

**CEMETERY BOARD**

**TENTATIVE AGENDA**

**Wednesday, September 9, 2020 - 10:00 a.m.**  
**2<sup>nd</sup> Floor**

**Department of Professional and Occupational Regulation**  
**9960 Mayland Drive, Richmond, VA 23233**  
**(804) 367-0010**

**I. CALL TO ORDER**

**II. ADMINISTRATIVE ISSUES**

1. Approval of Agenda
2. Approval of Minutes:
  - A. February 19, 2020, Board Meeting

**III. PUBLIC COMMENT PERIOD\***

**III. CASES**

1. File Number 2020-01625 – Scott Nelson Morgan  
IFF by Eldridge – Licensing
2. File Number 2020-02632 – David Ross Dagenhart, Jr.  
IFF by Eldridge – Licensing
3. File Number 2020-02779 – Roger L. Porter, Jr.  
IFF by Eldridge – Licensing
4. File Number 2019-02308 – Stitham, LLC  
Pre-IFF Consent Order by Doherty – Disciplinary
5. File Number 2020-01341 – Historyland Memorial Park LLC  
Pre-IFF Consent Order by Doherty – Disciplinary
6. File Number 2019-01444 – Stitham, LLC  
Pre-IFF Consent Order by Minter – Disciplinary
7. File Number 2019-01511 – The Victor Group, LLC t/a Windsor Gardens  
Cemetery & Mausoleum  
Pre-IFF Consent Order by Meadows – Disciplinary

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8. File Number 2019-01327 – Heritage Family Cemetery Incorporated  
Pre-IFF Consent Order by Minter – Disciplinary
  9. File Number 2019-01759 – Maranatha, Ltd. t/a Merchants Hope  
Memorial Gardens  
Pre-IFF Consent Order by Minter – Disciplinary
  10. File Number 2019-01322 – Forest Hill Burial Park, Inc.  
Pre-IFF Consent Order by Minter – Disciplinary
  11. File Number 2020-00324 – Holston View Cemetery Development  
Company Incorporated  
Pre-IFF Consent Order by Minter – Disciplinary
  12. File Number 2020-00497 – Rest Vale Cemetery  
Pre-IFF Consent Order by Minter – Disciplinary

#### **IV. ADMINISTRATIVE ISSUES**

- Board Financial Statement
- Exempt Regulation Action
- 2021 Board dates

#### **V. NEW BUSINESS**

#### **VI. OLD BUSINESS**

#### **VII. OTHER BUSINESS**

#### **VIII. ADJOURN**

#### **NEXT MEETING SCHEDULED FOR TUESDAY, FEBRUARY 2, 2021**

\* 5-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files. No other public comment will be accepted by the Board during the meeting.

Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8552 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

CEMETERY BOARD MEETING

MINUTES

February 19, 2020

The Cemetery Board met on February 19, 2020, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Randolph Minter, Chair  
Michael H. Doherty, Vice-Chair  
Armistead Dudley  
Enid Butler  
James A. Meadows, Jr.  
Judy S. Lyttle  
Marx Eisenman, Jr.

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

Mary Broz-Vaughan, Director  
Christine Martine, Executive Director  
James Chapman, Board Administrator  
Emily Trent, Administrative Assistant

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

Randolph Minter called the meeting to order at 10:05 A.M.

**Call to Order**

A motion was made by Mr. Doherty and seconded by Mr. Eisenman to approve the agenda. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

**Agenda**

A motion was made by Mr. Doherty and seconded by Ms. Butler to approve the September 18, 2019, Board Meeting minutes. The motion passed unanimously. Members voting “Yes” were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

**Minutes**

Don Wilson spoke about electing Total Return Trust for one of his cemeteries. No action was taken by the Board.

**Public Comment**

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In the matter of **File Number 2020-01085, George Morris Mehaffey, Jr.**, 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 Mr. Eisenman and seconded by Ms. Lyttle to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve George Morris Mehaffey, Jr. as the trustee of the perpetual care and preneed trust funds for Fair Haven Memorial Park, LLC. The motion passed unanimously. Members voting "Yes" were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2020-01085,  
George Morris Mehaffey,  
Jr.**

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

In the matter of **File Number 2019-01005, Greenlawn Memory Gardens Incorporated t/a Roselawn Memory Gardens**, the Board reviewed the Consent Order as seen and agreed to by Greenlawn Memory Gardens Incorporated t/a Roselawn Memory Gardens. Elizabeth Gassman, compliance agent for the respondent, was present and addressed the Board. A motion was made by Ms. Lyttle and seconded by Ms. Butler to accept the proposed Consent Order offer wherein Greenlawn Memory Gardens Incorporated t/a Roselawn Memory Gardens admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, §54.1-2325.A (Count 2) of the *Code of Virginia*, and §54.1-2325.A (Count 3) of the *Code of Virginia*, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2019-01005,  
Greenlawn Memory  
Gardens Incorporated t/a  
Roselawn Memory  
Gardens**

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

Mr. Minter turned the position of Chair over to Mr. Doherty.

**Transfer of Chair**

In the matter of **File Number 2019-01760, Danville Memorial Gardens, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Danville Memorial Gardens, Inc. A motion was made by Ms. Lyttle and seconded by Mr. Eisenman to accept the proposed Consent Order offer wherein Danville Memorial Gardens, Inc., admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, and a violation of §54.1-2325.A (Count 2) of the *Code of Virginia*, and agrees to \$1,000.00 for the violation contained in Count 1, \$1,200.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,350.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle and Meadows.

**File Number 2019-01760,  
Danville Memorial  
Gardens, Inc.**

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

In the matter of **File Number 2019-02449, Alleghany Memorial Park, LLC**, the Board reviewed the Consent Order as seen and agreed to by Alleghany Memorial Park, LLC. A motion was made by Ms. Butler and seconded by Ms. Lyttle to accept the proposed Consent Order offer wherein Alleghany Memorial Park, LLC, admits to a violation of 18 VAC 47-20-190.11 (Count 1) of the Board's 2016 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. Further, the Board shall waive the imposition of the \$500.00 monetary penalty for Count 1 provided Alleghany Memorial Park LLC submits to the Board, within ninety (90) days of the effective date of the Order, proof that the grave sites and the cemetery grounds issues noted in the Report of Findings are resolved.

If Alleghany Memorial Park LLC fails to comply with the stated condition, the full monetary penalty will be automatically imposed. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle and Meadows.

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

Mr. Minter returned and assumed the position of Chair.

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

A motion was made by Mr. Eisenman and seconded by Ms. Butler to approve an exempt a regulatory action for temporary fee reduction of the renewal fees for the Cemetery Board. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Minter and Meadows.

Mr. Doherty gave an update on legislation the Virginia Cemetery Association is following during the 2020 General Assembly session. No action was taken by the Board.

The Board discussed Total Return Trust and the possibility of requiring Board approval. No action was taken by the Board.

The meeting adjourned at 10:36 A.M.

**File Number 2019-02449, Alleghany Memorial Park, LLC**

**Transfer of Chair**

**Administrative Issues**

**New Business**

**Old Business**

**Adjourn**

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Randolph Minter, Chair

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Mary Broz-Vaughan, Secretary

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**Department of Professional and Occupational Regulation  
Statement of Financial Activity**

**Cemetery Board  
954620**

2020-2022 Biennium

July 2020

	July 2020 Activity	Biennium-to-Date Comparison	
		July 2018 -	July 2020 -
<b>Cash/Revenue Balance Brought Forward</b>			525
<b>Revenues</b>	15,200	15,670	15,200
<b>Cumulative Revenues</b>			15,725
<b>Cost Categories:</b>			
<b>Board Expenditures</b>	716	712	716
<b>Board Administration</b>	2,200	2,443	2,200
<b>Administration of Exams</b>	0	0	0
<b>Enforcement</b>	255	237	255
<b>Legal Services</b>	0	0	0
<b>Information Systems</b>	630	797	630
<b>Facilities and Support Services</b>	509	272	509
<b>Agency Administration</b>	942	1,152	942
<b>Other / Transfers</b>	0	0	0
<b>Total Expenses</b>	5,253	5,612	5,253
<b>Transfer To/(From) Cash Reserves</b>	0	0	0
<b>Ending Cash/Revenue Balance</b>			10,472

<b>Cash Reserve Beginning Balance</b>	79,638	0	79,638
<b>Change in Cash Reserve</b>	0	0	0
<b>Ending Cash Reserve Balance</b>	79,638	0	79,638

<b>Number of Regulants</b>	
Current Month	1,247
Previous Biennium-to-Date	1,277

## 18VAC47-20-190. Prohibited Activities.

In addition to the acts set forth in §§ [54.1-2314](#), [54.1-2315](#), and [54.1-2316](#) of the Code of Virginia, the board may discipline a licensee or registrant for the following acts:

1. Employing or affiliating with by independent contract, sales personnel not registered with the board.
2. Unless otherwise addressed in this chapter, failing to retain for a period of three years all records required by this chapter or Chapter 23.1 (§ [54.1-2310](#) et seq.) of Title 54.1 of the Code of Virginia at the place of business in Virginia of the licensed cemetery company.
3. Failing to produce to the board or any of its agents, upon request, any document, book, or record required by this chapter or Chapter 23.1 (§ [54.1-2310](#) et seq.) of Title 54.1 of the Code of Virginia.
4. Failing to respond to an inquiry by the board or any of its agents within 21 days.
5. Advertising in any name other than the name in which licensed or registered.
6. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license or registration.
7. Allowing a cemetery company license or sales personnel registration to be used by an unlicensed cemetery company or unregistered sales personnel.
8. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.
9. Having failed to inform the board in writing, within 30 days, that the company, an officer, director, or compliance agent has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or any crime involving moral turpitude.
10. Having failed to inform the board in writing, within 30 days, of a disciplinary action in a jurisdiction where licensed, including suspension, revocation, or surrender in connection with a disciplinary action.
11. Failing to reasonably maintain the buildings, grounds, and facilities of a cemetery licensed to a cemetery company.
12. Failing to file any report required by Chapter 23.1 of Title 54.1 of the Code of Virginia.
13. Engaging in negligent, improper, fraudulent, or dishonest conduct.
14. Failing to segregate entirely the section of the cemetery dedicated to the interment of pets or the interment of human remains and the pets of such deceased

humans by means such as hedge, wall, tree line, fence, roadway, or other similar physical barrier or boundary.

15. Permitting the interment of a an uncremated pet in the same grave, crypt, or niche as the remains of a human.

16. If a cemetery company has a section devoted to the interment of pets or the interment of human remains and the pets of such deceased humans, any advertisements failing to clearly state the cemetery company has such section or sections in its cemetery.

17. Failing to clearly mark the section or sections devoted to the interment of pets or the interment of human remains and the pets of such deceased humans with signage that is reasonably apparent to the general public.

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