

CEMETERY BOARD MEETING

MINUTES

January 8, 2014

The Cemetery Board met on January 8, 2014, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

David Gilliam, Chair
Jane M. Garland, Vice-Chair
Randolph Minter
Pamela Jo Lundy
Mike Doherty
Padraic Buckley

The following Board member was absent: R. Kyle McDaniel

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

Mark Courtney, Senior Manager
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Herb Nichols, Investigator
Samantha Vrscak, Legal Analyst
Jeffrey Williams, Board Administrator
Emily Trent, Administrative Assistant

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

David Gilliam called the meeting to order at 9:00 A.M.

Call to Order

A motion was made by Mr. Doherty and seconded by Ms. Lundy to approve the agenda. The motion passed unanimously. Members voting "Yes" were Buckley, Doherty, Garland, Gilliam, Lundy and Minter.

Agenda

A motion was made by Mr. Minter and seconded by Mr. Doherty to approve the October 23, 2013, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Buckley, Doherty, Garland, Gilliam, Lundy and Minter.

Minutes

There was no public comment.

Public Comment

In the matter of **File Number 2013-02592, Mountain View Cemetery of** **File Number 2013-02592,**

Ridgeway, Inc., the Board reviewed the Consent Order as seen and agreed to by Mountain View Cemetery of Ridgeway, Inc. A motion was made by Mr. Doherty and seconded by Mr. Minter to accept the proposed Consent Order offer wherein Mountain View Cemetery of Ridgeway, Inc., admits to a violation of § 54.1-2327.A (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$150.00 for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$300.00. The motion passed unanimously. Members voting “Yes” were Buckley, Doherty, Garland, Gilliam, Lundy and Minter.

Mountain View Cemetery of Ridgeway, Inc.

In the matter of **File Number 2013-03237, Loewen (Virginia) LLC**, the Board reviewed the Consent Order as seen and agreed to by Loewen (Virginia) LLC. A motion was made by Mr. Doherty and seconded by Ms. Lundy to accept the proposed Consent Order offer wherein Loewen (Virginia) LLC, admits to a violation of 18 VAC 47-20-190.13 (Count 1) of the Board’s 2000 Regulations, and agrees to a monetary penalty of \$50.00 for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$200.00. The motion passed unanimously. Members voting “Yes” were Buckley, Doherty, Garland, Gilliam, Lundy and Minter.

File Number 2013-03237, Loewen (Virginia) LLC

In the matter of **File Number 2013-03165, S E Cemeteries of Virginia, LLC**, the Board reviewed the Consent Order as seen and agreed to by S E Cemeteries of Virginia, LLC. A motion was made by Ms. Lundy and seconded by Mr. Minter to accept the proposed Consent Order offer wherein S E Cemeteries of Virginia, LLC, admits to twelve violations of § 54.1-2319 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$1,000.00 for each violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$12,150.00. The Board will waive imposition of the \$12,000.00 monetary penalty for Count 1 provided S E Cemeteries of Virginia, LLC, deposits \$131,808.21 into its perpetual care trust fund, and provides proof acceptable to the Board thereof within thirty (30) days of the effective date of the Order. If S E Cemeteries of Virginia, LLC, fails to comply with these conditions, then the license suspension and the monetary penalty will be imposed. The license will remain suspended until S E Cemeteries of Virginia, LLC, provides proof acceptable to the Board that said deposit has been made and the monetary penalty has been paid. The motion passed unanimously. Members voting “Yes” were Buckley, Garland, Gilliam, Lundy and Minter.

File Number 2013-03165, S E Cemeteries of Virginia, LLC

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

In the matter of **File Number 2014-00474, Clinch Valley Memorial Cemetery, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Clinch Valley Memorial Cemetery, Inc. A motion was made

File Number 2014-00474, Clinch Valley Memorial Cemetery, Inc.

by Mr. Minter and seconded by Ms. Garland to accept the proposed Consent Order offer wherein Clinch Valley Memorial Cemetery, Inc., admits to a violation of § 54.1-2319 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$1,150.00. The Board will waive imposition of the \$1,000.00 monetary penalty for Count 1 provided Clinch Valley Memorial Cemetery, Inc. deposits \$1,083.14 into its perpetual care trust fund, and provides proof acceptable to the Board thereof within thirty (30) days of the effective date of the Order. If Clinch Valley Memorial Cemetery Inc. fails to comply with these conditions, then the license suspension and the monetary penalty will be imposed. The license will remain suspended until Clinch Valley Memorial Cemetery Inc. provides proof acceptable to the Board that said deposit has been made and the monetary penalty has been paid. The motion passed unanimously. Members voting “Yes” were Buckley, Garland, Gilliam, Lundy and Minter.

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

Ms. Martine updated the Board on House Bill 1563. A motion was made by Mr. Doherty and seconded by Mr. Minter to adopt the draft language as amended for 18 VAC 47-20-220 as a fast-track regulation. The motion passed unanimously. Members voting “Yes” were Buckley, Doherty, Garland, Gilliam, Lundy and Minter.

Administrative Issues

Mr. Doherty addressed the Board discussing Annual Trust Report statutes. He will request the Virginia Cemetery Association (VCA) to review the issue. No action was taken by the Board.

New Business

The meeting adjourned at 9:46 A.M.

Adjourn

David L. Gilliam, Chair

Nick Christner, Secretary