

1 **MINUTES**  
2 **South Carolina Board of Funeral Service**  
3 **Board Meeting**

4 10:00 a.m., Monday, July 22, 2013  
5 Synergy Business Park  
6 110 Centerview Drive, Kingstree Building Room 108  
7 Columbia, South Carolina  
8

9 **Monday, July 22, 2013**

10 **1. Meeting Called to Order**

11 Kenneth E. Beasley, of Fountain Inn, President, called the regular meeting of the SC Board of  
12 Funeral Service to order at 10:49 a.m. Other Board members present for the meeting  
13 included: Wallace McKnight, Jr., Secretary, of Andrews; Charlie Bradford Evans, of Abbeville;  
14 Michelle Cooper, of Moncks Corner; William B. Horton, Jr., of Kingstree; Mark R. O'Steen, of  
15 Spartanburg; and, Jeffrey K. Temples, of Columbia.

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17 Staff members participating in the meeting included: Wendi Elrod, Program Assistant; Jeanie  
18 Rose, Administrative Assistant; Doris Cubitt, Administrator; Mary League, Advice Counsel,  
19 Office of Advice Counsel; Erin Baldwin, Office of General Counsel; Ernest Adams, Inspector,  
20 Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and  
21 Enforcement; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; and,  
22 Sharon Cook, Investigator, Office of Investigations and Enforcement.

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24 Members of the public attending the meeting included: Tiffany Gibson, of SC Department of  
25 Consumer Affairs (SCDCA); Matalie Mickens, of SC Department of Consumer Affairs (SCDCA);  
26 Lou Ann Pyatt, of the SC Morticians Association (SCMA); Mike Squires, of the SC Funeral  
27 Directors Association (SCFDA); Lorin Palmer, of Palmer Memorial Chapel; Joseph E. Harper, of  
28 Divine Mortuary; Ricky Fernandez, of Divine Mortuary; Thomas Gullatt; Darlene Bostick; Tammy  
29 Burris; Ada Ferguson, of Ada's Home for Funerals; Derrick Williamson; Martha Wise, of White  
30 Rose Crossing; Alicia Brooks, of Jackson-Brooks Funeral Home; Skip Mikell, of Suburban  
31 Funeral Home; Brooks Palmer, of Jackson-Brooks Funeral Home; Douglas McDougald, of  
32 McDougald Funeral Home; Palmer Fielding, of Palmer Memorial Chapel; William Allen Galloway  
33 Allen, of Allen Funeral Home; Vivian Galloway, of Allen Funeral Home; Synetra DeLoach, of  
34 Walker's Mortuary; David Johnson; Isiah Johnson; Brian W. Myers, of McCollom-Myers  
35 Mortuary; Bobby Sweet, of Allen Funeral Home; and, Vikki Palmer, of Palmer Memorial Chapel.

36  
37 a. **Public Notice**

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

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43 b. **Pledge of Allegiance**

44 All present recited the Pledge of Allegiance.

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46 **2. Introduction of Board Members and Persons Attending the Meeting**

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

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**3. Approval of Excused Absences**

Thomas E. Baker, II, Vice President, of Kershaw; and, John L. Petty, III, of Landrum were granted excused absences.

**MOTION**

Mr. Temples made a motion that the Board approve Mr. Baker's, and Mr. Petty's absences. Mr. O'Steen seconded the motion, which carried unanimously.

**4. Approval of Minutes for the June 5, 2013, Meeting**

**MOTION**

Mr. Evans made a motion that the Board approve the minutes for the June 5, 2013, meeting as they are. Mr. Temples seconded the motion, which carried unanimously.

**5. President's Remarks – Kenneth Beasley**

Mr. Beasley welcomed everyone to the meeting and thanked everyone for attending.

**6. Administrator's Remarks – Doris Cubitt**

Ms. Cubitt stated that the board has a new advice counsel, Ms. Mary League.

She stated that the back entrance to the LLR building will be locked and that is why we collected all board members ID badges so we make sure they have access to the building from 8:30 am to 5:00 pm.

Ms. Cubitt informed the board members that LLR has now implemented the secure website policy, so all board meeting packets will have to be viewed from the secure website.

She informed the Board that Consumer Affairs had a change in the laws, and we provided them with a copy of the preneed contract law changes for their review.

Ms. Cubitt discussed establishing a policy on if an apprentice's apprenticeship has been expired over five years, then they should pass the FD &/or EMB exams before going before the Board to see if they have to serve some or all of their apprenticeships again.

**MOTION**

Mr. O'Steen made a motion that the Board adopt policy for apprentices to take and pass the funeral director and/or embalming exam before they appear before the board again to see if they need to serve some or all of the apprenticeship again. Mr. Evans seconded the motion, which carried unanimously.

Ms. Cubitt stated that we have received a question on if a chapel should be required to have six (6) adult full size caskets on display as stated by law.

**MOTION**

Mr. Horton made a motion that the Board adopt policy that if the chapel is used to meet with families at that location then they should have six (6) adult full size caskets available on the premise for display. Mr. McKnight seconded the motion, which carried unanimously.

97 **7. Reports**

98 A. Inspection Report

99 Mr. Adams reported that there have been about 116 inspections completed since June  
100 4, 2013.

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102 **MOTION**

103 Mr. Horton made a motion that the Board accept this as information. Mr. Temples  
104 seconded the motion, which carried unanimously.

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106 B. Investigative Review Committee (IRC) Report

107 Ms. Wolfe said the IRC recommended four cases to be dismissed, 2013-2, 2013-10,  
108 2013-28, and; 2013-36. There is one cease and desist case, 2013-27. There are six  
109 cases for formal complaint, 2013-5, 2013-19, 2013-20, 2013-24, 2013-25, and; 2013-32.

110  
111 **MOTION**

112 Mr. Evans made a motion that the Board approve the IRC recommendations. Mr.  
113 Temples seconded the motion, which carried unanimously.

114  
115 C. OIE Report

116 Ms. Wolfe stated that there are twelve active cases, one do not open case, seventeen  
117 pending board action, and 32 cases have been closed from January 1, 2013, to July 18,  
118 2013. The oldest case is 128 days old.

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120 **MOTION**

121 Mr. O'Steen made a motion that the Board accept this as information. Mr. Temples  
122 seconded the motion, which carried unanimously.

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124 D. Office of General Counsel

125 Ms. Baldwin presented the Board with the report from the Office of General Counsel  
126 (OGC). She included in the report that OGC opened 31 cases, 27 cases are pending  
127 action, two cases pending memorandum of agreement, one pending hearing, and one  
128 has appealed.

129  
130 **MOTION**

131 Mr. O'Steen made a motion that the Board accept this as information. Mr. McKnight  
132 seconded the motion, which carried unanimously.

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134 **8. Disciplinary Hearing**

135 **9. Case No. OIE – 2012-3**

136 Case No. 2012-3 – The Unity Mortuary (FE 373)

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

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141 A motion for continuance was received from Mr. J. Kirkman Moorhead, Esq., of Krause,  
142 Moorehead and Draisen, PA, on behalf of Mr. Roosevelt Thompson regarding this matter.

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**MOTION**

Mr. Temples made a motion the Board grant the continuance. Mr. O'Steen seconded the motion, which carried unanimously.

**10. Case No. OIE – 2012-27 & 2012-28**

Case No. 2012-27 & 2012-28 – McDougald Funeral Home (FE 12)

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

Mr. Evans, Mr. Horton and Mr. Temples stated they know Mr. McDougald and will recuse themselves if Mr. McDougald wishes. Mr. McDougald stated that will not be necessary.

Ms. Baldwin presented that on July 21, 2007, Mr. Mark Rowland, with McDougald Funeral Home conducted a funeral service without an executed contract prior to the funeral services being performed. Respondent billed the Complainant for ten thousand eight hundred eighty-four dollars and seventy-four cents (\$10, 884.74) for services performed in relation to the funeral. Ms. Baldwin stated they are presenting a memorandum of agreement (MOA).

Mr. McDougald represented his father and funeral home since his father was unable to attend. Mr. McDougald stated that the deceased passed away in Virginia and the family wanted to ship him back to Anderson, SC for burial. The family stated they would meet with the funeral once they returned to Anderson, so the funeral home made arrangements for the funeral without a signed contract. The wife and son of the deceased drove from Virginia to make final arrangements for the funeral but failed to sign the contract since it was such a late hour.

In the meantime the original case has been cancelled since it was on Mr. Mark Rowland which has since passed away. So a new case has been opened on the funeral home and manager since Mr. Rowland's passing.

**MOTION**

Mr. Temples made a motion the Board accept the Memorandum of Agreement as exhibit number one. Mr. Evans seconded the motion, which carried unanimously.

**Executive Session**

**MOTION**

Mr. O'Steen made a motion that the Board enter into executive session for legal advice. Mr. Horton seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Horton made a motion that the Board return to public session. Mr. Temples seconded the motion, which carried unanimously. Mr. Beasley noted for the record that no official action was taken during executive session.

**MOTION**

Mr. O'Steen made a motion the Board publically reprimand the funeral home manager, Mr. Douglas C. McDougald, Jr. Ms. Cooper seconded the motion, which carried unanimously.

194 **New Business**  
195 **11. Application Hearings**

196 Facility

197 1. Divine Mortuary – Ricky Fernandez

198 Mr. Harper stated that he and Mr. Michael A. Glenn had a verbal ownership agreement. He  
199 stated now that ownership agreement has been dissolved and he wishes to continue owning  
200 the funeral home, and Mr. Fernandez is the proposed manager.

201  
202 Mr. Evans inquired on if Mr. Fernandez is still a fourth grade teacher as the application  
203 indicates. Mr. Fernandez stated he is. Mr. Evans stated that the law states the manager  
204 must be at the funeral home during normal business hours. He then inquired on what are  
205 the hours of operation of the funeral home. Mr. Fernandez stated the funeral home is open  
206 from 8:00 am to 4:00 pm. Mr. Evans then inquired on what hours he works as a fourth  
207 grade teacher. Mr. Fernandez stated he works at the school from 7:30 am to 3:15 pm. Mr.  
208 Evans asked if the funeral home has any other funeral directors at the funeral home. Mr.  
209 Fernandez stated he is the only licensed person at the funeral home.

210  
211 **Executive Session**

212 **MOTION**

213 Mr. Horton made a motion that the Board enter into executive session for legal advice. Mr.  
214 Temples seconded the motion, which carried unanimously.

215  
216 **Return to Public Session**

217 **MOTION**

218 Mr. McKnight made a motion that the Board return to public session. Mr. O'Steen seconded  
219 the motion, which carried unanimously. Mr. Beasley noted for the record that no official  
220 action was taken during executive session.

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222 **MOTION**

223 Mr. Temples made a motion the board grant Mr. Fernandez a temporary license to manage  
224 the funeral home for 30 days. Mr. Harper will have to reappear before the board at the  
225 October 24, 2013, Board meeting where he will have to show proof that Mr. Fernandez can  
226 work a minimum of 35 hours a week at the funeral home. Or a new application will need to  
227 be submitted for a new manager that will be about to meet the manager requirements. Mr.  
228 O'Steen seconded the motion, which carried unanimously.

229  
230 2. Palmer Memorial Chapel – Lorin P. Palmer

231 Ms. Palmer stated that she purchased this funeral home through probate after the passing  
232 of her uncle. She stated since this is still her family's funeral home she would like to keep  
233 the same license number.

234  
235 Mr. Evans asked if she has read and understands the laws and regulations. She stated she  
236 has and she understands. Mr. Evans stated that his understanding of the process is when  
237 there is a change in ownership then they cannot keep the same license number.

238  
239 **MOTION**

240 Mr. Horton made a motion that the Board approve this application, and honor the current  
241 inspection report since it was inspected in July 2013. He also stated in his motion that the  
242 Board deny her request to keep the same license number, but she can keep the old license

243 hanging on the wall with the new license. Ms. Cooper seconded the motion, which carried  
244 unanimously.  
245

246 3. White Rose Crossing – Martha Rose Wise

247 Mr. Temples stated he has knowledge of this retail sales outlet and will recuse himself if Ms.  
248 Wise wishes. Ms. Wise stated that may be best. So Mr. Temples was recused.  
249

250 Ms. Wise stated that she wishes to open a retail sales outlet and she is the proposed  
251 manager. She stated they will be doing a celebration of life so it will make it personal to the  
252 family. She informed the board that they will be planning clothing, music, flowers, and  
253 catering. She stated they will not have anything to do with the remains of the deceased.  
254

255 Mr. Horton stated that if the Board allows the opening of the retail sales outlet, he causes  
256 her to be careful not to cross the line to where they are offering services that a licensed  
257 funeral home would.  
258

259 She stated that she has someone that has worked in the funeral home business for years so  
260 she will not cross that line.  
261

262 **MOTION**

263 Mr. Horton made a motion that the Board approve this application pending a favorable  
264 inspection. Mr. O'Steen seconded the motion, which carried unanimously.  
265

266 Lunch Break

267 **MOTION**

268 Mr. O'Steen made a motion that the board break for lunch at 1:00 pm and reconvene at  
269 2:00 pm. Mr. Temples seconded the motion, which carried unanimously.  
270

271 Location change

272 1. Michael A. Glenn Funeral Home –Change of Location – Michael A. Glenn  
273

274 Table until Mr. Glenn can appear.  
275

276 Request to take exams license expired over 5 years

277 1. Timothy Leslie Brightharp – Funeral Director/Embalmer  
278

279 Table until Mr. Brightharp can appear.  
280

281 Request to accept Apprenticeship expired over 5 years

282 1. Synetra Walker DeLoach – Funeral Director

283 Ms. DeLoach submitted her apprenticeship application since she served her apprenticeship  
284 in 2003. and completed, but it has expired since that was over five years ago. She stated  
285 that she has been taking the exams but hasn't passed yet. She wants to continue taking  
286 the exams until she passes.  
287

288 **MOTION**

289 Mr. Evans made a motion for the Board deny her request to serve her apprenticeship at this  
290 time. He stated she needs to continue taking the exam until she passes the exams. Then  
291 come back before the Board to see if the apprenticeship will need to be completed again.  
292 Mr. Temples seconded the motion, which carried unanimously.

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Request to serve Apprenticeship 4th time

1. Brooks Navdin Palmer – Apprentice Funeral Director

Mr. Palmer stated that he wishes to serve his apprenticeship for the fourth time. He stated that he will be moving closer to the funeral home so he can meet the 35 hours a week requirement. Ms. Brooks stated she is Mr. Palmer’s aunt and is his proposed supervisor, and she will make sure he works a minimum of 35 hours a week.

**Executive Session**

**MOTION**

Ms. Cooper made a motion that the Board enter into executive session for legal advice. Mr. Temples seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Evans made a motion that the Board return to public session. Mr. O’Steen seconded the motion, which carried unanimously. Mr. Beasley noted for the record that no official action was taken during executive session.

**MOTION**

Mr. Temples made a motion for the Board accepts Mr. Palmer’s application to serve his apprenticeship and complete the education so he can take the exams. Mr. O’Steen seconded the motion, which carried unanimously.

Request to serve Apprenticeship at different locations

1. J Bobby Sweet – Apprentice Funeral Director

Mr. Sweet was going to request to serve his apprenticeship at two separate funeral homes under the supervision of one supervisor. The second funeral home is a branch of the first funeral home.

They have now changed his apprentice application so he will serve under a different supervisor so he can now work at one funeral home.

Request for Apprenticeship applicant has other full-time employment

1. Darlene Marie Bostick- Apprentice Funeral Director

Ms. Bostick stated she works as an E I Coordinator from 8:30 am to 4:30 pm and wishes to serve her apprenticeship nights and weekends.

Mr. Horton inquired on what hours she will work at the funeral home. She stated she will work 4:30 pm to 8:00 pm week nights and 8:00 am to 5:00 pm on the weekends.

Ms. Smooks stated she will be her supervisor and she will make sure that Ms. Bostick completes the 35 hours a week under her direct supervision.

**MOTION**

Ms. Cooper made a motion for the board approve Ms. Bostick’s request. Mr. McKnight seconded the motion, which carried unanimously.

2. Derrick Jermaine Williamson – Apprentice Funeral Director

342 Mr. Williamson stated that he and his supervisor, Mr. Myers, were at the last but had to  
343 leave since Mr. Myers had a funeral service.

344  
345 He stated he wishes to serve his apprenticeship but he does work full time for the State of  
346 SC from 8:30 am to 5:00 pm.

347  
348 **MOTION**

349 Mr. Evans made a motion for the board approve Mr. Williamson's request to serve his  
350 apprenticeship. Ms. Cooper seconded the motion, which carried unanimously.

351  
352 Request for Student applicant

353 1. Tammy Hart Burris - Student Embalmer

354 Ms. Burris has enrolled in the funeral service program at Piedmont Technical College and  
355 wishes to get a student permit. She has charges on her criminal background report but Ms.  
356 Cubitt has approved that the student permit be issued; however, Ms. Cubitt informed Ms.  
357 Burris that the student permit can be issued but the SLED report may prevent her from  
358 getting licensed later. She was given the choice to meet with the Board now or later after  
359 she completes school. She chose to go before the Board now.

360  
361 Ms. Burris read from the Bible about Sampson, Honey and the Lion in Judges 14:6.

362  
363 “<sup>6</sup> And the Spirit of the LORD came mightily upon him, and he tore the lion  
364 apart as one would have torn apart a young goat, though *he had* nothing in his  
365 hand. But he did not tell his father or his mother what he had done.

366 <sup>7</sup> Then he went down and talked with the woman; and she pleased Samson  
367 well. <sup>8</sup> After some time, when he returned to get her, he turned aside to see the  
368 carcass of the lion. And behold, a swarm of bees and honey *were* in the  
369 carcass of the lion. <sup>9</sup> He took some of it in his hands and went along, eating.  
370 When he came to his father and mother, he gave *some* to them, and they also  
371 ate. But he did not tell them that he had taken the honey out of the carcass of  
372 the lion.

373 <sup>10</sup> So his father went down to the woman. And Samson gave a feast there, for  
374 young men used to do so. <sup>11</sup> And it happened, when they saw him, that they  
375 brought thirty companions to be with him.

376 <sup>12</sup> Then Samson said to them, “Let me pose a riddle to you. If you can  
377 correctly solve and explain it to me within the seven days of the feast, then I  
378 will give you thirty linen garments and thirty changes of clothing. <sup>13</sup> But if you  
379 cannot explain *it* to me, then you shall give me thirty linen garments and thirty  
380 changes of clothing.”

381 And they said to him, “Pose your riddle, that we may hear it.”

382 <sup>14</sup> So he said to them:

383 “Out of the eater came something to eat, And out of the strong came  
384 something sweet.”



385 Now for three days they could not explain the riddle.

386 <sup>15</sup> But it came to pass on the seventh<sup>[a]</sup> day that they said to Samson's wife,  
387 "Entice your husband, that he may explain the riddle to us, or else we will  
388 burn you and your father's house with fire. Have you invited us in order to  
389 take what is ours? *Is that not so?*"

390 <sup>16</sup> Then Samson's wife wept on him, and said, "You only hate me! You do not  
391 love me! You have posed a riddle to the sons of my people, but you have not  
392 explained *it* to me."

393 And he said to her, "Look, I have not explained *it* to my father or my mother;  
394 so should I explain *it* to you?" <sup>17</sup> Now she had wept on him the seven days  
395 while their feast lasted. And it happened on the seventh day that he told her,  
396 because she pressed him so much. Then she explained the riddle to the sons of  
397 her people. <sup>18</sup> So the men of the city said to him on the seventh day before the  
398 sun went down:

399 "What *is* sweeter than honey? And what *is* stronger than a lion?"

400 And he said to them:

401 "If you had not plowed with my heifer, You would not have solved my  
402 riddle!"

403 <sup>19</sup> Then the Spirit of the LORD came upon him mightily, and he went down to  
404 Ashkelon and killed thirty of their men, took their apparel, and gave the  
405 changes *of clothing* to those who had explained the riddle. So his anger was  
406 aroused, and he went back up to his father's house. <sup>20</sup> And Samson's wife was  
407 *given* to his companion, who had been his best man."

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409 Ms. Burris stated that at the time of the criminal charges her grandmother had passed and  
410 she couldn't deal with it so she turned to drinking. She stated that her uncle Mr. Herbert  
411 McCray will help her get the charges expunged if needed.

412  
413 Mr. Beasley suggested that she consult with an attorney before she continues because one  
414 of the charges involves the Federal Trade Commission (FTC).

415  
416 Mr. Evans stated that the Board should defer to Ms. Cubitt to handle the approval.  
417

## 418 2. Thomas Cliften Gullatt – Student Embalmer

419 Mr. Gullatt has enrolled in the funeral service program at Piedmont Technical College and  
420 wishes to get a student permit. He has a felony on his criminal background report. Ms.  
421 Cubitt stated that the Board would have to review the criminal background to see if they will  
422 approve the student permit be issued since there is a felony on his record.

423  
424 Mr. Beasley suggested that he consult with an attorney and have the felony expunged prior  
425 to applying for the license.  
426

427 Mr. Horton referred the application for Ms. Cubitt's approval.

428

429 **12. Committee Reports**

430 A. Legislative Committee – Brad Evans

431 Mr. Evans stated that some legislative changes have been adopted.

432

433 Ms. Cubitt stated that many years ago the fees were changed but the law never passed.

434

435 She stated the board was charging the higher fees that hadn't passed in the Regulations.

436 She stated the board was operating with about \$300,000, but in 2011, we had to go back to  
437 the fees that were written in the Regulations.

438

439 Mr. Evans will research fees and report back to the board at the October board meeting.

440

441 B. Examination/CEU/Education – Jeff Temples, Mark O'Steen

442 This committee had no report.

443

444 C. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed – Billy  
445 Horton, Doris Cubitt

446 This committee had no report.

447

448 **13. Public Comments**

449 No public comments at this time.

450

451 **14. Adjournment**

452 **MOTION**

453 Mr. O'Steen made a motion the Board adjourn. Mr. Horton seconded the motion, which carried  
454 unanimously.

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456 The July 22, 2013, meeting of the SC Board of Funeral Service adjourned at 3:14 p.m.

457

458 The next meeting of the SC Board of Funeral Service is scheduled for October 24, 2013.

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