

MINUTES
South Carolina Board of Funeral Service
Board Meeting

10:00 a.m., Monday, September 23, 2013
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 105
Columbia, South Carolina

Monday, September 23, 2013

1. Meeting Called to Order

Kenneth E. Beasley, of Fountain Inn, President, called the regular meeting of the SC Board of Funeral Service to order at 10:21 a.m. Other Board members present for the meeting included: Thomas E. Baker, II, Vice President, of Kershaw; Charlie Bradford Evans, of Abbeville; Michelle Cooper, of Moncks Corner; Mark R. O'Steen, of Spartanburg; John L. Petty, III, of Landrum; and, Jeffrey K. Temples, of Columbia.

Staff members participating in the meeting included: Wendi Elrod, Program Assistant; Jeanie Rose, Administrative Assistant; Doris Cubitt, Administrator; Mary League, Advice Counsel, Office of Advice Counsel; Erin Baldwin, Office of General Counsel; Ernest Adams, Inspector, Office of Investigations and Enforcement; Buddy Poole, Inspector, Office of Investigations and Enforcement; Darra Coleman, Chief Advice Counsel, Office of Advice Counsel; Holly Pisarik, Agency Director; and, Sharon Cook, Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting included: Timothy L. Brightharp; Wilenda Turner, of Angel's Affordable Caskets; King D. Gilbert, of Gilbert Mortuary; James Gilbert, of Gilbert Mortuary; Joy Hunter, of Gilbert Mortuary; Ephriam Stephens, of Stephens-Maree-Tracy Funeral Home; Ricky Fernandez, of Divine Mortuary; Joseph Harper, of Divine Mortuary; Bridget Wright, of Wright Funeral Home; Matalie Mickens, of SC Department of Consumer Affairs (SCDCA); Lou Ann Pyatt, of the SC Morticians Association (SCMA); Mike Squires, of the SC Funeral Directors Association (SCFDA); Elizabeth Simmons, of the SC Morticians Association (SCMA); Marcus D. Brown, of the SC Morticians Association (SCMA); Gloria S. Ferguson, of Square Deal Funeral Home; Mable T. Gill, of Gill Casket Company; Edwina Gill, of Gill Casket Company; Tom Gill, of Gill Casket Company; and, Monique W. Tracy Bennett, of Stephens-Maree-Tracy Funeral Home.

a. Public Notice

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

b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Introduction of Board Members and Persons Attending the Meeting

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

3. Approval of Excused Absences

Wallace McKnight, Jr., Secretary, of Andrews; and, William B. Horton, Jr., of Kingtree were granted excused absences.

MOTION

Mr. Evans made a motion that the Board approve Mr. McKnight's, and Mr. Horton's absences. Mr. Temples seconded the motion, which carried unanimously.

4. Fees – Holly Pisarik

Ms. Pisarik indicated that many boards with LLR are adjusting their fees per Section 40-1-50(D). She stated that some boards bring in too much revenue and others bring in too little to administer the boards. She stated 13 boards will be increasing their fees, and nine others will be decreasing their fees.

She stated the fee adjustments will be based on the number of licensees, number of complaints, and number of phone calls.

She said Accountancy has about 7,000 licensees, which takes up a lot of Ms. Cubitt's and her staff's time. So the agency is considering readjusting some boards like pairing cemetery, funeral and auctioneers together with two staff members and a new administrator. She stated the pairing will make more sense due to the number of licensees. Cemetery has 126; Funeral has 2,000; and Auctioneers has 1,000.

She informed the board that the agency will be adding three more attorneys in the Office of General Counsel (OGC), and may decide to add two more at a later date.

She indicated that if the Board thinks that other things are needed like a Facebook page for the Board please let her know.

She stated that the agency is currently working on a more user friendly website, which should be complete by the end of the month.

She informed the Board that the agency no longer orders transcripts of the board meetings unless needed.

She stated when the agency renegotiated the lease of the building they went from \$14 per square foot to \$9 per square foot; which will be saving revenue for the agency.

The Board proposed new fees as follows:

	<u>Current Initial Licensing Fees</u>	<u>Proposed Initial Licensing Fee</u>
Student Funeral Director	\$25	\$100
Student Embalmer	\$25	\$100
Apprentice Funeral Director	\$50	\$200
Apprentice Embalmer	\$50	\$200
Misc Fees/Manager Change	\$10	\$100
	<u>Current Initial/Renewal Fees</u>	<u>Proposed Initial/Renewal Fee</u>
Funeral Director by Exam/Reciprocity	\$100 / \$100	\$360 / \$310
Embalmer by Exam/Reciprocity	\$100 / \$100	\$360 / \$310
Funeral Director/Embalmer by Exam/Recip.	\$150 / \$120	\$380 / \$330
New Funeral Home or Establishment	\$200 / \$120	\$410 / \$360
Additional Funeral Home or Establishment	\$200 / \$120	\$410 / \$360

MOTION

Mr. Evans made a motion that the Board approve the fees as discussed. Ms. Cooper seconded the motion, which carried unanimously.

5. Approval of Minutes for the July 22, 2013, and July 23, 2013, Meeting

MOTION

Mr. Evans made a motion that the Board approve the minutes for the July 22, 2013, and July 23, 2013, meeting as they are. Mr. Temples seconded the motion, which carried unanimously.

6. President's Remarks – Kenneth Beasley

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

7. Administrator's Remarks – Doris Cubitt

Ms. Cubitt stated that she attended the Death Care Regulators conference in St. Louis and they had a good meeting.

She also informed the Board that Mr. Anthony Wilkes with OSHA can be contacted for a free inspection to educate funeral homes on OSHA's policies.

Ms. Cubitt stated that the Board has giving her the authority to approve additional facilities so the questions has come up if she can also approve funeral facility location changes.

MOTION

Mr. Evans made a motion that the Board grant Ms. Cubitt the authority to approve location changes. Mr. Petty seconded the motion, which carried unanimously.

8. Reports

A. Inspection Report

Mr. Adams reported that there have been about 160 inspections completed since July 15, 2013.

MOTION

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

B. Investigative Review Committee (IRC) Report

July 17, 2013 IRC report

Ms. Wolfe said the IRC recommended two cases for a letter of caution, 2013-25, and 2013-29.

MOTION

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

September 20, 2013 IRC report

Ms. Wolfe said the IRC recommended eight cases be dismissed, 2013-11, 2013-12, 2013-13, 2013-14, 2013-15, 2013-16, 2013-37, and; 2013-44. There is one cease and desist case, 2013-40. There is one case for formal complaint, 2013-23. There are four cases for letter of caution, 2013-1, 2013-38, 2013-39, and; 2013-41.

MOTION

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

C. OIE Report

Ms. Cubitt stated that there are 19 active cases, one do not open case, seventeen pending board action, and ten cases have been closed from January 1, 2013, to September 13, 2013.

D. Office of General Counsel

Ms. Baldwin presented the Board with the report from the Office of General Counsel (OGC). She included in the report that OGC opened 30 cases, 21 cases are pending action, one case pending consent agreement or memorandum of agreement, two pending hearings, two pending final orders, and four have appealed.

She stated there are three cases they are requesting permission to dismiss since the person has passed away.

MOTION

Mr. Temples made a motion that the Board allow those three cases to be dismissed. Mr. O'Steen seconded the motion, which carried unanimously.

9. Election of officers

1. Nomination for President

Mr. Evans nominated Mr. Thomas Baker for president. There being no further nominations, the nominations were closed. Mr. Petty seconded the motion, which carried unanimously.

2. Nomination for Vice President

Mr. Baker nominated Mr. Wallace McKnight for vice president. There being no further nominations, the nominations were closed. Mr. Temples seconded the motion, which carried unanimously.

3. Nomination for Secretary/Treasurer

Mr. Temples nominated Mr. Brad Evans for Secretary/Treasurer. There being no further nominations, the nominations were closed. Mr. O'Steen seconded the motion, which carried unanimously.

Old Business

10. Application Hearings

Ownership change/no manager

1. Divine Mortuary – needs manager

MOTION

Mr. Baker made a motion the Board table this item until the December 12, 2013 meeting. Mr. Evans seconded the motion, which carried unanimously.

New Business

11. Application Hearings

New Facility or Ownership change

1. Gilbert Mortuary – King David Gilbert

Mr. James Gilbert stated he is purchasing the funeral home, and he will be the owner of the funeral home, but Mr. King David Gilbert will be the manager.

He stated they are requesting to change the name from Gilbert Funeral Parlor to Gilbert Mortuary.

He stated that Mr. Gilbert was already the manager of record but when Mr. Gilbert's brother passed away they sold the funeral home to him.

Ms. Cooper inquired when Mr. James Gilbert received his original license. He stated his license was issued in 1998. Mr. Gilbert stated that he will not be acting as manager since Mr. King David Gilbert and his brother were both pillars in the community so he wishes to make as little changes as possible.

Mr. Evans inquired on if they sale pre-need. Mr. Gilbert stated they do not sale pre-need.

MOTION

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

2. Stephens Maree Tracy Funeral Home – Monique W. Bennett

Mr. Beasley stated he will recuse himself if need be since he and Ms. Bennett attended mortuary college together. Ms. Bennett stated there is no need.

Mr. Stephens stated he purchased this funeral home in 2009 as a sole proprietor but now it has become an LLC, which is considered new ownership. He stated that Ms. Bennett will be the manager.

Ms. Rose stated all is in order except Ms. Bennett's criminal background report hasn't been received yet.

MOTION

Mr. Evans made a motion that the Board approve this application, and honor the current inspection report since it was inspected in April 25, 2013 and pending the receipt of Ms. Bennett's criminal background report. Ms. Cooper seconded the motion, which carried unanimously.

3. Stephens and Scriven Funeral Home – Ephriam D. Stephens

Mr. Stephens stated he is purchasing this funeral home, which was previously Scriven Funeral Home.

Ms. Rose stated all is in order except proof of sale.

Mr. Evans inquired on if the funeral home sales pre-need. Mr. Stephens said they do not.

MOTION

Mr. Evans made a motion that the Board approve this application, pending proof of sale and the final inspection. Mr. Temples seconded the motion, which carried unanimously.

4. Wright Funeral Home – Bridget M. Wright

Ms. Wright's father was the owner and manager of the funeral home, but he has passed away and left the funeral home to her. This will be an ownership change.

She requested to keep the same license number since nothing will change except she will now be owner and manager.

MOTION

Mr. O'Steen made a motion that the Board approve this application, pending a favorable inspection. He also stated in his motion that the Board deny her request to keep the same license number, but she can keep the old license hanging on the wall with the new license. Ms. Cooper seconded the motion, which carried unanimously.

New Retail Sales Outlets/Casket Stores

1. Angels Affordable Caskets Urns & More – Wilenda S. Turner

Mr. Temples stated that he will recuse himself since Ms. Turner is a former employee.

Ms. Turner stated that she wishes to open a casket store.

MOTION

Mr. Petty made a motion that the Board approve this application, pending final inspection. Ms. Cooper seconded the motion, which carried unanimously.

2. Gill Casket Company LLC – Mable T. Gill

Ms. Gill stated that she and her late husband had been operating this casket store since 1966. She informed the Board that she has a retail business license, but she didn't know she needed any other type of license.

MOTION

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

Request to take exams license expired over 5 years

1. Timothy Leslie Brightharp – Funeral Director/Embalmer

Mr. Brightharp stated that he wishes to reinstate his license by taking the exams since his license has been expired over five years.

Ms. Rose informed the Board that Mr. Brightharp was licensed from June 23, 1992, until June 30, 2006.

The cease and desist notice for Mr. Brightharp for working as a funeral director/embalmer without an active license was presented to the Board for their review.

Mr. Brightharp stated that in 2003 he lost his lower left leg, and in 2005 he got an infection in the leg which in turn caused him to be in and out of the hospital, so he allowed his funeral director/ embalmer license lapse.

He admitted that he was working for his father on some occasions without an active license.

MOTION

Mr. Petty made a motion that the Board deny his request due to his past record and knowingly working without an active license. Mr. Temples seconded the motion, which carried unanimously.

Request for Apprenticeship applicant to have other full-time employment

1. Willie B. Ellison – Apprentice Funeral Director

The Board tabled this until Mr. Ellison and his supervisor can appear.

Request to serve Apprenticeship 4th time

1. Gloria S. Ferguson - Apprentice Funeral Director

Ms. Ferguson stated this will be the fourth time of serving her apprenticeship, and she only needs ten more required cases to complete her apprenticeship.

She stated she had to stop the apprenticeship because the funeral home had two other apprentices at the same time.

MOTION

Mr. Petty made a motion that the Board approve this application, as long as she completes her apprentice requirements within the next 12 months. Mr. Temples seconded the motion, which carried unanimously.

12. Committee Reports

A. Legislative Committee – Brad Evans
This committee had no report.

B. Examination/CEU/Education – Jeff Temples, Mark O'Steen
This committee had no report.

C. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed – Billy Horton, Doris Cubitt
This committee had no report.

13. Public Comments

No public comments at this time.

14. Adjournment

MOTION

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

The September 23, 2013, meeting of the SC Board of Funeral Service adjourned at 1:03 p.m.

The next meeting of the SC Board of Funeral Service is scheduled for December 12, 2013.