

MINUTES
South Carolina State Board of Funeral Service
Board Meeting

10:00 a.m., March 28, 2017
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Tuesday March 28, 2017

1. Meeting Called to Order

William B. Horton, Jr., of Kingstree, called the regular meeting of the South Carolina State Board of Funeral Service to order on March 28, 2017 at 10:04 a.m., and presided until the arrival of Mr. Jeffrey B. Temples, Vice President, of Columbia, SC at 10:21 a.m. Other Board members present for the meeting included: Wallace McKnight, Jr., of Andrews; John L. Petty III, of Landrum; Michelle A. Cooper, of Moncks Corner; D'Michelle P. DuPre, of Chapin; and Stephen Lee McMillan, Jr., of Myrtle Beach.

Staff members participating in the meeting included: Donnell Jennings, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister; Program Assistant; Monaca Harrelson, Administrative Assistant; Ernest Adams, Inspector, Office of Investigations and Enforcement; and William Poole, Inspector, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Elizabeth Simmons, South Carolina Morticians Association; Helena Norris-Jackson; Darryl Stanley Young, Crematory Services of South Carolina – Ladson; Richard Benton, Chief Financial Officer for Foundation Partners Group; Timothy Sprenger, Palmetto Professional Services; William Samuel Terry, IV, Palmetto Professional Services; and Jacob Flowers, South Carolina Department of Consumer Affairs.

A. Public Notice

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

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Introduction of Board Members and Persons Attending the Meeting

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

3. Approval of Excused Absence

Mr. Horton called a motion to excuse the absents of Eddie Nelson, Charvis Gray, and Stephen Gantt.

MOTION

Mr. McMillan made a motion to approve the absences.
Dr. DuPre seconded, which carried unanimously.

4. Approval of Minutes for the February 22-23, 2017 board meeting.

Mr. Horton called for a motion to approve the minutes for the February 22-23, 2017 board meeting.

MOTION

Mr. McMillan made a motion to approve the minutes as presented.
Mr. McKnight seconded, which carried unanimously.

5. President's Remarks

There were no remarks.

6. Administrator's Remarks – Amy Holleman

Ms. Holleman reported that the Board's cash balance ending February 2017 was -\$432,086.38.

Ms. Holleman informed the Board that she was elected the President of the Association of Executives of Funeral Service Boards, and that Charles Perine, of Alabama, is the new Regional Director of District 3 of the International Conference of Funeral Service Examining Boards' Directors.

Ms. Holleman provided an overview of the 113th International Conference Annual meeting held in Hilton Head, South Carolina in February 2017. Ms. Holleman stated that the Conference was informative and highlighted various legal and regulatory issues with an emphasis on cremation. Ms. Holleman deferred to Dr. DuPre to discuss the board member training seminar.

Dr. DuPre stated the Conference was informative and highly recommended others to attend. The sessions familiarized board members with the roles and responsibilities of serving on a funeral service regulatory board. Dr. DuPre intends to provide a detailed summary of the Conference at a later date.

7. Reports

A. Inspection Report

Mr. Adams reported that he and Mr. Poole conducted 41 inspections between February 14, and March 20, 2017.

B. Investigative Review Committee (IRC) Report

Ms. Holleman presented the report. On March 16, 2017, the IRC recommended the dismissal of cases 2016-60; 2017-3, and 2017-8, and that a formal complaint be issued for case 2016-62.

MOTION

Dr. DuPre made a motion to accept the Investigative Review Committee recommendations.

Mr. McMillan seconded the motion, which carried unanimously.

C. Office of Investigations and Enforcement (OIE) Report

Ms. Holleman presented the report, stating between January 1, 2017 and March 16, 2017, the Office of Investigations and Enforcement had nine active investigations, one do not open case, six opened cases, and four pending Board action. There were a total of nine cases closed, that included three do not open and six closed.

D. Office of Disciplinary (ODC) Counsel – Tracey Perlman

Ms. Perlman reported that for the Office of Disciplinary Counsel (ODC), as of March 21, 2017, there are 18 cases open with seven pending actions, six pending hearings, four pending Final Orders, two closed as of February 16, 2017, and one under appeal.

Mr. Temples, Vice President, arrived and presided over the remaining portion of meeting.

8. Approval of Consent Agreements

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

1. Consent Agreement – Failure to submit timely Renewal

Ms. Perlman presented a Consent Agreement for Parker Funeral Home (FE 555) for failure to submit a timely renewal. The licensee was renewed on March 3, 2017.

MOTION

Ms. Cooper made a motion to approve the Consent Agreement.

Mr. McMillan seconded the motion which carried unanimously.

2. Case No.: 2015-17

Ms. Perlman stated under advisement this case will not be heard today due to three attending Board members recusing themselves. The recusals will not allow the Board to have a quorum as required in SECTION 40-19-10. Ms. Perlman asked that the case be carried over to the next Board meeting date. Mr. Temples called for a motion to carry over the Consent Agreement to the next Board meeting.

MOTION

Ms. Cooper made a motion to carry-over the Consent Agreement to the next Board meeting.

Mr. McMillian seconded the motion, which carried unanimously.

9. Approval of Memorandum of Agreement (MOA)

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

Ms. Helena Suzanne Norris-Jackson was present on her own behalf without counsel.

Ms. Perlman presented the Memorandum of Agreement and added that Ms. Jackson has presented a work schedule showing 35 hours per week worked signed by her employer at that time, Timothy Glover. The documentation was entered as Exhibit 1.

Executive Session

MOTION

Mr. Horton made a motion to go into Executive Session to receive legal advice.

Ms. Cooper seconded the motion which was passed unanimously.

Return to Public Session

MOTION

Dr. DuPre made a motion to come out of Executive Session.

Mr. McKnight seconded the motion which was passed unanimously.

Mr. Temples stated, for the record, no votes were taken during Executive Session.

MOTION

Mr. Horton made a motion that the Board reject the Memorandum of Agreement and that the case with the new information be sent back to the Investigative Review Committee.

The Board requested that the letter submitted by Mr. Glover and any additional supporting materials be signed and notarized.

Mr. McMillan seconded the motion, which carried unanimously.

New Business

Application Hearings

10. Crematory/Additional Facility

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

1. Cremation Services of South Carolina – Ladson Darryl Stanley Young

Mr. Darryl Stanley Young and Mr. Richard Benton were present on behalf of the facility.

Ms. Holleman informed the Board that the application was complete. Ms. Holleman informed the Board that Mr. Darryl Stanley Young (FD. 3837) was initially licensed on April 7, 2015, and that his license is current. Mr. Young is requesting approval of the facility/crematory, and his application to be the manager.

MOTION

Ms. Cooper made a motion to approve Cremation Services of South Carolina – Ladson as a Crematory, and Mr. Darryl Stanley Young as the manager pending the final inspection.

Mr. Horton seconded the motion, which carried unanimously.

11. Licensure by Endorsement/Reciprocal License

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

1. William Samuel Terry, IV

Executive Session

MOTION

Ms. Cooper made a motion to go into executive session to receive legal advice.

Mr. McMillan seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. McMillan made a motion to come out of Executive Session.
Dr. DuPre seconded the motion which was passed unanimously.

Mr. Temples noted, for the record, that no votes were taken during Executive Session

Mr. Horton recused himself. Mr. Terry and Mr. Timothy Sprenger appeared on Mr. Terry's behalf.

Ms. Holleman informed the Board that the application was complete, and that Mr. Terry is applying for licensure by endorsement. Ms. Holleman informed the Board that Mr. Terry received his North Carolina Funeral Service license on May 1, 1979, which is currently active with an expiration date of December 31, 2017. He currently resides in Florence, SC.

Ms. Holleman informed the Board that in September 1998, Mr. Terry entered into a guilty plea to the felony charge of involuntary manslaughter; therefore, board staff was unable to approve the application.

Ms. Holleman informed the Board that in *SECTION 40-19-230 (B) (2)* states a person who has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude; and in *Reg. 57-05 (F)* a person has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude. Ms. Holleman stated the statute does provide licensure of applicants holding a license from another state provided that the State has substantial similar requirements to the requirements of South Carolina (*SECTION 40-19-235*). Ms. Holleman stated based on the presented information Board staff was not authorized to approve the application.

Mr. Terry spoke on behalf of himself and explained the circumstances surrounding his accident in December 1997, the conviction, and sentencing in September 1998. Mr. Terry stated he was convicted of involuntary manslaughter and assault with a deadly weapon with intent to inflict serious injury. Mr. Terry stated he was sentenced to six months in prison, and five years probation, and was released after serving two years of probation. Mr. Terry stated that he appeared before the North Carolina disciplinary board, and he was allowed to retain his Funeral Services license. Mr. Terry stated he has not had any other charges since those in 1997, and he continued to work in the funeral service profession until last year.

Mr. Terry presented letters of recommendations, and his current employer, Mr. Timothy Sprenger spoke on his behalf. Mr. Terry stated he is currently employed with Palmetto Professional Services, Inc. in Darlington, SC.

Mr. Temples called for a motion to go into executive session to receive legal advice.

Executive Session

MOTION

Ms. Cooper made the motion to go into executive session to receive legal advice.
Mr. McMillan seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Dr. DuPre made a motion to come out of Executive Session.
Mr. McMillan seconded the motion which was passed unanimously.

Mr. Temples noted, for the record, that no votes were taken during Executive Session.

Mr. Temples called for a motion on the application.

MOTION

Ms. Cooper made a motion stating that according to the South Carolina statute SECTION 40-1-140 that the applicant shall not be denied to practice unless the applicant has been found unfit to practice by the Board, and that based on the presented information the Board does not find Mr. William Samuel Terry, IV unfit to practice, therefore his application for licensure by endorsement is approved.

Mr. McMillan seconded the motion, which passed with four members voting yes, and one member, John Petty, voting no.

12. Crematory Operator and Trainer Certification Discussion

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

Mr. Temples directed the opening of the discussion to Ms. Holleman.

Ms. Holleman addressed the Board stating that statute does not address the certification of a crematory operator or trainer. It addresses, in SECTION 40-19-265 (D), the issuance of a crematory permit to an establishment and requires the crematory in SECTION 40-19-265 (D) (7), to provide evidence of employment of a factory trained operator. Ms. Holleman stated that Regulations address Crematory Operators and Certified Crematory Trainer/Preceptors as follows:

Regulation 57-14.3. Training of Crematory Operators

- (A) Persons who complete the following training will be listed on the official roster of the Board as Certified Crematory Operators.
- (B) Training will cover the following topics. The preceptor will document the time and date of specific training on these topics.
 - (1) Documents required prior to cremation authorization.
 - (2) Compliance with the record keeping requirements of this chapter;
 - (3) Operation of the retort and processing cremains, including specific safety precautions.

Regulation 57-14.4. Training of Certified Crematory Trainer/Preceptors.

- (A) Persons who complete the following training and documented experience will be listed on the official roster of the Board as Certified Crematory Trainer/preceptors.
- (B) Training will include the following components:
 - (1) Factory approved instruction in the operation of the on-site unit:
 - (2) Documents required prior to cremation (e.g. authorization, BRT, DC, Coroners' Permit):
 - (3) Compliance with the record keeping requirements of this chapter:

- (4) Operation of the retort and processing cremains, including specific safety precautions.
- (5) Packaging and delivery of cremains.

In an effort to better protect the public the Board discussed possible requirements to be included in a proposed Crematory Operator and/or Trainer Certification:

- Criminal background check (state and/or federal)
- Completion of course study (i.e. CANA training or develop a training course)
- Specification of required training hours prior to testing
- Passing a Board approved exam
- Licensed as a Funeral Director
- Fees for certification

The Board decided to defer the research, development, and regulations discussions of a Crematory Operator and/or Trainer Certification to the Board's Legislative Committee with the Committee reporting its progress and recommendations to the Board.

13. Executive Session – Legal Development

Executive Session

MOTION

Mr. Horton made a motion to go into Executive Session to receive legal advice.
Mr. McMillan seconded the motion which was passed unanimously.

Return to Public Session

MOTION

Mr. Horton made a motion to come out of Executive Session.
Dr. DuPre seconded the motion which was passed unanimously.

Mr. Temples stated, for the record, that no votes were taken during Executive Session.

14. Public Comments (no votes taken)

No comments were made by the public.

15. Adjournment

Mr. Temples called for a motion to adjourn.

MOTION

Ms. Horton made a motion to adjourn the meeting,
Mr. Petty seconded the motion which carried unanimously.

Mr. Temples, after ensuring there being no further business to discuss, adjourned the March 28, 2017 meeting for the South Carolina State Board of Funeral Service at 12:38 a.m.

The next meeting of the South Carolina Board of Funeral Service is scheduled for April 27-26, 2017 at 10:00 a. m., at Synergy Business Park, 110 Centerview Drive, Kingstree Building, Room 108, Columbia, South Carolina.