

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

10:00 a.m., November 17, 2011  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 105  
Columbia, South Carolina

**Thursday, November 17, 2011**

**1. Meeting Called to Order**

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

Staff members participating in the meeting included: Doris Cubitt, Administrator; Jeanie Rose, Administrative Specialist; Amy Holleman, Administrative Specialist; Wendi Elrod, Program Assistant; Lil Ann Gray, Division of Legal Services; Jamie Saxon, Advice Counsel, Division of Legal Services; Sharon Wolfe, Office of Investigation and Enforcement; and, Sharon Cook, Office of Investigation and Enforcement.

Members of the public attending the meeting included: John Wayne Brown, Forest Hills Funeral Home; Ray Visotski, George Funeral Home; Erick Crawford, Crawford Funeral Home; Chris Bennett, Forest Hills Funeral Home; Wallace Hunter, Hunter Funeral Home, Whitmires, SC; Michael Glen, Michael A Glen Funeral Home; Scott Fowler, Floyd Mortuary; Ray Scott; Christopher Scott, Young and Young Funeral Home; Mike Squires, of the SC Funeral Directors Association (SCFDA); Elizabeth Simmons, SC Morticians Association (SCMA); Alicia Clark, of SC Dept of Consumer Affairs (SCDCA); Lou Ann Pyatt, SC Morticians Association (SCMA); Carol Hopkins; Eric O'Dell, Shives Funeral Home; Ed Saleeby, Esq., Saleeby and Cox Law Firm; Curtis Mitchell, Hartsville Coroner's Office; Todd Hardee, Kistler-Hardee Funeral Home; Samuel Davis, Young and Young Funeral Home; Wendell Davis, Young and Young Funeral Home; Frank Way, Carolina Memorial Funeral Home; Marvin Smith, McAlister-Smith Funeral Home; Kevin Brock, McAlister-Smith Funeral Home; Andy Byrd, Heritage Funeral Service; Al Cannon, Heritage Funeral Service; and, James Cannon, Heritage Funeral Service.

**A video of this meeting can be viewed at [www.lfr.state.sc.us/POL/Funeral](http://www.lfr.state.sc.us/POL/Funeral). On the Board's home page, click 'Board Information' and follow the link to the video.**

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

a. Public Notice

Ms. Cooper 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 Baker, Secretary, of Kershaw, and Kenneth Beasley, of Fountain Inn were granted an excused absence.

**MOTION**

Mr. Horton made a motion the Board approve Mr. Baker's and Mr. Beasley's absences. Mr. Temples seconded the motion which carried unanimously.

**4. Approval of Minutes for the September 15, 2011 Meeting**

**MOTION**

Mr. Evans made a motion the Board approves the minutes. Mr. Nelson seconded the motion, which carried unanimously.

**5. President's Remarks – Michelle Cooper**

Ms. Cooper welcomed everyone to the meeting and thanked them for attending.

**6. Old Business**

There is no old business at this time.

**7. New Business**

**8. Information Update**

Financial Statements – Doris Cubitt

The Board members would like a breakdown of the financial statement, item by item, for future financial statements.

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

No remarks at this time.

**10. Reports**

A. Investigate Review Committee (IRC) Report

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

B. OIE Report

Ms. Wolfe stated that 44 cases have been opened in 2011, 34 of those cases have been closed from 2010 and 2011. She stated that leaves 31 active cases. The Board inquired on how many funeral investigators are there. Ms. Wolfe told them that there are currently one and one half investigators (1 full-time & 1 part-time).

### C. Inspection Report

No report at this time. Board members would like Ernest Adams or Buddy Poole to be present at every Board meeting in case there are questions regarding any inspections that are being done.

### D. Division of Legal Services

Ms. Gray presented the Board with the report from the Division of Legal Services (DLS). She included in the report that DLS currently has two open cases, one pending action which will be by memorandum of agreement (MOA) which will be presented today and one pending hearing which will be heard today. She stated that leaves 13 cases to be closed.

### **11. Disciplinary Hearing – Case No. 2010-24**

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

Ms. Cooper recused herself from participating and voting in this matter so Mr. Crawford conducted this portion of the meeting.

The funeral home was doing cremations without a certified operator on premises.

#### **Executive Session**

##### **MOTION**

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

#### **Return to Public Session**

##### **MOTION**

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

##### **MOTION**

Ms. McWhorter made a motion the Board fine the crematory \$1,500 to be paid in 10 days, public reprimand and two years probation. Mr. Temples seconded the motion, which carried unanimously.

### **Case No. 2010-27**

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

The funeral home had no signed contract with the deceased or the family of the deceased.

#### **Executive Session**

##### **MOTION**

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

## **Return to Public Session**

### **MOTION**

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

### **MOTION**

Mr. Nelson made a motion the Board issue a public reprimand the funeral home. Mr. Horton seconded the motion, which carried unanimously.

## **12. Discussion Items**

- A. DHEC (Crematory Operations)  
The Board took this as information only.

## **13. Application Hearings**

### **New Facility**

1. Carolina Memorial Park Crematory – Frank M Way, III

Mr. Temples recused himself from participating and voting in this matter.

Mr. Way has submitted an application for change of ownership from Stewart Enterprises to Stewart Enterprises and Frank M Way, III.

### **MOTION**

Mr. Evans made a motion the Board approve this application pending a letter from Stewart Enterprises stating that Mr. Way has the authority to make decisions, documentation showing that Mr. Way and other staff has completed the crematory training, and passing final inspection. Mr. Nelson seconded the motion, which carried unanimously.

### **Change of Manager**

2. Heritage Funeral Services – James A Cannon, Sr.

Mr. Temples, Mr. Horton, and Mr. Petty stated that they know Mr. Cannon and will recuse themselves from participating and voting in this matter is Mr. Cannon wishes. Mr. Cannon stated they may stay and vote in this matter.

Mr. Cannon is opening a new funeral home and is requesting approval.

### **MOTION**

Mr. Evans made a motion the Board approve the application pending passing final inspection. Mr. Crawford seconded the motion, which carried unanimously.

**Recessed** at 10:58 am for a meeting with Labor, Licensing and Regulation, Agency Director, Catherine Templeton

### **MOTION**

Mr. Evans made a motion the Board recess for a meeting with Ms. Templeton. Mr. Crawford seconded the motion, which carried unanimously.

**Reconvene** at 11:56am

**MOTION**

Mr. Petty made a motion the Board reconvene. Mr. Temples seconded the motion, which carried unanimously.

3. Evans Crematory – Charlie Brad Evans

Mr. Evans is opening a new crematory and is requesting approval.

**MOTION**

Mr. Temples made a motion the Board approve the application pending documentation showing crematory training and a favorable inspection. Mr. Crawford seconded the motion, which carried unanimously.

4. George Funeral Home & Cremation Center, Inc. – Raymond J Visotski

5. Aiken-Augusta Crematory – Raymond J Visotski

6. S C Cremation & Burial Society – Raymond J Visotski

Mr. Vistoski is the current owner and manager. He is selling the funeral home and crematories to FPG South Carolina, LLC. The owner is Stephen Shaffer, but Ray Visotski will remain manager.

**MOTION**

Mr. Temples made a motion the Board approve the application pending a favorable inspection. Mr. Horton seconded the motion, which carried unanimously.

Additional Facility

1. Cremation Authority – John Wayne Brown

Mr. Brown is opening a chapel and is requesting approval.

**MOTION**

Mr. Nelson made a motion the Board approve the application pending a favorable inspection. Mr. Temples seconded the motion, which carried unanimously.

2. Henryhand Funeral Home – William C Henryhand

Mr. Horton stated that he knows Mr. Henryhand and will recuse himself from participating and voting in this matter if Mr. Henryhand wishes. Mr. Henryhand stated he may stay and vote in this matter.

Mr. Henryhand is opening an additional funeral home location and is requesting approval.

**MOTION**

Mr. Temples made a motion the Board approve the application pending approved zoning documentation from Georgetown County and a favorable inspection. Mr. Nelson seconded the motion, which carried unanimously.

3. Michael A Glenn Funeral Home – Michael A Glenn

Mr. Glenn is opening an additional funeral home location and is requesting approval.

**MOTION**

Mr. Temples made a motion the Board approve the application pending a favorable inspection. Mr. Nelson seconded the motion, which carried unanimously.

**Retail Sales Outlet**

1. Sunshine Caskets – Ray A Scott

Mr. Scott is opening a Retail Sales Outlet (casket store) and is requesting approval.

**MOTION**

Mr. Crawford made a motion the Board approve the application. Mr. Temples seconded the motion, which carried unanimously.

**Request for Apprenticeship Extension**

1. Pennay Mayer Brown

Ms. Brown is requesting to serve her apprenticeship for the fourth time.

**MOTION**

Mr. Temples made a motion the Board approve her apprenticeship for 1 year. Mr. Nelson seconded the motion, which carried unanimously.

2. Erick Vaughn Crawford

Mr. Glenn Crawford recused himself from participating and voting in this matter.

Mr. Erick Crawford is requesting to serve his apprenticeship for the fourth time.

**MOTION**

Mr. Nelson made a motion the Board approve his apprenticeship for one year. Mr. Temples seconded the motion, which carried unanimously.

**Request for Apprenticeship**

1. Eric Raymond O'Dell

Mr. Temples recused himself from participating and voting in this matter.

Mr. O'Dell has received a pardon for some of the items on his criminal background and is asking for consideration to obtain an apprentice Funeral Director/Embalmer permit since he now has a pardon.

**MOTION**

Mr. Crawford made a motion the Board approve. Mr. Nelson seconded the motion, which carried unanimously.

## Request for Consideration to take Exam

### 1. Wallace Hunter, III

Mr. Hunter completed his apprenticeship in 2001. He has taken the law exam once but never passed, and he does not want to complete an apprenticeship again since it is over the 5 year limit.

#### **MOTION**

Mr. Nelson made a motion the Board approve Mr. Hunter to take the Funeral Director exam and the SC Law exam with the condition that he takes and passes his exams within six months from the date of the Board meeting. Mr. Horton seconded the motion, which carried unanimously.

### 2. Kevin Sean Brock

Ms. Cooper recused herself from participating and voting in this matter.

Mr. Brock let his license expire on June, 30, 2001, and he wishes to reinstate it. Mr. Brock submitted an application in 2010 and was denied due to his criminal record. Mr. Brock obtained a pardon for some of the items on his criminal background and is asking for consideration to take the exams since he now has a pardon.

#### **Executive Session**

##### **MOTION**

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

#### **Return to Public Session**

##### **MOTION**

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

#### **MOTION**

Mr. Horton made a motion the Board grant Mr. Brock's take the National Funeral Director and National Embalmer exam and SC Law exam or the State Funeral Director exam, State Embalmer exam and SC Law exam with the condition that he takes and passes his exams within six months from the date of the Board meeting. Mr. Nelson seconded the motion, which carried unanimously.

## **14. Committee Reports**

### A. Legislative Committee

This committee had no report.

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

This committee had no report.

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

This committee had no report.

D. Publications / Newsletter / Website – Glen Crawford, Jeff Temples  
This committee had no report.

### **15. Approval of Response letter (Dr. Gere Fulton)**

The Board reviewed the responses and stated that there is a scribners error in the third and fifth paragraph. Mr. Saxon will correct and send to Ms. Cooper for signature.

#### **MOTION**

Mr. Temples made a motion the Board approve the letter with changes. Mr. Crawford seconded the motion, which carried unanimously.

### **16. Conversion of Documents to Electronic Format**

The Board is taking this as advisement only at this time.

### **17. Proposed Statute and Regulation changes**

#### A. Chief Advice Counsel Statute and Regulation Proposal

#### **MOTION**

Mr. Horton made a motion the Board approve the proposed statute and regulation changes. Mr. Temples seconded the motion, which carried unanimously.

#### B. Proposed Statute and Regulation changes

##### **Statue Changes**

40-19-20 (17) should read as - "Manager" means a licensed funeral director who has been licensed in this State for at least five years and who has **one** year of residency **immediately following their application**.

40-19-200 should read as – A person who practices or offers to practice funeral service in this State in violation of this chapter or who knowingly submits false information for the purpose of obtaining a license **may** be fined not less than five hundred dollars or more than five thousand dollars per violation.

40-19-265 (A) (4), (B) (4), (D) (4) should all read as – and lives within a radius of **twenty-five** miles of the establishment.

#### **MOTION**

Mr. Horton made a motion the Board approve the proposed changes to the statute. Mr. Horton seconded the motion, which carried unanimously.

##### **Regulation**

#### **MOTION**

Mr. Temples made a motion the Board approve the proposed changes to the regulations. Mr. Horton seconded the motion, which carried unanimously.

#### C. Proposed Fee changes

Ms. Cubitt suggested that the fees should be to what the Board is currently charging and that they should be doubled since we now have a two year license period. The current fees have been in effect since 2000.

**MOTION**

Mr. Horton made a motion the Board approve the fee schedule. Mr. Temples seconded the motion, which carried unanimously.

**18. 2012 The Conference Annual meeting**

Ms. Cubitt presented information to Board Members and asked if anyone is interested in attending to let her know.

**19. 2012 Meeting Dates**

Tuesday, February 7, 2012 Room 105

Thursday, April 5, 2012 Room 108

Wednesday, June 6, 2012 Room 108

Thursday, August 2, 2012 Room 108

Thursday, October 4, 2012 Room 108

Thursday, December 13, 2012 Room 108

**MOTION**

Mr. Horton made a motion the Board approve. Mr. Nelson seconded the motion, which carried unanimously.

**20. Public Comments**

No comments were made during the meeting.

**21. Adjournment**

**MOTION**

Mr. Horton made a motion the Board adjourns. Mr. Nelson seconded the motion, which carried unanimously.

The November 17, 2011 meeting of the SC Board of Funeral Service adjourned at 4:50 p.m.

The next meeting of the SC Board of Funeral Service is scheduled for February 7, 2012.