman stated that statute authorizes Retail Sales Outlets to sell funeral merchandise only at need. The Retail Sale Outlets are required to have initial and annual inspections. The Outlets are required to display its license, and provide a casket and merchandise price list.

The Board discussed the matter afterwards the Board made a motion to go into executive session to receive legal advice.

Executive Session

MOTION

Mr. Nelson 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. Price seconded the motion, which carried unanimously.

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

MOTION

Mr. Nelson made a motion that the Board approves The Gist Caskets, retail sales outlet, pending final inspection. Ms. Cooper seconded the motion, which carried unanimously.

2. The Casket Parlour, LLC – West Columbia – Deitra S. Briggman

Ms. Deitra S. Briggman, Jaidan Briggman and Jaivian Briggman, appeared before the Board on behalf of The Casket Parlour, LLC.

Ms. Holleman informed the Board that the application is complete and that Ms. Briggman requests that the Board approves the application for the retail sales outlet to be located at 622 12th Street, West Columbia, SC.

Ms. Briggman asked that the Retail Sales Outlet to be located in West Columbia, SC.

MOTION

Mr. Baxter made a motion that the Board approves The Casket Parlour, LLC, retail sales outlet, pending final inspection. Mr. McMillan seconded the motion, which carried unanimously.

10. Change of Manager and/or Extension of Time

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

1. House of Thomas Funeral Home – Dillon – Poiette M. Bromell

Mr. Eddie J. Nelson recused himself. Ms. Poiette M. Bromell and Mr. Kevin J. Thomas, Jr. appeared before the Board on behalf of House of Thomas Funeral Home.

Ms. Holleman reminded the Board that it granted the Administrator the authority to approve an additional 30 day extension for a facility to locate a manager. As of April 22, 2019, Mr. Thomas exhausted this extension. Therefore, he is required to appear before the Board if he requires additional time.

Ms. Holleman informed the Board that the application is complete. Ms. Bromell, license number FDE.2074, initially licensed on October 15, 1990, within a 29.45 miles radius from the facility, and does not have a criminal background. Ms. Holleman stated that Mr. Thomas is asking that the Board approves the change of manager with Ms. Poiette M. Bromell as the manager; or that the Board grant an extension to locate a manager; or that the Board grant a temporary permit for Ms. Poiette M. Bromell to manage the facility.

Executive Session

MOTION

Mr. McMillan 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. McMillan made a motion to come out of Executive Session. Mr. Price 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 change of manager application based on 40-19-265 (A) (4). The Board does grant permission for Ms. Poiette M. Bromell to serve as temporary manager for six months allowing Mr. Thomas additional time to locate a manager that meets all the legal requirements.

The Board recessed for 15 minutes. Mr. Nelson returned to the meeting.

11. Reconsideration of Request to Retain License Number

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

1. George Funeral Home & Cremation Center – Aiken – Cody Lee Anderson

Mr. William H. Tucker, Esq. and Mr. Cody Anderson appeared before the Board on behalf of George Funeral Home & Cremation Center.

Ms. Holleman informed the Board that the application is complete. Ms. Holleman stated that on August 23, 2019 the Board approved the change of ownership but denied the reinstatement of license number FE.4. Mr. Anderson and Mr. Tucker are before the Board requesting reconsideration of the Board's decision denying the reinstatement of license number FE.4.

Mr. Tucker informed the Board that the historical funeral establishment founded in 1920 by D.M. George has remained in operation through the years by various owners. Mr. Tucker stated that the historical aspect of the funeral establishment is very important to the Aiken community and to Mr. Anderson. Mr. Anderson concurred and asked that the Board reconsider the reinstatement of license FE.4 to George Funeral Home & Cremation Center.

Ms. Holleman informed the Board that George Funeral Home, Inc. owned the facility until FPG of South Carolina purchased it in 2014. Ms. Holleman stated that the corporation remained intact with the shareholders changing only, and then in 2014 the ownership of the establishment changed with its purchased by FPG of South Carolina. Ms. Holleman also testified that the Agency's ReLAES database system would be unable to separate the original license FE.4 ownership information from a new license FE.4 ownership, which could create confusion with recordkeeping as well as potential privacy issues. License numbers serve a recordkeeping function for the Board, and they are issued for that purpose only.

The Board questioned Mr. Tucker and Mr. Anderson regarding the matter, discussion ensued then the Board made a motion to go into executive session to seek legal advice.

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. McMillan 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 based on the lack of continuity of ownership of George Funeral Home. Additionally the Board is concern about potential violations concerning the privacy of previous owners and management as well as the current ownership and management of the Funeral Home. The Board also, has concerns for the potential comingling of data which could lead to confusion in record keeping. Mr. McMillan seconded the motion, which carried unanimously.

Mr. McMillan departed from the meeting.

12. Licensure by Endorsement

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

1. Marie Harrelson Thompson

Ms. Marie Harrelson Thompson and Mr. Brandon Roberts appeared before the Board on her behalf.

Ms. Holleman informed the Board that the application is complete. Ms. Thompson initially licensed February 23, 2018 as a Funeral Director/Embalmer in North Carolina. The license is active in good standings. Ms. Thompson does not have a criminal background. Ms. Thompson completed a 24 month apprenticeship in North Carolina.

Ms. Thompson attended Fayetteville Technical Community College, Fayetteville, NC, receiving her Associate in Science in Funeral Service Education on May 13, 2015. Ms. Thompson passed the National Board Examination in Science on March 7, 2015 and the National Board Examination in Arts on February 28, 2015.

Ms. Thompson addressed the Board, confirming that she completed a 24 month apprenticeship and is asking that the Board approves her licensure by endorsement.

The Board questioned Ms. Thompson regarding this matter and reviewed the North Carolina Funeral Service license requirements.

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. Nelson 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 grants Ms. Thompson licensure by endorsement upon her successfully taking and passing the State Law exam for South Carolina, as the requirements of North Carolina are substantially similar to those of South Carolina and Ms. Thompson has met those requirements. Mr. Dickerson seconded the motion, which carried unanimously.

13. Approval of Funeral Director and/or Embalmer Application

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

1. Carlton Bryony Haltiwanger

Mr. Robert Elam recused himself. Ms. Mary League, Advice Counsel, temporarily served in Mr. Elam's stead. Mr. Carlton Bryony Haltiwanger appeared before the Board on his own behalf.

Ms. Holleman informed the Board that the application is complete. Mr. Haltiwanger completed his apprenticeship on May 26, 2012. He does have a criminal background. Mr. Haltiwanger attended Piedmont Technical College, Greenwood, SC receiving his Funeral Director's Certificate on December 7, 2018. Ms. Holleman stated that Mr. Haltiwanger is asking the Board to approve his Funeral Director's application.

Mr. Haltiwanger explained the circumstances surrounding his criminal background report and provided a written explanation in the packet to the Board. He stated that began attending Piedmont Technical College in 2015. However, due to sustaining serious injuries in an accident, he did not complete his education until December 2018. Mr. Haltiwanger's current employer is Levy's Funeral Home.

The Board questioned Mr. Haltiwanger regarding this matter. The Board made a motion to go into executive session to seek legal advice.

Executive Session

MOTION

Mr. Dickerson 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. 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 asked that Advice Counsel read the motion, which states that the Board conditionally approves Mr. Haltiwanger's application allowing him to take and pass all requisite examinations. The approval is subject to him reporting the disposition of the pending criminal charge immediately upon its resolution. The final disposition may necessitate Mr. Haltiwanger reappearing before the Board for further action.

Mr. Robert Elam returned to the meeting.

14. Approval of the Revised Funeral Inspection Form

Ms. Holleman presented the revised Funeral Inspection form to the Board. The Board reviewed the form and made the following recommendations:

1. List the following separately
 - a. Public restroom - Handicapped accessible
 - b. Water fountains
 - c. Accessibility to and throughout the facility
2. Remove "Retail Sales Outlet" as a type of facility.
3. Create a separate Inspection form for "Retail Sales Outlet"
4. Remove "Chapel" as a type of facility (The Board agreed a Chapel is a Branch)
5. Remove the inconsistent question marks "?"

The Chair called for a motion in this matter.

MOTION

Mr. Baxter made a motion to accept the form with the Board's new revisions. Mr. Dickerson seconded the motion, which carried unanimously.

15. Discussion and Action: Delegation of authority to Board Chair to Issue Cease & Desist for unlicensed practice (Advice Counsel)

Mr. Elam explained the current process for issuing a Cease & Desist for unlicensed practice requires that the complaint moves through the investigative process; subsequently approved by the Investigative Review Committee; then submitted to the licensing Board for approval; thereafter the Cease & Desist executed and served on the offender.

Mr. Elam explained that in an effort to better protect the public, the agency has recommended a more efficient process that would circumvent the waiting period, and provide a more direct avenue for the Board's approval. Mr. Elam stated that the agency has requested that each Board/Commission delegate authority for the Board/Commission Chairperson to sign the Cease & Desist order for unlicensed practices by individuals in the State of South Carolina. The Board discussed the matter and agreed the urgency to deter an unlicensed individual from practicing in this State would provide protection to the public.

MOTION

Mr. Nelson made a motion that the Board grants authority for the Board Chair to issue Cease & Desist for unlicensed practice. Mr. Dickerson seconded the motion, which carried unanimously.

16. Legislative Updates

Ms. Holleman informed the Board that the proposed Funeral Bill did not make the crossover, however it is in year one of a two year cycle.

17. Executive Session for Legal Advice, If Needed

18. Public Comments (no votes taken)

19. Adjournment

Mr. Gray called for a motion to adjourn.

MOTION

Mr. Nelson made a motion to adjourn the meeting. Mr. Dickerson seconded the motion, which carried unanimously.

Mr. Gray, after ensuring there being no further business to discuss, adjourned the April 24, 2019 meeting for the South Carolina State Board of Funeral Service at 2:55 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is June 5-6, 2019 at 10:00 a.m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.