

SOUTH CAROLINA DEPARTMENT OF  
LABOR, LICENSING & REGULATION  
SOUTH CAROLINA BOARD OF FUNERAL SERVICES

BOARD MEETING

MAY 31, 2012

BOARD MEMBERS:

MICHELLE COOPER, CHAIRMAN

EDDIE NELSON

THOMAS BAKER

JEFF TEMPLES

C. BRAD EVANS

JOHN L. PETTY, III

WALLACE MCKNIGHT, JR.

MARK R. OSTEEN

SHERIDON SPOON, ADVICE COUNSEL

This hearing held at the South Carolina Department of Labor, Licensing and Regulation, The Kingstree Building, 110 Centerview Drive, Columbia, South Carolina, and reconvened at the SC Convention Center, reported by Cecelia P. Englert, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said meeting/hearing being held on the 31st day of May, 2012, commencing at 10:00 a.m.

1	CONTENTS:	
2		PAGE
3		
4	Proceedings by Chairman Cooper	4
5		
6	Certificate of Reporter	143
7		
8	Word Index	

9 \*\*\*\*\*

11 EXHIBITS:

12		
13	EXHIBIT NO. 1 - Respondent's application for	
14	licensure in the State of South Carolina.	26
15		
16	EXHIBIT NO. 2 - Sentencing documents related	
17	to the misdemeanor in Connecticut that's related	
18	to the practice of services.	26
19		
20	EXHIBIT NO. 3 - Investigative reports surrounding	
21	the arrest and the investigation.	26
22		
23	MARKED FOR IDENTIFICATION AS AN ATTACHMENT	
24	THE MEMORANDUM OF AGREEMENT.	30
25		

1 STAFF MEMBERS MEMBER ATTENDING:

2

3 DORIS CUBITT, ADMINISTRATOR

4 WENDI ELROD

5 AMY HOLLEMAN

6 JEANIE ROSE

7 JENNIFER COOPER

8 MIKE SQUIRES

9 WILLIAM POOLE

10 SHARON WOLFE

11 ERNEST ADAMS

12 CHRISTA BELL

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23 Court Reporter's note:

24 -- indicates interruption; incomplete phrases; trailing

25 off; unfinished sentences

1                   CHAIRMAN COOPER: I hereby call this  
2 meeting to order. Public notice of this meeting has  
3 been properly posted at the South Carolina Board of  
4 Funeral Service Office, Synergy Business Park,  
5 Kingstree Building, and provided to all requesting  
6 parties and persons, organizations and news media,  
7 in compliance with Section 30-4-80 of the South  
8 Carolina Freedom of Information Act. And we have a  
9 quorum present. If everybody would stand while Mr.  
10 Temples leads us in the Pledge of Allegiance.

11                   (Board members stand to recite the Pledge  
12 of Allegiance.)

13                   CHAIRMAN COOPER: If everybody would  
14 remain standing while Mr. Nelson leads us in prayer.

15                   (Mr. Nelson leads in prayer.)

16                   CHAIRMAN COOPER: Okay. If we can  
17 have the introduction of the board members and the  
18 persons attending this meeting. If we could begin  
19 on my right.

20                   MR. OSTEEN: Mark Osteen,  
21 Spartanburg, South Carolina.

22                   MR. EVANS: Brad Evans, Abbeville,  
23 South Carolina.

24                   MR. TEMPLES: Jeff Temples, West  
25 Columbia, South Carolina.

1 MR. SPOON: Sheridan Spoon, LLR.  
2 CHAIRMAN COOPER: Shelley Cooper,  
3 Moncks Corner, South Carolina.  
4 MR. BAKER: Thomas Baker, Kershaw,  
5 South Carolina.  
6 MR. NELSON: Eddie Nelson,  
7 Blythewood, South Carolina.  
8 MR. MCKNIGHT: Wallace McKnight,  
9 Jr., Andrews, South Carolina.  
10 MR. PETTY: John Petty, Landrum,  
11 South Carolina.  
12 MS. ELROD: Wendy Elrod, LLR.  
13 MS. WOLFE: Sharon Wolfe, LLR.  
14 MS. CUBITT: Doris Cubitt, LLR.  
15 MS. ROSE: Jeanie Rose, LLR.  
16 MS. ADAMS: Ernest Adams, LLR.  
17 MR. POOLE: Buddy Poole, LLR.  
18 MR. DICKINSON: Kelsey Dickinson,  
19 Conway, South Carolina.  
20 MS. MICKENS: Matalie Mickens,  
21 Columbia, South Carolina.  
22 MR. COLLINS: Danny Collins,  
23 Columbia, Department of Consumer Affairs.  
24 MS. PYATT: Lou Ann Pyatt, Columbia,  
25 South Carolina Morticians Association.

1 MS. ARANT: Melissa Arant,  
2 Lancaster, South Carolina.

3 MR. HUNTER: Wallace Hunter, Goose  
4 Creek, South Carolina

5 MR. LEWIS: Kelvin Lewis, Conway,  
6 South Carolina.

7 MR. RAY: Michael Ray, Myrtle Beach,  
8 South Carolina.

9 MR. RICE: Stanley Rice, Laurens,  
10 South Carolina.

11 MS. BELL: Christa Bell, LLR.

12 MS. COLEMAN: Darra Coleman, LLR.

13 MS. ENGLERT: I'm Ciel, the court  
14 reporter. And if all of you would sign in and make  
15 sure it's legibly, so I can read your writing, I  
16 sure would appreciate it, okay.

17 CHAIRMAN COOPER: I think we have  
18 some absences today. Mr. Horton is rather busy and  
19 he won't be here today. And, Ms. Cubitt, you said  
20 that Mr. Beasley's not going to be attending?

21 MS. CUBITT: Right.

22 CHAIRMAN COOPER: We'll have a  
23 motion for approval of these absences.

24 MR. BAKER: Madam Chairman, I make a  
25 motion that we approve the absences as listed.

1 MR. NELSON: Second.

2 CHAIRMAN COOPER: All those in  
3 favor?

4 BOARD MEMBERS: Aye.

5 CHAIRMAN COOPER: Opposed?

6 (NO RESPONSE.)

7 CHAIRMAN COOPER: Everybody's had a  
8 chance to review the minutes from our last meeting.  
9 If there's any concerns or do we have a motion to  
10 approve this?

11 MR. OSTEEN: Madam, so moved.

12 MR. TEMPLES: Second.

13 CHAIRMAN COOPER: All those in  
14 favor?

15 BOARD MEMBERS: Aye.

16 CHAIRMAN COOPER: Looks like the  
17 next thing is the IRC report.

18 MS. WOLFE: Has everyone had a  
19 chance to review the IRC report? Did you have any  
20 questions on the report? If not, we would ask that  
21 you would approve our IRC report.

22 MR. EVANS: Madam Chairman, I make a  
23 motion we approve this IRC report.

24 MR. TEMPLES: Madam Chairman, I will  
25 second that.

1 CHAIRMAN COOPER: All those in  
2 favor.

3 BOARD MEMBERS: Aye.

4 CHAIRMAN COOPER: Opposed?

5 (NO RESPONSE.)

6 CHAIRMAN COOPER: Okay. The OIE  
7 report.

8 MS. WOLFE: Yes. Good morning,  
9 everybody. I hope you had a great Memorial Day.  
10 Didn't get rained out too much, I hope. I ran the  
11 report and received so far this year, we have 22  
12 active and three "do not opens." That's what we  
13 received so far, till May 30th. And we have closed  
14 24 cases, and we had three "do not opens."

15 Last year in the same basic time frame, we had  
16 closed nine cases in that January through May, and  
17 we did not open one, and we had one pending board  
18 action at that time.

19 CHAIRMAN COOPER: Can you tell me  
20 what is a "do not open"?

21 MS. WOLFE: Those are cases that  
22 after review, it does not appear that their  
23 allegations refer to the Practice Act, so we would  
24 not have jurisdiction over them and we would not  
25 investigate.



1           And then we closed in the same time frame a  
2 total of 19 cases and another "do not open."

3           MR. NELSON: I have a question. The  
4 cases that are "do not open," what happens to them?  
5 I mean, if it doesn't come here --

6           MS. WOLFE: We have a complaint  
7 analyst now. I used to review the cases that came  
8 through. Now we have a complaint analyst that  
9 reviews them. If he deems that they do not have  
10 what we would need to open up a complaint, he drafts  
11 a letter to the person that sent in the complaint,  
12 telling them that it will not be pursued. That  
13 letter is then scanned into our system. It's  
14 assigned a case number and it's designated "do not  
15 open." So it's on file, but it's not been opened as  
16 an investigation.

17           MR. NELSON: Going back to the  
18 person who's actually doing the --

19           MS. WOLFE: Complaint.

20           MR. NELSON: -- the complaint.

21           MS. WOLFE: Complainant.

22           MR. NELSON: And it's letting me  
23 know about the complaint.

24           MS. WOLFE: Right.

25           MS. CUBITT: We don't have

1 jurisdiction.

2 MS. WOLFE: We don't have  
3 jurisdiction. We're not opening it. Sometimes it's  
4 civil. You know, sometimes they want compensation,  
5 things like that. There's a whole array of reasons  
6 why we may not open a case. Do you have anything  
7 you wanted to add to that, Doris?

8 MS. CUBITT: Sometimes things are,  
9 for lack of a better terminology, maybe poor  
10 business decisions that are not violations of the  
11 Practice Act, and so that would fall under that. I  
12 mean, they could write and say "Somebody was rude to  
13 me," or "Somebody --

14 MR. EVANS: Do those cases at least  
15 go before the IRC?

16 MS. WOLFE: Yes. No. I'm sorry.  
17 Not "do not opens," no. No. They're reviewed.  
18 They're designated "do not open."

19 MR. EVANS: This one person can  
20 decide what's reviewed or what's not?

21 MS. WOLFE: Yes. They go by the  
22 law. They go through the regulations. And if it's  
23 not in the regulations, then we can't open it.

24 CHAIRMAN COOPER: They then fall  
25 under the board.

1                   MR. EVANS: They deal with the staff  
2 here at LLR?

3                   MS. WOLFE: Yes.

4                   MR. EVANS: Do we know who that  
5 person is? Or --

6                   MS. WOLFE: I don't know.

7                   MS. CUBITT: I don't think so.  
8 That's a fairly new position. It used to be that  
9 the chief investigators looked at the cases and  
10 decided whether it was a "do not open" or not. I  
11 will tell you that occasionally I go up and ask to  
12 see the "do not open" cases and look through them,  
13 to just satisfy myself that --

14                   MR. NELSON: And so in your  
15 searching and looking through those, does it seem  
16 that there is no validity to the things that are  
17 coming up?

18                   MS. CUBITT: If there was something  
19 that I saw that they might have overlooked or that  
20 might need to be at least looked at a little bit  
21 more, we do have a discussion about it.

22                   MR. NELSON: I'm just thinking on  
23 behalf of the consumer, that if we get bludgeoned  
24 with a bunch of "do not open," and a person has some  
25 complaints out there, and it may be some -- but the

1 consumer may look at it and say, "Well, I think it's  
2 a problem in that certain location or certain area."  
3 And then we have this one person just with no  
4 validity to this situation, this incident.

5 MS. CUBITT: It is a very, very low  
6 percentage that are "do not open" cases.

7 MS. WOLFE: Right. I mean, this  
8 year we've only not opened three. So it's not like,  
9 you know, there's stamped, we don't want to mess  
10 with it. You know, they thoroughly go over them.  
11 If he has questions, he asks me. If I have  
12 questions, I call Doris. So we do that.

13 But a lot of times, they're upset because the  
14 funeral didn't carry the flowers like they should  
15 have to the cemetery, you know, things like that.

16 MR. NELSON: I know it's a lot of  
17 things that just people are just persnickety issues  
18 that they may have.

19 MS. WOLFE: Exactly.

20 MR. NELSON: But I just wanted to  
21 make --

22 MS. WOLFE: Right. But there's so  
23 few. I mean, if you look at that, you can see one  
24 "do not open" last year. So it's not problematic.  
25 And if I have questions or Rod has questions, we

1 always confer with Doris.

2 MS. CUBITT: And Rod has called me  
3 on one when he --

4 MR. BAKER: What's his name?

5 MS. WOLFE: Rod Atkinson. He's an  
6 attorney. He's worked here for a while. He's very  
7 thorough.

8 MR. BAKER: Thank you.

9 MR. EVANS: Madam Chairman, before  
10 we move on, I have a quick question. I notice on  
11 our minutes here -- not minutes, the agenda, that we  
12 included in our packets, financial report. There's  
13 no -- there's no acceptance of that financial  
14 report. Should that not be on record, that we  
15 accepted that as it is? Or -- the financial report.  
16 I mean, I'm just --

17 CHAIRMAN COOPER: Yeah.

18 MR. EVANS: Normally don't you  
19 accept it for information purposes only?

20 MR. BAKER: Yes.

21 MR. SPOON: Some sort of formal  
22 statement for the board's information. And if you  
23 have any questions about it as well, you may ask  
24 those.

25 MR. EVANS: No, it's just not on

1 here.

2 CHAIRMAN COOPER: It's not on the  
3 agenda.

4 MR. EVANS: Thank you.

5 MR. BAKER: I make a motion that we  
6 approve the OIE report.

7 MR. NELSON: I second it.

8 CHAIRMAN COOPER: All those in  
9 favor?

10 BOARD MEMBERS: Aye.

11 CHAIRMAN COOPER: Opposed?

12 (NO RESPONSE.)

13 CHAIRMAN COOPER: The inspection  
14 report.

15 MR. ADAMS: Madam Chairman and  
16 members of the board, as you can see on the report  
17 form, Mr. Poole and I have done over 90 inspections  
18 since our last meeting. If you have any questions,  
19 we'll entertain those.

20 MR. NELSON: How many, Mr. Adams?

21 MR. ADAMS: Ninety.

22 MR. NELSON: Nine zero?

23 MR. ADAMS: Yes.

24 MR. NELSON: Y'all have been real  
25 busy this time.

1 MR. ADAMS: Yes, sir. It's two of  
2 us now, so --

3 MR. NELSON: That's great.

4 MR. ADAMS: We can do a lot more.

5 MR. EVANS: Mr. Adams --

6 MR. ADAMS: Yes, sir.

7 MR. EVANS: -- do you -- is there  
8 any consistencies or anything that we need to be  
9 aware of that you're finding, irregularities or any  
10 issues?

11 MR. ADAMS: No, not basically. It's  
12 still the same thing with the GPL, cremation and the  
13 immediate burial prices and casket range. When  
14 folks get their stated prices on their caskets,  
15 somehow or another they forget to go back and change  
16 it on the GPL. If they change the alternative  
17 container or any prices on their casket price  
18 they'll fail to go back to the immediate burial or  
19 the direct burial section and make those changes.  
20 Buddy and I are definitely checking those two  
21 sections, spending some time with them, explaining  
22 it, how to do it and everything, those kind of  
23 things. But any other issues, no, sir.

24 MR. EVANS: Any crematory issues?

25 MR. ADAMS: No, sir.

1                   MR. NELSON: Mr. Adams, excuse me,  
2 not belaboring your report, but I know at our  
3 convention, the South Carolina Mortician's  
4 Convention, there was a handout that was given to us  
5 about the situation that arised in the Columbia  
6 area.

7                   MR. ADAMS: Uh-huh.

8                   MR. NELSON: And we just kind of --  
9 we still kind of making sure that those persons are  
10 going through and doing the same thing, which I know  
11 and you're that way with us.

12                  MR. ADAMS: Right. Well, I do  
13 inspections in Lexington, and I haven't been back to  
14 that section yet. But when I visit those folks  
15 everybody in the area, I reinforce, and Buddy will  
16 also. We're doing that already.

17                  MR. NELSON: Right.

18                  MR. ADAMS: We're telling  
19 everybody LTC came to Columbia, got ten violations.  
20 Several were -- I forget the term, significant, that  
21 the FTC found, which resulted in fines of up to  
22 \$1800, three year's probation and taking proper  
23 programs. And so, it is alive. And those  
24 violations, the significant violations were --  
25 didn't give the GPL out in expeditiously manner.



1 MR. NELSON: Thank you, sir.

2 MR. ADAMS: Uh-huh.

3 MR. BAKER: While we're under  
4 "reports" in the packet, you see the licenses  
5 issued. It says "since May 30th, 2012." That was  
6 yesterday.

7 MS. CUBITT: It should be "as of."

8 MR. BAKER: As of, okay.

9 MS. CUBITT: Uh-huh.

10 MS. WOLFE: Oops.

11 MR. BAKER: That's all right. I was  
12 just wondering.

13 MS. WOLFE: That was actually between  
14 February 8th to May 31st. Sorry about that.

15 CHAIRMAN COOPER: Any other  
16 questions?

17 MR. EVANS: Madam Chairman, I make a  
18 motion that we accept the inspection report.

19 MR. MCKNIGHT: Second.

20 CHAIRMAN COOPER: All in favor?

21 BOARD MEMBERS: Aye.

22 CHAIRMAN COOPER: Opposed?

23 (NO RESPONSE.)

24 CHAIRMAN COOPER: Division of Legal  
25 Services.

1 MS. BELL: Good morning. Christa  
2 Bell, on behalf of the state. I don't know if you-  
3 all have a copy of the case status summary in your  
4 packet or not, but we will pass these out for your  
5 review. Currently, you'll see that we have ten open  
6 cases in the Office of General Counsel, which I  
7 think is the most we've ever had at one given time.  
8 We usually average about three to four, sometimes.  
9 We have ten right now. Seven are actually pending  
10 action, meaning that we got some work to do on  
11 those. Three, which being three that you will hear  
12 today. And on the report it says one, but it's  
13 actually three, will be resolved either through  
14 consent agreements or Memorandum of Agreement. We  
15 have one MOA for today, and then we have one Consent  
16 Agreement, and we have one person that has chosen to  
17 voluntarily and permanently surrender their license,  
18 her license.

19 And then where it says "pending final orders,  
20 two," that is not correct. The three cases that you  
21 have today will be the three cases. There are  
22 actually no cases out there that are pending final  
23 orders. And then we've closed 11 since January of  
24 last year -- right now. I'd be glad to answer any  
25 questions that you may have.

1 MR. TEMPLES: Madam Chairperson, I  
2 make the motion that we accept the OGC caseload  
3 statistics.

4 MR. BAKER: Second.

5 CHAIRMAN COOPER: All those in  
6 favor?

7 BOARD MEMBERS: Aye.

8 CHAIRMAN COOPER: Opposed?

9 (NO RESPONSE.)

10 MS. BELL: Thank you.

11 CHAIRMAN COOPER: Thank you. All  
12 right. Before we have administrator's remarks, we  
13 have Ms. Darra Coleman with us today, who is our new  
14 chief advice counsel. So we'd like to introduce her  
15 to everybody.

16 MS. COLEMAN: Thank you. Thank you  
17 very much, Madam Chairwoman. For just a few  
18 moments, I've informally introduced myself to all  
19 the board members when I came in. I have been here,  
20 now this is I think my 14th day in my tenure. And I  
21 was joking with someone today, I said, "This is the  
22 one board where I know I will be a consumer of their  
23 services," and so I want to get in good with y'all,  
24 because I want you to take care of me somewhere down  
25 the road.

1           But just so that you know who I am and why I'm  
2 here to serve you, I come to you after 14 years in  
3 private practice. I had a general civil litigation  
4 practice, and over the last eight years, I've  
5 appeared in front of various boards here with the  
6 agency and was able to cultivate a wonderful  
7 professional relationship with some of the folks  
8 here. And so when an opening was posted for the  
9 chief advice counsel position, I was happy to throw  
10 my hat the ring, and I'm delighted to be here now,  
11 working with the agency.

12           I hope that someone has told you before what  
13 our job is. But if not, let me reiterate today. We  
14 are here to serve as your lawyers. It is the job of  
15 my office and through Mr. Spoon and Jamie Saxon and  
16 Sara McCartha, we endeavor to facilitate the  
17 efficient and fair operation of all of the boards  
18 and the occupational programs. We are here to help  
19 you in any way.

20           I've given each of you my business card. If  
21 you have a particular concern or question, please  
22 feel free to call me at any time, email me. I have  
23 what I refer to as the "golden handcuff," which is,  
24 you know, the iPhone that stays with me at all  
25 times. So if you have an emergency, I promise I

1 will do my very best to respond promptly.

2 And it's an honor to be here with you. I hope  
3 that y'all will be pleased with the services that  
4 you're receiving through the Office of Advice  
5 Counsel. And if you have any suggestions for  
6 improvement, we are always, always open to those as  
7 well. But thank you. And if y'all will excuse me,  
8 I'm going to go back upstairs and get back to the  
9 salt mine. But thank you very much. I appreciate  
10 it.

11 CHAIRMAN COOPER: Ms. Cubitt, do you  
12 have any administrator's remarks?

13 MS. CUBITT: Oh, yes, ma'am. I sent  
14 y'all a email and included the article that we  
15 received about the FTC suing a funeral home for  
16 failure to disclose prices. They are looking at  
17 that, as Mr. Adams said, and they're looking at it  
18 closely. And I thought it was interesting that the  
19 government is seeking \$80,000 in civil penalties  
20 against this funeral home. And in reading it,  
21 apparently, the first time that there's a problem,  
22 they don't fine, but they -- it's kind of like a  
23 rehab program that they wanted to go into. And they  
24 get some training about the general price list, and  
25 when they have to give things out, and what the FTC

1 rule is. And then there's some monitoring for a  
2 period. And this particular funeral home agreed to  
3 do that, but then never followed up with it and  
4 never did it. And then when they did another one  
5 and there was a violation; they've gone after that  
6 action.

7 So I just want it on the record because I  
8 think it's important for licensees to know that not  
9 only are we looking at it, but the FTC's looking at  
10 it and they've decided that they're going to be  
11 serious about it. So I just wanted to mention that.

12 I also sent you an email about the monks in  
13 Louisiana. Of course while I was trying to get  
14 ready this morning, Fox News had a big thing about  
15 it. Had to stop and check that out. I think the  
16 difference in our position and their position is  
17 that in Louisiana, in order to sell the caskets,  
18 they're requiring that you be a licensed funeral  
19 director. You have to have like a regular funeral  
20 home. You have to have an embalming facilities and  
21 everything. And when the board looked at that and  
22 adjusted the statute for that, y'all chose to go  
23 that they didn't have to be a licensee to sell them,  
24 but they did have to have a retail sales outlet  
25 license.

1           And so I'm sure we'll all be watching that to  
2 see what happens. But I just wanted to make y'all  
3 aware that our situation is different. We're not  
4 doing the same thing that Louisiana was doing.

5           I have gone before -- there's an organization  
6 called The Death Care Regulators Association, and it  
7 deals with -- it deals with cemeteries. It deals  
8 with pre-need sales, which the funeral homes are  
9 involved with. It deals with the complaints and the  
10 audits and the various things involved with that.  
11 And when I have gone to the meetings, I have gotten  
12 a good bit of information. I think it's been  
13 beneficial.

14           They are going to meet September the 16th to  
15 the 19th in Michigan. And if y'all want me to  
16 attend that, I can, but that requires a vote of the  
17 board to send me somewhere. So the costs on it with  
18 the registration and the travel and everything is  
19 about \$1200.

20           And the only other thing I have is to-date,  
21 we've received in 685 renewals, so we have about 25  
22 percent of people that have renewed so far.

23                       MR. NELSON: Were they online?

24                       MS. CUBITT: It's about half and  
25 half right now.

1 MR. NELSON: Okay.

2 MR. EVANS: Ms. Cubitt, I do have  
3 one question. I know that this doesn't have  
4 anything to do with our part of the board part, but  
5 with inspections, DHEC is forming a new permit for  
6 crematories.

7 MS. CUBITT: Okay.

8 MR. EVANS: Hopefully by the end of  
9 the year, that's going to be, and all existing  
10 crematories are going to have to be re-permitted.  
11 Is that something that we're going to followup with,  
12 to make sure that existing crematories will get  
13 that?

14 MR. ADAMS: Yes. If I may, I talked  
15 with the folks at DHEC and we're studying that  
16 possibility. When I first reviewed it, I didn't see  
17 any real big changes in it. But we'll make  
18 everybody aware of it.

19 MS. CUBITT: I need to know if y'all  
20 want me to go to the Regulator's Conference or not.

21 MR. PETTY: I move that we allow her  
22 to go to that conference.

23 MR. TEMPLES: I'll second.

24 MR. OSTEEN: I'll second.

25 CHAIRMAN COOPER: All those in



1 favor?

2 BOARD MEMBERS: Aye.

3 CHAIRMAN COOPER: Opposed?

4 (NO RESPONSE.)

5 MS. CUBITT: Thank you. That's all  
6 I have.

7 \*\*\*\*\*

8 CHAIRMAN COOPER: Are we ready to  
9 move onto the disciplinary hearings?

10 MS. CUBITT: Yes, ma'am. Two of the  
11 things on there are Consent Agreements, and -- we'll  
12 ask Christa. We'll get copies of the Consent  
13 Agreements and pass them out. Were they not -- so  
14 if you have any questions about the Consent  
15 Agreements, we'll be glad to address that issue.  
16 And then we can do the other. You want to do the  
17 Consent Agreements after the hearings? Or whatever  
18 is your pleasure.

19 CHAIRMAN COOPER: Whatever is fine.  
20 Ms. Bell, which way do you prefer?

21 MS. BELL: I am flexible, but I  
22 think on the -- I don't know that the individuals  
23 for the Consent Agreement and voluntary surrender  
24 are here, I guess for those purposes. But Mr. Swan  
25 is here, and that's Case No. 2011-20, so we can move

1 forward with that.

2 MS. BELL: These are hot off the  
3 press; I apologize. That's where I was, making  
4 copies, which is actually entering in a Memorandum  
5 of Agreement this morning in reference to this  
6 matter. It was scheduled to come before you today.

7 So as some of you were aware that have been  
8 through this process before, that the Memorandum of  
9 Agreement the parties have stipulated to certain  
10 findings of fact, and that those findings of fact  
11 amount to a violation of the relevant licensing  
12 laws.

13 And so what I would do at this time, there are  
14 three exhibits that are attached to the MOA.

15 [MARKED FOR IDENTIFICATION AS EXHIBIT NO.  
16 1 - Respondent's application for licensure  
17 in the State of South Carolina.]

18 The first exhibit is the respondent's  
19 application for licensure in this state in 2010.  
20 Exhibit 2 is going to be some sentencing documents  
21 in -- to a misdemeanor in Connecticut that's related  
22 to the practice of services.

23 [MARKED FOR IDENTIFICATION AS EXHIBIT NO.  
24 2 - Sentencing documents related to the  
25 misdemeanor in Connecticut that's related

1 to the practice of services.]

2 And then the third exhibit is actually  
3 investigative reports that surround that arrest and  
4 investigation.

5 [MARKED FOR IDENTIFICATION AS EXHIBIT NO.  
6 3 - Investigative reports surrounding the  
7 arrest and the investigation.]

8 The actual MOA, the facts are -- or the  
9 violation is that the respondent failed to put on  
10 his application for licensure that he was --

11 MR. SPOON: Hang on one second, Ms.  
12 Bell.

13 MS. BELL: Okay.

14 MR. SPOON: I'm sorry to cut you  
15 off. Want to go ahead and call the hearing to order  
16 and things of that nature.

17 MS. BELL: Thank you. I apologize.

18 CHAIRMAN COOPER: Mr. Swan.

19 THE WITNESS: Yes.

20 CHAIRMAN COOPER: You are going to  
21 stand and be sworn in, please.

22 (The witness is sworn in.)

23 COURT REPORTER: And if you'll state  
24 your name for the record.

25 THE WITNESS: Bruce Swan.

1 MR. SPOON: We're going to go ahead  
2 and call the hearing to order. Mr. Swan, if you  
3 don't object I'm just going to say this preliminary  
4 part on behalf of the board and the board chair, the  
5 hearing is called to order. This is the matter of  
6 Bruce A. Swan. Everyone is reminded that these  
7 proceedings are being recorded and that all  
8 witnesses must be sworn before they testify. Mr.  
9 Swan, you've already been sworn. Do you have any  
10 additional witnesses or anything of that nature that  
11 you intend to call?

12 THE WITNESS: I do not.

13 MR. SPOON: Do you have any  
14 documents or other things that you would like as  
15 part of the record at some point?

16 THE WITNESS: I do not.

17 MR. SPOON: All right. You are  
18 present. I know you've already been sworn. Are you  
19 represented by counsel today?

20 THE WITNESS: No, I am not.

21 MR. SPOON: And for your  
22 information, and for the board's information, the  
23 state has provided a copy of the Waiver of Attorney  
24 form; is that correct?

25 THE WITNESS: That's correct. And I

1 signed it.

2 MR. SPOON: All right. So you've  
3 executed a written Waiver of Attorney.

4 THE WITNESS: That's correct.

5 MR. SPOON: All right. And I would  
6 just ask you, generally, and really for the benefit  
7 of you and counsel and for the benefit of the board,  
8 your understanding of the Memorandum of Agreement  
9 process.

10 THE WITNESS: Okay.

11 MR. SPOON: You understand that's  
12 the document that you signed that you are  
13 stipulating to the facts, and those facts are very  
14 similar, if not identical, to the facts that were  
15 alleged in the Formal Complaint.

16 THE WITNESS: Yes.

17 MR. SPOON: All right. Ms. Bell,  
18 does the MOA, I have a copy over here. Does the MOA  
19 also stipulate as to the violation of the Practice  
20 Act?

21 MS. BELL: That is correct. It  
22 does.

23 MR. SPOON: Do you understand that,  
24 Mr. Swan?

25 THE WITNESS: Yes.

1                   MR. SPOON: You stipulate to two  
2 things. That the facts are what the facts are, and  
3 also that they constitute violation of the Practice  
4 Act.

5                   THE WITNESS: Yes, sir.

6                   MR. SPOON: And you understand that  
7 those things having been stipulated, the board's  
8 purpose here today is to determine a sanction.

9                   THE WITNESS: Yes, sir.

10                  MR. SPOON: And you've read and  
11 understood the MOA and you signed it.

12                  THE WITNESS: Yes, sir.

13                  MR. SPOON: Okay. With that I'll  
14 turn it back over to the chairman.

15                  THE WITNESS: Okay.

16                  CHAIRMAN COOPER: Ms. Bell.

17                  MS. BELL: Thank you, Ms. Cooper.  
18 I'm sorry I got ahead of myself here.

19                  CHAIRMAN COOPER: Me, too.

20                  MS. BELL: You have before you today  
21 a Memorandum of Agreement,

22                                 [MARKED FOR IDENTIFICATION AS AN  
23 ATTACHMENT THE MEMORANDUM OF AGREEMENT.]

24 and a case was opened based on a complaint, alleging  
25 that there was -- he was convicted in another state

1 of a crime of moral turpitude. Secondly, that he  
2 did not report that conviction on his Application  
3 for Licensure in this state. So an investigation  
4 was conducted and it was determined that a violation  
5 did occur.

6 As you can see, there's enumerated six  
7 stipulations about the facts. And Mr. Spoon, would  
8 you prefer that I publish those? Is that typically  
9 how you --

10 MR. SPOON: You can make that as  
11 part of the record as you see fit at the appropriate  
12 time.

13 MS. BELL: Okay.

14 MR. SPOON: You said there's six --

15 MS. BELL: Yeah. In the Memorandum  
16 of Agreement --

17 MR. SPOON: They're referenced?

18 MS. BELL: Yeah. There are six  
19 paragraphs that lay out the findings of fact. The  
20 first one is that (As read) "On or about August the  
21 23rd of 2010, the respondent submitted an  
22 application for a Funeral Director/Embalmer License.  
23 On the application, he answered 'no' to Question 13,  
24 which asked, of course, 'Have you been convicted of  
25 or pled guilty or nolo contendere to a felony or a

1 crime involving drugs or moral turpitude,' even  
2 though he had been convicted of a crime of moral  
3 turpitude in the state of Connecticut, as will be  
4 further detailed below." So that, of course, the  
5 state alleges and the respondents agree, is a  
6 violation of the Practice Act.

7 The second paragraph, or No. 2 of the factual  
8 findings, "On or about October the 20th, 2003, the  
9 respondent turned himself in on an outstanding  
10 warrant from the Clinton, Connecticut Police  
11 Department, charging the respondent with Larceny in  
12 the First Degree by Embezzlement and Conspiracy to  
13 Commit Larceny. On May the 3rd, 2004, the  
14 respondent was convicted of" -- and I understand  
15 that it was actually a guilty plea -- to a lesser  
16 included offense. Initially it was a felony. He  
17 pled to a misdemeanor, -- "Larceny Fourth Degree and  
18 was sentenced to a term of one year." However, the  
19 court suspended the one year to three year's  
20 probation. And during the term of respondent's  
21 probation, he was prohibited from working in the  
22 funeral home business, as part of the court's  
23 sentencing order.

24 And No. 2 of your exhibits reflect the court's  
25 sentencing documents related to that conviction.



1 No. 1 of your exhibits is his actual Application for  
2 Licensure in this state.

3 And No. 3, "The underlying conduct that led to  
4 his aforementioned conviction revolved around his  
5 fraudulent activities while working in the funeral  
6 business in Connecticut. Specifically, respondent  
7 was employed by" -- it says Swan Funeral Homes of  
8 Connecticut, but it's not Swan Funeral Home.

9 THE WITNESS: It was a family  
10 business; had sold to SCI.

11 MS. BELL: That's fine. SCI. And  
12 they pre-sold "arranged funeral contracts and he  
13 would receive sales commission, bonuses and override  
14 commissions on his sale. The respondent was  
15 eventually terminated from the company and the  
16 company brought criminal charges against the  
17 respondent."

18 "As part of the conduct that led to his  
19 arrest" -- and this No. 4 -- "the respondent, when  
20 completing insurance funded pre-arranged funeral  
21 agreements, he would place a piece of paper between  
22 some of the copies or fold under one of the copies  
23 to prevent some of the carbon entries from appearing  
24 on at least one of the copies. On the blank or  
25 incomplete copy, the respondent would make several

1 changes and would submit the altered copies to the  
2 sales office to fraudulently receive sales  
3 commissions that were not due to him. The original  
4 page of the contract was provided to the customers,  
5 ensuring that the customers were not defrauded, and  
6 that further concealed the illegal activities. The  
7 investigation revealed, however, that the company  
8 was defrauded out of a total of \$14,372.54, covering  
9 161 of these pre-arranged insurance funded  
10 contracts."

11 And No. 5, "While the respondent served his  
12 probationary sentence, the court ordered that he not  
13 engage in any aspect of funeral service. However,  
14 the respondent did reinstate his Connecticut license  
15 which is currently in active status." And I think  
16 Sharon Cook has confirmed that's right. She's an  
17 investigator with LLR.

18 And then No. 6, "As part of this Memorandum of  
19 Agreement, the following exhibits are attached  
20 hereto, incorporated herein and stipulated to by the  
21 parties." And I think I've enumerated those for  
22 you. But Exhibit 1 is his application for dual  
23 licensure in this state, dated August 23rd, 2010.  
24 Exhibit 2 is the sentencing documents related to the  
25 Larceny in the Fourth Degree conviction. And then

1 Exhibit 3 are certified true copies of the Clinton  
2 Connecticut Police Department underlying  
3 investigation into the activities that led to his  
4 arrest and subsequent conviction.

5 The respondent admits that the above conduct  
6 that he -- he has violated the Practice Act and that  
7 he violated 40-19-110(14), 40-19-200 and 40-1-110-  
8 (1)(a), (f) and (h), and that he was found guilty of  
9 a misdemeanor involving moral turpitude and failed  
10 to disclose the criminal conviction to the South  
11 Carolina Board. And that is the basis for the  
12 Memorandum of Agreement.

13 We would just ask at the end of this hearing  
14 that you may take a sanction that you feel is  
15 appropriate, based on all the facts and  
16 considerations.

17 CHAIRMAN COOPER: Thank you, Ms.  
18 Bell. Mr. Swan, do you have anything you'd like to  
19 say?

20 THE WITNESS: Sure. First of all, I  
21 would like to say how embarrassed and sad I am here  
22 today. For my position, I was completely wrong. I  
23 was part of a group of about 35 pre-need counselors  
24 up in the New England area for SCI. And what this  
25 has to do with the cash advances on the pre-need

1 contract. Again at this point, I was -- I'm not  
2 saying was not wrong. I was dead-wrong for being a  
3 part of the group. But in saying that, it had all  
4 to do with SCI halfway through the years of my  
5 employment with them changing how they paid  
6 commissions on cash advanced dollars. So obviously  
7 we all know how the funeral home side and cash  
8 advance side.

9 Halfway through, they decided not to pay  
10 commissions on those cash advanced dollars, so a  
11 group of us -- and I was part of it -- decided not  
12 to collect the cash advance dollars because it's  
13 easier to sell an \$8,000 pre-need contract than a  
14 \$10,000 pre-need contract. About six months went by  
15 and we were told to now start collecting cash  
16 advances again, or we will not get commissioned on  
17 it. So a group of us -- and I was very much a part  
18 of it -- decided to put a miscellaneous expense of a  
19 thousand or two where we got commission. It was  
20 completely wrong and I am very, very sorry for that.

21 For that, we did that for about two and a half  
22 years with all of our management above us knowing it  
23 was happening and never saying anything; just kind  
24 of turning their head to it. They found out in  
25 Houston it was going on. A contract got faxed down

1 to Houston, Texas, the main headquarters of SCI, and  
2 then decided to take action against 35 of us.

3 Again, all of us were fired at that time. I  
4 just happened to be the first one and paid the price  
5 for it. Again, I'm extremely sorry. I did wrong  
6 and I'm not pointing a finger at anybody but myself.  
7 No one held a gun to my head to make sure I do this.  
8 And at no time was a customer or anybody taken  
9 advantage of or did not get what they received.

10 A group of us wanted to fight SCI as an  
11 internal commission dispute because they were  
12 getting commissions from their insurance company.  
13 They just didn't want to pass it along to the  
14 counselor. They wanted to keep the commission in-  
15 house.

16 Again, that doesn't make what I did right. I  
17 was wrong for doing it. But again, it was only  
18 about the total dollars collected in the pre-need  
19 and us getting commission from SCI. So it's kind of  
20 a very unique case. I hate the words of larceny and  
21 embezzlement because I don't feel like I was  
22 stealing anything, but it is what it is. And I was  
23 dead-wrong for doing it. I've regretted it for --  
24 since 2001 when this all took place. It took till  
25 2004 to get resolved. So, yes, I was wrong for

1 that, and I'm extremely sorry. And I also did not  
2 disclose that on my application into South Carolina,  
3 a mistake. That's what I have to would say.

4 CHAIRMAN COOPER: Why didn't you  
5 disclose it on your application in South Carolina?

6 THE WITNESS: To be honest with you,  
7 about 2009 I got an insurance license before coming  
8 back into the funeral business. And on my SLED  
9 report, it did not show up. So at that point, I  
10 didn't know whether to disclose it or not disclose  
11 it when they did a SLED report. Again, I should  
12 have just disclosed it. I was really nervous. I  
13 was scared and I didn't disclose it. I was dead-  
14 wrong for that.

15 CHAIRMAN COOPER: The insurance  
16 license you got was for regular life insurance?

17 THE WITNESS: Correct.

18 CHAIRMAN COOPER: Not burial  
19 insurance.

20 THE WITNESS: That's correct.

21 CHAIRMAN COOPER: Any of the board  
22 have any questions?

23 MR. TEMPLES: Mr. Swan, did you read  
24 the laws and regulations of the South Carolina  
25 Funeral Directors Board and regulations before you

1 had taken any type of test or anything?

2 THE WITNESS: Before I took any type  
3 of test?

4 MR. TEMPLES: For the pre-need or  
5 license?

6 THE WITNESS: No.

7 MR. TEMPLES: You have not?

8 THE WITNESS: I'm sorry, can you re-  
9 ask the question --

10 MR. TEMPLES: Yes.

11 THE WITNESS: -- the question.

12 MR. TEMPLES: And have you read --  
13 or do you understand the laws of South Carolina?

14 THE WITNESS: Yes, I do, sir.

15 MR. TEMPLES: Okay. And you read  
16 those.

17 THE WITNESS: I read them before I  
18 took my test, yes.

19 MR. TEMPLES: Okay.

20 MR. PETTY: Basically what we're  
21 looking at is No. 13; is that correct? Did he  
22 falsely --

23 MR. TEMPLES: Correct.

24 MR. PETTY: -- fill that out? It  
25 should have been "yes" instead of "no."

1 MS. BELL: That's right.

2 MR. PETTY: That's what we're --

3 MS. BELL: That's right. And it  
4 would have probably put him in the position where  
5 Ms. Cubitt or the administrator would not have  
6 approved the license at the staff level --

7 MR. PETTY: Right.

8 MS. BELL: -- and it would have been  
9 brought before you --

10 MR. PETTY: Yes.

11 MS. BELL: -- to talk about.

12 MR. EVANS: Would that apply to No.  
13 12 too, Christa?

14 MS. BELL: In the complaint, I had  
15 No. 12.

16 MR. EVANS: As far as his license  
17 being revoked.

18 MS. BELL: And that was -- it was,  
19 but it was kind of odd the way -- and Ms. Cook and I  
20 kind of talked about it. But the court, as part of  
21 their sentence, restricted his practice, but the  
22 licensing board in Connecticut did not take any  
23 disciplinary action. And subsequent to the  
24 conviction, I guess maybe his license lapsed and he  
25 was reinstated in Connecticut. So in the formal



1 complaint, I think I did allege that No. 12 -- and I  
2 think there was one other.

3 THE WITNESS: May I answer this? My  
4 license in Connecticut had nothing to do with this.  
5 It lapsed in 2007 because I had gotten out of the  
6 funeral business, didn't think I was going to get  
7 back into it. Made a mistake; never give up your  
8 license that you have. So I simply went back. I  
9 had to do an embalming in the state of Connecticut,  
10 and they reinstated my license. Had nothing to do  
11 with this. The whole scenario of Connecticut knew  
12 about it. It had nothing to do -- basically again,  
13 I was dead-wrong, but it was an internal commission  
14 dispute. And I think anybody that understands that  
15 sees the scenario of it. So, the Board of  
16 Connecticut knew about this because, again,  
17 remember, 35 people from New York, Massachusetts,  
18 Rhode Island and Connecticut were all discharged, so  
19 it was a very big scenario up in that region.

20 CHAIRMAN COOPER: And, Mr. Swan, I  
21 think what Mr. Temples was trying to ask you about  
22 understanding the laws of this state and filling out  
23 your application is a South Carolina SLED catch  
24 report would not reveal anything in Connecticut. So  
25 what was your intentions there?

1 THE WITNESS: At the time, I did not  
2 know. I thought SLED was national. I didn't know  
3 it was just South Carolina. But, again, that  
4 doesn't matter; I was dead-wrong. I should have  
5 done --

6 CHAIRMAN COOPER: Yeah, when you  
7 submit these, they clearly say "South Carolina SLED  
8 catch report."

9 THE WITNESS: Most definitely. I --  
10 I -- I should have said "yes" to that question. At  
11 the time, I was very nervous. It didn't show up on  
12 my SLED report. I didn't know what to do. I said  
13 "no." I should have said "yes."

14 MR. NELSON: Madam Chair, I have a  
15 question, but I'm not sure whether to address them  
16 here now or go into executive session.

17 CHAIRMAN COOPER: Seek legal advice?

18 MR. NELSON: Yeah, seek legal  
19 advice.

20 CHAIRMAN COOPER: Mr. Swan, what did  
21 you do in 2007 when you let your license lapse?

22 THE WITNESS: I had bought a health  
23 club for several years up in Connecticut.

24 CHAIRMAN COOPER: And then you --

25 THE WITNESS: Decided to move to

1 South Carolina, the south, get out of the cold  
2 weather, and went to work here in Charleston, South  
3 Carolina for a funeral home.

4 CHAIRMAN COOPER: At what period did  
5 you sell life insurance?

6 THE WITNESS: For a little bit  
7 before I went to work at the funeral home, for less  
8 than a month. And I was still in training, so I  
9 personally never wrote a policy on my own. I was  
10 licensed. I got licensed and then basically was an  
11 apprentice, an insurance person, for about a month  
12 and then went to work at the funeral home.

13 MR. NELSON: Mr. Swan --

14 THE WITNESS: Yes.

15 MR. NELSON: -- No. 13 -- question  
16 today. And I heard you say several times, or allude  
17 several times to the fact that you were afraid about  
18 not answering truthfully --

19 THE WITNESS: Uh-huh.

20 MR. NELSON: -- but these questions.  
21 But it never dawned on you that if I pick up the  
22 phone and call someone here at LLR to see and  
23 explain the situation to them? Did you --

24 THE WITNESS: Yes. And -- and --  
25 and being a Monday morning quarterback, I -- I

1 definitely should have, yes. And I'm very sorry for  
2 that. I -- I did wrong.

3 MR. NELSON: I just was wondering  
4 when you kept saying that you were afraid, you were  
5 afraid to --

6 THE WITNESS: I -- when I --

7 MR. NELSON: -- get some help from  
8 the other end, that you could have taken that extra  
9 step and then say, "Well, let me call LLR to ask  
10 someone and explain my situation," and get the  
11 feedback from them.

12 THE WITNESS: It's a very unique  
13 scenario, and I think you all understand it because  
14 you're in the funeral business. I think I'd  
15 understand cash advances and that it's a very tough  
16 thing to explain to somebody that doesn't understand  
17 the true concept of what it really was. I should  
18 have done that, yes. Yes, I was wrong.

19 MR. NELSON: Thank you, sir.

20 CHAIRMAN COOPER: Does anybody have  
21 any further questions?

22 MS. BELL: Are y'all interested  
23 maybe in what Mr. Swan's doing now? and if he's  
24 practicing here in South Carolina? I don't know if  
25 that's a question or not.

1                   CHAIRMAN COOPER: That is a good  
2 question. Do you still reside here?

3                   THE WITNESS: I just recently in  
4 January moved to Dallas, Texas, Dallas-Fort Worth,  
5 Texas, to work for a funeral home now, where they do  
6 not require a funeral director's license to sell  
7 pre-need. It's one of those easy states, I guess.

8                   CHAIRMAN COOPER: So you're just  
9 selling pre-need. You're not engaged --

10                  THE WITNESS: I have my insurance  
11 license in Texas, which I just received, and I'm in  
12 the midst of transferring Connecticut funeral  
13 license to Texas. I don't need it to sell in Texas;  
14 I just want to have it. But I do not currently need  
15 it. The reason why I want to have this is I also  
16 work for Trust 100, owned by Scott Pontone, maybe  
17 some of you maybe recognize that name. He is a  
18 third party pre-need company, and he's probably in  
19 about 14 or 15 states and continuing to grow. So  
20 I'd just like to have the license, as the company  
21 grows.

22                  MR. TEMPLES: Madam President, I  
23 make a motion that we go into executive session to  
24 seek legal advice.

25                  MR. NELSON: Second.

1 CHAIRMAN COOPER: All those in  
2 favor?

3 BOARD MEMBERS: Aye.

4 MR. SPOON: Prior to that, is there  
5 any summation from the state?

6 MS. BELL: None from the state.

7 MR. SPOON: Mr. Swan, any brief  
8 summation?

9 THE WITNESS: At this point, no.  
10 Thank you.

11 MR. SPOON: Okay. Thank you.

12 (Executive Session.)

13 MR. EVANS: Madam Chairman, I make a  
14 motion that we come out of executive session, and no  
15 decisions were made, no votes were taken.

16 CHAIRMAN COOPER:: Need a second.

17 MR. EVANS: Second.

18 MR. BAKER: Second.

19 CHAIRMAN COOPER: Let the record  
20 reflect that were no votes were taken during  
21 executive session or no motions were made.

22 MR. NELSON: Madam Chair, at this  
23 time I would like to make a motion that our legal  
24 counsel read --

25 MR. SPOON: And I have been asked to

1 state the motion in this case, in Mr. Swan's case,  
2 on behalf of the board. And the motion will need to  
3 be made and seconded. A motion and disposition of  
4 this matter is for revocation of license and the  
5 imposition of a \$500 civil penalty. Someone will  
6 have to make that motion.

7 MR. NELSON: Madam Chair, I make  
8 that motion. That is my motion.

9 MR. TEMPLES: I second that, Madam  
10 Chair.

11 CHAIRMAN COOPER: All those in  
12 favor?

13 BOARD MEMBERS: Aye.

14 CHAIRMAN COOPER: Opposed?

15 (NO RESPONSE.)

16 CHAIRMAN COOPER: Ms. Bell, also  
17 regarding this matter 40-19-200, we feel like this  
18 information should be forwarded to the proper  
19 authorities, whether they do anything with this or  
20 not. Because under our Practice Act, this is a  
21 misdemeanor, if convicted.

22 MR. SPOON: If I understand it  
23 right, the board, Christa, would like for you to  
24 followup on that, under Section 200 of the Practice  
25 Act. And they understand that it's not something

1           that LLR does directly, but they'd like for you to  
2           followup on that through the Office of General  
3           Counsel procedures.

4                       MS. BELL:   Okay.

5                       CHAIRMAN COOPER:   Okay.   That  
6           concludes this hearing.   Ms. Bell, are you ready to  
7           move forward with the Consent Agreements?

8                       MS. BELL:   Yes, Madam Chair.

9                       CHAIRMAN COOPER:   Excuse me.   Before  
10          we do, my understanding is our new director of LLR  
11          is here.

12                      MR. SPOON:   Mr. Swan, you may be  
13          excused, if you so desire, from where you are.   Your  
14          hearing is concluded.

15                      THE WITNESS:   I'm done?

16                      MR. SPOON:   Yes, sir.

17                      MS. CUBITT:   And there will be a  
18          formal order; is that correct?

19                      MR. SPOON:   That's right.   We will  
20          prepare an order, which you will receive in the  
21          mail.

22                      THE WITNESS:   Okay.   Thank you.

23                      MR. SPOON:   Thank you.

24                               \*\*\*\*\*

25                      MS. PISARIK:   Good morning.   Sorry



1 to be late. I had to testify in front of the LCI  
2 Committee this morning, so I rushed back here to  
3 talk to you-all. So sorry I'm late. But I just  
4 wanted to stop by. I've met several of you and  
5 worked with several of you in my previous capacity  
6 as chief advice counsel. But wanted to stop by an  
7 introduce myself to you-all as the new director of  
8 the agency, and hand out my business card to each of  
9 you. And let you know that it is my job to make  
10 sure that you all are getting everything you need  
11 from LLR to get your board business done. And so I  
12 will make myself available to you-all as a board,  
13 either by attending board meetings to discuss  
14 whatever LLR business you all have, or meeting with  
15 you individually as a board to discuss any issues  
16 that you're having with LLR. And I would love to  
17 work with your board to make sure you're getting  
18 everything you need and make sure we have a good  
19 working relationship and we work together to serve  
20 all of our constituents. So I'm going to give you a  
21 card, and please feel free to contact me if there's  
22 ever anything that I can do for your board.  
23 And I know you-all are busy, so I'll let you get  
24 back to your business. But just wanted to introduce  
25 myself. Thank you.

1 CHAIRMAN COOPER: Thank you.

2 \*\*\*\*\*

3 CHAIRMAN COOPER: I'm sorry Ms. Bell,  
4 whenever you're ready with the Consent Agreements.

5 MS. BELL: Okay. Thank you. I  
6 appreciate it. Do you-all have a copy on the Shafer  
7 matter? Do you have a copy --

8 CHAIRMAN COOPER: Yes.

9 MS. BELL: -- in your packet? Okay.  
10 Great. I made copies, just in case. Mr. Shafer,  
11 just for the record, I was contacted by counsel on  
12 his behalf, Mr. Delaney, Greg Delaney. He did not  
13 sign off on the Consent Agreement, but he is aware  
14 of it, and it was done under my understanding with  
15 the advice and consultation of an attorney.

16 And the facts are that the respondent began  
17 making arrangements for a funeral service on August  
18 the 7th of 2010. The service was actually to be  
19 conducted on August the 8th, 2010. The respondent  
20 admits that -- and I say "they" because it's Mr.  
21 Shafer and it's also the Dantzler-Baker Funeral  
22 Home, so we capture both the funeral home and the  
23 funeral director in the Consent Agreement. But that  
24 they failed to obtain a written signature for the  
25 funeral service contract or provide a disclosure

1 statement, detailing the expenses related to the  
2 service and merchandise at the time the arrangements  
3 were completed and before rendering of the services.

4 The respondent admits that it was only after  
5 the funeral services were provided that the  
6 respondents provided a final bill to the family of  
7 the deceased in the amount of \$10,655.80, which was  
8 contested by the family of the deceased, as no  
9 signed funeral service contract was executed  
10 beforehand.

11 Mr. Shafer informed LLR investigator Sharon  
12 Cook that since the investigation to this matter --  
13 and I can't remember; I could get that information  
14 for you if you needed it. But I believe it was at  
15 least a couple thousand dollars discrepancy, and Ms.  
16 Cook is not here. But they just waived collecting  
17 any payment on that in light of the investigation  
18 and in light of the fact that they should have  
19 gotten that up front. And that the respondents  
20 admit that these facts constitute a violation of 40-  
21 19-110(14), 40-19-209, Subsection D and 40-1-  
22 110(1)(f).

23 And the IRC recommended, and you-all approved  
24 of the IRC recommendation, although you weren't  
25 aware it was this particular case, a \$500 civil

1 penalty and that the respondent's license be held in  
2 a probationary status for a period of one year from  
3 the date of this agreement. And we would just ask  
4 that you accept this Consent Agreement.

5 CHAIRMAN COOPER: Ms. Bell, I just  
6 have one question.

7 MS. BELL: Sure.

8 CHAIRMAN COOPER: When you say  
9 respondent's, the funeral home and Mr. Shafer are  
10 both responsible for the fine and both licenses are  
11 on probation?

12 MS. BELL: Right. And that is just  
13 to link it to both the funeral home and Mr. Shafer.

14 CHAIRMAN COOPER: That was just my  
15 question.

16 MR. EVANS: Madam Chair, I make a  
17 motion we accept the Consent Agreement.

18 MR. TEMPLES: Second.

19 CHAIRMAN COOPER: All those in  
20 favor?

21 BOARD MEMBERS: Aye.

22 CHAIRMAN COOPER: Opposed?

23 (NO RESPONSE.)

24 MS. BELL: Thank you.

25 CHAIRMAN COOPER: Thank you.

1 MS. BELL: And I am going to provide  
2 -- or did I provide the original already? I don't  
3 think I did. You got the original. Thank you.

4 \*\*\*\*\*

5 CHAIRMAN COOPER: Do you have  
6 another Consent Agreement?

7 MS. BELL: Yes, ma'am. We've got  
8 one from Angela Elaine Campbell, and that's Case No.  
9 2011-37. She currently holds License No. FD3551.  
10 And I see attached Exhibit 1, but I don't see it  
11 here.

12 CHAIRMAN COOPER: I've been looking  
13 for Exhibit 1. I didn't see it either.

14 MR. SPOON: Just for a point of  
15 clarification, this is a voluntary surrender.

16 MS. BELL: It is.

17 MR. SPOON: Okay.

18 MS. BELL: And basically in a  
19 nutshell, what happened is she did a similar type of  
20 agreement in Tennessee where she was licensed. And  
21 ran into some disciplinary action there. And as a  
22 result of that, in lieu of going forward with the  
23 disciplinary action, she agreed with the Tennessee  
24 Board to just permanently relinquish her license.  
25 There has been -- the investigation here was as a

1 result of the action in Tennessee. And again, she  
2 just wanted to voluntarily and permanently  
3 relinquish her license here in this state. So based  
4 on that -- and then we would not pursue any further  
5 disciplinary action in lieu of her signing this  
6 agreement. So we would just ask that you accept  
7 that agreement.

8 MR. EVANS: Madam Chair, I make a  
9 motion that we accept this Consent Agreement as  
10 well.

11 MR. NELSON: Second.

12 CHAIRMAN COOPER: All those in  
13 favor?

14 BOARD MEMBERS: Aye.

15 CHAIRMAN COOPER: Opposed?

16 (NO RESPONSE.)

17 MS. BELL: Thank y'all for your  
18 consideration and patience with me today.

19 \*\*\*\*\*

20 CHAIRMAN COOPER: We've got the IRC  
21 procedures on here. And do we have members of the  
22 IRC present?

23 MS. CUBITT: Madam Chairman, Mr.  
24 Elwood had an obligation and couldn't come to this  
25 board meeting. He will be glad to come to the next

1 board meeting. I kind of felt like y'all wanted his  
2 input and had questions to him about the process and  
3 whatnot. We did provide you with copies of the  
4 legislative and legal process, kind of showing the  
5 work flow and that.

6 CHAIRMAN COOPER: Where's that at?

7 MS. CUBITT: Sharon's here if you've  
8 got any particular questions about that. If you  
9 want to defer that to when Homer can be here, --

10 CHAIRMAN COOPER: Well, I think we  
11 should because I think Mr. Horton needs to be here  
12 too because he had a lot of concerns with this  
13 matter. And he has gotten busy and is unable to  
14 attend. So I'd like to have as many board members  
15 present as possible.

16 MS. CUBITT: Okay. And he was just  
17 sorry he already had a previous obligation out of  
18 state.

19 \*\*\*\*\*

20 CHAIRMAN COOPER: Moving on to No.  
21 11, we had some discussion as to moving the bond  
22 requirement for pre-need.

23 MS. CUBITT: Yes, sir. Mr. Kip  
24 Kyzer is here, and he would like to speak to the  
25 board to address that issue.

1 CHAIRMAN COOPER: Sure.

2 MR. KYZER: Good morning, Madam  
3 Chairman, members of the board. I really appreciate  
4 the youthfulness and exuberance on this board, Mr.  
5 Petty notwithstanding. I just wanted to be here  
6 today. May I be seated, ma'am?

7 CHAIRMAN COOPER: Yes, sir.

8 MR. KYZER: Okay. The discussion of  
9 the removal of the bond is maybe not so much the  
10 removal of the bond, except for making the field  
11 even in funeral service. One concern or questions  
12 that I have with the bond would be in the instances  
13 when there has been an infraction, at what points  
14 have the bonds come into play. And I realize that  
15 this is more so probably a question for the  
16 Department of Consumer Affairs more so than this  
17 board. But I just -- knowing the members of this  
18 board and their concern for funeral service, I  
19 wanted to come and address today this board about  
20 the bond issue.

21 In our local area, there have been some  
22 infractions. And the Department of Consumer Affairs  
23 has been wonderful in helping the citizens in our  
24 community recover funds through the Pre-need  
25 Recovery Fund, which I think the Department of



1 Consumer Affairs, the associations and this board  
2 were very wise in helping that fund to come in  
3 place.

4 My concerns are, are we at the tip of the  
5 iceberg as far as making sure that that fund is  
6 adequately -- has enough funds in it, to take care  
7 of the pre-need situation in South Carolina. The  
8 questions that I would have would be that is it  
9 possible that this board, along with the  
10 associations and the Department of Consumer Affairs  
11 could move more towards the things as they are with  
12 the perpetual care cemeteries, that a fund has to be  
13 established, or a line of credit or a bond be in  
14 place before you can even open the cemetery. Are we  
15 at that point to protect the consumers of South  
16 Carolina that a bond or a letter of credit be in  
17 place before you can get a permit for a funeral  
18 home.

19 On the flip side, I think there's a concern of  
20 removing the bond would be that if you were going to  
21 establish that everyone could sell pre-need,  
22 everyone would have to be licensed to sell pre-need,  
23 everyone would have to be regulated, and everyone  
24 would have to contribute to the Pre-need Recovery  
25 Fund, as it currently is in place.

1           I feel that if everyone were contributing, it  
2           would remove the feeling of those of us who wish to  
3           comply and wish to have a bond in place, that us and  
4           the consumers that we help are not the ones paying  
5           for the debacles of firms that have taken funds for  
6           pre-need and are not licensed to do so.

7           I know that this is a very -- could be a very  
8           hot topic or a hot issue to deal with. But  
9           ultimately, my hope would be, either establishing  
10          that everybody has to have a bond or else be  
11          completely remove and everybody has to comply with  
12          the Pre-need Recovery Fund, that it would be a even  
13          playing field for everyone, and not just on the  
14          burden of those who wish to comply with the law.

15                   CHAIRMAN COOPER: Mr. Kyzer, the  
16          firm you were referring to, or whatever, were they  
17          licensed to sell pre-need?

18                   MR. KYZER: You would have to ask  
19          the Department of Consumer Affairs. I think at one  
20          time they may have been, but then were not. But I  
21          do not know that for a fact.

22                   CHAIRMAN COOPER: I think mainly  
23          what I'm getting at is I don't think it's those of  
24          us that hold a bond that would cover these families  
25          that is the problem. It's non-licensed sellers of

1 pre-need. And if somebody from Consumer Affairs  
2 could maybe answer this: How is it that if they are  
3 not licensed to sell pre-need in this state, that  
4 this particular fund we have through the Department  
5 of Consumer Affairs goes towards repaying these  
6 consumers? How is it that these funeral homes fall  
7 under the Department of Consumer Affairs when they  
8 don't own a pre-need license?

9 MR. COLLINS: We get to investigate  
10 them, even if they don't hold it. We get to go in  
11 and check and see if they are selling pre-need  
12 without a license. We have taken several actions  
13 against funeral homes that were doing that. And  
14 some of them have gone for criminal prosecution.

15 CHAIRMAN COOPER: But my point being  
16 is why are the funds that we have with Department of  
17 Consumer Affairs covering these contracts that these  
18 non-licensed funeral homes are writing? Why  
19 wouldn't this be a legal matter between the families  
20 and the funeral homes, rather than the expense of  
21 the Department of Consumer Affairs?

22 MR. COLLINS: I would have to go  
23 back and re-read the Pre-need Loss Reimbursement  
24 Fund rules and regulations. But I do know that as  
25 far as bonds, we have taken bonds and given money

1 back to consumers.

2 CHAIRMAN COOPER: Right. And that's  
3 what I'm saying. That's what I'm saying. I'd just  
4 soon as pay our bond every year. I mean that's --  
5 you know, because those of us that are trying to do  
6 the right thing, then everything's protected. But  
7 my point being is how do these funeral homes that do  
8 not hold a pre-need license have their people  
9 reimbursed by a fund that they do not even fall  
10 under because they've actually committed fraud.

11 MR. COLLINS: They, in many cases,  
12 that's exactly what happened. And I can tell you in  
13 just a few minutes, there is supposed to be a  
14 conference committee with the House and the Senate,  
15 H4763, the bill to increase the penalties for non-  
16 licensed funeral homes and people that take the  
17 money and just sort of disappear or whatever. And  
18 that is supposed to be coming up today. There are  
19 two levels of penalty being created, and put  
20 somebody in jail for ten years.

21 CHAIRMAN COOPER: And I don't want  
22 to leave the consumers out there hanging, I mean, at  
23 all. But Mr. Kyzer's concern is like the rest of  
24 ours about this fund being severely depleted. And I  
25 guess that's why I'm asking, shouldn't a non-

1 licensed firm -- shouldn't the consumer actually  
2 bring this as a civil matter, in order to seek  
3 Reimbursement, instead of being covered through the  
4 Department of Consumer Affairs?

5 MR. COLLINS: That's why I say I  
6 have to go back and re-read that, however what the  
7 rules and regulations are for the Pre-need Loss  
8 Reimbursement Fund to be used. I know they have to  
9 apply. We have to look at what they send in to us  
10 before they can get anything.

11 CHAIRMAN COOPER: Right. I would  
12 like to know about that because I don't understand  
13 how these funds are being used to cover funeral  
14 homes that we don't even actually know are selling  
15 pre-need.

16 MR. COLLINS: Well, we've got some,  
17 I should say, up for criminal prosecution. We're  
18 talking to somebody else about it in the low  
19 country.

20 CHAIRMAN COOPER: I guess my point  
21 is, their insurance, I feel like, should cover --

22 MR. COLLINS: If they've got  
23 insurance. And not all of them have that. The one  
24 that Mr. Kyzer was talking about in his area, we  
25 have had a lot of trouble just to try to find him,

1 to get something done. We finally managed to get a  
2 subpoena served, but it was not on him. It was on  
3 his mother who had her name on the funeral home.  
4 And she got him to contact us.

5 But we've also subpoenaed some bank records  
6 and we are working with law enforcement in his area  
7 to come up with these people and try to get this  
8 thing resolved.

9 CHAIRMAN COOPER: So you're saying  
10 there's no liability insurance on the funeral home  
11 or anything?

12 MR. COLLINS: I don't know if there  
13 is any, but we can find out more about it. I know  
14 they should have it.

15 CHAIRMAN COOPER: And I agree.

16 MR. EVANS: Mr. Kyzer, as a start-up  
17 funeral home guy, I can tell you, a bond, it's a lot  
18 harder to get.

19 MR. KYZER: Yes, sir. I would agree  
20 with that statement.

21 MR. EVANS: Very hard to get, so --

22 MR. KYZER: And I think that the  
23 Department of Consumer Affairs was trying to be the  
24 funeral home's friend when they also made the  
25 recommendation that there be -- I believe it's

1 called the Letter of Credit that could be  
2 established.

3 MR. COLLINS: We allowed them to do  
4 a Letter of Credit. What we discovered is, it's  
5 almost as difficult to get a Letter of Credit. The  
6 primary thing is with the Letter of Credit, you got  
7 to have cash up front, because you have to put that  
8 in as security for the bank to issue the letter of  
9 credit.

10 The bond, you've got to have the credit  
11 rating, but you pay a premium and it doesn't cost as  
12 much up front.

13 CHAIRMAN COOPER: I didn't realize  
14 there was any problem getting a bond.

15 MR. KYZER: For a start-up funeral  
16 home and I will attest with Mr. Evans, being a 27  
17 year old when I started, you know that a 27 year old  
18 does not have an extensive credit background. It  
19 took from March to October to get that established.  
20 My concern is, when the funeral homes have done  
21 everything legal to receive a permit from you, but  
22 cannot get that bond or a Letter of Credit  
23 established immediately, wouldn't we want them  
24 participating in this pre-need recovery from the  
25 beginning? Shouldn't it be mandated? I think the

1 question I'm asking is that they establish with pre-  
2 need as soon as they request a permit. And the only  
3 way to do that really would be to remove the bond  
4 issue, as much as I would not want to do that.  
5 You're making -- for those who can get a bond,  
6 you're giving them an advantage. For those who  
7 cannot get a bond, you're putting them at a  
8 disadvantage. Of course, if they can't get a bond,  
9 do you want them to have a funeral home permit  
10 anyway?

11 CHAIRMAN COOPER: I understand what  
12 you're saying.

13 MR. KYZER: We're at a point in our  
14 history as funeral service. First and foremost, we  
15 need to protect the consumer, would be my desire.  
16 And the Pre-need Recovery Fund, I think is a  
17 excellent idea. My concern is the funding of that  
18 pre-need fund, and wouldn't it be good to have all  
19 the funeral homes participating in that, instead of  
20 those that are just bonded.

21 CHAIRMAN COOPER: I understand.  
22 This is still a matter of Consumer Affairs, though,  
23 is it not?

24 MR. KYZER: It would be, but --

25 MR. NELSON: This is just a



1 discussion. There's no vote or action.

2 MR. KYZER: No, no.

3 CHAIRMAN COOPER: That's what I'm  
4 saying, I mean -- and I mean I understand his  
5 position and everything --

6 MR. NELSON: -- something on it  
7 because I've listened to you and I understand what  
8 you say. And I understand what Brad (inaudible)  
9 manner am I stating this about start-up businesses.  
10 Preparation is the key for every facet of life. And  
11 I had no problem getting my bond, you know, when I  
12 opened my business. I was a startup -- birthed a  
13 business from birth. Preparation, you know.

14 CHAIRMAN COOPER: In what year?

15 MR. NELSON: Two years ago.

16 CHAIRMAN COOPER: Well, that's my  
17 point. I mean, this wasn't years and years ago.

18 MR. NELSON: But, yeah, it wasn't  
19 years and years ago, but I think there are some  
20 pros and cons to what you are saying, deleting and  
21 keeping, because these are just some things that we  
22 need to hammer out, you know, in a work session.

23 MR. KYZER: I'm not asking for a  
24 solution. I reckon I'm just coming to this board  
25 this morning with a deep concern. And it may be

1 something, you know, that would be taken up and  
2 discussed. Definitely all the players on the field,  
3 as far as the Funeral Service Board, the Department  
4 of Consumer Affairs, associations. I think -- I do  
5 believe that all those entities do have the  
6 assistance of this state, you know, at heart. But  
7 it is a concern that I have, that those not  
8 participating may be taking funds and not reporting  
9 it to the Department of Consumer Affairs. And in  
10 the end, those of us who do attempt to comply seem  
11 to be carrying the burden of these funds when the  
12 contracts have to be performed and where are the  
13 funds?

14 MR. EVANS: Madam Chairman, I  
15 agree with Mr. Nelson and Mr. Kyzer. I would  
16 encourage us to do as and like Eddie said. Maybe  
17 plan a work session to discuss this. Because I  
18 think in our process, when we're licensing a firm, I  
19 think most of our -- all of us ask the question:  
20 Have you had a clean Consumer Affairs report done?  
21 or audit done? And I think in the future, with some  
22 issues with pre-need coming down the pike maybe,  
23 that we may need to think about more questions that  
24 we ask concerning pre-need, because I personally  
25 know firms that write pre-need that are not bonded.

1                   CHAIRMAN COOPER: And especially as  
2 Mr. Collins said, this bill that's out there now.

3                   MR. EVANS: Exactly. So, Mr. Kyzer,  
4 if it's okay with you, I'd like to table this. Take  
5 this in as information and we form a work session  
6 and talk about it by our next meeting.

7                   MR. KYZER: Madam Chairman, I  
8 appreciate the opportunity to appear before y'all.  
9 Not to cause any additional work or anything, but I  
10 do appreciate the fact that you listen to folks and  
11 that the diligence that y'all have in performing  
12 your duties.

13                   CHAIRMAN COOPER: No, there's  
14 definitely a concern there. And I feel like in a  
15 work session, we could maybe come up with something  
16 feasible to make this a more level playing field.  
17 That is actually what we're all about.

18                   MR. KYZER: Yes, ma'am.

19                   MR. BAKER: I think in that work  
20 session you need to make sure that Mr. Collins and  
21 his staff are aware of the work session, when it's  
22 going to be, so that they could come and add their  
23 input to the work session as well.

24                   MS. CUBITT: They're included on our  
25 agenda list, so they get all our agendas.

1 MR. KYZER: Chairman, thank you.

2 CHAIRMAN COOPER: Thank you.

3 MR. KYZER: And also my  
4 observation, I would love to be an inspector, but I  
5 do not have the appropriate attire or haircut.

6 CHAIRMAN COOPER: We're going to  
7 take a break now. We're going to take like a ten  
8 minute break.

9 MS. CUBITT: Oh, a ten minute break,  
10 okay.

11 CHAIRMAN COOPER: Then we will move  
12 on.

13 (Off the record.)

14 CHAIRMAN COOPER: We'll call this  
15 meeting back to order.

16 MR. TEMPLES: Madam President, I  
17 want to make a motion that we go into a legal  
18 session, executive session to seek legal advice.

19 CHAIRMAN COOPER: Have a second?

20 MR. MCKNIGHT: I would second.

21 MR. NELSON: Second.

22 CHAIRMAN COOPER: All in favor?

23 BOARD MEMBERS: Aye.

24 MR. TEMPLES: I'm going to ask if  
25 you'll step out of the room just for a moment,

1 please.

2 (Executive Session.)

3 MR. PETTY: I make a motion to come  
4 out of executive session.

5 MR. BAKER: Second.

6 CHAIRMAN COOPER: All those in favor?

7 BOARD MEMBERS: Aye.

8 CHAIRMAN COOPER: Let the record  
9 reflect that no votes were taken and no motions were  
10 made during executive session. Now the matter of  
11 Goins Funeral Home, Stanley E. Rice. Is anybody  
12 here?

13 (Off-the-record discussion.)

14 CHAIRMAN COOPER: This hearing is  
15 called to order in the matter of Mr. Stanley E.  
16 Rice. Could you go ahead and swear him in, Mr.  
17 Rice.

18 (The witness is sworn in.)

19 CHAIRMAN COOPER: Ms. Rose?

20 MS. ROSE: Your partner was here  
21 also, right? So is he --

22 THE WITNESS: Uh-huh.

23 MS. ROSE: -- going to speak or say  
24 anything?

25 CHAIRMAN COOPER: Yes. He needs --

1 MR. SPOON: Come forward and be sworn  
2 in too, sir.

3 MS. CUBITT: He's the owner of the  
4 funeral home.

5 MR. SPOON: If you intend to testify  
6 or offer any testimony, you need to be sworn in.

7 MR. LEAMON: Yes, sir.

8 (The witness is sworn in.)

9 COURT REPORTER: And I need to get  
10 your full name, please, sir.

11 MR. LEAMON: Jalair.

12 COURT REPORTER: How do you spell  
13 that?

14 MR. LEAMON: J-A-L-A-I-R. Vernard,  
15 V-E-R-N-A-R-D, Leamon, L-E-A-M-O-N.

16 COURT REPORTER: L-E-A-M-O-N?

17 MR. LEAMON: M-O-N. Yes, ma'am.

18 COURT REPORTER: Okay.

19 CHAIRMAN COOPER: Ms. Rose.

20 MS. ROSE: Okay. In September of  
21 last year, Mr. Stanley rice came before the board.  
22 He appeared before the board to become manager of  
23 the facility. And his application was incomplete.  
24 And you asked him to fill out the application and  
25 return with the new owner. And he did not come back

1 before now. And we called him and put him on the  
2 agenda to appear. And he was supposed to get an  
3 application in with his work history on it. And I  
4 called him to ask him why we hadn't got the  
5 application. That's why you only have the minutes  
6 from that meeting. And he is stating now that he  
7 does not plan on continuing to be manager. So I  
8 guess you can ask him questions.

9 CHAIRMAN COOPER: So, Mr. Rice, you  
10 intend to continue your employment there, but just  
11 not as the manager?

12 THE WITNESS: That's correct.

13 CHAIRMAN COOPER: So is this not  
14 really a matter of Goins Funeral Home?

15 MS. ROSE: It is. But now that they  
16 don't have a manager --

17 CHAIRMAN COOPER: Do you have  
18 somebody here that has applied as a manager?

19 THE WITNESS: Yes, yes, yes, ma'am.  
20 We got someone that will be submitting a application  
21 for manager. What happened, ma'am, is that due to  
22 -- it was always from the first meeting that I met,  
23 it's been -- my trade work has been a concern about,  
24 you know, several places that I still do embalm at  
25 the -- if you'll look in those minutes or whatever.

1 And just by -- which we all know, you know, people  
2 out in the street say different things. We also  
3 have other competitors that say that I'm -- I'm --  
4 I'm not there, which I do be there.

5 And I just feel like best for the funeral home  
6 to -- because I -- I don't want to get in trouble  
7 with the board or lose my license, because I -- I do  
8 got trade work, and I've been doing it for several  
9 years. And I am honestly going to continue to do  
10 it. Mr. Leamon, we -- we are good friends. I do  
11 work for him. He do understand that, and we do have  
12 someone that's very qualified that will -- and --  
13 and I -- I can produce a name, if need to be,  
14 someone that I think the board, as well as LLR, is  
15 very familiar with.

16 And so we thought it was for the best interest,  
17 because my trade work. I'm out day and night and  
18 funeral home, and I just feel like -- and I took  
19 that position to help Mr. Leamon. His father, Perry  
20 Leamon, died. And we was kind of concerned that the  
21 establishment would close and -- and which I have  
22 waited on all the families, as well as went on all  
23 the funerals. But it just kind of that I feel like  
24 it was taking a toll. And to be honest, the -- my  
25 trade business -- Mr. Leamon paid me well, but my



1 trade business, just to be honest, I -- I couldn't  
2 afford to give that up. You know, and I just wanted  
3 to be honest with the board.

4 And -- and -- and the other thing that I might  
5 say or add, if you ask me, I will answer truthfully  
6 and correctly.

7 CHAIRMAN COOPER: Mr. Rice, y'all  
8 were instructed to appear before the board again on  
9 November 17th, 2011 with a manager's application.  
10 We're six months down the road.

11 THE WITNESS: We were. I called Ms.  
12 Jeanie and I told her that at the time, what she  
13 told me we needed, which, like I say, I really --  
14 some stuff that was tied up in probate court, far as  
15 proof of ownership and all. So I called Ms. Jeanie;  
16 this was right before the November 6th. And I told  
17 her where we was; I wasn't going to make that, which  
18 we didn't. Then it was the holiday.

19 And so and I thought that I'll wait till after  
20 we -- because when I talked to Ms. Jeanie again --  
21 and also she told me that she needed something from  
22 Mr. Leamon, and he did comply. But I thought that  
23 we would have to have all our T's, you know, crossed  
24 and I's dotted. I -- I -- I didn't really know.

25 CHAIRMAN COOPER: You've exceeded the

1 term of what we granted as a temporary manager's  
2 position.

3 THE WITNESS: Yes. Yes, ma'am.  
4 Which when I talked with Ms. Jeanie, said that stuff  
5 can be a year in probate court or whatever. I  
6 just --

7 CHAIRMAN COOPER: But you would have  
8 still needed to appear before the board for an  
9 extension for something like that. Do y'all not  
10 have an application here today for a manager that  
11 can serve?

12 THE WITNESS: Well, I -- I can get  
13 you one in just a few days. I can definitely, you  
14 know, have it that --

15 CHAIRMAN COOPER: That person would  
16 need to be here and appear before the board.

17 THE WITNESS: Okay. Well, maybe if  
18 -- if I could ask for extension to next board meet,  
19 that I would definitely make sure their paperwork --  
20 I'll be responsible from this point until next board  
21 meet. But your paperwork will be here on that  
22 person before the next board meet. And -- and  
23 that's -- that I can guarantee and state that.  
24 That, you know, like I say, if you need to know who  
25 the person is, that who's willing to do that, I -- I

1 can tell you who it is.

2 But I will just, you know, like I say, if we  
3 ask for extension to next board meeting, everything  
4 that the board requests or require, it will  
5 definitely be in. And it's just -- just honestly  
6 just a -- a lack on my part, not really knowing  
7 protocol or procedure, just really trying to do, I  
8 feel like, a duty to a well-established firm. And  
9 just -- just trying to -- trying to just helping a  
10 established firm out.

11 MR. EVANS: Mr. Rice, when you got  
12 your funeral director's/embalmer's license, did you  
13 read and understand the South Carolina funeral  
14 service laws?

15 THE WITNESS: Yes, sir. Yes, sir.

16 MR. EVANS: Thank you.

17 MR. BAKER: Ms. Rose, what else was  
18 -- what were they lacking to have a --

19 MS. ROSE: Since his father passed  
20 away, when he came in, his application was just  
21 incomplete as far as his work history. But then you  
22 ask if they if they sold pre-need; he didn't know.  
23 You ask if they were incorporated; he didn't know.  
24 So you ask him to at least, you know, come back --  
25 like there's a month and a half, every other month,

1 to come back and provide his work -- you know, his  
2 work history and to let you know that information.

3 So I think that he misunderstood, since he  
4 didn't have that information and everything was in  
5 probate, he thought he didn't have to come back.  
6 But in the meantime, Wendi and I had a conversation  
7 with him on the phone that he still had to appear  
8 and at least let you know his work history and get  
9 extension to do that. But then at the time, we  
10 asked Mr. Leamon if he would provide us just a  
11 statement of where the probate was at this time, and  
12 he did provide that. And Doris took a look at the  
13 letter and everything, you know, the status of that.  
14 But then we still asked him if he could come back in  
15 and he has not appeared.

16 So since it had been a while, Doris said "We  
17 really needed to get him put back on the agenda."  
18 So I told him I needed the application, and he  
19 didn't have it by time it went out, so this is all I  
20 had. And then in the meantime, I called him back  
21 and asked him how come I didn't have the  
22 application, that, you know, we needed it for him to  
23 appear, that's when he let me know that he was  
24 stepping down.

25 CHAIRMAN COOPER: And when did that

1 take place?

2 MS. ROSE: That was like day before  
3 yesterday; wasn't it?

4 THE WITNESS: Yes, ma'am.

5 MS. CUBITT: Madam Chairperson, at  
6 some point, they'll need to be a change in ownership  
7 for the funeral home after probate and who's going  
8 to be the owner. But the main issue that we've been  
9 concerned about is having an approved manager to  
10 manage it because to the best of my understanding,  
11 there's no one licensed there; is that correct?

12 THE WITNESS: Just me.

13 MS. CUBITT: Other than you.

14 THE WITNESS: Yes, ma'am.

15 MS. CUBITT: But when you're out  
16 doing trade embalming and somebody calls --

17 THE WITNESS: Yeah, I usually -- and  
18 that does happen, because it have happen, be nothing  
19 but honest. There are sometime when they take the  
20 call, they call me. I make contact with the  
21 family, and then I try to, you know, work with, you  
22 know, their schedule, kind of come in and then go  
23 out. But I am a trade embalmer. And like I say,  
24 honestly --

25 MR. LEAMON: I mean, just -- just to

1 add on to what Mr. Rice is saying --

2 COURT REPORTER: I need you to speak  
3 up a little.

4 MR. LEAMON: Just to add on to what  
5 Mr. Rice is saying, as far as, like you said, when a  
6 call is made, you know, I -- I take the  
7 responsibility as a owner to contact Mr. Rice  
8 because, you know, what's listed now -- you know,  
9 maybe not in your documents, or as you say, it's  
10 incomplete -- but he is my licensed funeral director  
11 and I take that very seriously, because I know in  
12 order for me to even be in the position I'm in, I  
13 need a licensed person to be over my head.

14 So I make every effort to call him when we do  
15 get a call, when I'm -- when I'm meeting with a  
16 family. If anybody even want to discuss just -- you  
17 know, just one-on-one conversation about a pre-  
18 arrangement or pre-need, you know, I make sure he's  
19 there, you know. I think the issue was just, you  
20 know, it was a lack of --

21 THE WITNESS: Hours.

22 MR. LEAMON: Yeah, yeah, you know, a  
23 lot -- a lot had to do with like -- like Mr. Rice  
24 said, a lot was in the street saying that he wasn't  
25 -- he wasn't there when making arrangements. He

1           wasn't there when the families are there. And, you  
2           know, and that's -- and just to be completely  
3           honest, that's not true. Because, like I said, you  
4           know, even before my father passed, you know, he  
5           said "Say anything happen to me, you haven't become  
6           licensed yet," you know, which I am in school doing  
7           now. "You know, you got Stanley. You got -- you  
8           got all these people, you know, who can help you get  
9           to where you need to go, you know, but you need them  
10          in order to run that business." And, you know, I  
11          take my father's words, you know, I -- I hold it  
12          high, you know. And -- and that's all I've been  
13          doing, you know.

14                 As -- as far as, you know, having the complete  
15          documents, it was -- it was said to me that I need  
16          to complete a letter, you know, saying that he's the  
17          manager or, you know, he, you know, just stating  
18          that, you know, he still acts as funeral director in  
19          that establishment, and I did that promptly, you  
20          know. And, you know, it was -- it was no problem,  
21          you know.

22                         MR. BAKER: Excuse me; I'm sorry.  
23          Madam Chair, I would like to make a motion because  
24          from what I've been hearing from both sides, I feel  
25          like that this was totally miscommunication on maybe

1 both sides. So I feel like that we should grant  
2 them an extension until the next board meeting, if  
3 Mr. Rice will stay the manager until the next  
4 scheduled board meeting, which is August the 2nd,  
5 that they bring a manager to be approved. If that  
6 manager is not approved, then this board is going to  
7 have to issue a Cease and Desist order if that  
8 manager is not approved because we've granted you  
9 this extension. That is my motion.

10 CHAIRMAN COOPER: My only problem  
11 with this is the fact that they came here today and  
12 he has this person who is going to be the manager.  
13 Why is this person not here with an application?

14 MR. SPOON: You have to have a -- go  
15 ahead.

16 THE WITNESS: First of all, I also  
17 talked with Ms. Rose --

18 MR. SPOON: Hang on, Mr. Rice, if you  
19 would, sir. Nothing against you, but just it's a  
20 point of procedure. There was --

21 THE WITNESS: Yes, sir.

22 MR. SPOON: -- a motion made. And  
23 so --

24 CHAIRMAN COOPER: I wasn't ready for  
25 -- I wasn't finished with the discussion. Do we



1 have a second.

2 MR. NELSON: Second. I second it.

3 CHAIRMAN COOPER: Now we can have our  
4 discussion?

5 MR. SPOON: Yes, ma'am.

6 CHAIRMAN COOPER: All right. Where  
7 is this individual that is ready to step into  
8 this --

9 THE WITNESS: She -- she was going to  
10 come today. She also -- also part owner of another  
11 funeral home, which -- which is -- is coming through  
12 you-all's office, that she's no longer going to be  
13 over that one. I called Ms. -- Ms. Rose said that  
14 she -- this person probably be next board meet, that  
15 she wouldn't have to come on this board meet. The  
16 board will have to grant from this -- from that  
17 point on, and we'll try to get her on next board  
18 meet. But she said it would be -- she wouldn't be  
19 on the agenda; am I correct? Is I'm --

20 MS. ROSE: Yes.

21 THE WITNESS: -- saying it right?

22 MS. ROSE: The reason for that is we  
23 have to have the applications in two weeks ahead.  
24 And we were here to talk about him. And at the very  
25 last minute, he let me know that he wasn't going to

1 be the manager anymore. So we couldn't just swap it  
2 and put her in place, because we were here for what  
3 had been going on with them since September.

4 MR. EVANS: Mr. Rice, I have two  
5 questions. You are the approve LLR manager today?

6 THE WITNESS: Yes, sir. Yes, sir.

7 MR. EVANS: Mr. Leamon, are you a  
8 licensed apprentice?

9 MR. LEAMON: Yes, sir.

10 THE WITNESS: Yes, sir.

11 MR. TEMPLES: It's a temporary.

12 MR. EVANS: It's a temporary. So  
13 you're not --

14 MR. PETTY: Technically, he's not the  
15 manager. He just come in in November.

16 COURT REPORTER: We've got to have  
17 one talk at a time.

18 MR. SPOON: Let me just interject  
19 here. We need to realize kind of where we are.  
20 We've got a motion that's been made a seconded, so  
21 there's further discussion.

22 MR. PETTY: We're in discussion,  
23 right?

24 MR. SPOON: I understand. And so at  
25 this point, one of two things. Either direct

1 additional questions to the applicant or have  
2 discussion of the motion itself amongst the board  
3 members, is what I would say.

4 MR. PETTY: Okay. Is he the  
5 applicant? Or is he operating without a license?  
6 Have they been operating for the last six months  
7 without a license?

8 MR. SPOON: That would be a question  
9 for the applicant or staff.

10 THE WITNESS: When you say "not a  
11 license," Mr. Petty --

12 MR. PETTY: A licensed funeral home.

13 CHAIRMAN COOPER: A licensed manager.

14 MR. PETTY: You had a temporary  
15 license till November 17th of last year. So you've  
16 been operating without a license.

17 THE WITNESS: I -- I did, if -- if  
18 that's the --

19 MR. PETTY: Licensed manager.

20 THE WITNESS: -- that's -- I didn't  
21 look at it that way. When I -- when I called Ms.  
22 Rose in November and I told her just like that, that  
23 I didn't have the documents. So I'm thinking that  
24 by contacting LLR that until we get the document, it  
25 just -- it just carry over. Till you just said

1           that, I never looked at it that way.

2                         MR. PETTY: Did you understand you  
3 was supposed to come back on November the 17th?

4                         THE WITNESS: I did. When I didn't  
5 have everything, I called Ms. -- Ms. Rose and she  
6 said I'll be on the next board meet and stuff. So I  
7 did call her in November before that board meet.

8                         CHAIRMAN COOPER: Anybody got any  
9 other questions?

10                        MR. PETTY: Repeat your motion.

11                        MR. BAKER: I made a motion that we  
12 grant Mr. Rice the continuation to continue to be a  
13 manager of that facility until August the 2nd, which  
14 is the next scheduled board meeting. And at that  
15 board meeting, it is mandatory that they submit an  
16 application for that meeting for review for a  
17 proposed manager. If that has not been done, then  
18 this board will issue a Cease and Desist order for  
19 that funeral establishment. That was my motion.

20                        CHAIRMAN COOPER: Or if the person is  
21 not approved by the board at that meeting, a Cease  
22 and Desist --

23                        MR. PETTY: But the order will be  
24 written if that person is not approved, right?

25                        MR. NELSON: Again, I'm going to

1 second it.

2 CHAIRMAN COOPER: Right. So we ready  
3 for the vote? All those in favor?

4 BOARD MEMBERS: Aye.

5 CHAIRMAN COOPER: Opposed?

6 (NO RESPONSE.)

7 CHAIRMAN COOPER: August the 2nd.

8 THE WITNESS: Okay. I understand.

9 And let me ask you this right here. And so that  
10 mean, along as the other person paperwork is in, I  
11 come with them, and that's -- that -- that --  
12 hat's --

13 MR. PETTY: You don't have to come.

14 CHAIRMAN COOPER: You don't have to  
15 come again.

16 MR. BAKER: You don't have to come.

17 CHAIRMAN COOPER: The proposed  
18 manager has to come and has to be approved.

19 THE WITNESS: Okay.

20 CHAIRMAN COOPER: If that manager is  
21 not approved, your temporary manager's --

22 THE WITNESS: I -- I understand  
23 clearly.

24 CHAIRMAN COOPER: -- you're up and a  
25 Cease and Desist order will be --

1 THE WITNESS: I understand clearly.

2 MR. BAKER: And please make sure that  
3 that paperwork is to the board in the correct amount  
4 of time.

5 THE WITNESS: Okay. I will.

6 CHAIRMAN COOPER: Get all that  
7 together and straight.

8 MR. PETTY: Jeannie, when does that  
9 paperwork have to be to you?

10 MS. ROSE: Two weeks before.

11 MR. PETTY: Two weeks before.

12 THE WITNESS: Okay.

13 MR. PETTY: And you being the owner,  
14 do you understand that?

15 MR. LEAMON: Yes, sir.

16 MR. SPOON: And just for  
17 clarification to Mr. Rice and Mr. Leamon, you're  
18 sitting before the board today in a posture of an  
19 application. It's not a disciplinary case where the  
20 board is trying to exact something from you. This  
21 is an application, where you are trying to get  
22 something from the board, that the board is  
23 authorized to issue on behalf of state license.  
24 Which means legally, without giving you legal advice  
25 -- which means legally, that you carry the burden of

1 demonstrating that you meet the qualifications for  
2 licensure. It's not the other way around. The  
3 board is not carrying the burden here of determining  
4 if you are, based on only what it has.

5 So I don't know if that helps or not in terms  
6 of what the procedural posture is, but as an  
7 applicant, you as the applicant have the burden of  
8 things like getting the application in,  
9 understanding what the requirements are and coming  
10 before the board with the ability to demonstrate  
11 either through testimony, through witnesses or  
12 through documentation, that you have met the  
13 requirements for licensure. So that's you, as the  
14 applicant, the burden that you have.

15 So the board is saying -- the board today does  
16 not have a whole lot more information than it had on  
17 previous occasions. So it makes it very difficult  
18 for them to decide if you carried your burden. Does  
19 that make sense?

20 THE WITNESS: I understand, sir.

21 MR. SPOON: So again, without giving  
22 you legal advice, I just wanted to say that on  
23 behalf of the board, that you have the burden here  
24 of if you wish to be licensed and operate and all  
25 those types of things, that you have to present that

1 information to the board, so they can make an  
2 informed decision. That help?

3 MR. LEAMON: Yes, sir.

4 MR. SPOON: That concludes the  
5 hearing.

6 THE WITNESS: All right. Thank you.

7 CHAIRMAN COOPER: Have the qualified  
8 manager back here, that meets the board's approval  
9 at the next meeting.

10 THE WITNESS: Yes, ma'am. Thank you  
11 all.

12 \*\*\*\*\*

13 CHAIRMAN COOPER: Matter of the  
14 Dickinson Funeral Home, LLC, James Dickinson. This  
15 hearing is called to order. It's the matter of  
16 James Kelsey Dickinson. The purpose of this hearing  
17 is to determine whether Mr. Dickinson should be  
18 granted a license as a manager and a new owner of  
19 this facility. Everyone is reminded that these  
20 proceedings are being recorded and that all  
21 witnesses must be sworn in before they testify. All  
22 remarks should be directed to the chair. Could we  
23 please swear him in now?

24 (The witness is sworn in.)

25 CHAIRMAN COOPER: Mr. Dickinson, do



1           you have anybody else here with you today that needs  
2           to be sworn in, that's here to testify on your  
3           behalf?

4                           THE WITNESS: No, ma'am.

5                           CHAIRMAN COOPER: Okay. Ms. Rose.

6                           MS. ROSE: Okay. This is actually --  
7           we say "new ownership." It was an existing  
8           facility. It was Conway Funeral Service. And Mr.  
9           Dickinson is actually purchasing this facility, so  
10          the new name would be Dickinson Funeral Home, LLC.  
11          He is the proposed manager, and his first license  
12          12/9/2005. He's a funeral director/embalmer and his  
13          license is current. He does not have a criminal  
14          background. He lives 5.6 miles from the facility,  
15          and he will be the owner of this facility. And he's  
16          here asking today for approval. And the only thing  
17          that he needs is his incorporation papers he's  
18          saying that it is in the process.

19                          THE WITNESS: Madam, due to the  
20          volume, I filed this with the Secretary of State on  
21          May 7th, and due to the volume in the office, I did  
22          print this off yesterday. They have not sent the  
23          Articles of Incorporation back to me, stamped with  
24          "in existence," I guess. But I do have a copy here  
25          for Ms. Rose, and also a tax I.D. number from the

1 IRS, if you need that.

2 MS. ROSE: Is that your original?

3 THE WITNESS: Yeah, I can send you a  
4 copy of that. But that one, you can have.

5 CHAIRMAN COOPER: Anybody have any  
6 questions?

7 Do we have a pre-need audit?

8 THE WITNESS: Yes, ma'am, we sure  
9 did. About four weeks ago, the Department of  
10 Consumer Affairs came in; everything was in order.

11 CHAIRMAN COOPER: And so we're  
12 pending final inspection?

13 THE WITNESS: Yes, ma'am.

14 CHAIRMAN COOPER: I was told that I  
15 was supposed to kind of give you a hard time today,  
16 but with you being here all day long. I think  
17 you've received your punishment.

18 THE WITNESS: Well, I appreciate  
19 that.

20 CHAIRMAN COOPER: I won't tell you  
21 who was behind that.

22 THE WITNESS: That must have been Mr.  
23 Horton.

24 MR. TEMPLES: You want your license?

25 MR. NELSON: Madam Chair, I make a

1 motion that we approve this. And I know he stated  
2 that he's already received a clearance from the  
3 Consumer Affairs office. But until we get a copy  
4 of that clearance --

5 CHAIRMAN COOPER: No. You mean the  
6 Secretary of State.

7 MR. NELSON: No.

8 MR. TEMPLES: He's got the Secretary  
9 of State.

10 CHAIRMAN COOPER: But he's already  
11 had the audit. The audit's clear. We need final  
12 inspection.

13 MR. NELSON: And Consumer Affairs  
14 also; didn't you say?

15 MS. ROSE: We do get a favorable  
16 letter.

17 CHAIRMAN COOPER: He's already done  
18 the Consumer Affairs.

19 MS. ROSE: They will need to get us a  
20 favorable letter.

21 MR. NELSON: A favorable letter

22 CHAIRMAN COOPER: You haven't gotten  
23 the letter?

24 MS. ROSE: No, I haven't gotten the  
25 letter.

1 CHAIRMAN COOPER: But they did it  
2 four weeks ago.

3 THE WITNESS: Yes, ma'am.

4 MS. ROSE: Normally they come before  
5 the board, and then you ask for that afterwards.  
6 But I guess knowing that he was in the process, he  
7 went ahead and asked for it, I guess.

8 CHAIRMAN COOPER: Okay. So we're  
9 waiting on the favorable --

10 MR. NELSON: Favorable letter and  
11 final inspection.

12 THE WITNESS: I think they just  
13 showed up.

14 MS. ROSE: Oh, they showed up.

15 MR. BAKER: Second.

16 THE WITNESS: Yeah, it was just -- it  
17 was just -- I was there for two days, and they  
18 walked in. I -- I think they got --

19 CHAIRMAN COOPER: It was just a  
20 fluke.

21 THE WITNESS: Yeah, I think they got  
22 everybody in the area, but that's okay. Everything  
23 was in good standing.

24 MR. BAKER: Second.

25 CHAIRMAN COOPER: All those in favor?

1 BOARD MEMBERS: Aye.

2 CHAIRMAN COOPER: Opposed?

3 (NO RESPONSE.)

4 CHAIRMAN COOPER: Congratulation Mr.  
5 Dickinson.

6 THE WITNESS: Thank y'all very much.  
7 It was a pleasure to be here today.

8 \*\*\*\*\*

9 CHAIRMAN COOPER: The next matter  
10 before the board is Hartley-Burgess Funeral Home and  
11 Crematory, Mr. Michael Burgess and Ms. Melissa  
12 Arant. This hearing is called to order. It's the  
13 matter of the Hartley-Burgess Funeral Home and  
14 Crematory and Mr. Michael J. Burgess and Ms. Melissa  
15 Arant. The purpose of this hearing is to determine  
16 whether (a) Mr. Burgess should be granted a license  
17 as a manager of the crematory and Ms. Arant granted  
18 a license as the manager of the funeral home. Is  
19 that correct?

20 MR. BURGESS: Yes, ma'am.

21 CHAIRMAN COOPER: If we could swear  
22 in the witnesses, please.

23 (The witness is sworn in.)

24 CHAIRMAN COOPER: Mr. Burgess, you're  
25 purchasing the funeral home?

1 MR. BURGESS: Yes, ma'am.

2 CHAIRMAN COOPER: And the funeral  
3 home actually owns the crematory also.

4 MR. BURGESS: Yes, ma'am.

5 (Off-the-record discussion.)

6 MS. ROSE: For the Hartley-Burgess  
7 Funeral Home, you know, Melissa Arant is going to be  
8 the proposed manager of this facility. And she was  
9 first licensed 10/26/1999. She is a funeral  
10 director and her license is current. She does not  
11 have a criminal background. She lives 1.85 miles  
12 from the facility. And the owners of the facility  
13 will be Michael Burgess and Casey Burgess. And Ms.  
14 Arant is requesting to be approved manager for this  
15 facility.

16 CHAIRMAN COOPER: Does anybody have  
17 any questions about anything concerning this  
18 applicant?

19 MR. BAKER : I don't. But you can  
20 ask the rest of the board.

21 MR. EVANS: Well, Ms. Arant, you have  
22 read and understand all of the rules of the South  
23 Carolina Funeral Service law?

24 MS. ARANT: Yes, sir.

25 MR. EVANS: And understand about

1 being a manager totally?

2 MS. ARANT: Yes, sir.

3 MR. EVANS: Got you.

4 MR. NELSON: You are not purchasing a  
5 nice house that's next to a funeral home?

6 MR. BURGESS: No, sir. No.

7 COURT REPORTER: Mr. Nelson, I didn't  
8 hear.

9 MR. BURGESS: No, sir.

10 MR. NELSON: I just asked him,  
11 they're not purchasing a nice house that's located  
12 next to the funeral home.

13 MR. BURGESS: I've got my ten acres  
14 there, and that's separated, so -- thank you for  
15 asking.

16 CHAIRMAN COOPER: The only thing that  
17 I wasn't sure about is the certificate from the  
18 Secretary of State with the Hartley-Burgess Funeral  
19 Home and Crematory, LLC is now Burgess Real Estate  
20 Investments, LLC. What is all that about?

21 MS. ARANT: You can answer.

22 MR. BURGESS: Yes. Because we've  
23 been dealing with this --

24 MS. ARANT: The SBA is doing the loan  
25 under Burgess Real Estate Investments. And from

1           what I understand from the Secretary of State, they  
2           no longer license the DBA. They don't actually put  
3           that on your Articles of Corporation anymore. But  
4           we definitely didn't want the funeral home sign to  
5           be Burgess Real Estate Investments. We wanted to  
6           use Hartley-Burgess --

7                         MR. BURGESS: Right.

8                         MS. ARANT: -- Funeral Home and  
9           Crematory so everybody would know that it's still a  
10          crematory. So we got a letter from the SBA, and I  
11          sent that to Jeannie, stating that the license  
12          needed to be set up as Hartley-Burgess Funeral Home  
13          and Crematory, since that's the way we were going to  
14          be doing business. But it does not reflect that on  
15          the Articles of Corporation.

16                        MR. PETTY: Is Burgess completely out  
17          of this, except for the name?

18                        CHAIRMAN COOPER: He's Burgess.

19                        MS. ARANT: He's Burgess.

20                        MR. PETTY: Hartley.

21                        MS. ARANT: Yeah. Mr. and Ms.  
22          Hartley are retiring, and they're going to be  
23          completely out of the business.

24                        MR. PETTY: Okay.

25                        MR. BURGESS: If I may speak, I'm a



1 nephew -- it's kind of a family thing. I've been in  
2 the business 13 years, and I have an opportunity to  
3 take the business over and we felt it was a better  
4 fit. So I was able to get the lending, so we --  
5 we're hoping to close within the next two weeks and  
6 sign the papers. So that's kind of where we're at  
7 with that. And I'm dual-licensed as well.

8 MR. BAKER: I make a motion that we  
9 approve the application for the new facility and  
10 Mrs. Arant as the manager of the facility, pending  
11 final inspection and a favorable letter from  
12 Consumer Affairs.

13 MR. EVANS: Second.

14 MS. ROSE: Can I just read the  
15 information on him, just so it's on record?

16 MR. BAKER: But you're going to do  
17 that for the crematory.

18 MS. ROSE: Oh, you're going --

19 MR. BAKER: We were going to do them  
20 separate, since we've got two different managers.

21 MS. ROSE: Okay. I'm sorry.

22 MR. BAKER: Is that what you're going  
23 to do?

24 CHAIRMAN COOPER: Well, we're  
25 approving the facility also, and he's the owner of

1 the facility.

2 MR. BAKER: Okay. Well, go ahead,  
3 Jeanie. I'm sorry.

4 MS. ROSE: Well, I thought since you  
5 were asking him questions or whatever, it was --

6 MR. BAKER: Go ahead.

7 MS. ROSE: Okay. Anyway, this will  
8 be Hartley-Burgess Crematory. The proposed manager  
9 is Michael J. Burgess. He was licensed 4/22/2002.  
10 He's a funeral director/embalmer, and his license is  
11 current. He does not have a criminal background.  
12 He lives 10.93 miles from the funeral home and  
13 crematory. The same as before, the owners will be  
14 Michael J. Burgess and Casey S. Burgess. And Mr.  
15 Burgess is here, asking approval to be the manager  
16 of the crematory.

17 MR. BAKER: Do you want me to re-make  
18 the motion? I make a motion that we approve the  
19 license for the funeral home and crematory with Mrs.  
20 Arant being the manager of the funeral home, Mr.  
21 Burgess being manager of the crematory, pending  
22 final inspection of both facilities and a favorable  
23 letter for the funeral home from Department of  
24 Consumer Affairs.

25 MR. MCKNIGHT: Second.

1                   CHAIRMAN COOPER: Okay. We've  
2 actually had two motions here, so we need both of  
3 the motions seconded.

4                   MR. MCKNIGHT: Second.

5                   MR. TEMPLES: Second.

6                   MS. ROSE: And just one other thing.  
7 Within 30 days after opening, we need documents of  
8 the training to operate the crematory.

9                   CHAIRMAN COOPER: That's right.

10                  MR. BURGESS: There was a training  
11 certificate in the packet; was it not?

12                  MS. ROSE: Well, have you already  
13 been pre-trained for the same one?

14                  CHAIRMAN COOPER: Yeah, there is.  
15 There's a training --

16                  MR. BAKER: Yeah, there's a  
17 training --

18                  MR. BURGESS: Yes, ma'am. But if you  
19 need me to --

20                  MS. ROSE: No, no, no. I mean, if  
21 you're already trained for that particular one,  
22 then --

23                  MS. ARANT: Yes.

24                  MS. ROSE: So it was already  
25 existing, so you --

1 MS. ARANT: Yes.

2 MR. BURGESS: Yes. Before. Yes,  
3 ma'am.

4 MS. ROSE: Okay.

5 MR. BURGESS: We actually opened that  
6 crematory in 2009, fall of 2009.

7 CHAIRMAN COOPER: Now are we ready  
8 for a vote? All those in favor?

9 BOARD MEMBERS: Aye.

10 CHAIRMAN COOPER: Opposed?

11 (NO RESPONSE.)

12 CHAIRMAN COOPER: Congratulations.

13 MR. BURGESS: Thank you.

14 CHAIRMAN COOPER: Good luck.

15 MR. BURGESS: Thanks for having us.

16 CHAIRMAN COOPER: Thank you.

17 \*\*\*\*\*

18 CHAIRMAN COOPER: This is the matter  
19 of Isaiah Syboid Holcomb. Is he present?

20 MS. ROSE: Okay. Mr. Holcomb is not  
21 going to be here today. And Mr. Terdell Mealing is  
22 not going to be present either.

23 MS. CUBITT: I believe Mr. Haygood's  
24 here.

25 MS. ROSE: Yes.

1 (The witness is sworn in.)

2 CHAIRMAN COOPER: This is a hearing  
3 regarding Mr. Calvin Lavon Haygood. The purpose of  
4 this hearing is to determine whether Mr. Haygood  
5 should be granted a license as apprentice funeral  
6 director. Everyone is reminded that these  
7 proceedings are being recorded and that all  
8 witnesses must be sworn in before they testify. All  
9 remarks should be directed by the chair. If we  
10 could please go ahead and swear in Mr. Haygood.

11 COURT REPORTER: I just did while  
12 y'all were talking.

13 CHAIRMAN COOPER: Okay. That's good.  
14 Ms. Rose.

15 MS. ROSE: Okay. This is Calvin  
16 Lavon Haygood. And he's applied to be an apprentice  
17 funeral director. And in reviewing his application,  
18 we noticed that he already had a full-time as a  
19 teacher at a high school. And Mr. Haygood did have  
20 an arrest record, but it was just a misdemeanor.  
21 And Doris had looked at it and approved that  
22 criminal background.

23 So the issue here today, the reason he's here,  
24 is the fact that he already works a full-time job,  
25 and the requirements of 35 hours a week. If he

1           could be able to serve, you know, his apprenticeship  
2           and have a full-time job.

3                         CHAIRMAN COOPER: Mr. Haygood, you  
4           understand that if you're granted an apprenticeship  
5           license, you must work 35 hours per week --

6                         THE WITNESS: Yes. Yes, ma'am, I do.

7                         CHAIRMAN COOPER: -- at the funeral  
8           home.

9                         THE WITNESS: I do. And if I could  
10          say, I'm not going -- this was my last year teaching  
11          at Darlington High School because I was the English  
12          teacher. And so I'm not going back into the school  
13          system. And so I am working now with Boatwright  
14          Funeral Home in Bishopville and on Main Street as  
15          well.

16                        CHAIRMAN COOPER: So you're going to  
17          be full time --

18                        THE WITNESS: I'll be full time --

19                        CHAIRMAN COOPER: -- with the funeral  
20          home.

21                        THE WITNESS: -- with the funeral  
22          home. Yes. Yes, I will.

23                        MR. SPOON: You won't be employed  
24          elsewhere? Or you won't be employed as a teacher --

25                        THE WITNESS: No, sir.

1 MR. SPOON: -- during your  
2 apprenticeship?

3 THE WITNESS: No, sir, I won't.

4 CHAIRMAN COOPER: You're going to be  
5 solely employed by the funeral home from this point  
6 forward.

7 THE WITNESS: Yes. Yes, ma'am.

8 MS. CUBITT: Just for clarification,  
9 you said you'd be working at Boatwright's and at  
10 what other funeral home?

11 THE WITNESS: They have two funeral  
12 homes. The Boatwright Funeral Home in -- in  
13 Bishopville, South Carolina and the one on Main  
14 Street in Darlington.

15 MS. CUBITT: Okay.

16 THE WITNESS: So we'll operate as --  
17 as -- in dual capacities.

18 MS. CUBITT: Okay.

19 CHAIRMAN COOPER: You took care of my  
20 questions when you stated that --

21 MR. EVANS: Mr. Haygood, you  
22 understand that the manager -- your manager and  
23 preceptor are going to be fully responsible for  
24 making sure your time, 35 hours, all that, is going  
25 to be signed off on. And we do have, you know,

1 investigators that will come by and double-check  
2 that.

3 THE WITNESS: Yes, sir. I'm fully  
4 aware. And we talked about that during the time  
5 that he was doing my interview as well.

6 MR. EVANS: Great.

7 MR. TEMPLES: I make a motion that we  
8 approve Mr. Haygood's apprentice.

9 MR. EVANS: I second that.

10 CHAIRMAN COOPER: All those in favor?

11 BOARD MEMBERS: Aye.

12 CHAIRMAN COOPER: Opposed?

13 (NO RESPONSE.)

14 CHAIRMAN COOPER: Congratulations.

15 THE WITNESS: Thank you so much.

16 MR. TEMPLES: Good luck.

17 THE WITNESS: Thank you. Thank you.

18 \*\*\*\*\*

19 CHAIRMAN COOPER: This is the matter  
20 of Mr. Kelvin Ford Lewis. This is to determine  
21 whether Mr. Lewis should be granted a license as an  
22 apprentice funeral director. Everyone is reminded  
23 that these proceedings are being recorded and that  
24 all witnesses must be sworn before they testify.  
25 All remarks should be directed to the chair.



1 CHAIRMAN COOPER: Mr. Lewis, do you  
2 have anybody else here with you on your behalf?

3 THE WITNESS: No. No, I don't.

4 CHAIRMAN COOPER: Mr. Lewis, your  
5 application says you're going to be serving your  
6 apprenticeship at McKenzie Funeral Home?

7 THE WITNESS: That is correct.

8 CHAIRMAN COOPER: Which location  
9 would that be?

10 THE WITNESS: Andrews.

11 CHAIRMAN COOPER: And are you going  
12 to maintain this part-time job you've got?

13 THE WITNESS: Probably not.

14 CHAIRMAN COOPER: It looks to me like  
15 Conway to Myrtle Beach to Andrews is 50 to 60 miles,  
16 so you would be driving that every day, work a full-  
17 time position.

18 THE WITNESS: Yes, ma'am.

19 CHAIRMAN COOPER: And so you're not  
20 going to associate yourself at your current job any  
21 further?

22 THE WITNESS: No, ma'am. If I may  
23 interject, what I understand from the board, I'm  
24 only missing a quarter of my apprenticeship time, of  
25 the apprenticeship that I've already served. And I

1 was asking the board if they could bridge my time.  
2 When I came ill in 2005 with cancer, I put my  
3 apprenticeship on hold. And I was not aware that  
4 the time was still running when it was on hold.

5 And when I completed it in 2011, I spoke to  
6 Wendi and she informed me that the time I started in  
7 2005, it expired because I only had five years to  
8 complete the apprenticeship. But I was not aware of  
9 that. I thought once I put it on hold, that the  
10 time stopped. But according to her, when I spoke to  
11 her, the time still calculated down.

12 CHAIRMAN COOPER: We understand that  
13 and are aware of that. But in order to complete  
14 your last quarter, you still must be a full-time  
15 employee of a licensed funeral establishment and  
16 must work there 35 hours a week.

17 THE WITNESS: Yes, ma'am. Yes, I'm  
18 prepared to do that.

19 CHAIRMAN COOPER: And that's why I'm  
20 asking you about the job you have now. I don't know  
21 how much time it requires. In looking at these  
22 letters presented from Coastal Carolina Association,  
23 neither one of these are signed.

24 THE WITNESS: I do have the signed  
25 copy. I forgot to bring it today, but I could fax

1           it back to the board.

2                           CHAIRMAN COOPER:  And that's why I'm  
3           also asking you about this other job you had because  
4           as of April the 14th, it says you've dealt with  
5           several issues that have impaired your ability to be  
6           working full time.

7                           THE WITNESS:  Yes.

8                           CHAIRMAN COOPER:  But for the most  
9           part, have maintained active and functional.  So  
10          that is why I'm asking you about this job your  
11          currently hold.

12                          THE WITNESS:  Yes, ma'am.  I'm only  
13          there three days a week, but I could cut back to one  
14          day.

15                          CHAIRMAN COOPER:  Do you have any  
16          other interest in this business?

17                          THE WITNESS:  No, ma'am.  In -- in  
18          which -- in which business are you asking now?

19                          CHAIRMAN COOPER:  The Airport  
20          Express.

21                          THE WITNESS:  Yes.  I'm an owner of  
22          -- of the business.

23                          CHAIRMAN COOPER:  Mr. Lewis, it says  
24          you'd be serving your apprenticeship under Mr.  
25          McKenzie.  If we grant this extension, I don't know

1 if Mr. McKenzie is also manager of the funeral home  
2 or not, but there will be a requirement for him to  
3 sign and certify -- or whoever the manager is --  
4 that they are responsible for you maintaining this  
5 35 hours a week, or their license would be in  
6 jeopardy before the board.

7 THE WITNESS: Yes, ma'am.

8 CHAIRMAN COOPER: The manager is  
9 solely responsible for the funeral home and for its  
10 employee's actions.

11 THE WITNESS: Yes, ma'am. I  
12 understand that.

13 MR. SPOON: Mr. Lewis, in an  
14 abundance of caution, I'm going to ask you a  
15 question about the issue that I think it is relevant  
16 to your application and your testimony. The board  
17 has information in your application that indicates  
18 that you have health conditions that affect your --  
19 I shouldn't say they affect your ability, but they  
20 have been mentioned in your application. And all  
21 I'm going to ask you is, give you the opportunity to  
22 -- should the board have a question about anything  
23 that relates to your health conditions, and as it  
24 relates to your ability to serve out an  
25 apprenticeship. Do you have any desire that we

1 close this hearing before you entertain those  
2 questions?

3 THE WITNESS: I'm not sure what  
4 you're asking me.

5 MR. SPOON: If the board has a  
6 question about your health status disabilities, and  
7 it is relevant to the application, I'm quite sure.  
8 But if the board has a question about that, I give  
9 you the opportunity to close that portion of this  
10 hearing to the public --

11 THE WITNESS: Yes. Yes.

12 MR. SPOON: -- in the interest of  
13 your privacy.

14 THE WITNESS: Yes. That's fine.  
15 Yes, sir.

16 MR. SPOON: What I'm asking you is do  
17 you want to do that.

18 THE WITNESS: Yes, yes.

19 MR. SPOON: Okay. So just advise the  
20 board members that we'll close the hearing before  
21 those questions are entertained by you. Are there  
22 any other questions that wouldn't be related to that  
23 issue?

24 (NO RESPONSE.)

25 MR. SPOON: And I think the board

1 does have a question in that area.

2 CHAIRMAN COOPER: If everyone would  
3 excuse themselves from the room, and if we could turn  
4 off the recording devices and all for the purposes  
5 of --

6 MR. SPOON: If you will turn off the  
7 public broadcast of the hearing, I would like for  
8 the court reporter to continue --

9 CHAIRMAN COOPER: Exactly.

10 MR. SPOON: -- and designate in the  
11 transcript that this is a closed portion of the  
12 hearing.

13 (Closed portion of the hearing.)

14 MS. CUBITT: Just if I could clarify  
15 something for the board, he is asking --

16 CHAIRMAN COOPER: He's asking for an  
17 extension --

18 MS. CUBITT: Of his apprenticeship.  
19 But he's also asking to go ahead and be licensed as  
20 a funeral director, and that quarter be considered  
21 that he filed. We normally don't do that. They  
22 have to complete whatever's missing. But he did ask  
23 for that consideration in his letter.

24 THE WITNESS: I -- I did ask for it,  
25 if I may interject. I did ask for it. There was a

1 lot of -- when I started my apprenticeship in 2005,  
2 Palmetto Funeral Home in Conway, I was working with  
3 Charles Miles. And then Charles left and I served,  
4 excuse me, under Jeremy Johnson, and actually I  
5 started serving the apprenticeship under Tim  
6 McKenzie. There was a lot of turmoil going on with  
7 Palmetto Funeral Home. It was -- I came down with  
8 cancer. Then it was sold to -- which is now Watson  
9 Funeral Home.

10 When -- after like two and a half years of the  
11 recovery, there was nobody to work for. And then in  
12 2010, I think the end of 2010, I went back to work  
13 for Ocean View, which was also Williams. And in the  
14 shuffle of the funeral home, the files that --  
15 probably just got lost because there was so much  
16 turmoil going on and the funeral home being sold.  
17 One day the McKenzie's had it; the next day, Billy  
18 Jordan had it back. So there was just -- the one  
19 quarter, I don't know how I overlooked it. It was  
20 probably just a clerical error some -- somewhere.  
21 So I did ask the board if they could waive that  
22 quarter for me.

23 MR. EVANS: Madam Chairman, if I may  
24 make a motion that we allow him to continue this  
25 apprenticeship, but under the conditions that we've

1           stated. But we do not allow him to extend that  
2           extra quarter; he would have to complete his  
3           apprenticeship.

4                       MS. ELROD: May I say something?  
5           It's actually three months and a half. Just want to  
6           be --

7                       MR. SPOON: Is that consistent with  
8           what you understand, Mr. Lewis?

9                       THE WITNESS: Yes, yes. Now --

10                      MR. SPOON: About three and a half  
11           months?

12                      THE WITNESS: Yes. That is -- that's  
13           fine. Now, I will lose none of my time, since the  
14           time has expired; is that correct? because you told  
15           me I was going to lose some of my time.

16                      MS. CUBITT: They're still deciding  
17           that.

18                      THE WITNESS: Okay.

19                      MR. EVANS: That's the only thing I  
20           don't understand.

21                      CHAIRMAN COOPER: I was looking at  
22           this and it looks to me like seven quarters have  
23           been submitted.

24                      MR. EVANS: That's what I thought.

25                      CHAIRMAN COOPER: I mean, I'm looking



1 at this first apprenticeship, June 15th of '05, June  
2 15th of '07, three-quarters submitted during this  
3 time. I don't see another submission until 2009 to  
4 2010 when four quarters were submitted. So I'm only  
5 showing seven quarters.

6 MS. ELROD: Seven quarters, which  
7 actually one of the quarters is like half a month  
8 short of the full quarter. And then, of course, the  
9 last quarter.

10 MS. CUBITT: But she's saying that  
11 you have to have --

12 MS. ELROD: To complete it out would  
13 be three and a half months to complete it out, if  
14 all quarters are counted.

15 CHAIRMAN COOPER: So in counting the  
16 seven quarters, he only lacks the three and a half  
17 months.

18 MS. CUBITT: Yes. For quarters,  
19 which makes the eight quarters for the two years.

20 CHAIRMAN COOPER: Brad, I want to be  
21 sure I understand your motion.

22 MR. EVANS: Well, I reject that. Can  
23 I rescind that?

24 MR. SPOON: You rescind your motion?

25 MR. EVANS: I rescind my motion.

1 MR. SPOON: Is it seconded?

2 CHAIRMAN COOPER: You know it wasn't.

3 MR. EVANS: Let me do a little  
4 thinking on this.

5 CHAIRMAN COOPER: Mr. Lewis, am I  
6 understanding you correctly? You're saying that you  
7 have completed your apprenticeship in its entirety,  
8 that somehow we're missing one of your quarters of  
9 reporting; is that correct?

10 THE WITNESS: Yes, ma'am. I thought  
11 when I called Wendi that I had completed it, because  
12 I was calling Fayetteville Tech to preparing for  
13 school, and I wanted to be sure everything was  
14 completed on this end. And she told me that I was  
15 short a quarter. And that when I started my time in  
16 2005, that the time had expired. Is that how you  
17 kind of explained it to me?

18 MS. ELROD: After five years, it --

19 THE WITNESS: Yeah.

20 MS. ELROD: -- expires.

21 THE WITNESS: Yes. So what I'm  
22 asking the board to do is to bridge the time and to  
23 waive the quarter that's missing.

24 MS. CUBITT: Madam Chairperson, just  
25 for information, sometimes in the past when the

1 board's looked at that and there's been a reason,  
2 the board has the option to extend it. But they  
3 like then put a limit on -- you haven't taken the  
4 exams yet, right?

5 THE WITNESS: No, ma'am, I have not.

6 MS. CUBITT: A limit on the amount of  
7 time that they would extend that, for him to  
8 complete the exam. So, for example, after he  
9 finished the apprenticeship, you might say he has a  
10 year to take and pass the exams, if that's still  
11 going to count. You've done something similar to  
12 that.

13 CHAIRMAN COOPER: If I'm  
14 understanding him, he hasn't been to school yet.

15 MS. ROSE: That's what I was just  
16 going to say.

17 MS. CUBITT: You haven't been to  
18 school yet?

19 THE WITNESS: No, ma'am.

20 MS. CUBITT: Oh.

21 CHAIRMAN COOPER: So he's just asking  
22 that his apprenticeship be complete. Well actually,  
23 Mr. Lewis, there's no reason why you couldn't serve  
24 that other three and a half months while you're at  
25 Piedmont because Piedmont is not considered full

1 time.

2 THE WITNESS: Yes, ma'am. I -- I can  
3 do the three and a half months.

4 CHAIRMAN COOPER: Because you would  
5 have to have -- well, what do you have to have as a  
6 student?

7 MR. EVANS: He's got to have a  
8 student permit, right?

9 CHAIRMAN COOPER: So might as well  
10 have an apprenticeship license.

11 MR. EVANS: Going for the embalmers.

12 CHAIRMAN COOPER: Well, that's --  
13 that's what I was asking.

14 MR. EVANS: And you're going to  
15 Fayetteville Tech?

16 THE WITNESS: Fayetteville Tech, yes,  
17 sir.

18 MR. TEMPLES: And when do you plan to  
19 attend?

20 THE WITNESS: I'm hoping to attend  
21 the fall, the fall classes.

22 MR. TEMPLES: You have to complete a  
23 two-year degree; is that correct?

24 THE WITNESS: What I understand,  
25 Greenwood Tech's two years, in what I understand,

1 and Fayetteville takes a year. I've got the hours  
2 wrote down back at home. There's a lot less hours  
3 that Fayetteville requires versus Greenwood.

4 MS. CUBITT: If he's just going for  
5 his funeral director, both schools have a one year  
6 certification for just funeral director. Whereas  
7 the two year program gets them a funeral  
8 director/embalmer license.

9 MR. EVANS: Madam Chairman, I make a  
10 motion that we do allow Mr. Lewis to continue his  
11 apprenticeship to complete the three and a half  
12 months that he has to complete, and to allow the  
13 bridge of time, but you have to finish out your  
14 apprenticeship. And then also with the  
15 understanding that you, and along with the manager,  
16 Mr. McKenzie, I believe --

17 THE WITNESS: Yes, sir.

18 MR. EVANS: -- is responsible for  
19 your 35 hours in time. And our inspectors would be  
20 investigating that.

21 THE WITNESS: Okay. Yes, sir.

22 MR. NELSON: Second.

23 CHAIRMAN COOPER: All in favor?

24 BOARD MEMBERS: Aye.

25 CHAIRMAN COOPER: Opposed?

1 (NO RESPONSE.)

2 THE WITNESS: Thank you for your  
3 time.

4 CHAIRMAN COOPER: And, Ms. Cubitt,  
5 y'all are going to get the information to Mr.  
6 McKenzie or whatever that he'll --

7 MS. CUBITT: Uh-huh.

8 CHAIRMAN COOPER: -- have to sign?

9 MS. CUBITT: We'll send him a letter.

10 CHAIRMAN COOPER: Okay.

11 MS. CUBITT: We'll send all these a  
12 letter now.

13 \*\*\*\*\*

14 CHAIRMAN COOPER: Is Mr. Hunter here?

15 THE WITNESS: Yes, ma'am.

16 CHAIRMAN COOPER: This hearing is  
17 hereby now called to order. This is the matter of  
18 Wallace Hunter. The purpose of this hearing is to  
19 determine whether Mr. Hunter should be granted a  
20 license as a funeral director after passing the  
21 State Funeral Director and State Law exams.  
22 Everyone is reminded that these proceedings are  
23 being recorded and that all witnesses must be sworn  
24 before they testify. All remarks should be directed  
25 to the chair.

1 (The witness is sworn in.)

2 CHAIRMAN COOPER: Do you have anybody  
3 else here with you, Mr. Hunter?

4 THE WITNESS: No, ma'am.

5 CHAIRMAN COOPER: Okay. Ms. Rose.

6 (Off-the-record discussion.)

7 CHAIRMAN COOPER: Jeanie, you got any  
8 information to share with us?

9 MS. ROSE: Just basically that in  
10 November he came and y'all gave him six months to  
11 take the exam and get licensed. And at the time, he  
12 had been working a full-time job. And from what he  
13 tells me is that he had to have time to prepare for  
14 it, and then he's taken it twice. And failed it the  
15 very last time, he was only like two points from  
16 passing. And that he just needs, you know, an  
17 extension to maybe take it at least one more time.

18 CHAIRMAN COOPER: When is the exam  
19 given again?

20 MS. ROSE: There's no dates anymore.

21 MS. CUBITT: It's given all the time.

22 CHAIRMAN COOPER: How do you go --

23 MR. NELSON: Every two weeks from --

24 MS. CUBITT: Oh, you do have to wait

25 30 days after -- if you fail it, you have to wait 30

1 days before you can take it again.

2 MS. ROSE: And then if he's ready, he  
3 has to let them know four days ahead. And if  
4 there's a seat available, and he's filled out  
5 everything and paid them, then he can -- you know,  
6 they'll accept him to take --

7 CHAIRMAN COOPER: Where do you go to  
8 take the exam then?

9 MS. ROSE: It's different places.

10 MS. CUBITT: Pearson-Hew, is that the  
11 provider?

12 MR. EVANS: Yes, ma'am.

13 MS. ROSE: But there might be two or  
14 three places in South Carolina. There's North  
15 Carolina, Georgia, Florida; they've got different  
16 sites that, you know, whatever's closest to him, he  
17 can pick where he wants to. And if they've got a  
18 seat available, then he can take it. But when he  
19 fails it, he has to wait 30 days at least. But then  
20 if there wasn't a seat available, he may have to  
21 wait longer.

22 CHAIRMAN COOPER: And how long ago  
23 did he --

24 MS. ROSE: I don't know that.

25 CHAIRMAN COOPER: When was the last



1 time you took the exam?

2 THE WITNESS: On the 19th of this  
3 month. Yes, ma'am. I took the -- the -- the arts  
4 exam. Missed it twice by two points. Got the law  
5 exam the first time, but the -- the arts, I missed  
6 it twice.

7 COURT REPORTER: What are you saying?

8 THE WITNESS: The arts exam.

9 COURT REPORTER: Arts.

10 THE WITNESS: Arts exam, yes, ma'am.  
11 Took it twice; got 73 both times.

12 THE WITNESS: I just wanted to state  
13 that I did not complete Gupton or -- or Piedmont  
14 Tech. But I did order the manual that the  
15 conference provides. Some of the question, I'm  
16 going to need to dig a little deeper beyond that.  
17 But like I say again, I -- you know, I got close,  
18 but not quite.

19 MR. EVANS: Mr. Hunter, I just need  
20 some clarification. I don't believe I was -- I  
21 don't know if I was here when you came in November.

22 THE WITNESS: Yes, sir.

23 MR. EVANS: So you completed your  
24 funeral director apprenticeship in December of '01.

25 THE WITNESS: Uh-huh.

1 MR. EVANS: You submitted the funeral  
2 director application in '05, correct?

3 THE WITNESS: Yes, sir.

4 MS. CUBITT: So you could start  
5 taking the test.

6 MR. EVANS: So you could start taking  
7 the test. And so what happened between '05 and '11?  
8 Just different things didn't work out?

9 THE WITNESS: Different things. I  
10 remained active with my family business in Whitmire  
11 in Charleston, but I didn't keep up with the  
12 expiration date. And, you know, my --

13 MR. EVANS: And that's past. We  
14 talked about '07, you was granted approval, as long  
15 as you took the exam within six months, which you  
16 did.

17 THE WITNESS: Took it twice.

18 MR. EVANS: Twice. And I understand  
19 correctly, you would like an extension of that now.

20 THE WITNESS: Yes, sir, to attempt  
21 the exam again. Yes, sir.

22 MS. ROSE: Also, could I just say  
23 something, as he was telling me, his dad's getting  
24 up in age and he has been helping him, you know, a  
25 lot along. But he wants to be able to actually take

1 over this business one day too. So, I mean, he does  
2 want to actively stay in the business. So that was  
3 the other thing he was telling me.

4 CHAIRMAN COOPER: But he lives in  
5 Charleston and drives to Whitmire to work some.

6 THE WITNESS: Yes, sir. I have  
7 flexibility. Have not missed a case. Missed one  
8 case in all those years. We have a low death rate  
9 in Whitmire.

10 MR. EVANS: There's no much goes on  
11 in Whitmire. You know, I clearly understand your  
12 wanting to do this for family purposes. But, again,  
13 rules are rules, you know.

14 CHAIRMAN COOPER: So you did not go  
15 to a mortuary college. You had a degree from  
16 somewhere else?

17 THE WITNESS: Yes, ma'am. I have a  
18 Bachelors in Psychology from Charleston Southern.

19 MR. EVANS: Madam chairman, I'd  
20 like to make a motion that we allow him till August  
21 the 2nd, till our next board meeting, to pass this  
22 exam, and that will be it.

23 MR. BAKER: Second.

24 CHAIRMAN COOPER: All in favor?

25 BOARD MEMBERS: Aye.

1                   CHAIRMAN COOPER: You understand that  
2                   come August the 2nd --

3                   MR. EVANS: I believe that's our  
4                   next --

5                   MS. CUBITT: Correct.

6                   CHAIRMAN COOPER: You'll have the  
7                   opportunity to have taken the exam twice. If when  
8                   you apply to take it, the seats are filled, you  
9                   probably need some kind of evidence of that, if  
10                  you're going to appeal this again with us. But what  
11                  I would advise you to do is go ahead and get on  
12                  their roster now.

13                  THE WITNESS: Yes, ma'am.

14                  MR. EVANS: Study hard.

15                  MR. SPOON: And, sir, the board is  
16                  just looking at its regulation, okay? Which  
17                  provides, and I'm sure you heard this previously.  
18                  The board has the discretion to require you to  
19                  complete all or a part of your apprenticeship, if  
20                  you do not become licensed within five years of  
21                  completing your apprenticeship. So that's what the  
22                  board's dealing with here. So they've given you  
23                  until the 2nd of August to pass that part of the  
24                  exam. And the alternative may be at a later date,  
25                  maybe that you will have to complete all or part of

1 your apprenticeship; as long as you understand.

2 THE WITNESS: I understand.

3 MR. SPOON: And that concludes --

4 CHAIRMAN COOPER: All right. Thank  
5 you, sir.

6 THE WITNESS: Thank you.

7 CHAIRMAN COOPER: And good luck.

8 \*\*\*\*\*

9 CHAIRMAN COOPER: Last items here it  
10 looks like discussion and approval of the continuing  
11 education classes.

12 MS. CUBITT: We've given y'all a  
13 packet. At the last board meeting, y'all had talked  
14 about wanting to review the process and --

15 CHAIRMAN COOPER: Are these the only  
16 two?

17 MS. ROSE: No. That was just an  
18 example, to show y'all what we get in, because you  
19 wanted -- we didn't know how you wanted to work it,  
20 whether you wanted to come in or send things or --  
21 so we were just --

22 CHAIRMAN COOPER: Our concern is that  
23 these be board approved so that they are actually  
24 getting some type of continuing education relevant  
25 to the industry.

1 MS. ROSE: Right. But y'all --

2 CHAIRMAN COOPER: Rather than a walk-  
3 through tour of a vault company.

4 MS. ROSE: Right. Well, what you  
5 wanted to do was, you tabled it, to talk about it  
6 this time. So we just wanted to show you just a  
7 couple things of what we do get in. And then y'all  
8 wanted to make a decision of how y'all were going to  
9 handle it.

10 CHAIRMAN COOPER: Well, that's right.  
11 But it's been being approved by LLR. So our  
12 question is whether we take this back to where  
13 it comes before the board or not because, I mean  
14 like --

15 MR. EVANS: I have a question, Madam  
16 Chairman. I had a call from a director that had  
17 done a Florida continuing ed thing, mail-in. Read  
18 something and mailed it in.

19 CHAIRMAN COOPER: Uh-huh.

20 MR. EVANS: I think the reason we're  
21 concerned about this, you know, regardless, if those  
22 things are offered to funeral directors, I think  
23 there may be times that they take it because they  
24 can't get away or something. But my concern is,  
25 with this particular person, or particular even that

1           happened, that if LLR were to do an audit on them  
2           today, that person called to try to get a couple  
3           years back of reporting, they couldn't produce that,  
4           where he had done it.

5                       MS. CUBITT: Well, is the burden not  
6           on the licensee to keep the copies when they  
7           attended things?

8                       MR. EVANS: And he did. He was  
9           missing one year, but he remembered doing -- you  
10          know, had all his stuff, a cancelled check, but he  
11          called down there and they didn't have no record of  
12          it. So that's why I'm a little concerned about the  
13          legitimacy of these places.

14                      CHAIRMAN COOPER: Yeah. Did any one  
15          of y'all know that when like these vault companies  
16          apply for a walk-through tour of the vault company  
17          for three credit hours to be granted, down here  
18          where it says "If approval is granted, how do you  
19          feel attendance will aid the licensee to serve the  
20          public?" I'd really like to know how that's  
21          answered, a walk-through tour of the vault company.

22                      MS. CUBITT: Well, and I think at the  
23          last meeting -- I mean, we gave you this as an  
24          example, so you could see what we do get in for  
25          that. But I think then the decision y'all were

1 going to make was are y'all going to have a  
2 committee that approves them? Are you going to  
3 assign one board member to approve them?

4 CHAIRMAN COOPER: I think what we  
5 discussed is forming a committee to approve the  
6 continuing education that comes before the board.

7 MR. EVANS: And that would be where  
8 they would --

9 CHAIRMAN COOPER: They would submit  
10 that stuff to the committee and we would review it,  
11 to see if it was genuinely --

12 MR. EVANS: And the staff would email  
13 that to --

14 MS. CUBITT: Yeah, yeah. And  
15 Sheridan, would we be all right in that aspect, if  
16 we mailed them or emailed them their material? Then  
17 they emailed back ever how many is on the committee  
18 their response, and we just go with that?

19 MR. SPOON: Yeah. You have a  
20 regulation, 57-11, three hours every licensure  
21 period, different topics, and it does say "approved  
22 by the board." I know how it's done for some other  
23 areas, other professions. But I'm wondering, is the  
24 person -- is this, in layman's terms, on the honor  
25 system? Or do they submit -- do they just check on



1           their renewal application that "yes, I have done  
2           three hours"?

3                       MS. CUBITT: That's what they're  
4           doing. The people that are presenting the CEs  
5           submit a packet to us and we pre-approve it before  
6           they give it. And that's where this discussion is,  
7           the board wants the committee of the board to pre-  
8           approve that, rather than the staff.

9                       MR. SPOON: But the licensee  
10          themselves, they --

11                      MS. CUBITT: They just do a check the  
12          box.

13                      MR. SPOON: -- they indicate on the  
14          renewal or renewal application --

15                      CHAIRMAN COOPER: They just check a  
16          box.

17                      MR. SPOON: -- that "yes, I have done  
18          it."

19                      MS. CUBITT: Uh-huh.

20                      MR. SPOON: And at some point --

21                      CHAIRMAN COOPER: It could be ???.

22                      MR. SPOON: -- there may or may not  
23          be an audit --

24                      CHAIRMAN COOPER: Uh-huh.

25                      MR. SPOON: -- of the CE. Okay.

1 Well, that's pretty consistent with other boards,  
2 the boards that I'm familiar with.

3 MS. ROSE: I just wanted to say  
4 something about how we're talking about like the  
5 email or how we might do it. Just so that you know  
6 that some of these people, we might get two today;  
7 we might get ten or fifteen, whatever. But  
8 sometimes it's just for like, say, in two months  
9 they're going to have a class. But then sometimes  
10 we get it where they are doing like a class every  
11 month for the whole year. So at the end of the  
12 year, they've got to send all this paperwork in  
13 again. So a lot of times in October, we're getting  
14 everybody's in here, so we're getting a lot that  
15 we're going to be having to scan or send you or  
16 mail. I mean, this is the -- I'm just letting you  
17 know the scenario of how it goes, to see what would  
18 work out better, you think. You remember how we --  
19 we get loaded like toward the end of the month, with  
20 them all sending them in before the beginning of the  
21 year, to start getting it approved, because they  
22 start again in January, taking all these courses --

23 CHAIRMAN COOPER: Well, if they would  
24 send these to y'all in a email format, then it could  
25 be forwarded to us. I mean, I think our concern is

1           that these be --

2                                 (Talking over each other.)

3                                 CHAIRMAN COOPER:  Yeah.

4                                 MR. EVANS:  Madam Chairman, I  
5           think --

6                                 CHAIRMAN COOPER:  Well, what we were  
7           going to do is we were to appoint members to these  
8           committees --

9                                 MR. EVANS:  Sure.

10                                CHAIRMAN COOPER:  -- because that has  
11           not been done --

12                                MR. EVANS:  And yeah, they're just --

13                                CHAIRMAN COOPER:  -- in some length  
14           of time.  And so you're not talking about sending  
15           this to the whole board.  But our concern is that  
16           this continuing education genuinely benefits our  
17           licensees.

18                                MS. ROSE:  Right.

19                                MR. TEMPLES:  And it actually  
20           represents three hours continuing education.

21                                MS. ROSE:  And one other thing, just,  
22           you know, so everybody knows, we used to give -- you  
23           know, we used to go different places and put on a  
24           class like two or three times a year, and that got  
25           stopped by the agency.  So the way the law reads,

1 from legal counsel telling us, that something has to  
2 be provided for them. So that's one of the reasons  
3 like some of those online courses, you know, the one  
4 like he's talking about. But I know you're wanting  
5 to know if they're reputable.

6 But the point is is we have to make things  
7 available for people that can't leave their home,  
8 just say, but they want to keep their license up.  
9 We have to have something out there that they can  
10 do, other than like going somewhere.

11 CHAIRMAN COOPER: Well, I understand  
12 that. It's the going somewhere that bothers me more  
13 than this probably.

14 MS. ROSE: Okay.

15 CHAIRMAN COOPER: You notice these  
16 things that really turn out to just be a social  
17 event. And I assure you, nobody hates going to  
18 continuing education any worse than me. But after  
19 being on this board, I see the very -- this is so  
20 needed. And after speaking with Ms. Cubitt, I mean,  
21 I wish there would be something that required our  
22 licensees to have to have so much out of this  
23 continuing education, like some kind of class on a  
24 update on our laws. But that's something that she  
25 didn't feel like we can impose or whatever.

1           And, like I said, so much has changed since  
2 I've become licensed and, I mean, we are busy. So  
3 if we have to go to these continuing education  
4 classes and these type things are taught, is one  
5 thing. Chances of any of us going to the LLR  
6 website and reading the laws every three or four  
7 months is --

8           MS. CUBITT: And it may be that the  
9 associations will want to offer a continuing  
10 education ???--

11           CHAIRMAN COOPER: Well, and that's  
12 what I'm saying. We might can do, you know,  
13 something like that. But --

14           MR. EVANS: Madam Chairman, I think  
15 since Jeff is on that education committee, I'll  
16 nominate Mark Osteen as our public member on that  
17 committee. And then let LLR send them the reports  
18 and let them two approve it, or review it.

19           MR. BAKER: I don't have any problem  
20 with that.

21           MR. TEMPLES: Mark, do you have a  
22 problem with that?

23           MR. BAKER: Yeah. He said he didn't  
24 like you.

25           MR. TEMPLES: He didn't like me now.

1 MR. BAKER: He never liked you.

2 MR. OSTEEEN: No, I don't have a  
3 problem with it.

4 MR. EVANS: Can we try that, at  
5 least?

6 MS. CUBITT: Uh-huh. Yeah.

7 MR. EVANS: I mean, it's a start.

8 MS. CUBITT: Not a problem.

9 MR. EVANS: Yeah, let's try it and  
10 see.

11 MS. ROSE: So we're going to send  
12 them as we get them. Every time we get them, just  
13 send them.

14 (Off-the-record discussion.)

15 MS. CUBITT: Okay. We need to make a  
16 schedule that we keep in. And then in the schedule,  
17 put the date of getting the response back from them  
18 as to "yes" or "no," so that we've got a master  
19 schedule and then we've got to them.

20 (Off-the-record discussion.)

21 MS. CUBITT: We need a second on that.

22 MR. BAKER: Second.

23 CHAIRMAN COOPER: All those in favor?

24 BOARD MEMBERS: Aye.

25 MS. CUBITT: Are you always my

1 backup second.

2 MR. BAKER: I'm always your backup  
3 second.

4 \*\*\*\*\*

5 CHAIRMAN COOPER: It looks like we  
6 only have like one member on all of these  
7 committees. I mean, seems to me we should have at  
8 least have a second member on these other  
9 committees.

10 BOARD MEMBERS: Uh-huh.

11 CHAIRMAN COOPER: I mean, all we have  
12 under the legislative is Brad. Brad needs somebody  
13 to share that with.

14 MR. EVANS: I nominate Eddie Nelson.  
15 Billy Horton and I, but he was in a --

16 MR. BAKER: But we need someone --

17 MR. EVANS: But Eddie's got a in with  
18 legislation.

19 MR. TEMPLES: They need somebody on  
20 the morticians --

21 MR. EVANS: I nominate Eddie.

22 MR. BAKER: Second.

23 CHAIRMAN COOPER: All in favor?

24 BOARD MEMBERS: Aye.

25 CHAIRMAN COOPER: All right. How

1 about this regulatory compliance, federal and state?

2 MR. EVANS: I nominate John Petty on  
3 that one.

4 MR. BAKER: Second.

5 CHAIRMAN COOPER: All those in favor?

6 BOARD MEMBERS: Aye.

7 MR. PETTY: So you want me to deal  
8 with these legal issues; you talking about?

9 CHAIRMAN COOPER: Now, Jeff, what is  
10 this publications newsletter --

11 MR. TEMPLES: I've been trying to  
12 figure that out for four years.

13 MR. EVANS: Do we need that  
14 committee? Do we need that committee?

15 MR. TEMPLES: That's Doris.

16 MS. CUBITT: You know, obviously,  
17 we're stretched for time a lot. We would like to do  
18 newsletters. If y'all will give us articles or what  
19 you want in the newsletter, yes, we can pull it  
20 together and do it.

21 CHAIRMAN COOPER: No, I'm asking what  
22 does this committee do.

23 MS. CUBITT: Well, that's what they  
24 do with --

25 CHAIRMAN COOPER: Do you do anything?



1 MR. TEMPLES: No.

2 CHAIRMAN COOPER: That's my point.

3 MR. EVANS: Madam Chairman, I make a  
4 motion that we eliminate that committee.

5 CHAIRMAN COOPER: Can we eliminate  
6 that committee legally, even though it's being  
7 handled by y'all?

8 MR. SPOON: You're not required to  
9 have a committee.

10 MS. CUBITT: Yeah, you don't have to  
11 have a committee.

12 COURT REPORTER: What did Mr. Spoon  
13 say?

14 MR. SPOON: I'm sorry. I said you  
15 are -- the question was: Can that committee be --

16 CHAIRMAN COOPER: Legally  
17 eliminated.

18 MR. SPOON: That's not a committee  
19 that's established by law. It's at the discretion  
20 of the board and it can be something that the board  
21 decides not to have a committee on.

22 CHAIRMAN COOPER: See now, I'm not  
23 going to do you like Brad. I'm going to let you off  
24 instead of put you on something.

25 MR. EVANS: Where is my second at?

1 MR. TEMPLES: But our problem is, we  
2 didn't nominate Brad for a couple things, so --

3 MR. EVANS: I'm on that.

4 MR. TEMPLES: Where's Tommy in the  
5 middle of this.

6 COURT REPORTER: Did we get a second?

7 CHAIRMAN COOPER: Tommy's the second  
8 man and I'm just -- he is doing the seconding and  
9 I'm doing my thing.

10 MR. EVANS: Well, you're handling all  
11 of this.

12 CHAIRMAN COOPER: Oh, yeah, but  
13 that's only till the next meeting.

14 COURT REPORTER: Mr. Baker seconded  
15 that.

16 MR. EVANS: He did.

17 COURT REPORTER: Okay.

18 CHAIRMAN COOPER: All those in  
19 favor?

20 BOARD MEMBERS: Aye.

21 CHAIRMAN COOPER: So that means that  
22 I don't have anything.

23 COURT REPORTER: What about No. 2  
24 under 14? Are we not doing that?

25 CHAIRMAN COOPER: No. We've taken

1 care of that.

2 COURT REPORTER: Just scratch it  
3 out?

4 CHAIRMAN COOPER: Scratch it.

5 MS. CUBITT: Can I put in the record  
6 my understanding of how you want me to handle that?

7 CHAIRMAN COOPER: Yeah.

8 MS. CUBITT: With those cases where  
9 apprentices or managers have other jobs, will be  
10 handled on a case-by-case basis. And you want me to  
11 change the application for apprentices, so that the  
12 manager of the firm also has to sign. And there  
13 will also be instructions and a statement that he  
14 has to maintain the time records for both the  
15 supervisor and the apprentice under the supervisor,  
16 and that those will be checked on inspections.

17 CHAIRMAN COOPER: And it just needs  
18 to be clear that that manager understands that --

19 MS. CUBITT: His license can be --

20 CHAIRMAN COOPER: His --

21 MS. CUBITT: -- disciplined for --

22 CHAIRMAN COOPER: -- or her license  
23 are the one that's on the line, if they're going to  
24 assume that responsibility.

25 MS. CUBITT: Right.

1 MS. EVANS: And that gives Mr. Adams  
2 something to take care of.

3 MR. ADAMS: Give to Mr. Poole.

4 MR. TEMPLES: Mr. Adams, whether you  
5 know it or not, you just picked up anther form in  
6 your inspection.

7 MR. ADAMS: Thank you.

8 MR. SPOON: Ms. Rose?

9 MS. ROSE: Mr. Lewis wanted to know  
10 if he could ask another question of the board.

11 MR. SPOON: It depends on what the  
12 question is. Your hearing's been conducted.

13 MR. LEWIS: It's just a  
14 clarification.

15 MR. SPOON: Okay.

16 MR. LEWIS: When I complete my  
17 apprenticeship, how long will I have to complete my  
18 schooling, from that date? because the timing's  
19 going to up for my -- for my time.

20 MR. PETTY: It's a one year school.

21 MR. LEWIS: One year?

22 MR. BAKER: One year.

23 MR. EVANS: One year from --

24 MR. NELSON: From the time you  
25 complete your apprenticeship.

1 CHAIRMAN COOPER: He's only got to  
2 take one year of school, so --

3 MR. NELSON: I make a motion that we  
4 adjourn.

5 MR. BAKER: Second.

6 CHAIRMAN COOPER: So you just finish  
7 your schooling in that amount of time.

8 MR. LEWIS: The normal course that --

9 CHAIRMAN COOPER: Yes, sir.

10 MR. LEWIS: Okay. All right. Thank  
11 you.

12 CHAIRMAN COOPER: Thank you. Because  
13 part of that, Mr. Lewis, could be done  
14 simultaneously, if it's not a full-time --

15 MR. LEWIS: Yes, sir.

16 CHAIRMAN COOPER: -- thing at school.  
17 So your -- your extension with your schooling it  
18 actually gives you a little extra.

19 MR. LEWIS: Okay. Thank you.

20 CHAIRMAN COOPER: Yes, sir.

21 MR. NELSON: Madam Chair, I make a  
22 motion that we adjourn.

23 MR. BAKER: Second.

24 CHAIRMAN COOPER: All in favor?

25 BOARD MEMBERS: Aye.

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CHAIRMAN COOPER: Opposed?

(NO RESPONSE.)

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(Whereupon, the hearings were concluded at  
2:31 p.m.)

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CERTIFICATE OF REPORTER

I, CECELIA P. ENGLERT, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY CERTIFY THAT I RECORDED AND TRANSCRIBED THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, BOARD OF FUNERAL SERVICE BOARD MEETING ON THE 31ST DAY OF MAY, 2012, AND THAT THE FOREGOING 142 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF THE SAID HEARINGS.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO WENDI ELROD, ASSISTANT ADMINISTRATOR, SCLLR - BOARD OF FUNERAL SERVICE, KINGSTREE BUILDING, 110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 29TH DAY OF JUNE, 2012.

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CECELIA P. ENGLERT, COURT REPORTER  
MY COMMISSION EXPIRES JUNE 03, 2018