

MINUTES
South Carolina Board of Funeral Service
Board Meeting

10:00 a.m., March 20, 2014, and 9:00 a.m., March 21, 2014
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

1. Meeting Called to Order

Thomas E. Baker, II, President, of Kershaw, called the regular meeting of the SC Board of Funeral Service to order at 10:18 a.m. Other Board members present for the meeting included: Wallace McKnight, Jr., Vice President, of Andrews; Charlie Bradford Evans, Secretary, of Abbeville; William B. Horton, Jr., of Kingtree; Mark R. O'Steen, of Spartanburg; John L. Petty, III, of Landrum; Michelle Cooper of Monks Corner; Marcus Brown of Anderson; and, Jeffrey K. Temples, of Columbia.

Staff members participating in the March 20, 2014, meeting included: Doris Cubitt, Administrator; Mary League, Advice Counsel, Office of Advice Counsel; Erin Baldwin, Office of General Counsel; Tracey Pearlman, Office of General Counsel; Bryan Letteer, Office of General Counsel; Ernest Adams, Inspector, Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and Enforcement; Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement; Sharon Cook, Investigator, Office of Investigations and Enforcement; and, Amy Holleman, Administrative Assistant.

Members of the public attending the March 20, meeting included: Latyoa Bannister; Secaida Howell; Frederic Watson; Labrita Watson; Leverette Williams, II; Christopher Leevy-Johnson, of Leevy Funeral Home; David Tompkins, of Bostick-Tompkins Funeral Home; Willie A. Tompkins, of Bostick-Tompkins Funeral Home; Gene Stockholm, attorney for David Tompkins; and, Richard Nelson, of Haile's Funeral Home.

a. Public Notice

Mr. Baker announced that public notice of this meeting was properly posted at the SC 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.

3. Approval of Excused Absences

Eddie Nelson, of Blythewood, SC was absent.

MOTION

Mr. Temples made a motion that the Board excuse Mr. Nelson's absence. Mr. McKnight seconded the motion, which carried unanimously.

4. Consent Agreements

1. 2013-19 –G.L. Brightharp & Sons Mortuary, FE.448

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

Ms. Perlman stated that SC DHEC discovered the funeral home, owned by George L. Brightharp, allowed one of its employees, identified by the initials, T.B., to continue to perform funeral directing and embalming services after T.B.'s license expired on June 30, 2006.

Ms. Perlman informed the Board that the State and Mr. Brightharp agreed to a consent agreement for a public reprimand, probation for two years and that the respondent shall not supervise apprentices during that two year period, and a Two Thousand Five Hundred Dollars (\$2,500.00) civil penalty to be paid within ninety (90) days of the date of the consent agreement.

2. 2013-20 –George L. Brightharp, FDE.1795

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

Ms. Pearlman stated that Mr. Brightharp is the funeral director and owner of G. L. Brightharp & Sons Mortuary. SC DHEC discovered that one of the respondent's employees, identified by the initials, T.B., continued to perform funeral directing and embalming services after T.B.'s license expired on June 30, 2006.

Ms. Pearlman informed that Board that the State and Mr. Brightharp agreed to a consent agreement for a public reprimand, probation for two years and that during that two years Mr. Brightharp shall not supervise apprentices, and a Five Hundred Dollars (\$500) fine to be paid within sixty (60) days of the date of the consent agreement.

Executive Session

MOTION

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

Return to Public Session

MOTION

Mr. Evans made a motion that the Board and enter back into public session. Mr. Temples seconded the motion, which carried unanimously.

Mr. Baker noted, for the record, that no votes were taken during executive session.

MOTION

In the matter of Case Numbers 2013-19 and 2013-20, Mr. Temples made a motion that the Board accept the consent agreements as written. Ms. Cooper seconded the motion, which carried unanimously.

3. 2013-32 –Ryan Lybrand Kannaday, FD.3343

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

Ms. Perlman stated that the respondent is the funeral director and owner of Kannaday Funeral Home. The decedent was originally buried in November 1968. The respondent moved the decedent to another gravesite within the cemetery upon the family's request in April 2011, and the respondent failed to obtain the required permit from SC DHEC for disinterment and reinterment of the decedent's remains.

Ms. Perlman informed that Board that the State and Mr. Kannaday agreed to a consent agreement for a public reprimand, probation for one (1) year, and a Five Hundred Dollars (\$500) fine to be paid within sixty (60) days of the date of the consent agreement.

MOTION

Mr. Horton made a motion that the Board accept the consent agreement for Case Number 2013-23 as written. Mr. Petty seconded the motion, which carried unanimously.

5. Disciplinary Hearings

1. 2013-55 – Memorandum of Agreement (MOA) – Haile's Funeral Home, FE.54

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

Ms. Baldwin presented the MOA to the Board in which Mr. Richard Nelson, Funeral Director for Haile's Funeral Home, who signed a waiver of attorney, admitted the following:

- A person known to the Respondent as "I.L." negotiated a preneed contract.
- On or about September 5, 2009, Respondent accepted payment on behalf of I.L.'s preneed contract
- Respondent did not have a license to accept or hold payment made on a preneed contract.

MOTION

Mr. Evans made a motion that the Board accept the MOA.

MOTION WITHDRAWN

Mr. Evans withdrew his motion to accept.

Executive Session

MOTION

Mr. Evans 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. Temples made a motion that the Board return to public session. Mr. O'Steen seconded the motion, which carried unanimously.

Mr. Baker stated, for the record, that no votes were taken during executive session.

MOTION

Mr. Evans made a motion, read by advice counsel, Mary League, that the Board accept the MOA and that the Respondent be publically reprimanded, pay a Five Hundred Dollars (\$500) fine to be paid within thirty (30) days, and that the Respondent's license be placed on probation for a period of two (2) years. Ms. Cooper seconded the motion, which carried unanimously.

2. 2013-24 – Hearing – David Tompkins, FD.2762

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

Ms. Perlman presented the State's allegations and that State's case to the Board. The offenses as stated on the Formal Complaint were as follows:

1. On or about June 28, 2011, Complainant arrived at Bostick-Tompkins Funeral Home in Columbia, South Carolina to style the hair of the body of her deceased mother-in-law.
2. Complainant was taken to a back room to view the body, but the body she was shown was not her mother-in-law. Complainant noticed that her mother-in-law's body had been placed in a viewing room set up for another deceased individual and that body had been dressed in her mother-in-law's clothes.
3. Complainant called the deceased's husband, who came to the funeral home. Respondent took the deceased's husband into his office to discuss the situation. After discussion, he was led to the back room where his wife's body was lying in a coffin wearing the clothes the family brought for her; however, the suit was covered in fluid of some sort, and the body was in general disarray. The family elected to transfer the body to Leevy's Funeral Home.
4. The same day, the body was transferred to Leevy's Funeral Home. Upon receiving the body, the managing director at Leevy's Funeral Home observed the following:
 - a. The body was purging from her mouth and nose.
 - b. The body had been placed in a rubber suit to contain excess leakage.
 - c. Parts of the deceased's outer layer of skin were separating. Known as skin slip, this condition indicated that the body had not received a sufficient amount of embalming fluid.
 - d. The body required a substantial amount of restorative work to reduce the swelling in her face and hands.
 - e. A new casket had to be ordered to replace the one in which the Respondent placed a different deceased woman.

The State's witnesses were: Lavitra Watson, Latoya Bannister, Chris Leevy-Johnson, Leverette William, III, Frederick Watson, and Sharon Cook.

The Respondent's witnesses were: Willie A. Tompkins and David Tompkins.

The Board heard the case as presented by the State and the Respondent.

Executive Session

MOTION

Mr. Horton 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. Horton made a motion that the Board return to public session. Mr. Temples seconded the motion, which carried unanimously.

Mr. Baker noted, for the record, that no votes were taken during executive session.

Mr. Horton requested that the Board's advice counsel, Mary League, state the Board's findings. Ms League said that the Board finds that credible testimony showed that a mix-up occurred and that the Respondent misled the family regarding the mix-up, which the Board finds constitutes unprofessional conduct. They find the Respondent in violation of Sections 40-1-110 and 40-19-110(1). The Board feels that the appropriate sanctions are that the Respondent pay a One Thousand Dollars (\$1,000.00) fine within thirty (30) days of the effective date of the Board's Order and that the Respondent's license to practice be suspended for a period of two (2) years, beginning the effective date of the Board's Order.

MOTION

Mr. Horton made a motion that the Board accept the findings and sanctions of the Board as read by Ms. League, including the stated appropriate sanctions. Ms Cooper seconded the motion, which carried unanimously.

Motion to Recess for Lunch

MOTION

Mr. Evans made a motion that the Board break for lunch until 3:15 p.m. Mr. Petty seconded the motion, which carried unanimously.

Return to Session from Lunch

MOTION

Mr. Temples made a motion that the Board return from lunch. Mr. Petty seconded the motion, which carried unanimously.

For the record, Mr. O'Steen had to leave during the lunch break, and he was unable to return.

3. 2013-5 – Hearing – Carl M. Days, FDE.1912

Mr. Days asked that the Board grant him a continuance so that he could obtain legal representation.

MOTION

Mr. Horton made a motion that the Board grant Mr. Days, the Respondent, a continuance. Mr. Petty seconded the motion, which carried unanimously.

6. Approval of Minutes for the December 12, 2013, and January 21, 2014

MOTION

Mr. Evans made a motion on that the Board accept the meeting minutes for both, the December 12, 2013, and the January 21, 2014, meeting dates, as written. Mr. McKnight seconded the motion, which carried unanimously.

The December 12, 2014 minutes should be amended to show that Jeff Temples worked for Stewart Enterprises, not SCI.

MOTION

Mr. Evans made a motion that the December 12, 2014 minutes be corrected to show that Mr. Temples works for Stewart, not SCI. Mr. Horton seconded the motion, which carried unanimously.

7. President's Remarks – Tommy Baker

Mr. Baker welcomed everyone to the meeting and thanked everyone for attending, and he wished Mr. Petty a happy birthday.

8. Administrator's Remarks – Doris Cubitt

Ms. Cubitt let the Board know that their Financial Report is in their packet, and she would be happy to discuss them with Board members if they had any question.

Ms. Cubitt told the Board members that the Agency could provide Board members with computers to use during the Board meetings, and these computers would be pre-loaded with the Board meeting materials.

Ms. Cubitt reminded all Board members that the economic interest forms are to be completed online by March 30, 2014 by 12:00p.m.

Ms. Cubitt asked for guidance for staff. Could a preceptor charge an apprentice a fee to be their preceptor? The Board said, "no." Ms. League let Ms. Cubitt know that she can let people know she sought guidance from the Board on this issue, and that Board said that they must be paid employees.

Does an unpaid apprentice meet the definition of a "full-time employee?" Mr. Horton noted that if a person is an employee then that person must be paid at least minimum wage.

Staff and legal counsel are looking into the verbiage in the statute and regulations regarding the ability to accept late quarterly reports for apprentices. She will report back to the Board on the matter.

Mr. Evans asked about the internal procedures for quarterly reports. Ms. Cubitt let the Board members know that when the mail is opened and we receive quarterly reports those reports are date stamped by Board staff, the cases are counted, and the reports are scanned and entered into the Agency's database system (ReLAES). Ms. Cubitt explained that Wendi Elrod, who handles the quarterly reports and was absent, would better to explain the processes.

Mr. Horton asked if apprentices will be able to file their quarterly reports online at some point. Ms. Cubitt said that we may move in that direction, but we have to work out details there, especially when it comes to the preceptor reviewing and signing online. Ms. Cook added that signatures are really important when investigating cases, so we need to keep those signatures as long as possible. Mr. Horton mentioned the PIN number system that they use with WebDeath.

Ms. Cubitt and Mr. Temples gave the Board members a report on the trip they took to Orlando for the conference they attended. The conference was incredibly informative, and it was very interesting to find out how other states are handling some of the situations we see. Mr. Temples thanked the Agency, the Board, and the associations for all of the hard work we do in SC, and he noted that so many things we do now, other states are just now introducing in the form of legislation to try to get in their own law books.

One of the things they spent a great deal of time working on at the conference was drafting a model act to protect consumers.

Ms. Cubitt let the Board members know that renewals would go out in the mail soon.

9. Reports

A. Inspection Report

Mr. Pool informed the Board that he and Mr. Adams conducted 56 inspections.

B. Investigative Review Committee (IRC) Report

January 16, 2014 IRC report

Ms Cook presented the Investigative Review Committee (IRC) report from the January 16, 2014 IRC meeting. The IRC recommended that the Board dismiss case numbers 2013-49, 2013-50, 2013-51, and 2013-61; they recommended that the Board issue a Cease and Desist Order and dismiss case number 2013-60; they recommended dismissal with a letter of caution for case numbers 2013-45 and 2013-55; and, they recommended formal complaints for case numbers 2013-34 and 2013-56.

MOTION

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

March 10, 2014 IRC report

Ms Cook presented the Investigative Review Committee (IRC) report from the March 10, 2014 IRC meeting. The IRC recommended that the Board dismiss case numbers 2013-53, 2013-58, 2013-62, 2013-68, and 2013-69; and, they recommended formal complaints for case numbers 2013-63, 2013-64, and 2014-11.

MOTION

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

C. OIE Report

Ms. Cook informed the Board that there are currently 10 active investigations, one do not open case, two closed cases, and one do not open, for sixteen active cases total.

MOTION

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

D. Office of General Counsel

Ms. Perlman presented the Board with the report from the Office of General Counsel (OGC). She included in the report that OGC opened 32 cases, but they disposed of five during that meeting. 14 cases are scheduled, one case pending consent agreement or memorandum of agreement, and the rest are pending final orders.

Ms League distributed the Administrative Law Court (ALC) decision on the Ernest Smith appeal. They court upheld his suspension, but they did not uphold the need for a pardon for his federal felony.

MOTION

Mr. Evans made a motion that the Board accept the OGC report as information. Mr. McKnight seconded the motion, which carried unanimously.

Mr. Baker had to leave the meeting, and asked Mr. McKnight to preside over the remainder of the meeting.

Executive Session

MOTION

Mr. Evans made a motion that the Board enter 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. Temples seconded the motion, which carried unanimously.

Motion to Recess

MOTION

At 4:33 p.m., Mr. Evans made a motion that the Board recess until 9:00 a.m., Friday, March 21, 2014. Mr. Horton seconded the motion, which carried unanimously

March 21, 2014

1. Meeting Called to Order

Thomas E. Baker, II, President, of Kershaw, called the regular meeting of the SC Board of Funeral Service to order at 10:18 a.m. Other Board members present for the meeting included: Wallace McKnight, Jr., Vice President, of Andrews; Charlie Bradford Evans, Secretary, of Abbeville; William B. Horton, Jr., of Kingstree; Eddie Nelson, of Blythewood; John L. Petty, III, of Landrum; Michelle Cooper, of Monks Corner; and, Jeffrey K. Temples, of Columbia;

Staff members participating in the March 21, 2014, meeting included: Doris Cubitt, Administrator; Mary League, Advice Counsel, Office of Advice Counsel; Ernest Adams, Inspector, Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and Enforcement; Jeanie Rose, Administrative Assistant; and, Amy Holleman, Administrative Assistant.

Members of the public attending the March 21, meeting included: Terry Burnham, of Stoudenmire-Dowling Funeral Home, Florence; Dewina Thompson, of the Unity Mortuary; Denise Thompson, of the Unity Mortuary; Jeffery B. Johnson, of the JB Johnson Funeral Home; Angel Dillard, of the JB Johnson Funeral Home; Ben Pratt, of the F. B. Pratt & Son Funeral Home, Inc.; Wayne Pratt, Sr, of the F. B. Pratt & Son Funeral Home, Inc.; Preson Greene, of Greene's Funeral Home of Dillon, SC; Mario Gethers, of Gethers Funeral Home of Monks Corner, SC; Allen Gethers, Jr., of Gethers Funeral Home, of Monks Corner, SC; Greg Edwards, of Elmore Hill MCCreight Funeral Home; Elizabeth Simmons, of the South Carolina Morticians Association (SCMA); Wellie E. Ellison, of Greene Funeral Home of Dillon, SC; Ricky Fernandez, of the Divine Mortuary; Joseph Harper, of the Divine Mortuary; Greg Rollings, of Stoudenmire-Dowlong Funeral Home; Alan King; Mary Ann S. Small-Wylie, of Christopher King Funeral Home; Representative John King, of Christopher King Funeral Home; Nelson King, of Christopher King Funeral Home; Yolanda S Young, of Christopher King Funeral Home; and, Marjorie King, of Christopher King Funeral Home.

a. Public Notice

Mr. Baker announced that public notice of this meeting was properly posted at the SC 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

MOTION

Mr. McKnight made a motion that the Board excuse Mark O'Steen and Marcus Brown from the day's meeting. Mr. Evans seconded the motion, which carried unanimously.

Old Business

4. Application Hearing

New Funeral Home or Ownership change

1. Divine Mortuary – needs manager

The Board gave Divine Mortuary thirty (30) days to get a new manager in place at their last meeting. Mr. Ricky Fernandez is a full-time teacher; therefore, he was not available during the funeral home's normal business hours.

Divine Mortuary submitted a new application in which they changed their hours of operation so that they will only be open during the hours in which Mr. Fernandez is available.

Mr. James Harper, the funeral home's owner, was also present and sworn in. Mr. Harper is not a licensed funeral director.

Mr. Evans asked Mr. Fernandez if it is usual for families to come in late in the day to make arrangements, and Mr. Fernandez said it is normal for families to come to Divine Mortuary late in the day.

Mr. Petty asked Mr. Fernandez how many months a year he works with the Cherokee County Schools, and Mr. Fernandez responded by saying that he works 190 days. Mr. Petty asked if Mr. Fernandez understands he must work 35 hours minimum a week so he would have to work at least one day on the weekend, to which Mr. Fernandez responded that he understood.

Mr. Nelson wanted to know if the funeral home will be open during the day. Mr. Fernandez said that the funeral home will be open for people to come by during the day, but that no arrangements or visitations would occur in hours other than the hours of 3:00 p.m. to 9:00 p.m., or other times Mr. Fernandez would be available. They also have another funeral director who may be there at other times to make arrangements. They only do 12-15 services a year.

Mr. Fernandez understands that as manager of record he is responsible for the actions of others at the funeral home when he is not present.

MOTION

Mr. Petty made a motion that they grant Mr. Fernandez approval to serve as manager of Divine Mortuary given the small number of cases they have a year and the fact that he will be there 35 hours a week. Ms. Cooper seconded the motion, which carried unanimously.

New Business

5. Application Hearings

New Funeral Home or Ownership change

1. J.B. Johnson Funeral Home – Jeffrey Bernard Johnson

Mr. Johnson would like to open up a funeral home, J. B. Johnson Funeral Home, in the building that was once occupied Ferguson Meadows Funeral Home.

Mr. Johnson will not be selling preneed at this time; the facility has already been inspected; and he understands that, as manager, he will be responsible for all that goes on in the funeral home.

Mr. Johnson had two drivers licenses because he moved.

MOTION

Mr. Evans made a motion that the Board approve the application pending final inspection. Mr. McKnight seconded the motion, which carried unanimously.

2. King Funeral Home of Blair SC – Alan Fitzgerald King

Mr. King has two addresses because he works in Charlotte, NC with his family sometimes, but once his funeral home is open, he will only work in SC.

He needs Fairfield County zoning documents as well as a statement from SC DHEC on sewer and septic service because the proposed facility is not on the city waste water system.

MOTION

Mr. Evans made a motion that the Board table this application until Mr. King submits further documentation.

MOTION WITHDRAWN

Mr. Evans withdrew his motion.

MOTION

Mr. Evans made a motion that Mr. King submit a letter from DHEC stating that it is OK to embalm at the proposed facility and a letter from Fairfield County zoning stating acceptable use of the building, then Ms. Cubitt, the Board Administrator, can approve the facility pending final inspection. Ms. Cooper seconded the motion, which carried unanimously.

MOTION

Mr. Horton made a motion that the Board approve this application, pending a favorable preneed letter and the board will honor their last inspection. Mr. McKnight seconded the motion, which carried unanimously.

3. Pee Dee Crematory & Cremation Care – Terry J. Burnham

Appearing alongside Mr. Burnham was the facility's owner, Greg Rollings, who was also sworn in.

This is a new facility. It is on the premises of Stoudenmire-Dowlong.

Mr. Evans asked Mr. Burnham if he understood that he, as manager, is responsible for anything that happens in the funeral home.

Mr. Burnham said he understood.

Mr. Horton, Mr. Temples, Mr. Evans, and Mr. Baker all stated, for the record, that they have personal relationships with Mr. Burnham and Mr. Rollings. All stated that they felt they could be fair. Mr. Rollings stated that no one needed to recuse themselves.

Mr. Burnham corrected the record. Our records showed Mr. Burnham living .4 miles from the funeral home, but it should be 4.5 miles.

The facility has already been inspected.

MOTION

Mr. Petty made a motion that the Board approve the application. Mr. Nelson seconded the motion, which carried unanimously.

6. Reciprocity

1. James Cleveland Wright – Funeral Director/Embalmer

Mr. Wright was not present. The Board moved on to the next item on the agenda.

7. Request for approval of Apprenticeship expired over five years and has other employment

1. Mary Ann Small-Wylie

Along with Ms. Small-Wylie, Representative John King appeared and was sworn in.

Ms. Small-Wylie first applied in 1989, which was before the Agency, Labor, Licensing & Regulation, existed.

Ms Small-Wylie provided a packet for the Board members with all of her applications, funeral service school information, resume, and character affidavits.

Ms. Rose told the Board that Ms. Small-Wylie also has other employment.

Representative King told the Board that Ms. Small-Wylie's employer will work with her to make sure she gets the hours she needs for her apprenticeship.

Executive Session

MOTION

Mr. Nelson made a motion that the Board enter into executive session to seek legal advice. Mr. Evans seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Evan made a motion that the Board return to public session. Mr. Petty seconded the motion, which carried unanimously.

Mr. Baker stated, for the record, that no votes were taken during executive session.

MOTION

Mr. Horton made a motion that Ms. Small-Wylie serve a one year apprenticeship due to changes in the law and industry since 2002, and that Ms. Small-Wylie is eligible to take her exam at any time. Ms. Cooper seconded the motion, which carried unanimously.

Ms. Small-Wylie asked how many cases she needed in that one year apprenticeship. The Board responded that she needs 25 cases.

Mr. Horton asked Ms. Cubitt if people are eligible to sit for the exams after they successfully completely mortuary school? They sit for the national exam as part of the mortuary science program. Mr. Horton then asked how are people eligible to sit for the state exam? Ms. Cubitt replied that we make them eligible once they meet all of the other requirements to license.

8. Request for approval of Apprentice Quarterly Reports

1. Gregory Mack Edwards – Funeral Director/Embalmer

Mr. Horton recused himself and left the Board meeting room.

Mr. Edwards has then number of cases he needs to be complete, but he is missing one quarter (January – March 2012).

Mr. Edwards's preceptor, Robert McCreight could not be present for his hearing.

Mr. Edwards believes he turned in that quarter, and since he is not missing any others, the Board is inclined to give him the benefit of the doubt.

MOTION

Mr. Evans made a motion that the Board accept Mr. Edwards's quarterly report. Mr. Nelson seconded the motion, which carried unanimously.

2. Michael Holbrooks – Funeral Director/Embalmer

Mr. Holbrooks was not present. The Board moved on to the next agenda item.

3. Mr. Richard Harrison Tomlinson – Funeral Director/Embalmer

Mr. Tomlinson was not present. The Board moved on to the next agenda item.

9. Request for Apprenticeship application to have other full-time employment

1. William B. Ellison – Apprentice Funeral Director

Preston Greene also appeared with Mr. Ellison on his behalf, and he was also sworn in.

Mr. Ellison originally completed his apprenticeship in 2007, which was more than five years ago.

Mr. Ellison has a second job with the sheriff's office.

Mr. Evans asked Mr. Ellison if his schedule is flexible with victims services (at the sheriff's department), and is he in charge of all funeral services? Mr. Ellison and Mr. Evans discussed the unconventional hours of someone who works in victims services, and Mr. Ellison confirmed that his job is not necessarily a 9-5 type of position.

Has Mr. Ellison taken his exams? No.

Has Mr. Ellison completed his education? No. He did not go to an accredited school, so he must go back to school.

Does he intend to serve apprenticeship and license one day as a funeral director? Mr. Ellison answered that he does intend to license as he has always wanted to be a mortician.

Executive Session

MOTION

Mr. Nelson made a motion that the Board enter into executive session to seek legal advice. Mr. Evans seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Temples made a motion that the Board enter back into public session. Mr. McKnight seconded the motion, which carried unanimously.

Mr. Baker stated, for the record, that no votes were taken during executive session.

MOTION

Mr. Evans made a motion that the Board approve Mr. Ellison's application to serve his apprenticeship with the understanding that this is Mr. Ellison's third and last opportunity to serve and complete his apprenticeship. Mr. Nelson seconded the motion, which carried unanimously.

Ms. Cubitt asked, for clarification, how long this extension is for, and the Board said that it is a one year extension.

2. Timothy Nathaniel Grant – Apprentice Funeral Director

Mr. Grant was not present. The Board moved on to the next agenda item.

3. Allen Gathers, Jr. – Apprentice Funeral Director

Ms. Cooper recused herself from this hearing and left the Board meeting room.

Mario Gathers stood with Mr. (Allen) Gathers, and he was also sworn in.

Mr. Allen Gathers will be able to be at the funeral home after work and on the weekends.

He is a full-time teacher's assistant.

They will set a schedule in which Mr.(Allen) Gathers will be able to work the full 35 hours a week.

Mr. (Mario) Gathers is aware that he must work the same schedule as Allen Gathers.

MOTION

Mr. Temples made a motion that the Board approve Mr. Gathers's application providing they submit a work schedule to Ms. Cubitt, the Board Administrator, showing his work schedule. Mr. McKnight seconded the motion, which carried unanimously.

4. Benjamin Hunter Pratt – Apprentice Funeral Director/Embalmer

Mr. Wayne Pratt, Sr., appeared with Mr. Benjamin Pratt and was also sworn in.

This is Mr. Benjamin Pratt's second extension. He has the cases, but he still lacks 13.5 months of the required 24 months for his apprenticeship.

Mr. Benjamin Pratt completed Piedmont Technical College in 2012. He currently works full-time as an exercise physiologist with Newberry County Memorial Hospital. His hours vary, and he works Monday – Friday.

Executive Session

MOTION

Mr. Horton made a motion that the Board enter into executive session to seek legal advice. Mr. McKnight seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Evans made a motion that the Board return to public session. Mr. McKnight seconded the motion, which carried unanimously.

Mr. Baker stated, for the record, that no votes were taken while in executive session.

MOTION

Mr. Temples made a motion that we grant Mr. Pratt a one-year extension and that we require a signed affidavit from Mr. Benjamin and Mr. Wayne Pratt for two months so that we have a total of 14 months. Mr. Pratt has one year to take and pass the tests, and we must have a schedule of his hours. Mr. Horton seconded the motion, which carried unanimously.

5. Dewina Laray Thompson – Apprentice Funeral Director/Embalmer

Appearing with Ms. Thompson was Ms. Denise Thompson, who was also sworn in.

Ms. Dewina Thompson is employed at Michelin, where she works a rotating schedule of 48 hours one week and 32 hours the next week. She lives +/- ten miles from Michelin and +/- five miles from the funeral home.

Stanley Rice will be Ms. Dewina Thompson's embalming preceptor, and Ms. Denise Thompson will be here funeral directing preceptor.

Mr. Rice is a trade embalmer, but he has agreed to be at the funeral home any time Ms. Dewina Thompson is working.

The Board expressed concern by the lack of consistency in hours and number of hours total she will work from one week to the next.

The Board let Ms. Thompson know that all of the embalming she does must be done at Unity with Mr. Rice. She cannot embalm at any other funeral home that Mr. Rice works with.

Unity had over 100 cases last year.

MOTION

Mr. Horton made a motion that the Board approve Ms. Dewina Thompson's apprenticeship with the condition that her preceptor, Ms. Denise Thompson, submit a work schedule for the funeral home around the Michelin hours. Ms. Cooper seconded the motion, which carried. Mr Petty and Mr. Evans both voted nay.

The Board instructed Ms. Rose to issue the apprenticeship permit after she receives Ms. Dewina Thompson's work schedule. Mr. Baker suggested Ms. Thompson submit the work schedule to Board staff within thirty days of the meeting.

Mr. Horton commended Board staff.

Mr. Evans asked that the Board schedule a work session before the June 12-13, 2014 Board meeting. Ms. Cubitt let the Board know she would research dates and send them to the Board.

At 11:53 a.m. Mr. Nelson made a motion to adjourn the March 20, and 21, 2014 meeting of the South Carolina Board of Funeral Service. Mr. McKnight seconded the motion, which carried unanimously.

10. Committee Reports

A. Legislative Committee – Brad Evans

This committee had no report.

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

This committee had no report.

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

This committee had no report.

11. Public Comments

No public comments at this time.

12. Adjournment

MOTION

At 11:53 a.m. Mr. Nelson made a motion to adjourn the March 20, and 21, 2014 meeting of the South Carolina Board of Funeral Service. Mr. McKnight seconded the motion, which carried unanimously.

The next meeting of the SC Board of Funeral Service is scheduled for June 12 & 13, 2014.