

CEMETERY BOARD MEETING

MINUTES

June 4, 2008

The Cemetery Board met on June 4, 2008, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Kenneth R. Bell, Chairman
Isabel Berney
Mike Doherty
Randy Gleason
Delores King
Mike Kirsch

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint
Analysis, & Resolution
Herb Nichols, Investigator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present at the meeting.

Chairman Bell called the meeting to order at 9:03 AM

Call to Order

No one addressed the Board during the Public Comment period.

Public Comment

A motion was made by Mr. Kirsch and seconded by Mr. Gleason to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

Agenda

A motion was made by Ms. Berney and seconded by Mr. Doherty to adopt the January 9, 2008, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch. A motion was made by Mr. Doherty and seconded by Ms. Berney to adopt the May 23, 2008, Informal Fact-Finding Conference minutes. The motion passed unanimously. Members voting

Minutes

“Yes” were Bell, Berney, Doherty, Gleason, King, and Kirsch.

In the matter of **File Number 2007-04977, S. E. Cemeteries of Virginia, Inc.**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Ms. Berney and seconded by Mr. Kirsch to accept the Consent Order wherein S. E. Cemeteries of Virginia, Inc. admits to violations of 18 VAC 47-20-190.13 (2 violations) of the Board’s 2007 Regulations (Count 1), and agrees to a monetary penalty of \$50.00 for each violation contained in Count 1, and agrees to pay \$150.00 in Board costs for a total of \$250.00. The motion passed unanimously. Members voting “Yes” were Bell, Berney, Doherty, Gleason, King and Kirsch.

**File Number 2007-04977,
S. E. Cemeteries of
Virginia, Inc.**

In the matter of **File Number 2008-00011, The Victor Group, LLC**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Ms. Berney and seconded by Mr. Doherty to accept the Consent Order wherein The Victor Group, LLC admits to violations of §54.1-2319 (6 violations) of the *Code of Virginia* (Count 1), violations of §54.1-2325 (2 violations) of the *Code of Virginia* (Count 2) and agrees to no monetary penalty for the violations contained in Count 1 and Count 2, and agrees to pay \$150.00 in Board costs for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Bell, Berney, Doherty, Gleason, King and Kirsch.

**File Number 2008-00011,
The Victor Group, LLC**

In the matter of **File Number 2008-00469, SCI Virginia Funeral Services, Inc.**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Doherty and seconded by Ms. Berney to reject the proposed Consent Order offer and extend a counter offer wherein SCI Virginia Funeral Services, Inc. admits to a violation of §54.1-2322 (Count 1) of the *Code of Virginia*, a violation of §54.1-2330 (Count 2) of the *Code of Virginia*, violations of §54.1-2325.A (6 violations) of the *Code of Virginia* (Count 3), and a violation of §54.1-2333.A (Count 4) of the *Code of Virginia* and agrees to a monetary penalty of \$1,500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, \$2,500.00 for the six violations contained in Count 3, \$1,500.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$7,150.00. In addition, for Count 1, SCI Virginia Funeral Services, Inc. agrees to provide documentation to the Board that the \$8,796.19, for the trustee fees, was deposited back into the principal of the perpetual trust fund. Further, for Count 2, SCI Virginia Funeral Services, Inc. agrees to provide documentation to the Board that \$863.57, for trustee fees, was deposited back into the principal of the preneed trust fund. The motion passed unanimously. Members voting “Yes” were Bell, Berney, Doherty, Gleason, King and Kirsch.

**File Number 2008-00469,
SCI Virginia Funeral
Services, Inc.**

In the matter of **File Number 2008-02487, Alec D. West**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Doherty and seconded by Mr. Bell to accept the Consent Order wherein West admits to a violation of 18 VAC 47-20-190.6 of the Board's 2000 Regulations (Count 1), and agrees to no monetary penalty for the violation contained in Count 1, and agrees to pay \$150.00 in Board costs for a total of \$150.00. In addition, West agrees to revocation of his cemetery salesperson registration No. 4903004858. Also, West agrees to not apply for a Virginia cemetery salesperson registration for a period of ten (10) years. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King and Kirsch.

File Number 2008-02487,
Alec D. West

In the matter of **File Number 2008-02488, Alec D. West**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Ms. Berney and seconded by Mr. Kirsch to accept the Consent Order wherein West admits to a violation of 18 VAC 47-20-190.6 of the Board's 2000 Regulations (Count 1), and agrees to no monetary penalty for the violation contained in Count 1, and agrees to pay \$150.00 in Board costs for a total of \$150.00. In addition, West agrees to revocation of his cemetery salesperson registration No. 4903004984. Also, West agrees to not apply for a Virginia cemetery salesperson registration for a period of ten (10) years. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King and Kirsch.

File Number 2008-02488,
Alec D. West

In the matter of **File Number 2008-02718, Prince George Cemetery Corporation, t/a Southlawn Memorial Park**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Kirsch and seconded by Mr. Gleason to accept the Consent Order wherein Prince George Cemetery Corporation, t/a Southlawn Memorial Park admits to a violation of 18 VAC 47-20-190.13 of the Board's 2005 Regulations (Count 1), and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, and agrees to pay \$150.00 in Board costs for a total of \$2,650.00. In addition, for violation of Count 1, Prince George Cemetery Corporation agrees to: 1) void deeds #7924 (to George Callahan) and deed #7930 (to Kathy Lee Taylor); 2) issue a new corrected deed to George Callahan and Janet Brewer, as tenants in common, of Section 2, Lot 129-A, Spaces 1, 2 and 3 and Section 2, Lot 129-B, Spaces 3 and 4; 3) issue a new corrected deed to Janet Brewer, as sole owner of Section 2, Lot 129-A, Space 4; and 4) reinstall the double granite base (62" X 16") over Section 2, Lot 129-A, Space 4 and Section 2, Lot 129, Space A5 (Janet Brewer's father's grave and walkway site she purchased) and reinstall the bronze veterans marker on the double granite base over

File Number 2008-02718,
Prince George Cemetery
Corporation, t/a
Southlawn Memorial
Park

Janet Brewer's father's grave. Further, the Board shall waive \$2,300.00 of the monetary penalty for Count 1 provided Prince George Cemetery Corporation complies with items 1 through 4, listed above within thirty (30) days of the effective of the Order. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Gleason, King and Kirsch.

As the board member who reviewed the file, Mr. Doherty did not participate in the discussion or vote related to this matter.

Mr. Bell turned the position of Chair over to Mr. Gleason and recused himself as Chair.

Transfer of Chair

In the matter of **File Number 2008-04277, Kenneth Bell**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Berney and seconded by Mr. Gleason to accept the recommendation as written and approve Kenneth Bell as the trustee of the perpetual care trust fund for Woodlawn Memorial Gardens contingent upon providing evidence of a fidelity bond in force in the amount of the trust. The motion passed unanimously. Members voting "Yes" were Berney, Gleason, King and Kirsch.

**File Number 2008-04277,
Kenneth Bell**

Mr. Bell recused himself due to a conflict of interest.

As the presiding Board member, Mr. Doherty did not participate in the discussion or vote related to this matter.

Mr. Bell returned and assumed the position of Chair.

Transfer of Chair

Mike Doherty addressed the Board regarding the possible need to clarify the terms "general price list (GPL)" and "itemized statement" referenced in §54.1-2327 of the Code of Virginia. A motion was made by Mr. Doherty and seconded by Ms. Berney to form a sub-committee to review the GPL issue. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King and Kirsch.

Administrative Matters

The committee members are Mike Doherty, Isabel Berney, Mike Kirsch and Randy Gleason. Mike Doherty will serve as Chair of the Committee.

The meeting adjourned at 9:53 AM.

Adjourn

Kenneth Bell, Chairman

Jay DeBoer, Secretary

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