

CEMETERY BOARD MEETING

MINUTES

September 6, 2023

The Cemetery Board met on September 6, 2023, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

James 'Jim' A. Meadows, Jr., Chair
Susan Mini
Caroline Smyth
Donald Wilson
James Young

Board members absent from the meeting: Dr. Charletta Barringer-Brown, Judy S. Lyttle

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

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Stephen Kirschner, Deputy Director
Anika Coleman, Executive Director
Joseph Haughwout, Regulatory Affairs Manager
Amy Goobic, Executive Assistant

Elizabeth Peay, Senior Assistant Attorney General, with the Office of the Attorney General was present.

Mr. Meadows called the meeting to order at 10:09 A.M.

Call to Order

Ms. Coleman informed the Board of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Ms. Mini moved to approve the agenda. Mr. Wilson seconded the motion which was unanimously approved by members: Meadows, Mini, Smyth, Wilson, and Young.

Agenda

Ms. Smyth moved to approve the minutes from the March 29, 2023 Board meeting, and the June 12, 2023, Regulatory Review Committee meeting.

Minutes

Ms. Mini seconded the motion which was unanimously approved by members: Meadows, Mini, Smyth, Wilson, and Young.

Mr. Kirschner welcomed and introduced Anika Coleman, new Executive Director of the Cemetery Board.

Welcome and Introductions

There was no public comment.

Public Comment

Mr. Meadows recused himself from the meeting.

Recusal of Board Member

In the matter of **File Number 2023-01545, The Victor Group, LLC** the Board members reviewed the Consent Order as seen and agreed to by The Victor Group, LLC. Mr. Wilson moved to accept the Consent Order which cites the following violations of the Code of Virginia: §54.1-2319 (Count 1) and §54.1-2325.A (Count 2). For these violations, The Victor Group, LLC agrees to pay the following monetary penalties: \$1,000.00 for the violation contained in Count 1; \$1,000.00 for the violation contained in Count 2; and \$150.00 in Board costs, for a total monetary penalty of \$2,150.00. Ms. Smyth seconded the motion which was unanimously approved by members: Mini, Smyth, Wilson, and Young.

File Number 2023-01545, The Victor Group, LLC

Mr. Meadows returned to the meeting.

Return of Board Member

Ms. Mini recused herself from the meeting.

Recusal of Board Member

In the matter of **File Number 2023-00770, Sunset Memorial Gardens, LLC**, the Board members reviewed the Consent Order as seen and agreed to by Sunset Memorial Gardens, LLC. Mr. Wilson moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 47-20-190.11 (Count 1). There was no monetary penalty for the violation contained in Count 1. \$150.00 in Board costs was imposed. Mr. Young seconded the motion which was unanimously approved by members: Meadows, Smyth, Wilson, and Young.

File Number 2023-00770, Sunset Memorial Gardens, LLC

In the matter of **File Number 2023-00375, Loewen (Virginia), LLC**, the Board members reviewed the Consent Order as seen and agreed to by Loewen (Virginia), LLC. Ms. Smyth moved to accept the Consent Order which cites the following violation of the Board's regulations: 18 VAC 47-20-190.11 (Count 1). For this violation, Loewen (Virginia), LLC agrees to pay the following monetary penalties: \$750.00 for the violation contained in Count 1; and \$150.00 in Board costs, for a total monetary penalty of \$900.00.

File Number 2023-00375, Loewen (Virginia), LLC

In addition, the Board shall waive \$500.00 of the \$750.00 monetary penalty for Count 1 provided Loewen (Virginia) LLC makes repairs to the following items associated with the cemetery:

- stains on the walls in the mausoleum;
- leaking roof of the mausoleum;
- repair the exterior siding of the mausoleum;
- stains in the carpet in the mausoleum;
- ceiling plaster that is peeling in the mausoleum;
- remedy the bare areas void of grass along gravel access road(s); and
- remove and properly store burial vault lids that are randomly placed on cemetery grounds in public view.

Loewen (Virginia) LLC shall provide to the Board, in a form acceptable to the Board, with proof of completion within ninety (90) days of the effective date of this Order. If Loewen (Virginia) LLC fails to comply with these conditions, then the full monetary penalty will be automatically imposed. Mr. Wilson seconded the motion which was unanimously approved by members: Meadows, Smyth, Wilson, and Young.

In the matter of **File Number 2023-00663, Russell Memorial Cemetery, LLC**, the Board members reviewed the Consent Order as seen and agreed to by Russell Memorial Cemetery, LLC. Mr. Young moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 47-20-190.11 (Count 1). For this violation, Russell Memorial Cemetery, LLC agrees to pay the following monetary penalties: \$750.00 for the violation contained in Count 1; and \$150.00 in Board costs, for a total monetary penalty of \$900.00.

File Number 2023-00663,
Russell Memorial
Cemetery, LLC

In addition, the Board shall waive the \$750.00 monetary penalty for Count 1 with the acknowledgment that Russell Memorial Cemetery LLC made reasonable efforts to rectify the maintenance deficiencies associated with the cemetery. These deficiencies included, but were not limited to, the following:

- Ceiling lights without proper covers;
- Inoperable ceiling lights;
- Stains on the carpet;
- Fallen tree branches;
- Large ruts/holes in the grounds;
- Tall grass;
- Over-filled trash cans;
- Trash/debris on the grounds;
- Bare patches of ground without seeding or straw.

Ms. Smyth seconded the motion which was unanimously approved by members: Meadows, Smyth, Wilson, and Young.

In the matter of **File Number 2023-00765, Temple Hill LLC**, the Board members reviewed the Consent Order as seen and agreed to by Temple Hill, LLC. Mr. Wilson moved to accept the Consent Order which cites the following violation of the Board's regulations: 18 VAC 47-20-190.11 (Count 1). For this violation, Temple Hill, LLC agrees to pay the following monetary penalties: \$750.00 for the violation contained in Count 1; and \$150.00 in Board costs, for a total monetary penalty of \$900.00.

File Number 2023-00765,
Temple Hill, LLC

In addition, the Board shall waive the \$750.00 monetary penalty for Count 1 provided Temple Hill LLC rectifies the maintenance deficiencies associated with the cemetery. These deficiencies include, but are not limited to, the following:

- clean up fallen tree branches;
- clean up fallen trees;
- fix large ruts/holes in the grounds;
- cut the overgrown grass;
- empty trash cans;
- clean trash/debris on the grounds;
- seed/straw bare patches of ground that has no seed or straw; and,
- remedy the opened grave covered in weathered plywood.

Temple Hill LLC shall provide to the Board, in a form acceptable to the Board, with proof of completion within ninety (90) days of the effective date of this Order. If Temple Hill, LLC fails to comply with these conditions, then the full monetary penalty will be automatically imposed. Mr. Young seconded the motion which was unanimously approved by members: Meadows, Smyth, Wilson, and Young.

In the matter of **File Number 2023-01517, Cemetery Management Corporation, LLC**, the Board members reviewed the Consent Order as seen and agreed to by Cemetery Management Corporation, LLC. Mr. Young moved to accept the Consent Order which cites the following violations of the Code of Virginia: §54.1-2319 (Count 1). There was no monetary penalty for the violation contained in Count 1. \$150.00 in Board costs was imposed. Mr. Wilson seconded the motion which was unanimously approved by members: Meadows, Smyth, Wilson, and Young.

File Number 2023-01517,
Cemetery Management
Corporation, LLC

Ms. Smyth recused herself from the meeting.

Recusal of Board Member

In the matter of **File Number 2023-01518, Sherwood Memorial Park, Inc.**, the Board members reviewed the Consent Order as seen and agreed to by Sherwood Memorial Park, Inc. Mr. Wilson moved to accept the Consent Order which cites the following violations of the Code of Virginia: §54.1-2319 (Count 1) and §54.1-2325 (Count 2). For these violations, Sherwood Memorial Park, Inc. agrees to pay the following monetary penalties: \$500.00 for the violation contained in Count 1; \$350.00 for the violation contained in Count 2; and \$150.00 in Board costs, for a total monetary penalty of \$1,000.00. Mr. Young seconded the motion which was unanimously approved by members. Meadows, Wilson, and Young.

**File Number 2023-01518,
Sherwood Memorial
Park, Inc.**

It is acknowledged that once identified, the funds were promptly placed into the Perpetual Care and Preneed Trust Funds, therefore, the fines for Counts 1 and 2 are hereby waived.

Ms. Smyth and Ms. Mini returned to the meeting.

**Return of Board
Members**

The Board reviewed the Board financial statement as presented. No action was taken by the Board.

Administrative Issues

Mr. Kirschner provided information on the status of the Board's regulations. The regulations have been through the periodic review process, there were no public comments made, and the Board would need to vote on the periodic review, with no change to the regulations. Ms. Mini moved to approve the regulations. Mr. Wilson seconded the motion which was unanimously approved by members: Meadows, Mini, Smyth, Wilson, and Young.

New Business

In a separate matter, Ms. Coleman asked the Board to consider authorizing a NOIRA, for review of the regulations in compliance with the Governor's regulatory reduction initiative. Ms. Smyth moved to authorize filing a NOIRA. Mr. Young seconded the motion which was unanimously approved by members: Meadows, Mini, Smyth, Wilson, and Young.

Mr. Kirschner informed the Board that the process for Total Return Distribution, established in 2017, needs to be reviewed and perhaps regulations established. He asked that Board members consider assisting board staff in reviewing and revising the process.

Mr. Young, Mr. Wilson, and Ms. Smyth volunteered to assist. Mr. Wilson

moved to form a committee to implement Total Return Distribution guidelines. Mr. Young seconded the motion which was unanimously approved by members: Meadows, Mini, Smyth, Wilson, and Young.

Mr. Young requested information on tracking of compliance for orders.

Old Business

Mr. Kirschner stated that the Board's Regulatory Review Committee was scheduled to meet following the Board meeting. Dr. Barringer-Brown, Committee member, was unable to attend the Board and Committee meetings, and asked that the Committee meeting be rescheduled so that she may attend. The Board agreed by consensus.

The Board recessed from 10:45 a.m. until 11:15 a.m.

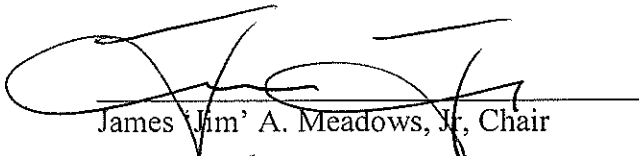
Recess

Board members participated in Conflict of Interest Act training.

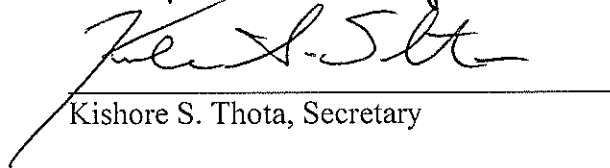
**Conflict of Interest Act
Training**

The meeting adjourned at 12:10 pm.

Adjourn



James Jim A. Meadows, Jr, Chair



Kishore S. Thota, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Caroline S. Smyth
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/ITF Date: September 6, 2023
(Date)

5. I have a personal interest in the following transaction:

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

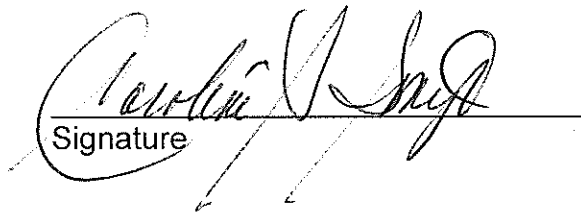
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

9/6/2023
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James A. Meadows, Jr.
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: September 6, 2023
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

9/6/23

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James Young
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: September 6, 2023
(Date)

5. I have a personal interest in the following transaction:

NONE
(Agenda Item)

Nature of Personal Interest Affected by Transaction: N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

N/A

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

James A. Young
Signature

9/6/23
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Donald E. Wilson
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: September 6, 2023
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the
public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

7 Sept 2023
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Susan Mini
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: September 6, 2023
(Date)

5. I have a personal interest in the following transaction:

2023-01518
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I am the President of Sherwood Memorial Park

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Sherwood Memorial Park

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Susan Mini
Signature

9/6/23
Date