

1 **MINUTES**
2 **South Carolina Board of Funeral Service**
3 **Board Meeting**

4 10:00 a.m., September 15, 2011
5 Synergy Business Park
6 110 Centerview Drive, Kingstree Building Room 108
7 Columbia, South Carolina
8

9 **Thursday, September 15, 2011**

10 **1. Meeting Called to Order**

11 Eddie Nelson, President, of Blythewood, called the regular meeting of the SC Board of Funeral
12 Service to order at 10:12 a.m. Other Board members present for the meeting included:
13 Michelle Cooper, Vice-President, of Moncks Corner, Glen Crawford, secretary, of Lancaster;
14 Billy Horton, of Kingstree; John Petty, III, of Landrum; C. Brad Evans, of Abbeville; Thomas
15 Baker, of Kershaw; Kenneth Beasley, of Fountain Inn; Jeff Temples, of Columbia and Margery
16 McWhorter, of Columbia.

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18 Staff members participating in the meeting included: Doris Cubitt, Administrator; Jeanie Rose,
19 Administrative Specialist; Amy Holleman, Administrative Specialist; Wendi Elrod, Program
20 Assistant; Lil Ann Gray, Division of Legal Services; Sheridon Spoon, Division of Legal Services
21 and Sharon Wolfe, Office of Investigation and Enforcement.
22

23 Mike Squires, of the SC Funeral Directors Association (SCFDA); Sam W. Halls, President of the
24 SC Morticians Association (SCMA); Elizabeth Simmons, SC Morticians Association (SCMA),
25 Alicia Clark, of SC Dept of Consumer Affairs (SCDCA); Zachary M. Ray, Davis Funeral Home;
26 James D. Davis, Davis Funeral Home; Terry McBride, Calhoun Falls Funeral Home; James A.
27 Davis, Crawford Funeral Home; Doris Bernice Jackson, Goins Funeral Home; Stanley E. Rice,
28 Goins Funeral Home; Fernander C. Barr, Graham and Godwin Funeral Home; Mike White,
29 White's Green Services; Henry C. Gilmore, Gilmore Mortuary; Rodriquez Jenkins, Jackson
30 Brooks Funeral Home; W. Scott Fowler, J.F. Floyd Mortuary; Phillip J. Lemmon, Graham and
31 Godwin Funeral Home; Andre Locke, Ada's Home for Funerals; Yvonne Murray and Lacy S.
32 Robinson.
33

34 **A video of this meeting can be viewed at www.lfr.state.sc.us/POL/Funeral. On the Board's**
35 **home page, click 'Board Information' and follow the link to the video.**
36

37 a. Public Notice

38 Mr. Nelson announced that public notice of this meeting was properly posted at the SC Board of
39 Funeral Service office, Synergy Business Park, Kingstree Building, and provided to all
40 requesting persons, organizations, and news media in compliance with Section 30-4-80 of the
41 South Carolina Freedom of Information Act.
42

43 b. Pledge of Allegiance

44 All present recited the Pledge of Allegiance.
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46 **2. Introduction of Board Members and Persons Attending the Meeting**

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

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3. Approval of Excused Absences

No absences at this meeting.

4. Approval of Minutes for the June 29, 2011 and June 30, 2011 Meeting

The changes are as follows:

June 29, 2011 meeting

Mr. Beasley and Mr. Evans were both present at the meeting however their names were omitted from the minutes in error.

On page 14, line # 678, it states "SC Perpetual Care Cemetery Board" which should be replaced with "SC Board of Funeral Service".

June 30, 2011 meeting

Mr. Beasley and Mr. Baker were both present at the meeting however their names were omitted from the minutes in error.

On page 8, line # 374, it states "Mr. Evans seconded the motion" however he wasn't present so it should read "Mr. Horton seconded the motion".

MOTION

Mr. Baker made a motion the Board approves the minutes of the June 29, 2011 and June 30, 2011 meetings with the changes. Mr. Temples seconded the motion, which carried unanimously.

5. President's Remarks – Eddie Nelson

Mr. Nelson welcomed everyone to the meeting and thanked them for attending.

6. Old Business

Mr. Nelson opened the floor for any old business. Since there is no old business to discuss at this time we will proceed to the next agenda item.

7. New Business

Mr. Nelson opened the floor for any new business. Since there is no new business to discuss at this time we will proceed to the next agenda item.

8. Information Update

Financial Statements – Doris Cubitt

Ms. Cubitt stated she has presented to the Board members a financial report for June, July and August 2011 however she will work on a more detailed financial report, which should be available to the Board members in a month.

MOTION

Mr. Crawford made a motion the Board accepts as information. Mr. Baker seconded the motion, which carried unanimously.

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

97 Ms. Cubitt stated that she has been assigned as Administrator for the Cosmetology, Barber and
98 Massage Board temporarily as well as still having the Boards that she already had,
99 Accountancy, Funeral Service and Perpetual Care Cemetery Boards. She stated that the Board
100 staff is excellent so there shouldn't be any noticeable changes since the Board staff will remain
101 the same. She stated that if any issues arise she will be available.

102
103 She stated the agency is working on establishing an online application database that will allow
104 applicants to apply online. She also informed the Board members that the agency has a secure
105 website that the Board members could use to download the Board meeting packets for their
106 convenience instead of waiting for the packet to be mailed. She stated if anyone is interested
107 please let Board staff know so they may make arrangements.

108
109 She stated that the Death Care Conference went well and was very informative. She stated that
110 she will have a summary to give to the Board at the next meeting.

111
112 Ms. Cubitt stated that the agency has made a change for all Boards regarding the way the
113 minutes are done. She stated that now the minutes will reflect a summary and the motions only.
114 She stated that there will also be a full transcript posted on the website that has been completed
115 by a Court Reporter.

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117 **10. Reports**

118 **A. Investigate Review Committee (IRC) Report**

119 Ms. Wolfe gave the Board a report with the IRC's recommendations.

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121 **MOTION**

122 Mr. Crawford made a motion the Board accepts as information. Mr. Evans seconded the
123 motion, which carried unanimously.

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125 **B. OIE Report**

126 Ms. Wolfe stated she is the Chief Investigator for several Boards so she will now be giving the
127 OIE reports for the Boards she is over. She stated as of September 14, 2011 there have been
128 39 cases received in 2011. She stated that 34 of those cases have been closed as of
129 September 14, 2011.

130
131 Mr. Nelson inquired on what it the average time processing time when a complaint is received
132 until it is closed. Ms. Wolfe stated that the average is 134 days from the date the complaint is
133 received until it goes before the Board. Mr. Evans stated shouldn't 90 days be a more
134 acceptable timeline. Ms. Wolfe stated that sometimes it isn't the investigation that is holding it
135 up. Sometimes it is scheduling conflicts with the IRC committee members or maybe the time
136 frame of the Board meeting since the Board meets every other month.

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138 **MOTION**

139 Mr. Temples made a motion the Board accepts as information. Mr. Crawford seconded the
140 motion, which carried unanimously.

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142 **C. Inspection Report**

143 Ms. Cubitt stated that Mr. Ernest Adams and Mr. Buddy Poole have completed 274 funeral
144 establishment inspections from June 30, 2011 to September 14, 2011.

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146 **MOTION**

147 Mr. Crawford made a motion the Board accepts as information. Mr. Baker seconded the
148 motion, which carried unanimously.

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150 D. Division of Legal Services

151 Ms. Gray presented the Board with the report from the Division of Legal Services (DLS). She
152 included in the report that DLS currently has four open cases, one pending action today, one
153 pending for consent agreement to be presented at the November 17, 2011 Board meeting and
154 the last is an appeal for the Administrative Law Judge on a licensing application matter

155
156 **MOTION**

157 Mr. Baker made a motion the Board accepts as information. Ms. McWhorter seconded the
158 motion, which carried unanimously.

159
160 **11. Disciplinary Hearing (Consent Agreement) – Case No. 2010-13**

161 Ms. Gray stated that this case is presented to the board in the matter of New Life Funeral Home
162 Services, LLC. The formal complaint was approved and issued and served in this matter and a
163 consent agreement has been received from the respondent.

164
165 In this matter, New Life Funeral Home Services, LLC is duly-licensed by this board as a funeral
166 establishment and is located in Bishopville, Lee County, South Carolina. This respondent was
167 first licensed by the board on June 18, 2010. This board has jurisdiction over the respondent
168 and the subject matter contained herein, pursuant to Section 40-19-115.

169
170 The respondent in this matter has stipulated and admitted to the facts as follows:

171
172 On May 1st, 2010, Dominique Washington, an employee of the respondent, drove a vehicle in
173 the Magnolia Festival Parade in Lynchburg, South Carolina, displaying a sign that read "New
174 Life Funeral Service."

175
176 On May 17th, 2010, the South Carolina Department of Labor, Licensing and Regulation
177 received the new funeral facility, facility manager application submitted by the respondent,
178 listing Pamela Rufus as the proposed facility manager.

179
180 On May 19th, 2010, the South Carolina Department of Labor, Licensing and Regulation
181 received a second new funeral facility, facility manager application submitted by the respondent,
182 listing Frank William, Jr. as the proposed facility manager.

183
184 On May 17th, 2010 and May 19th, 2010 applications were thereafter marked "void."

185
186 On May 24th, 2010, the South Carolina Department of Labor, Licensing and Regulation
187 received a new funeral facility, facility manager application submitted by respondent, listing
188 Frank Williams, Jr. as the proposed facility manager and included the appropriate licensing fees.

189
190 On June 18th, 2010, the board issued the respondent a funeral establishment license.
191

192 The respondent has admitted that the respondent has engaged in unprofessional conduct that
193 violates the provisions of the South Carolina Embalmers and Funeral Directors Act, Sections
194 40-19-5 et seq. and the provisions of Section 40-1-10 et seq., specifically, Sections 40-19-
195 110(2) and 40-1-110(1)(f), in that the respondent, by and through its employees, used false and
196 misleading advertising when publicizing the funeral home before it was licensed by this board.
197

198 The respondent has accepted the proposed discipline, which would be that the respondent's
199 license is publically reprimanded, a civil fine of \$500 would be due and payable within 30 days,
200 and the respondent has further acknowledged other obligations, consents and waivers, as set
201 forth in the consent agreement.
202

203 **MOTION**

204 Mr. Horton made a motion to accept the consent agreement as presented. Mr. Crawford
205 seconded the motion, which carried unanimously.
206

207 **12. Discussion Items**

208 A. Discuss Retail Sales Permit Inquiry—Michael White

209 Mr. White appeared before the Board stating that he had informed the Board that he would be
210 present so he believes that if you tell someone that you are going to do something then you
211 should do it. He then stated that he doesn't believe that the Board of Funeral Service is the
212 correct place to present his case. He stated that he believes it is in violation of the 14th
213 Amendment so he believes this case would be best heard in a court of law instead of the Board
214 of Funeral Service Board.
215

216 B. Discuss Response to letter from Dr. Gere Fulton, S.C. Funeral Consumers Alliance

217 Dr. Fulton's letter and report with his finding were presented to the Board. Mr. Nelson stated
218 that Mr. Ernest Adams, SC Funeral Service Board inspector is trying to find and make sure that
219 all funeral homes are following the guidelines of the FTC during annual inspections.
220

221 **MOTION**

222 Mr. Evans made a motion the Board accepts as information. Mr. Temples seconded the motion,
223 which carried unanimously.
224

225 **13. Application Hearings**

226 New Facility

227 1. Graham & Godwin Funeral Home LLC – Phillip J. Lemmon

228 Mr. Horton stated that he knows Mr. Lemmon because they are both from Kingstree. He stated
229 for the record that he does not have any business or personal dealings with Mr. Lemmon but he
230 does know him. Mr. Horton stated he will ask to be recused if Mr. Lemmon would like. Mr.
231 Lemmon stated he has no problem with Mr. Horton voting on this issue.
232

233 Mr. Lemmon has purchased Graham & Godwin Funeral Home, LLC and is requesting to be
234 owner and manager of this facility.
235

236 **Executive Session**

237 **MOTION**

238 Mr. Crawford made a motion the Board enter into executive session. Ms. Cooper seconded the
239 motion, which carried unanimously.

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Return to Public Session

MOTION

Mr. Crawford made a motion the Board return to public session. Ms. McWhorter seconded the motion, which carried unanimously. Mr. Nelson noted for the record that no official action was taken during executive session.

MOTION

Mr. Temples made a motion the Board approves the application with Mr. Lemmon as manager pending passing final inspection and favorable preneed. Mr. Crawford seconded the motion, which carried unanimously.

Change of Manager

2. Calhoun Falls Funeral Home – Terry L. McBride

Mr. Temples and Mr. Evans recused themselves from participating and voting in this matter.

Mr. Richard L. Warren is owner of this facility but he doesn't hold a Funeral Director license. Mr. McBride is requesting to be manager of Calhoun Falls Funeral Home.

MOTION

Mr. Crawford made a motion the Board approves the application with Mr. McBride as manager pending passing final inspection. Ms. Cooper seconded the motion, which carried unanimously.

3. Gilmore Mortuary Service, LLC – Henry C. Gilmore - Proof of Residency

Mr. Gilmore is requesting to be manager of Gilmore Mortuary Service, LLC since he is the owner. Mr. Horton inquired at the last Funeral Service Board meeting the Board approved Ms. Duncan as manager for this facility. Mr. Gilmore stated that is correct and since he has now been licensed in SC for one year he wishes to be the manager. He stated Ms. Duncan will still be employed with Gilmore Mortuary Service, LLC.

MOTION

Mr. Crawford made a motion the Board approves the application with Mr. Gilmore as manager. Mr. Evans seconded the motion, which carried unanimously.

4. Goins Funeral Home – Stanley E. Rice – Criminal Background

Mr. Beasley recused himself from participating and voting in this matter since he knows Mr. Rice personally and professional.

Mr. Rice is requesting to be manager of the Funeral Home. It was then stated that Mr. Rice is a trade embalmer so he was asked what funeral homes he embalms for. He stated he is a trade embalmer for J. W. Woodward Funeral Home, The Unity Mortuary, Brown's Funeral Home and Sanders-Thompson Funeral Service.

Executive Session

MOTION

Mr. Crawford made a motion the Board enter into executive session. Ms. Cooper seconded the motion, which carried unanimously.

289 **Return to Public Session**

290 **MOTION**

291 Mr. Crawford made a motion the Board return to public session. Ms. Cooper seconded the
292 motion, which carried unanimously. Mr. Nelson noted for the record that no official action was
293 taken during executive session.

294

295 **MOTION**

296 Mr. Baker made a motion the Board deny the application at this time. He stated a complete
297 application has not been submitted for change of owner and manager. He also stated a
298 corporate resolution has not been received and a favorable preneed report must be submitted.
299 Mr. Rice is granted as temporary manager until the next Board meeting. The new owner and
300 manager will need to appear before the Board at the November 17, 2011 Board meeting. Mr.
301 Crawford seconded the motion which carried unanimously.

302

303 **Criminal Background**

304 5. Andre Locke – Apprentice Funeral Director

305 Mr. Locke is requesting to serve an apprenticeship. Mr. Locke's Criminal Background report
306 requires Board consideration.

307

308 **MOTION**

309 Mr. Horton made a motion that Mr. Locke provide a substance abuse and drug test from his
310 area to the Board Administrator and if favorable the Administrator may issue the apprentice
311 permit. Mr. Temples seconded the motion, which carried unanimously.

312

313 6. Rodriquez Jenkins – Apprentice Funeral Director/Embalmer

314 Mr. Jenkins stated his wife's family owns Jackson-Brooks Funeral Home in Aiken, SC. He
315 stated that his wife's uncle (Bobby Brooks) health isn't good so he wishes to do an
316 apprenticeship at the funeral home with a minimum of 35 hours a week. He stated he works for
317 Proctor and Gamble and they will work with him so he will be able to work a minimum of 35
318 hours a week at the funeral home.

319

320 **Executive Session**

321 **MOTION**

322 Mr. Crawford made a motion the Board enter into executive session. Mr. Temples seconded
323 the motion, which carried unanimously.

324

325 **Return to Public Session**

326 **MOTION**

327 Mr. Baker made a motion the Board return to public session. Ms. McWhorter seconded the
328 motion, which carried unanimously. Mr. Nelson noted for the record that no official action was
329 taken during executive session.

330

331 **MOTION**

332 Mr. Temples made a motion the Board approves the application so Mr. Jenkins may be allowed
333 to serve his apprenticeship. Mr. Horton seconded the motion, which carried unanimously.

334

335 **Judgments**

336 7. Lacy Suzanne Robinson

337 Mr. Beasley stated for the record that he and Ms. Robinson are both from Fountain Inn so if she
338 has any objections he will recuse himself is she wishes. Ms. Robinson stated she has no
339 objection that Mr. Beasley vote in this matter.

340

341 Ms. Robinson is going before the Board for approval for a student permit. On her application
342 she indicated that she has unpaid judgments.

343

344 **MOTION**

345 Mr. Horton made a motion the Board approve Ms. Robinson's student permit to be issued. Ms.
346 Cooper seconded the motion, which carried unanimously.

347

348 Request for Apprenticeship Extension

349 8. Erick Vaughn Crawford – 4th Permit (5th Year)

350 Ms. Cubitt stated that Mr. Crawford had an emergency so he was unable to attend the meeting.
351 She stated that Mr. Crawford is asking to extend his apprenticeship for the 4th time. Mr. Nelson
352 stated the issue will be tabled until Mr. Crawford can be present.

353

354 9. Doris Bernice Jackson – 4th Permit (5th Year)

355 Mr. Beasley requested to be resused from voting in this matter.

356

357 Ms. Jackson is asking to extend her apprenticeship for the 4th time.

358 **MOTION**

359 Mr. Horton made a motion the Board grant Ms. Jackson an extension, nor more than six
360 months. Mr. Petty seconded the motion, which carried unanimously.

361

362 Request for Consideration of Quarterly Reports

363 10. Zachary Ray- Apprentice Funeral Director/Embalmer

364

365 Mr. Ray has completed his apprenticeship however it was completed over five years ago. He is
366 requesting that the apprenticeship be honored and he be allowed to submit an application for
367 licensure. He stated he has passed both the national funeral director and national embalmer
368 exams.

369

370 **MOTION**

371 Mr. Horton made a motion the Board grant Mr. Ray's request of allowing him to submit a
372 licensing application so he may take the SC Law exam. Mr. Temples seconded the motion,
373 which carried unanimously.

374

375 **14. Question from Association of Executives of Funeral Service Boards regarding**
376 **Alkaline Hydrolysis**

377 Ms. Cubitt stated that the Board has been asked from the International Conference to respond.
378 She stated their monthly topic was Alkaline Hydrolysis and how we are approaching it and if we
379 are going to allow it or if we have to do legislation.

380

381 It was mentioned that Alkaline Hydrolysis isn't in the Funeral Service Boards statute so they
382 would have to change legislation.

383

384 Ms. Cubitt stated so it would not be considered valid in this state unless we changed our law.

385 Mr. Nelson stated that is correct.

386
387 **15. Telephone call received regarding a Funeral Home being located at a cemetery for the**
388 **purpose of making funeral arrangements**
389

390 Ms. Cubitt stated that a funeral home wishes to open an office for funeral arrangements only
391 located in a cemetery. She stated she believes this would be a considered a branch. Ms.
392 Cooper stated that is correct they will have to have a branch license.
393

394 **16. Review and approve desired statutory changes from August 2010 work session**

395 Ms. Cubitt stated these are some changes the Board wanted put in legislation and when we did
396 them before we had talked about them, but I don't think we had a final motion. So we just put in
397 that so you could make a final motion so it would be official.
398

399 **MOTION**

400 Mr. Temples made a motion that the Board approves the August 2010 work session changes.
401 Mr. Crawford seconded the motion, which carried unanimously.
402

403 **17. Election of Officers**

404 **Nominations**

405 Mr. Horton nominated Ms. Shelly Cooper for president. Mr. Temples seconded the motion,
406 which carried unanimously.
407

408 Mr. Temples nominated Mr. Glenn Crawford for vice president. Mr. Baker seconded the motion,
409 which carried unanimously.
410

411 Mr. Crawford nominated Mr. Thomas Baker for Secretary/Treasurer. Mr. Temples seconded the
412 nomination. There being no further nominations, the nominations were closed.
413

414 **18. Committee Reports**

415 **A. Legislative Committee**

416 This committee had no report.
417

418 **B. Examination/CEU/Education – Glen Crawford, Ernest Adams**

419 This committee had no report.
420

421 **C. Regulatory Compliance (Federal and State) / FTC / OSHA / ADA / PreNeed – Billy**
422 **Horton, Doris Cubitt**

423 This committee had no report.
424

425 **D. Publications / Newsletter / Website – Glen Crawford, Jeff Temples**

426 This committee had no report.
427

428 **19. Public Comments**

429 No comments were made during the meeting.
430

431 **20. Adjournment**

432 **MOTION**

433 Mr. Horton made a motion the Board adjourns. Ms. Cooper seconded the motion, which carried
434 unanimously.

435
436 The September 15, 2011 meeting of the SC Board of Funeral Service adjourned at 1:19 p.m.
437

438 The next meeting of the SC Board of Funeral Service is scheduled for November 17, 2011.

DRAFT