

**MINUTES**  
**South Carolina Board of Funeral Service**  
**Board Meeting**

10:00 a.m., May 20, 2015  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Wednesday, May 20, 2015**

**1. Meeting Called to Order**

Wallace McKnight, Jr., President, of Andrews, called the regular meeting of the SC Board of Funeral Service to order at 10:08 a.m. Other Board members present for the meeting included: Charlie Bradford Evans, Vice President, of Abbeville; Marcus D. Brown, Secretary/Treasurer, of Anderson; Michelle Cooper, of Monks Corner; William B. Horton, Jr., of Kingtree; Eddie Nelson, of Blythewood; Mark R. O'Steen, of Spartanburg; John L. Petty, III, of Landrum; and, Jeffrey K. Temples, of Columbia.

Staff members participating in the meeting included: Darra Coleman, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Office of Disciplinary Counsel; Wendi Elrod, Program Assistant; Amy Holleman, Administrator; Sharon Cook, Investigator, Office of Investigations and Enforcement; Ernest Adams, Inspector, Office of Investigations and Enforcement; and, Buddy Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons, of the SC Morticians Association (SCMA); Matalie Mickens, of SC Department of Consumer Affairs (SCDCA); Mike Squires, of the SC Funeral Directors Association (SCFDA); Ray Visotski, of Right Choice Cremations; Fred Jordon, of Miracles in Sight; James D. Davis, of Davis Funeral Home; Glenn Walters, Esq., of Glenn Walters & Associates; David Hardee, of Woodridge Memorial Park & Funeral Home; Alicia Clark, of Greenlawn Crematory; Brian Gargis, of Thompson Funeral Home; Scott Lewis; Jamie L. Parks; Samuel Farmer; and, Cedric Lawson.

a. Public Notice

Mr. McKnight 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**

Thomas E. Baker, II, of Kershaw, was granted excused absence.

**MOTION**

Mr. Horton made a motion that the Board excuse Mr. Baker's absence. Mr. Evans seconded the motion, which carried unanimously.

#### **4. Reports**

##### **A. Inspection Report – Ernest Adams**

Mr. Adams informed the Board that he and Mr. Poole conducted 110 inspections from March 12, 2015 to May 13, 2015.

##### **B. Office of Investigations and Enforcement (OIE) Report**

Ms. Holleman read the OIE report, she stated that there are currently 21 active investigations, ten not open cases, two opened cases, and 26 closed cases from January 1, 2015 through May 13, 2015. The oldest active case is 370 days.

##### **C. Office of Disciplinary (ODC) Counsel**

Ms. Perlman presented the Board with the report from the Office of Disciplinary Counsel (ODC). She included in the report that ODC opened 22 cases, two cases are pending action, one case is pending consent agreement (CA) or memorandum of agreement (MOA), eight cases pending hearings, five pending final orders, three cases were closed, and one case appealed.

#### **5. Approval of Minutes for the April 14, 2015 committee meeting & April 15, 2015 board meeting**

##### **MOTION**

Mr. Evans made a motion that the Board approve the minutes from the April 14, 2015, committee meeting and the April 15, 2015, board meeting as written. Mr. Nelson seconded the motion, which carried unanimously.

#### **6. President's Remarks – Wallace McKnight**

Mr. McKnight welcomed everyone and stated he has no further remarks.

#### **7. Administrator's Remarks – Amy Holleman**

##### **A. Financial report**

Ms. Holleman presented the financial report to the Board for review and asked they let her know if they had questions.

##### **B. Administrator Position**

Ms. Holleman stated that the agency will be posting the Administrative Assistant position that she had prior to being promoted to Administrator.

#### **8. Motion for Reconsideration – Tracey Perlman**

##### **1. Case No. OIE – 2014-8 – Whitesell Funeral Home, FE 684**

Ms. Perlman stated that Mr. Whitesell and his attorney, Mr. Cox, are not present so she requested that the matter be tabled in case they appear later.

Ms. Perlman stated that her office contacted Mr. Cox and was informed that they never received the notice of hearing.

#### **9. Approval of Consent Agreements (CA) - Tracey Perlman**

##### **1. Case No. OIE – 2014-3 & 2014-62 – The Brown Funeral Home, FE & Zelma Brown, FDE**

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

Ms. Perlman reviewed the consent agreement (CA) for the record.

Respondents employed Ms. Brown's son, Jerry Brown, who was not licensed by the Board to provide funeral services in the State of South Carolina at any time relevant to this matter.

On or about the following dates, Respondents allowed Mr. Brown to sign goods and services contracts to provide funeral services to members of the public without a license from the Board on December 13, 2013, August 21, 2014, August 22, 2014, and August 29, 2014.

The Respondent admits that the conduct in this matter is in violation of 40-19-110(7) and 40-19-110(15).

The Respondent and the State agree:

Respondents' licenses shall be publicly reprimanded.

Respondents' licenses to practice in this State shall be placed in a probationary status for a period of two (2) years from the effective date of this agreement.

Respondents shall pay a civil penalty of One Thousand Dollars (\$1,000) to the Board within thirty (30) days of the effective date of this agreement.

**MOTION**

Mr. Evans made a motion that the Board accept the consent agreement. Mr. Temples seconded the motion, which carried unanimously.

2. Case No. OIE – 2014-10 – Robert Bethea, III – FDE 1555

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

Ms. Perlman reviewed the consent agreement (CA) for the record.

Respondent stipulates and admits that:

Respondent is the Funeral Director at Bethea Funeral Home located at 2267 Russell St. in Orangeburg, SC.

On or about January 16, 2014, Respondent met with Monica Rolley (Complainant) to provide final arrangements for her husband, the deceased.

Although Respondent provided services for the decedent, Respondent failed to consult with the Complainant and neglected to obtain authorization in writing through a contract regarding the final arrangements.

Complainant was given a verbal offer for the cost of services completed, but she rejected it since she had no input regarding the incidentals involved during the funeral service, such as clothing, programs, limousines and coffin.

Respondent issued an Assignment of Death Benefits to the insurance company for payment with an acknowledgement by a Notary Public; however, the Complainant did not sign the

document before the presence of a Notary Public, but rather other witnesses who can attest that the Notary Public was not there.

Respondent had the deceased buried instead of cremated as the Complainant wished.

The Respondent admits that the conduct in this matter is in violation of 40-19-110, 40-19-110(1), 40-19-110(11), 40-19-290(D), 40-1-110(1)(d), 40-1-110(1)(f), and 57-13(A)(6).

The Respondent and the State agree:

Respondent's license shall be publicly reprimanded.

Respondent's license shall be placed in a probationary status for a period of one (1) year from the effective date of this agreement.

Respondents shall pay a civil penalty of Two Thousand Five Hundred Dollars (\$2,500) to the Board within ninety (90) days of the effective date of this agreement.

Mr. Evans stated that the CA references the term "coffin". So he wanted clarification on if it was a "coffin" or a "casket". He stated that there is a difference between the term "coffin" and "casket". A "coffin" has eight sides and a "casket" has six sides.

Ms. Perlman stated, in this case, it will not matter.

Mr. Evans stated that he wanted to make sure that the Board was using the correct term.

Mr. Nelson stated that the Board needs to receive the hearing material prior to the board meeting date so they may have time to review the material.

Ms. Perlman stated that the Board staff is provided with the consent agreement (CA) prior to the board meeting which should be forwarded to the Board members for review prior to the board meeting date.

Mr. Nelson stated they have received the CA but not the complaint for any exhibits.

Ms. Perlman stated that ODC doesn't give copies of the formal complaint or exhibits anymore in case the CA is rejected, and the Board may hear the case later.

### **MOTION**

Mr. Evans made a motion that the Board accept the consent agreement. Mr. Brown seconded the motion, which carried unanimously.

### 3. Case No. OIE – 2014-29 – Freddie Faison, FDE 2088

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

Ms. Perlman reviewed the consent agreement (CA) for the record.

Respondents stipulate and admit that:

Respondent is the Funeral Director at Samuels-Richardson Funeral Home, FE 432, in Lake City, SC.

On or about August 23, 2013, Respondent retrieved the body of Janie Graham (Decedent).

On or about March 5, 2014, the Death Certification of the Decedent had not yet been filed. This is a violation of the following DHEC regulations, Section 61-19-18(a) and 61-19-18(b). DHEC notified the SC Department of Labor, Licensing and Regulation (LLR) of Respondent's failure to file the Death Certification for Decedent as required.

On or about March 17, 2014, Respondent filed Decedent's Death Certification reflecting an actual or presumed date of death of August 23, 2013.

Ms. Perlman stated that the Respondent admits that the conduct in this matter is in violation of Section 40-19-110(14).

The Respondent and the State agree:

Respondent's license shall be publicly reprimanded.

Respondents shall pay a civil penalty of Five Hundred Dollars (\$500) to the Board within thirty (30) days of the effective date of this agreement.

**MOTION**

Mr. Nelson made a motion that the Board accept the consent agreement. Mr. Temples seconded the motion, which carried unanimously.

4. Case No. OIE – 2014-42 – Good Shepherd Funeral Home, FE 627

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

Ms. Perlman reviewed the consent agreement (CA) for the record.

Respondents stipulate and admit that:

On or about April 3, 2014, Gere B. Fulton, serving in his capacity as President of the Funeral Consumers Alliance of South Carolina (Complainant), requested an appointment with Respondent for the purpose of receiving a copy of Respondent's Guaranteed Price List (GPL).

Respondent, for various reasons, would not set an appointment with Complainant so he could receive a copy of the GPL.

Complainant sent a written request for Respondent's GPL.

Thirty days after the initial request, Complainant received a copy of Respondent's GPL in the mail.

Ms. Perlman stated that the Respondent's actions were in violation of §16 CFR 453.2(4)(i)(A) in that Respondent failed to give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following: (1) The prices of funeral goods or funeral services; (2) The overall type of funeral service of disposition; or (3) Specific funeral goods or funeral services offered by the funeral provider.

She stated that Respondent admits that its conduct in this matter is in violation of Section 40-19-110(14).

The Respondent and the State agree:

Respondent's license shall be publicly reprimanded.

Respondents shall pay a civil penalty of Two Hundred and Fifty Dollars (\$250) to the Board within thirty (30) days of the effective date of this agreement.

### **Executive Session**

#### **MOTION**

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

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

#### **MOTION**

Ms. Cooper made a motion that the Board reject the consent agreement based on the information. Mr. Temples seconded the motion, which carried unanimously.

## **10. Disciplinary Hearing – Tracey Perlman**

### **1. Case No. OIE – 2014-19 – Mitchell Dillard, FDE 1700**

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

Ms. Perlman stated that Mr. Dillard requested a continuance on May 19, 2015, which the President of the Board of Funeral Service denied because Mr. Dillard had already requested two previous continuances on January 22, 2015, and on March 20, 2015, which were granted.

Ms. Perlman stated that Mr. Dillard was notified by phone of the denial, and he said he would not be attending.

#### **MOTION**

Mr. Horton made a motion that the Board proceed with the hearing in Mr. Dillard's absence. Ms. Cooper seconded the motion, which carried unanimously.

Ms. Perlman presented her case for the record.

Witness for the case is: Ms. Sharon Cook.

On or about December 29, 2010, U.A. Thompson, C.E.O. of S.C. Franks Mortuary, sent a letter to the Board notifying the Board that Respondent was the temporary manager of SC Franks. Respondent acted as manager of SC Franks from December 29, 2010, to January 26, 2011.

While acting as manager of SC Franks, Respondent allowed SC Franks to enter into contracts signed by individuals who were not licensed funeral directors. On or about January 7, 2011, Respondent allowed UA Thompson to sign a funeral contract for funeral services of Julia Goldsmith. On or about January 2, 2011, Respondent allowed UA Thompson to sign a contract for the funeral services of Odell Smith.

Respondent signed witness statements acknowledging that UA Thompson signed the funeral contracts for Julia Goldsmith and Odell Smith.

Respondent entered into an agreement on behalf of SC Franks for the funeral services of Silvere M. Peterson. Both Respondent and UA Thompson signed contracts for the funeral services of Silvere M. Peterson.

Respondent sold preneed contracts without being licensed for Gertrude Brown, Daisy Williams, and Carroll Campbell.

Ms. Perlman stated that Respondent violated Section 40-19-110(7), 40-19-110(12), 40-19-110(14), 40-19-110(15), 40-1-110(1)(c), 40-1-110(f) 40-1-110(k), and 32-7-50(A)(1)(a).

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

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

#### **MOTION**

Mr. Horton made a motion that the Board permanently revoke Respondents funeral director/embalmer license and shall pay a civil penalty of Four Thousand Dollars (\$4,000) to the Board. Ms. Cooper seconded the motion, which carried unanimously.

### **Amend Agenda**

#### **MOTION**

Mr. Horton made a motion that the Board amend the agenda to move to item 14) Discussion of Future Board meeting dates, then back to item 11) New Funeral Home or Ownership change. Mr. Evans seconded the motion, which carried unanimously.

### **11. Discussion of Future Board meeting dates**

Mr. Evans stated that the June 10, 2015, Board of Funeral Service meeting should be canceled. He stated he, Mr. Horton, Mr. Baker, Ms. Cooper, and Mr. Petty will all be attending the SC Funeral Directors Association Convention the week of June 7-9, 2015.

#### **MOTION**

Mr. Evans made a motion that the Board cancel the June 10, 2015, meeting. Mr. Horton seconded the motion, which carried unanimously.

**Break**

**MOTION**

Mr. Temples made a motion that the Board take a 10 minute break at 12:00 pm, during which Mr. Horton, Mr. Evans, and, Ms. Cooper will leave the meeting. Mr. Nelson seconded the motion, which carried unanimously.

2. Case No. OIE – 2014-23 – James D. Davis, FDE 1235

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

Mr. Glenn Walters, of Orangeburg, SC represented Mr. Davis.

Ms. Perlman stated that both parties have entered into a Memorandum of Agreement (MOA) so she read the MOA for the record.

Respondents stipulate and admit that:

Between November 1, 2011, and February 20, 2013, Respondent failed to supervise the day-to-day operations at Sunset View Mortuary while acting as manager. Respondent did not sign or approve any contracts for the provision of embalming or funeral services by Sunset View. Respondent did not ensure that all contracts for services provided by Sunset View were properly completed, and some contracts did not possess a signature by a family member of the deceased as required. Respondent allowed all but one death certificate during his time as manager to be signed by other employees without his supervision or approval.

In response, Respondent states that he was unaware of any funeral services contracted during this time.

Between November 1, 2011, and February 20, 2013, Respondent did not work fulltime at Sunset View while acting as Sunset View's manager. Respondent worked sporadically when called by the owner of Sunset View and did not have a set schedule or work a specific number of hours per week.

Ms. Perlman stated that Respondent admits that he was in violation of Section 40-19-20(16), and 40-19-110(14).

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

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



**MOTION**

Mr. Evans made a motion that the Board accept the MOA. And, since the State has proven their case, Respondent is in violation of Sections 40-19-20(16) and 40-19-110(14). The Board feels that the appropriate sanction is for a public reprimand and a fine of \$250. Mr. Petty seconded the motion, which carried unanimously.

**New Business**

**Application Hearings**

**12. New Funeral Home or Ownership change**

1. Greenlawn Crematory – Alicia Clark

Mr. Temples stated he and Ms. Clark know each other and he will recuse himself if she wishes. Ms. Clark stated that will not be necessary.

Ms. Holleman stated that FPG South Carolina, LLC is requesting an ownership change with Ms. Clark as manager.

Mr. Brown asked if Ms. Clark has read and understands the SC laws and regulations as stated on the application that has been submitted.

Ms. Clark stated she has read and understands the SC laws and regulations.

**MOTION**

Mr. Temples made a motion that the Board approve the application with Ms. Clark as manager, honoring the inspection that was done in March 2015. Mr. Nelson seconded the motion, which carried unanimously.

2. Right Choice Cremations – Raymond Visotski

Ms. Holleman stated that Right Choice Cremations South Carolina, LLC is the proposed owner with Mr. Visotski as manager.

Mr. Brown asked if Mr. Visotski has read and understands the SC laws and regulations as stated on the application that has been submitted.

Mr. Visotski stated he has read and understands the SC laws and regulations.

**MOTION**

Mr. Nelson made a motion that the Board approve the application with Mr. Visotski as manager, pending passing inspection. Mr. Temples seconded the motion, which carried unanimously.

3. South Carolina Cremation Society – Alicia Clark

Ms. Holleman stated that FPG South Carolina, LLC is requesting an ownership change with Ms. Clark as manager.

Ms. Holleman informed the Board that this is a branch of Thompson Funeral Home at Greenlawn Memorial Park but will be located at the same location as Thompson Funeral Home of West Columbia, which is owned by Thompson Funeral Home of West Columbia, Inc.

Mr. Temples stated in South Carolina you can't have two funeral homes located at the same location that are owned by different entities.

Ms. Clark stated that Thompson Funeral Home at West Columbia is located at 200 State Street, West Columbia and South Carolina Cremation Society will be in the building behind Thompson Funeral Home of West Columbia located at 210 State Street, West Columbia.

**Executive Session**

**MOTION**

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

**Return to Public Session**

**MOTION**

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

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

Mr. Nelson pointed out that the Board just approved Ms. Clark as manager of Greenlawn Crematory and she must work 35 hours a week and the same applies to the South Carolina Cremation Society.

**MOTION**

Mr. Temples made a motion that the Board approve the application with Ms. Clark as manager, pending passing inspection. Mr. Nelson seconded the motion, which carried unanimously.

4. Whitney Memorial Funeral Home – Richard Scott Lewis

Lewis Funeral Home of Union is requesting an ownership change with Mr. Lewis as manager.

Ms. Holleman stated that Mr. Lewis has a parent funeral home and wishes to open this funeral home as a branch. She stated that this was a funeral home previously named Michael A. Glenn Funeral Home, which closed on February 4, 2015, and before that it was Whitney Funeral Home, which closed on September 11, 2006.

**Executive Session**

**MOTION**

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

**MOTION**

Mr. Brown made a motion that the Board approve the application with Mr. Lewis as manager, pending passing inspection. Mr. O'Steen seconded the motion, five yeas and Mr. Nelson opposed.

5. Woodridge Memorial Park & Funeral Home – David Richmond Hardee

FPG South Carolina, LLC is requesting an ownership change with Mr. Hardee as manager.

Mr. Temples asked if Mr. Hardee works a minimum of 35 hours a week and has read and understands the SC laws and regulations.

Mr. Hardee stated he has read and understands the SC laws and regulations.

**MOTION**

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

**13. Reciprocity**

1. Samuel Farmer, Jr. – Funeral Director/Embalmer

Ms. Holleman stated that Mr. Farmer is applying for a reciprocal funeral director/embalmer license from Missouri.

She stated she is unable to approve his request per Section 40-19-230(A)(2) & (B)(2) since he has a felony on his record.

**Executive Session**

**MOTION**

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

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

**MOTION**

Mr. Temples made a motion that the Board deny Mr. Farmer's request. Mr. O'Steen seconded the motion, which carried unanimously.

**14. Apprenticeship**

1. Jamie L. Parks – Apprentice Funeral Director/Embalmer

Ms. Holleman stated that Ms. Parks is applying for an extension on her funeral director/embalmer apprenticeship so she may complete her education.

Mr. Petty asked how long before her education is complete. She stated one and a half to two years, which are online. She stated she has a baby and works fulltime at the funeral home.

**MOTION**

Mr. Nelson made a motion that the Board grant Ms. Parks' request. Mr. O'Steen seconded the motion, which carried unanimously.

**15. Public Comments (no votes taken)**

No public comments at this time.

**16. Adjournment**

**MOTION**

Mr. Temples made a motion the Board adjourn. Mr. Nelson seconded the motion, which carried unanimously.

The May 20, 2015, meeting of the SC Board of Funeral Service adjourned at 1:42 p.m.

The next meeting of the SC Board of Funeral Service is scheduled for July 23, 2015.