

## Zackon, Matt

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**From:** Philpott, Katie  
**Sent:** Wednesday, July 16, 2014 2:50 PM  
**To:** Zackon, Matt  
**Subject:** FW: Follow-up on e-mail of June 25

Katie Philpott  
Office of the Governor  
Director of Boards and Commissions  
1205 Pendleton St.  
Columbia, SC 29201  
803-734-5086

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**From:** Gereburke@aol.com [mailto:Gereburke@aol.com]  
**Sent:** Tuesday, July 15, 2014 11:40 AM  
**To:** Philpott, Katie  
**Subject:** Follow-up on e-mail of June 25

Dear Ms. Philpott...

As you will see from the series of e-mails that I've compiled below, I've been trying to get some information about the credentials of Mr. Mark O'Steen who, I understand, was appointed to a seat on the Board of Funeral Service through your office. I started my inquiry on April 25, nearly 3 months ago, when Mr. Carroll was in the position that you now hold. I renewed that request with you on May 30 and have sent you several reminders in the interim. Surely a simple request like this shouldn't require more than a month and a half to fulfill.

As I explained previously, this isn't about Mr. O'Steen's character or integrity, but rather about whether has anything in his background that would qualify him as an advocate to promote and protect the interests of the public on a Board that is clearly dominated by funeral directors.

Please consider this as a Freedom of Information Act (FOIA) request. I was hoping that you'd be able to provide this information to me quickly and routinely, but it now seems that it's turned into something that warrants a more formal approach. I'm sorry that it's come to this.

Gere B. Fulton, Ph. D., J. D.  
President, Board of Directors  
Funeral Consumers Alliance of South Carolina  
[www.scfunerals.org](http://www.scfunerals.org)

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Received from Katie Philpott on June 25, 2014

I have not forgotten. I have been in contact with LLR and our Office of General Counsel and am getting an answer for you.

Thank you,

Katie Philpott

Office of the Governor

Director of Boards and Commissions

1205 Pendleton St.

Columbia, SC 29201

803-734-5086

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Sent to Katie Philpott on June 25, 2014

Hi, Katie...

How are you coming along with my request for information about Mr. O'Steen? It has been more than a week since my last e-mail and I'm hoping that you haven't forgotten about the request.

Hoping to hear from you soon.

Gere

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Sent to Katie Philpott on June 16, 2014

Dear Ms. Philpott:

This is a follow-up to our telephone conversation earlier this morning. The Funeral Consumers Alliance of South Carolina is a not-for-profit education and advocacy organization that was

incorporated in January of 1993. Among other services we provide consumer oversight on the funeral industry, including surveys of pricing practices and compliance with the Federal Trade Commission's Funeral Rule. We are one of approximately 100 affiliates of the national Funeral Consumers Alliance.

The Board of Funeral Service, as you know, is comprised of 11 members, 9 of whom are licensed funeral directors; the other two seats on the Board are to be filled by a "public member." One of those seats has been unfilled for over a year; the other is currently held by Mr. Mark R. O'Steen of Spartanburg. Mr. O'Steen was appointed on August 15, 2011.

Our organization is interested in knowing about Mr. O'Steen's background, specifically anything in his background that would be indicative of consumer advocacy. We do not wish to cast any aspersions on Mr. O'Steen's character or commitment, but we do feel that we and the people we represent have the right to know whether we have strong and qualified representation on a Board that is dominated by funeral directors.

I have asked the administrators at the BFS for this information and have been told that they don't know anything about Mr. O'Steen's background, that they just accept whomever your office sends them. Your help in obtaining this information will be greatly appreciated.

Thank you for your anticipated cooperation.

Sincerely,

Gere B. Fulton, Ph. D., J. D.  
President, Board of Directors  
Funeral Consumers Alliance of South Carolina  
[www.scfunerals.org](http://www.scfunerals.org)

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Sent to Katie Philpott on June 11, 2014

Hi, Katie...

This is another follow-up regarding the information that I've been trying to obtain since April 25. Copies of that e-mail sent to John Carroll, a follow-up on May 6, (also addressed to him), and my request sent to you six days ago, are included below.

I'm going to be attending meetings of the Board of Funeral Service tomorrow and Friday and I was hoping to have this information prior to those meetings. I don't want to delay receipt of that information, but I'd like to include another question. There are supposed to be two "public members" on the Board but, as far as I can tell, one of those seats has been vacant for most of the past year.

If you are having difficulty finding a suitable candidate for that seat, I would like to remind you that you should have my credentials in your files. I have been involved with consumer education and advocacy, specifically in regard to the funeral industry, for nearly 40 years and I believe that I could be a strong representative of the public's interest on the Board.

May I please have the courtesy of a prompt reply?

Thank you for your anticipated cooperation.

Sincerely,  
Gere B. Fulton, Ph. D., J.D.  
President, Board of Directors  
Funeral Consumers Alliance of South Carolina

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Sent to Katie Philpott on June 5, 2014

Hi, Katie...

Since I haven't heard anything from you in regard to my request for information about Mr. O'Steen, the only public representative on the Board of Funeral Service, I thought a follow-up would be in order. I'm going to be speaking at the Board's June meeting on the 13th and I'd like to have that information in advance of my scheduled appearance there.

Thank you for your anticipated cooperation.

Sincerely,  
Gere B. Fulton, Ph.D., J.D.  
President, Board of Directors  
Funeral Consumers Alliance of South Carolina

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Sent to Katie Philpott on May 30, 2014

Hello again, Katie. Glad that we/I finally got things worked out with your e-mail. Here is the e-mail that I first sent to your predecessor, Mr. Carroll, on April 25 and tried to follow-up on May 6. As you can see, I'm trying to get some information on one, currently the only one, of the public representatives appointed to the Board of Funeral Service. Mr. O'Steen is the only member of the 10-member Board who is not a funeral director. There are supposed to be 2 public representatives on the Board, but the other seat has been empty for a long time.

The Funeral Consumers Alliance of South Carolina is a not-for-profit organization which was first incorporated in South Carolina as the Memorial Society of the Midlands on January 13, 1993. We are one of nearly 100 affiliates of the national Funeral Consumers Alliance, the nation's oldest and largest education and advocacy organization for consumers of funeral goods and services. We are not affiliated with the funeral industry. One of our most important services to consumers is monitoring the pricing practices of the industry and checking for compliance with state and federal regulations.

I was surprised to learn that the Board had no knowledge of Mr. O'Steen's background in public service or experience with the practices of the funeral industry. They told me that they just accept whoever is sent over, presumably by your office. I'm sure that you will agree that the public in general, and our organization in particular, has a right to know about the only person on the Board who is there to represent the public interest.

I believe that you should also be aware of the fact that the terms of six of the nine funeral director members of the BFS have expired.

I look forward to your reply.

Sincerely,  
Gere

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Sent to John Carroll on May 6, 2014

Hello again, Mr. Carroll:

I suspect that my previous (below) e-mail may have gotten put aside in the rush of more important business in the Governor's office, so I'm sending this follow-up as a reminder that I'm still hoping to get an answer to my question about the background/qualifications of the, for now, sole public representative on the Board of Funeral Service, Mr. Mark R. O'Steen.

As I indicated previously, nobody at the BFS seems to have, or be willing to provide, that information. Surely this is something that the public is entitled to know.

Thank you for your anticipated cooperation.

Sincerely,  
Gere B. Fulton, Ph. D., J.D.  
President, Board of Directors  
Funeral Consumers Alliance of South Carolina

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Sent to John Carroll on April 25, 2014

Dear Mr. Carroll:

I hope that you'll remember me from our correspondence of several weeks ago. It was also during the last of our e-mails that I sent you a copy of my CV for consideration as a public representative on the Board of Funeral Service. As you will see from my e-mail to Doris Cubitt, the administrator at the BFS, I am seeking information about the background of the single public representative currently serving on the Board as well as raising a question about the appointments of six of the nine funeral directors on the Board who's appointments have expired.

Miss Kudelka, who seems to be confused about my last name--in spite of the fact that I have corresponded with her at least half a dozen times--seems to know nothing about Mr. O'Steen and has referred me to you.

I would appreciate your help with this. Thank you for your anticipated cooperation.

Sincerely,

Gere B. Fulton, Ph. D., J. D.  
President, Board of Directors  
Funeral Consumers Alliance of South Carolina

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From: [lesia.kudelka@llr.sc.gov](mailto:lesia.kudelka@llr.sc.gov)  
To: [Gereburke@aol.com](mailto:Gereburke@aol.com)  
CC: [doris.cubitt@llr.sc.gov](mailto:doris.cubitt@llr.sc.gov)  
Sent: 4/25/2014 1:21:22 P.M. Eastern Daylight Time  
Subj: FW: Question about members of the Board

Good Afternoon Mr. Burke: The Board does not have information on Mr. O'Steen. The appointments are made by the Governor's Office.

Board Members serve until someone is appointed to replace them.

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**From:** [Gereburke@aol.com](mailto:Gereburke@aol.com) [<mailto:Gereburke@aol.com>]  
**Sent:** Thursday, April 24, 2014 8:51 PM  
**To:** Doris Cubitt  
**Subject:** Question about members of the Board

Hi, Doris...

I'd like some information about the background/qualifications of Mr. O'Steen. The only thing that can be ascertained from the website is that he was appointed in 2011 and his term will expire in 2014, that he's a "public member" (meaning that he isn't a funeral director), and that he's from Spartanburg. What I'm trying to find out is his background, specifically any work that he may have done in consumer protection or advocacy.

I also happened to notice that six of the funeral directors on the Board, including the President, are still filling terms that have expired. I'm wondering what effect that may have on any actions taken by the Board, even the Board's ability to create a quorum.

I would be happy to call you if you would prefer to discuss this by telephone.

Thanks,

Gere

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Sent to John Carroll on February 18, 2014

Hi, John...

It was good talking with you few moments ago. I'm attaching a copy of my CV which should establish my *bona fides* as a consumer advocate when it comes to issues involving the funeral industry. I appreciate your willingness to continue our conversation in person and I'll be getting back to you sometime soon to see if we might arrange to do so in your office at a time that's convenient for you.

Perhaps I'll be able to coordinate that with a visit to my state senator and representative as well.

With my best wishes,  
Gere