

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

10:00 a.m., September 5, 2014  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 108  
Columbia, South Carolina

**Friday, September 5, 2014**

**1. Meeting Called to Order**

Wallace McKnight, Jr., Vice President, of Andrews, called the regular meeting of the SC Board of Funeral Service to order at 9:12 a.m. Other Board members present for the meeting included: Charlie Bradford Evans, Secretary, of Abbeville; Mark R. O'Steen, of Spartanburg; John L. Petty, III, of Landrum; Michelle Cooper, of Monks Corner; Marcus D. Brown, of Anderson; and, Jeffrey K. Temples, of Columbia.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Alex Imgrund, Advice Counsel, Office of Advice Counsel; Tracey Perlman, Office of General Counsel; Wendi Elrod, Program Assistant; Doris Cubitt, Administrator; and, Jeanie Rose, Administrative Assistant.

Members of the public attending the meeting included: Gloria Lebby, of Lebby Funeral Home; Debra Jackson; Eric LeGrand, of Greene Funeral Home; Frank Greene, Greene Funeral Home; Ross McClary, of McClary's Funeral Home; Lou Ann Pyatt, of the SC Morticians Association (SCMA); Mike Squires, of the SC Funeral Directors Association (SCFDA); and, Matalie Mickens, of SC Department of Consumer Affairs (SCDCA).

a. Public Notice

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

b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

**2. Introduction of Board Members and Persons Attending the Meeting**

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

**3. Approval of Excused Absences**

Thomas E. Baker, II, President, of Kershaw; William B. Horton, Jr., of Kingstree; and, Eddie Nelson, of Blythewood were granted excused absences.

**MOTION**

Mr. Evans made a motion that the Board excuse Mr. Baker's, Mr. Horton's, and Mr. Nelson's absences. Ms. Cooper seconded the motion, which carried unanimously.

**New Business**

**Application Hearings**

#### **4. Request to serve Apprenticeship/Criminal Background**

1. David Eric Legrand – Apprentice Funeral Director

Ms. Rose stated that Mr. Legrand submitted an application to serve a funeral director apprenticeship under Mr. Frank Greene. She stated that due to his criminal background the Board needs to review and approve or deny.

##### **MOTION**

Ms. Cooper made a motion that the Board grant Mr. Legrand's request to serve his apprenticeship. Mr. Temples seconded the motion, which carried unanimously.

#### **5. She has two different Supervisors and one Supervisor is more than 40 miles away**

2. Debra Jackson – Apprentice Funeral Director/Embalmer

Ms. Jackson wishes to serve a dual funeral director/embalmer apprenticeship at Job's Mortuary. However she wishes to serve the funeral director apprenticeship under Mr. Serena Canty-McCoy and the embalmer apprenticeship under Mr. Ross McClary, but Mr. McClary owns and manages his own funeral home, which is over 50 miles away, and he is the trade embalmer for Job's Mortuary.

##### **MOTION**

Mr. Evans made a motion that the Board approve Ms. Jackson's application to serve her apprenticeship pending a letter on funeral home letterhead showing that she is a paid employee of Job's Mortuary and her work hours. Ms. Cooper seconded the motion, which carried unanimously.

#### **6. Request for Apprenticeship with other employment**

1. Lionell A Cribb – Apprentice Funeral Director

The Board tabled this issue until Mr. Cribb can attend.

2. Kendall Jamar Kirby – Apprentice Funeral Director/Embalmer

The Board allowed Mr. Kirby to be heard via conference call since he was present at the last board meeting and was unable to be heard since the Board lost a quorum. He informed the Board that it would be hard for him and his supervisor to attend the September meeting. So the Board allowed him to be heard via conference call as long as he, his supervisor, and a notary can be present in the same room, and the notary can swear them in.

When the Board called Mr. Kirby he no longer had his supervisor or the notary present since he was expecting the call at 9:00 a.m. or 10:00 a.m.

The Board moved this item until the October 23, 2014, meeting.

#### **7. Disciplinary Hearings**

1. 2009-43 – John H Martin, FDE 1730

Ms. Perlman stated they have been issued a continuance until the October 23, 2014 Board meeting.

2. 2012-44 – John H Martin, FDE 1730

Ms. Perlman stated they have been issued a continuance until the October 23, 2014 Board meeting.

3. 2013-26 – John H Martin, FDE 1730

Ms. Perlman stated they have been issued a continuance until the October 23, 2014 Board meeting.

### **Motion to Recess for Lunch**

#### **MOTION**

Mr. O'Steen made a motion that the Board break for lunch until 12:15 p.m. Mr. Temples seconded the motion, which carried unanimously.

### **Return to Session from Lunch**

#### **MOTION**

Mr. Evans made a motion that the Board return from lunch. Mr. O'Steen seconded the motion, which carried unanimously.

#### **4. 2012-3 – The Unity Mortuary, FE 373**

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

Ms. Perlman stated that on or about November 23, 2011, Respondent did not timely cremate the deceased and return the ashes to Complainant. Complainant's father died on November 23, 2011, and Complainant did not receive the ashes until February 6, 2012.

Since the investigation into this matter, Respondent's former owner, Mr. Roosevelt Thompson, and former manager, Mr. Milton Owens, have both died.

### **Executive Session**

#### **MOTION**

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

### **Return to Public Session**

#### **MOTION**

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

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

#### **MOTION**

Mr. Petty made a motion that the Board find the Respondent in violation of Sections 40-1-110(f), 40-19-110(14) and 61-19(18)(A & B). The Board feels that the appropriate sanctions are that the Respondent be publicly reprimanded, pay Five Hundred Dollar (\$500.00) fine, for each violation for a total of Fifteen Hundred Dollars (\$1,500) within thirty (30) days of the effective date of the Board's Order and that the Respondent's license to practice be suspended for a period of two (2) years, beginning the effective date of the Board's Order. Ms. Cooper seconded the motion, which carried unanimously.

#### **5. 2012-32 – Cremation Society, FE 617**

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

Ms. Perlman stated that the Respondent accepted monies for two preneed funeral services from consumers but failed to deposit the funds into the proper trust account and failed to use an approved contract for one of the consumers.

### **Executive Session**

#### **MOTION**

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

### **Return to Public Session**

#### **MOTION**

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

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

#### **MOTION**

Mr. Evans made a motion Board find the Respondent in violation of Sections 40-19-5,40-19-110(12), 32.7-20(A)(1), and 32-7-20(A)(3). The Board feels that the appropriate sanctions are that the Respondent be publicly reprimanded, pay Five Hundred Dollar (\$500.00) fine, for each violation for a total of Two Thousand Dollars (\$2,000) within thirty (30) days of the effective date of the Board's Order and that the Respondent's and manager's license to practice be on probation for a period of two (2) years, beginning the effective date of the Board's Order. If the Respondent has anymore violations the licenses will be suspended. Ms. Cooper seconded the motion, which carried unanimously.

## **8. Approval of Minutes for the June 12, 2014, and June 13, 2014**

#### **MOTION**

Mr. Evans made a motion on that the Board accept the meeting minutes for the June 12 and June 13, 2014, as written. Mr. O'Steen seconded the motion, which carried unanimously.

## **9. Administrator's Remarks – Doris Cubitt**

### **A. Financial reports**

Ms. Cubitt presented the financial reports for June and July 2014 to the Board for their review.

### **B. GPL**

Ms. Cubitt stated we have 43 funeral homes that have not complied by sending in their GPL's. She stated that staff will be working with Mr. Adams and Mr. Poole to determine if they have received any of the GPL's for any of the 43 and the remaining funeral homes that have not complied we will open complaints.

### **C. Renewals**

Ms. Cubitt stated that there are a total of 79 licensees that have not renewed their license and in that total are licensed individuals and funeral homes. She stated that staff is currently working on sending out consent agreements for those licensees that did not renew their license by July 31, 2014.

Ms. Cubitt stated that the Board had requested that there be three Investigative Review Committee (IRC) members. She stated that we currently have only one IRC member. She suggested that the

Board member's think of how they wish to serve as IRC members and send her a list via email and we will present the list to the Board at the next board meeting.

## **New Business**

### **Application Hearings**

#### **10. New Funeral Home or Ownership change**

##### 1. Community Mortuary Inc – Norman D Dawkins

Ms. Rose stated that the ownership for Community Mortuary Inc and Michael A. Glenn Funeral Home are the same so Ms. Cubitt suggested that they be moved to the next agenda because they failed to submit proper ownership papers for Michael A. Glenn Funeral Home since they should be heard together since it is the same ownership.

##### 2. Michael A Glenn Funeral Home – Michael A Glenn

Ms. Rose stated that the ownership for Community Mortuary Inc and Michael A. Glenn Funeral Home are the same so Ms. Cubitt suggested that they be moved to the next agenda because they failed to submit proper ownership papers for Michael A. Glenn Funeral Home since they should be heard together since it is the same ownership.

##### 3. Lebbby Funeral Home

1. Lebbby Funeral Home (Parent) – Gloria C Lebbby
2. Lebbby Funeral Home (Branch) – Gloria C Lebbby
3. Lebbby Funeral Home (Chapel) – Gloria C Lebbby

Ms. Rose stated that when the funeral home license was being renewed staff noticed that the SSN was different than what was on file. That is when the board staff was notified that Ms. Lebbby's father died so there for they had new ownership and must submit a new application packet.

#### **MOTION**

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

#### **11. Election of officers**

##### **1. Nomination for President**

Mr. Temples nominated Mr. Wallace McKnight, Jr. for president. Mr. Petty seconded the motion, which carried unanimously.

##### **2. Nomination for Vice President**

Mr. Temples nominated Mr. Charlie Bradford Evans, for vice president. Mr. Petty seconded the motion, which carried unanimously.

##### **3. Nomination for Secretary/Treasurer**

Mr. Temples nominated Mr. Marcus D. Brown, for Secretary/Treasurer. Mr. Petty seconded the nomination. There being no further nominations, the nominations were closed.

#### **12. Public Comments (no votes taken)**

No public comments at this time.

**13. Adjournment**

**MOTION**

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

The September 5, 2014, meeting of the SC Board of Funeral Service adjourned at 1:50 p.m.

The next meeting of the SC Board of Funeral Service is scheduled for October 23, 2014.