

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., April 26, 2018
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Thursday, April 26, 2018

1. Meeting Called to Order

Charvis K. Gray, Vice President, of Piedmont, called the regular meeting of the South Carolina State Board of Funeral Service to order on April 26, 2018 at 10:05 a.m. Jeffrey K. Temples, President, of Columbia arrived at 10:30 a.m. and presided over the remainder of the meeting. Other board members present for the meeting included: 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; Darryl Dickerson of Goose Creek; Stephen R. Gantt, of Greenwood arrived at 10:15 a.m.; and Landis D. Price II, of Leesville arrived at 10:30 a.m.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Erin Baldwin, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; and William Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Jeremy Wayne Sweeney; Patrick M. Campbell, Marlette Gambrell and Breck Gambrell of The Standard Cremation & Funeral Center and The Standard Crematory; Jonathan P. Holley, Sylvia W. Holley, and Anthony Jerome Cooke of JP Holley Funeral Home – Bishopville Chapel; Aurelio DuPriest Givens of A. D. Givens Funeral Services, LLC; Anthony Jerome Bracey, Jr. of Collins Funeral Home, Inc.; Rion P. Rampey, Executive Director, South Carolina Funeral Directors Association; 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.

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. Stephen L. McMillan, Jr. was not in attendance.

MOTION

Ms. Cooper made a motion to approve Mr. McMillan's absent. Dr. DuPre seconded the motion, which carried unanimously.

4. Approval of Minutes for the February 21, 2018 board meeting

Mr. Gray called for a motion to approve the minutes for the February 21, 2018.

MOTION

Mr. Baxter made a motion to approve the February 21, 2018 minutes. Ms. Cooper seconded the motion, which passed unanimously.

5. President's Remarks – Mr. Gray presiding

Mr. Gray said good morning to all attending.

6. Administrator's Remarks – Amy Holleman

Ms. Holleman reported that the Board's cash balance at the end of March 2018 was -\$667,112.33.

Ms. Holleman gave the Board an update on renewals. At the time of the meeting, 178 Funeral Directors/Embalmers, 67 Funeral Directors, one Embalmer, and 47 Funeral Establishments renewed. The Board asked if the renewals would take their cash balance out of the negative. Ms. Holleman informed the Board that she did not believe it would this cycle.

Ms. Holleman informed the Board of revisions to the National Board Exams and that the fees, which are paid directly to the provider, will increase. The fees are as follows: \$285.00 for each the National Arts and the Science exam; and 570.00 for the full NBE effective August 1, 2018.

Ms. Holleman reported the following changes:

Funeral Establishment Change of Managers

FE#	Name of Funeral Establishment (FE)	Name of former Manager	Name of New Manager	Effective Date
463	Kornegay Funeral Home of Elgin Chapel	C Grainger Kornegay III	George Vanmetre Kornegay Jr.	3/16/2018
55	Kornegay Funeral Home Camden Chapel	C Grainger Kornegay III	George Vanmetre Kornegay, Jr.	3/16/2018
143	Backus Funeral Home LLC	Poiette McGill Bromell	Draper Germaine Myers	04/24/2018

Funeral Establishment Change of Facility's Name:

FE#	Former Name of Funeral Establishment (Branch)	New Name of Funeral Establishment	Effective Date
144	Cain-Calcutt-Stephens Funeral Home	Cain-Calcutt Funeral Home	03/26/2018

Mr. Gantt arrived at the meeting at 10:15 a.m..

7. Reports

A. Inspection Report

Mr. Poole informed the Board that he and Mr. Adams conducted 100 inspections between February 12, 2018 and April 16, 2018.

B. Investigative Review Committee (IRC) Report

Ms. Holleman presented the IRC recommendations to the Board to dismiss cases 2017-30, 2017-42, 2017-50, 2017-51, and 2018-11; and a formal complaint for case 2017-46.

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.

C. Office of Investigations and Enforcement (OIE) Report

Ms. Holleman presented the OIE report to the Board. As of April 25, 2018, the cases received between January 1, 2018 and April 17, 2018 were: 32 active; three open cases; two closed cases, one pending Board action and one pending consent agreement review for a total of 39 cases. There were 3 cases closed and 3 do not open between January 1, 2018 and April 17, 2018.

Mr. Gray deferred the Office of Disciplinary Report for later in the meeting.

D. Office of Disciplinary (ODC) Counsel – Erin Baldwin

Ms. Baldwin reported nine open cases.

The Board recessed for five minutes and returned to session at 10:31 a.m. Mr. Temples and Mr. Lan Price joined the meeting. Mr. Temples presided over the remaining session.

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. A. D. Givens Funeral Services, LLC – Camden – Aurelio DuPriest Givens

Mr. Aurelio DuPriest Givens appeared before the Board on behalf of A. D. Givens Funeral Services, LLC.

Ms. Holleman informed the Board that the application is complete and that Mr. Givens requests that the Board approve the new funeral home with him as the manager. Mr. Givens, #FD 3233, initially licensed on January 6, 2006, resides 12.3 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that A. D. Givens is the sole member, and that A. D. Givens Funeral Services, LLC is the owner and parent company.

Mr. Givens informed the Board that he proposed to open a funeral establishment which is currently under renovations in Camden, SC. He anticipates the completion within 90 days. Mr. Givens affirmed that he has read and understands the state laws. Mr. Givens asked that the Board approve his application with him as the manager.

The Board questioned Mr. Givens regarding the application. The Board asked if he would remain the manager at Trezevant Funeral Home when he opens the new establishment. Mr. Givens replied he would not remain manager at Trezevant Funeral Home.

MOTION

Mr. Horton made a motion that the Board approves the new facility application pending final inspection. Mr. Gray seconded the motion, which carried unanimously

2. Collins Funeral Home, Inc. – Camden – Anthony Jerome Bracy, Jr.

Mr. Anthony Jerome Bracy, Jr. appeared before the Board on behalf of Collins Funeral Home, Inc.

Ms. Holleman informed the Board that the application is complete and that Mr. Bracy requests that the Board approve the new funeral home with him as the manager. Mr. Bracy, #FDE 3572, initially licensed on January 21, 2011, resides 25 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that the owner of the facility is Bracy Funeral Service Group, LLC with Mr. Bracy as the sole member. Bracy Funeral Service Group, LLC is purchasing all shares of Collins Funeral Home, Inc. Ms. Holleman stated Bracy Funeral Service Group, LLC is the parent company.

Mr. Bracy concurred with Ms. Holleman's statements and stated that the business has been in operation for 104 years. Mr. Bracy stated a relative is the previous owner, and asked that the Board allow the establishment to keep its current license number. Mr. Bracy affirmed that he has read and understands the laws and regulations.

The Board questioned Mr. Bracy regarding the application.

MOTION

Mr. Horton made a motion that the Board approves the change of ownership with Mr. Bracy as the manager of record pending the final inspection and that the funeral establishment retains its current license number. Mr. Dickerson seconded the motion which carried unanimously.

Ms. Holleman informed the Board that The Standard Cremation & Funeral Center and The Standard Crematory share the same owner. The Board agreed to hear the applications jointly.

3. The Standard Cremation & Funeral Center – Anderson – Patrick M. Campbell

Mr. Patrick M. Campbell appeared before the Board on behalf of The Standard Cremation & Funeral Center.

4. The Standard Crematory – Anderson – Patrick M. Campbell

Mr. Patrick M. Campbell appeared before the Board on behalf of The Standard Crematory.

Ms. Holleman informed the Board that the applications are complete and that Mr. Campbell requests that the Board approve the new funeral home with him as the manager. Mr. Campbell, #FDE 2599, initially licensed on February 17, 2000, resides seven miles from the facilities, and does not have a criminal background. Ms. Holleman informed the Board that the owner of the facilities is The Standard Cremation & Funeral Center, Inc. and that the same is the parent company.

Mr. Campbell stated he is proposing a new funeral establishment in Anderson, SC anticipating new construction starting in June 2018 with an anticipated opening for operation date in January/February 2019. He informed the Board that construction for both the Funeral Home and the Crematory will be simultaneously. Mr. Campbell stated that he has read and understands the laws and regulations. Mr. Campbell inquired about the allowable form of advertisement if approved. The Board informed him only a "Coming Soon" sign without contact information.

The Board questioned Mr. Campbell regarding the applications.

MOTION

Mr. Gray made a motion that the Board approves the new facilities with Mr. Campbell as the manager of record pending final inspection and that the facilities must be open for operation within one year. If the facilities are not open within one year, the applicant must reapply. Mr. Horton seconded the motion, which carried unanimously.

9. Approval of Additional Facility

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

1. JP Holley Funeral Home – Bishopville Chapel – Anthony Jerome Cooke

Mr. Anthony Jerome Cooke, Mr. Jonathan P. Holley, and Ms. Sylvia Holley appeared before the Board on behalf of J. P. Holley Funeral Home – Bishopville Chapel.

Ms. Holleman informed the Board that the application is complete and that Mr. Cooke requests that the Board approve the branch with him as the manager. Mr. Cooke, #FD 2094, initially licensed on August 20, 1991, resides 22.07 miles from the facility, and does not have a criminal background. Ms. Holleman informed the Board that Mr. Cooke, currently employed full-time with the Kershaw County School District, will maintain his employment while managing the Funeral Establishment.

Ms. Holleman informed the Board that JJJHS, Inc. is the owner and that J. P. Holley Funeral Home is the parent company.

Mr. Cooke concurred with information presented to the Board by Ms. Holleman. Mr. Cooke stated that his employer, Kershaw County School District provides him with a flexible schedule that would allow him to be present 35 hours per week at the funeral home. Mr. Cooke stated he has read and understands the laws and regulations.

The Board questioned Mr. Cooke regarding the application.

Executive Session

MOTION

Mr. Horton 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. Baxter seconded the motion, which carried 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

Mr. Dickerson made a motion that the Board approves the new facility application with Mr. Cooke as the proposed manager pending final inspection. Mr. Baxter seconded the motion, which carried unanimously.

Mr. Horton excused himself at 11:15 a.m. Dr. DuPre made a motion to take a 15 minute recess. Mr. Price 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. Jeremy Wayne Sweeney – Tennessee

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

Ms. Holleman informed the Board that Mr. Sweeney initially licensed March 30, 2014 as a Funeral Director/Embalmer in Tennessee and that the license is active in good standing. Ms. Holleman stated that Mr. Sweeney attended Gupton-Jones College of Mortuary Science, graduating on August 17, 1979 and John A. Gupton College, Nashville, TN receiving an Associate of Arts Degree on December 27, 2012. Ms. Holleman stated Mr. Sweeney is requesting that the Board approve his application for licensure by endorsement.

Mr. Sweeney stated that he initially licensed Tennessee in 2014 and has since relocated to South Carolina. Mr. Sweeney stated that he is asking the Board to approve his application for licensure by endorsement.

The Board reviewed the licensing statutes/laws for Tennessee and questioned Mr. Sweeney regarding this matter. The Board asked Mr. Sweeney has he obtained a South Carolina driver's license. Mr. Sweeney stated he is in the processing of obtaining a South Carolina driver's license. The Board asked Mr. Sweeney has he read and understands the laws and regulation. He replied that he has looked at the laws and regulations.

Executive Session

MOTION

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

Return to Public Session

Mr. Gray made a motion to come out of Executive Session. Mr. Baxter seconded the motion, which carried 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 that the Board accepts Mr. Sweeney's licensure by endorsement application pending he takes and passes the law exam within 90 days. Mr. Gray seconded the motion, which carried unanimously.

Disciplinary

11. Approval of Consent Agreement (CA) – Erin Baldwin

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

1. Case No.: 2017-6

Ms. Erin Baldwin presented the Consent Agreement to the Board.

Ms. Baldwin informed the Board that the Respondent, Myrtle Beach Funeral Home Inc., is licensed by the Board as a Funeral Establishment located in Myrtle Beach, South Carolina and was duly licensed at all times relevant to the matters set forth herein.

The Respondent admits:

1. that the conduct in this matter is in violation of S.C. Code Ann. § 32-8-25(A)(2), in that Respondent cremated human remains without a completed cremation authorization form executed by the decedent's agent which provided all the required information
2. the conduct in this matter is in violation of S.C. Code Ann. § 32-8-340, in that Respondent failed to allow twenty-four hours from the time of death prior to cremating the decedent.

The Respondent agreed that:

1. Respondent's license shall be publicly reprimanded.
2. Respondent's license shall be placed in a probationary status for a period of one (1) year from the effective date of this Agreement.
- 3 Respondent shall pay a civil penalty of Two Thousand Dollars (\$2,000.00) to the Board within thirty (30) days of the effective date of this Agreement. Said fine is not deemed paid until received in full by the Board. Failure to pay the fine as ordered may result in a suspension of the referenced licenses until such time as the civil penalty is paid in full.

Mr. Temples called for a motion in this matter.

MOTION

Ms. Cooper made a motion to accept the Consent Agreement. Mr. Baxter seconded the motion, which carried unanimously.

2. Case No.: 2016-38

Ms. Erin Baldwin presented the Consent Agreement to the Board.

The Respondent initially licensed July 10, 1991 as a Funeral Director and Embalmer by the South Carolina State Board of Funeral Service. The Respondent was duly licensed at all times relevant to this matter. The complaint was filed on or about May 6, 2016.

The Respondent stipulates and admits that Respondent is a Funeral Director/Embalmer and Manager at Funeral Home (License No.: FE 555), and that on or about December 21, 2015, a person contacted Respondent to handle funeral arrangements for the decedent. The Respondent, who was a longtime friend of decedent's family, met with the decedent's family, but did not provide them with a General Price List ("GPL") and did not execute a contract for goods and services as required by law. The Respondent told the agency's investigator that since

decedent did not have insurance nor money for the burial, he, the Respondent intended to provide the services without charge, given the circumstances he did not think that a GPL or contact was required.

The Respondent admitted to collecting \$1,000.00 from the family to assist with the funeral cost.

The Respondent is in violation of S.C. Code Ann. § 40-19-110 (14) (1976, as amended) in that Respondent violated a state or federal law or municipal or county ordinance or regulation concerning funeral establishments or the practice of funeral service.

Therefore, It is agreed with Respondent's consent that:

1. Respondent's license shall be publicly reprimanded.
2. Respondent's license shall be placed in a probationary status for a period of one (1) year from the effective date of the Agreement.
3. Respondent shall pay a civil penalty of Five Hundred Dollars (\$500.00) to the Board within ninety (90) days of the effective date of the Consent Agreement. Respondent shall also pay an additional Three Hundred and Ninety Six Dollars (\$396..100) for the costs of the investigations, for a total fine of Eight Hundred and Ninety-Six Dollars (*896.00) to be paid within 90 days.

Mr. Temples called for a motion in this matter.

MOTION

Dr. DuPre made a motion to accept the Consent Agreement. Ms. Cooper seconded the motion, which carried unanimously.

12. Discussion: Crematory Operator Task Force

Ms. Holleman informed the Board that in the February 2018 the Board decided to form a Crematory Operator Task Force consisting of a few board members, legal counsel, staff, and a few members of each association.

Ms. Holleman informed the Board that the South Funeral Directors' Association submitted the following names: Josh Campbell of Goldfinch Funeral Services, Inc.; Ruple Harley, JR., CFSP of Harley Funeral Home & Crematory; Zac Elwood of Gray Funeral Home and Bob Parks, CFSP of J. Henry Stuhr, Inc. The South Carolina Morticians Association has not submitted a list recommending members for the task force. Mr. Dickerson agreed to provide the South Carolina Morticians Association recommendations (names) at the next board meeting.

After discussing the matter, the Chair with the consent of the Board decided to move the Crematory Operator Task Force appointment to the next Board meeting agenda.

13. Discussion: S185

Ms. Holleman informed the Board that on March 12, 2018 the Governor signed S185.

Definitions

SECTION 1. Section 40-19-20 of the 1976 Code is amended to read:

"Section 40-19-20. As used in this chapter:

- (1) 'Advertisement' means the publication, dissemination, circulation, or placing before the public an announcement or statement in a newspaper, magazine, or other publication in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, or tag, or over radio, television, or Internet. The term does not include funeral or death notices and obituaries.

(2) 'Aiding and abetting' means allowing or permitting an Internet service provider, unlicensed person, establishment, or entity to engage in the practice of funeral service, embalming, cremating, or conducting business as a funeral home, funeral establishment, crematory, or mortuary; provided, however, that 'aiding and abetting' does not include the publication, dissemination, circulation, or placing before the public by an Internet service provider of an advertisement prepared by an unaffiliated or unlicensed person or entity.

Unprofessional conduct, advertising, requirements

SECTION 2. Section 40-19-110(2) of the 1976 Code is amended to read:

"(2) using false or misleading advertising or using the name of an unlicensed person in connection with that of a funeral establishment. An advertisement must include the physical address of the funeral home, funeral establishment, mortuary, or crematory where the advertised services will be provided. The board shall promulgate regulations establishing additional requirements for advertisements relating to providing funeral services, including Internet advertisements;"

Ms. Holleman asked the Board if they would give her the OK to send an email blast to licensees and update the Board's website to include information in the Board News section.

MOTION

Mr. Gray made a motion that Board staff sends an email blast to the licensees providing the updates to the statute. Mr. Price seconded the motion, which carried unanimously.

Ms. Holleman asked for guidance regarding listing unlicensed individuals on advertisements on funeral websites and/or any funeral service advertisement citing Section 40-19-110 (2) of the statute. The Board, with legal counsel, discussed promulgating regulations requiring licensees to list individual license number and a photo on advertisements; and list the title/position of others/unlicensed individuals included in the advertisement.

Thereafter, the Chair directed legal counsel and the administrator to formulate proposed requirements that would govern advertisements relating to providing funeral services, and to present the proposed requirements to the Board.

14. Discussion: South Carolina State Board of Funeral Service Travel Budget

Ms. Holleman presented the Fiscal Year 2019 to the Board. Ms. Holleman stated that the Director asked each Board/Commission in conjunction with its Administrator provide a travel budget for Fiscal Year 2019. Ms. Holleman provided information on past budgets and presented the projected budget for the upcoming year.

Ms. Holleman stated after carefully reviewing the travel budget with Mr. Temples, the Board Chairperson, a modest savings would occur if the Board's scheduled meetings change to two days every other month.

Ms. Holleman provided the following information:

Historical			
Fiscal Year	In State	Out of State	Total
2015-2016	\$16,495	3,055.03	\$18,550.03
2016-2017	20,885.84	1,425.00	22,310.84

Projected 2017-2018 Fiscal Year Budget

Note: The projected budget was submitted for approval; however, the **approved** budget for fiscal year **2017-2018** is **\$17,600.00**.

Fiscal Year	In State	Out of State	Total
2017-2018	\$20,000 Projected	\$5,500 projected	\$25,500 projected

YTD Expenditures of 04/25/2018			
Fiscal Year	In State	Out of State	Total
2017-2018	\$11,442.63	\$1579.13	\$13,021.76

Note: Out-of-State include Administrator's travel to annual International Conference meeting. In-State Travel expenses include Board meetings and Administrator's mileage for a continuing education speaking event.

Proposed Budget			
Fiscal Year	In State	Out of State	Total
2018-2019	\$14,508	\$5,340	\$19,848

Ms. Holleman informed the Board that the current proposed in-state travel budget includes six two day meetings with all Board members present, mileage, meals, and hotel accommodations (excluding per diem) based on their historical behaviors. Ms. Holleman stated that the proposed out-of-state budget includes travel expenses to the 2019 International Conference (February 26 – March 1, 2019) in San Diego, California for the Board Administrator and two Board members. This is an estimated amount based on current flights rates, the 2018 GSA hotel rates, anticipated expenses, per diem, and other covered expense.

The Board reviewed the present and past budgets. The Board voiced its concern that the current expenditures will surpass the allotted FY'18 budget prior to year ending creating a deficit. The Board stated that based on the projected figures and the historical data it would not knowing approve a budget that would in effect create a deficit prior to year ending.

The Board emphasized that the Board provides a needed service to the profession, the local communities, and the state. The Board agreed that decreasing the budget would not be responsible because they must travel to and from the Agency for meetings, and The Conference's Annual Meeting is invaluable to the Administrator and board members. The members diligently reviewed, calculated, and revisited the proposed budget. The members commenting on the rising cost to operate the Board and the economic impact of inflation determined that based on previous cost and expenditures the Fiscal Year 19 budget should be increase to \$26,000.00 applying 20,000 in-state travel and \$6,000 out-of-state travel.

Mr. Temples called for a motion in this matter.

MOTION

Ms. Cooper made a motion to approve the Fiscal Year 2019 budget to be increase to \$26,000 applying \$20,000 to the in-state expenses and \$6,000 to the out-of-state expenses. Mr. Baxter seconded the motion which carried unanimously.

The Board decided, in order to save on expenditures, beginning July 2018, a change to the scheduled Board meetings to be every other month held for two consecutive days with the first being disciplinary and the second applications.

Because of the every other month schedule, the Board cancelled the September 13, 2018 scheduled meeting.

The Board decided that the upcoming May 2018 meeting will be disciplinary only.

Mr. Temples called for a motion in this matter.

MOTION

Ms. Cooper made a motion to that the Board approves the new schedule to meet every other month for two consecutive days beginning July 2018. Mr. Baxter seconded the motion, which carried unanimously.

15. Executive Session for Legal Advice, If Needed

16. Public Comments (no votes taken)

17. Adjournment

Mr. Temples called for a motion to adjourn.

MOTION

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

Mr. Temples, after ensuring there being no further business to discuss, adjourned the April 26, 2018 meeting for the South Carolina State Board of Funeral Service at 1:10 p.m.

The next scheduled Board meeting for the South Carolina State Board of Funeral Service is May 22, 2018 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.