



Department of Professional and Occupational Regulation

CEMETERY BOARD MEETING  
TENTATIVE AGENDA  
Monday, May 13, 2024 -10:00 a.m.  
2nd Floor – Board Room # 4  
9960 Mayland Drive  
Richmond, Virginia 23233  
804-367-8526

**Mission:** Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses enforcing standards of professional conduct for professions and occupations as designated by statute.

	<u>Page#</u>
<b>I. CALL TO ORDER</b>	
A. Emergency Egress	(2)
B. Determination of Quorum	(3)
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<b>II. APPROVAL OF DRAFT AGENDA</b>	(4)
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<b>III. APPROVAL OF MINUTES</b>	(5)
A. Cemetery Board Meeting, March 05, 2024	(6)
B. Cemetery Board Total Return Distribution Committee, March 05, 2024	(7)
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<b>IV. PUBLIC COMMENT PERIOD: *FIVE MINUTE PUBLIC COMMENT, PER PERSON*</b>	
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<b>V. NEW BUSINESS</b>	(13)
A. Discuss Temporary Fee Reduction	(14)
B. Discuss § 54.1-2313.1	(15)
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<b>VI. OTHER BOARD BUSINESS</b>	(16)
A. Board Financial Statement	(17)
B. Board Member Training Conference October 10-11, 2024	(18)
C. Discuss Principal Withdrawals	
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<b>VII. COMPLETION OF PAPERWORK</b>	(19)
A. Travel Voucher	
B. Conflict of Interest Form	
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<b>VIII. ADJOURNMENT</b>	(20)

**NEXT MEETING SCHEDULED FOR WEDNESDAY, SEPTEMBER 18, 2024**

\*\* 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.

**PERIMETER CENTER CONFERENCE CENTER**  
**EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS**  
(Script to be read at the beginning of each meeting.)

**PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.**

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

**Board Room 1**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Board Room 2**

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Board Rooms 3 and 4**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Training Room 1**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**Training Room 2**

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

## **DETERMINATION OF QUORUM:**

- The Cemetery Board, consist of seven members, adheres to the requirement that a quorum, defined as the minimum number of members necessary to conduct official business, is constituted by four board members in accordance with [§ 54.1-2313. C.](#)

DRAFT AGENDA  
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And are not to be construed as regulation or official board position  
DRAFT AGENDA

# **APPROVAL OF DRAFT AGENDA**

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# **APPROVAL OF MINUTES**

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# CEMETERY BOARD MEETING

## MINUTES

March 5, 2024

The Cemetery Board met on March 5, 2024 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  
Dr. Charletta H. Barringer-Brown, Vice-Chair  
Susan Mini  
Caroline Smyth  
Donald Wilson  
James Young

Board members absent from the meeting:

Judy S. Lyttle

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

Kishore S. Thota, Director  
Brian Wolford, Chief Deputy Director  
Stephen Kirschner, LRPD Deputy Director  
Anika Coleman, Executive Director  
Lee Bryant, CIC and Cemetery Board  
Administrator  
Gezelle Glasgow, Administrative Coordinator

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

Mr. Meadows, determined a quorum was present and called the meeting **Call to Order** to order at 10:05 A.M.

Dr. Barringer-Brown arrived at 10:06 A.M.

**Arrival of Board Member**

Ms. Coleman informed the Board of the emergency evacuation procedures. **Emergency Evacuation Procedures**

Mr. Wilson moved to approve the agenda. Ms. Mini seconded the motion which was unanimously approved by members: Barringer-Brown, Meadows, Mini, Smyth, Wilson, and Young. **Approval of Agenda**

Ms. Smyth moved to approve the minutes from the September 6, 2023 Board meeting, the February 22, 2024, Regulatory Review Committee meeting and the February 22, 2024 Total Return Distribution Committee meeting as a block. Mr. Wilson seconded the motion which was **Approval of the Minutes**

unanimously approved by members: Barringer-Brown, Meadows, Mini, Smyth, Wilson, and Young.

Ms. Coleman welcomed and introduced, Kishore Thota, Agency Director, Brian Wolford, Chief Deputy Director, Lee Bryant, Board Administrator of the Cemetery Board, and Gezelle Glasgow, Administrative Coordinator of the Cemetery Board.

**Welcome and Introductions**

There was no public comment.

**Public Comment**

Mr. Meadows and Ms. Smyth recused themselves for the following case, **File Number 2023-01544 – Greenlawn Memory Gardens, Inc., t/a Roselawn Memory Gardens.** The position of Chair transferring to Dr. Barringer-Brown.

**Recusal of Board Members and transfer of Chair**

In the matter of **File Number 2023-01544, Greenlawn Memory Gardens, Inc. t/a Roselawn Memory Gardens** the Board members reviewed the record which consisted of the investigative file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Wilson moved to remand Greenlawn Memory Gardens, Inc. case file back for further investigation on the matter. Mr. Young seconded the motion which was unanimously approved by members: Barringer-Brown, Mini, Wilson, and Young.

**File Number 2023-01544, Greenlawn Memory Gardens, Inc. t/a Roselawn Memory Gardens**

Mr. Meadows returned to the meeting. Mr. Meadows resumed position of Chair.

**Return of Board Member and Transfer of Chair**

Ms. Smyth recused herself for the following case, **File Number 2023-02502 – F V Cemetery Company Incorporated.**

**Recusal of Board Member**

In the matter of **File Number 2023-02502 – F V Cemetery Company Incorporated,** the Board members reviewed the Consent Order as seen and agreed to by F V Cemetery Incorporated.

**File Number 2023-02502– F V Cemetery Company Incorporated**

F V Cemetery Incorporated did not attend the Board meeting in person, by counsel nor by any other qualified representative.

Ms. Mini moved to accept the Consent Order which cites the following violation of the Board's regulations: 18 VAC 47-20-190.13 (Count 1). For this violation, F V Cemetery Company Incorporated 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.

In addition, F V Cemetery Company Incorporated shall provide to the

Board in a form acceptable to the Board, a written procedure regarding the opening and closing of graves within ninety (90) days of the effective date of this order.

Dr. Barringer-Brown seconded the motion which was unanimously approved by members: Barringer-Brown, Meadows, Mini, Wilson, and Young.

Ms. Smyth returned to the meeting.

**Return of Board Member**

Ms. Coleman presented the proposed Cemetery regulation changes to the Board.

**New Business**

Mr. Wilson moved to accept the proposed regulatory changes. Ms. Smyth seconded the motion which was unanimously approved by members: Barringer-Brown, Meadows, Mini, Smyth, Wilson, and Young.

**Regulatory review update**

Ms. Coleman informed the Board that Calvary Memorial Park d/b/a Fairfax Memorial Park has requested to withdraw \$104,045 from Principal in the Perpetual Care account.

**Perpetual Care Trust  
Fund Withdrawal-  
Calvary Memorial Park  
d/b/a Fairfax Memorial  
Park**

Mr. Young moved to approve the withdrawal request from Calvary Memorial Park d/b/a Fairfax Memorial Park. Mr. Wilson seconded the motion. Members voting "Yes": Barringer-Brown, Smyth, and Young. Members voting "Nay": Wilson and Mini.

Mr. Meadows abstained from the vote.

**Other Board Business**

Ms. Coleman informed the Board that recommendations for revocation need to have a process established for receivership of the cemetery.

**Discuss Board  
disciplinary action**

Ms. Peay informed the Board that other Boards have a trust fund to support receivership.

Ms. Coleman recommended a different penalty or additional training for compliance agent.

Ms. Coleman informed the Board that Board staff will reach out the Virginia Cemetery Association (VCA) and develop a process for receivership.

Ms. Coleman suggested to the Board that a committee be formed once Board staff provides information from VCA.

**Board Financial  
Statement**



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

**Election of Officers**

Ms. Coleman opened the floor for nominations for the position of Chair of the Cemetery Board. Mr. Wilson nominated Susan Mini for the position of Chair. The motion was seconded by Ms. Smyth. Ms. Mini accepted the nomination. The nominations were closed. The motion was unanimously approved. Members voting "Yes" Barringer-Brown, Meadows, Mini, Smyth, Wilson, and Young. By acclamation, Ms. Mini was named Board Chair.

Ms. Coleman opened the floor for nominations for the position of Vice-Chair of the Cemetery Board. Ms. Mini nominated Carolyn Smyth for the position of Vice-Chair; the motion was seconded by Mr. Wilson. Ms. Smyth accepted the nomination. The nominations were closed. The motion was unanimously approved. Members voting "Yes" Barringer-Brown, Meadows, Mini, Smyth, Wilson, and Young. By acclamation, Ms. Smyth was named Board Vice Chair.

Ms. Coleman informed the Board that the Board Member Training Conference will be October 10-11, 2024.

**Board Member Training Conference**

Chief Deputy Director Wolford addressed the Board informing them the training would benefit current and new Board members.

There being no further business, the meeting adjourned at 11:21 A.M.

**Adjourn**

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Susan Mini, Chair

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Kishore S. Thota, Secretary

**CEMETERY BOARD  
TOTAL RETURN DISTRIBUTION COMMITTEE  
MINUTES OF MEETING**

The Cemetery Board Total Return Distribution Committee met on Tuesday, March 5, 2024, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 4, Richmond, Virginia.

The following members were present:

Donald Wilson  
Caroline Smyth  
James Young

All committee members were present.

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

Anika Coleman, Executive Director  
Cheryl Wright, Cemetery Analyst  
Gezelle Glasgow, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Ms. Coleman called the Cemetery Board, Total Return Distribution Committee meeting to order 12:00 P.M.

**Call to Order**

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

**Approval of Agenda**

The Committee reviewed the Total Return Distribution (TRD) process and referred to **§ 54.1-2322. Use of income from perpetual care trust fund; distributions** to determine if that the TRD process would protect the health, welfare, and safety of the public. The Committee also referred to the TRD processes implemented in other states such as, California and Washington. The Committee asked Board staff to provide drafts of the following forms: **Schedule A: Receipts and Expenses (Perpetual Care)** and **Schedule C: Operating Expenses (Perpetual Care)**.

**Discussion and  
Review of  
Regulations**

There was no other business.

**Other Business**

There were no public comments.

**Public Comment**

The next scheduled Total Return Distribution Committee meeting will be held at 10:00 A.M. on May 13, 2024.

**Schedule Next  
Meeting Total  
Return Distribution  
Committee Meeting**

There being no further business, the meeting adjourned at 1:58 P.M.

**Adjourn**

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Susan Mini, Chair

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Kishore Thota, Board Secretary

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# Public Comment Period

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## **NEW BUSINESS**

- Temporary Fee Reduction
- Discuss § 54.1-2313.1

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Legend:

- First biennium with a negative balance
- First biennium in compliance with the Callahan Act

No Fee Increase

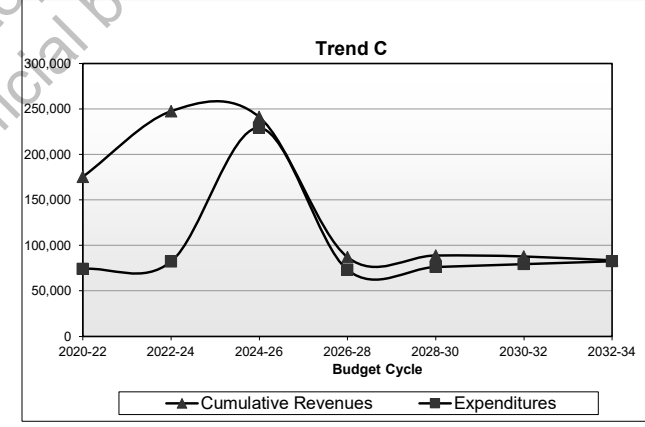
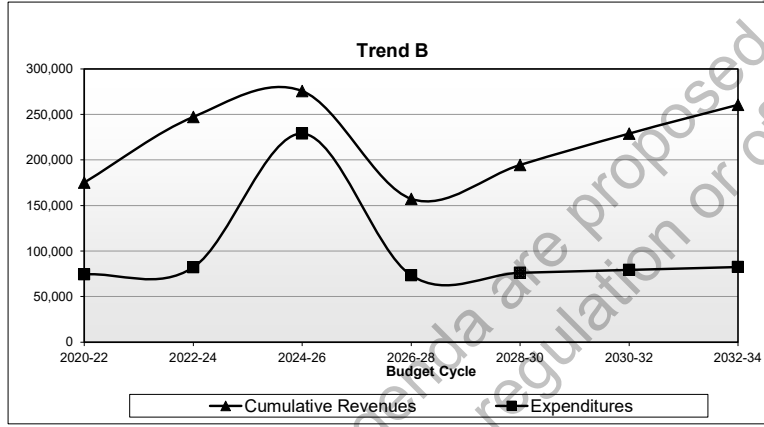
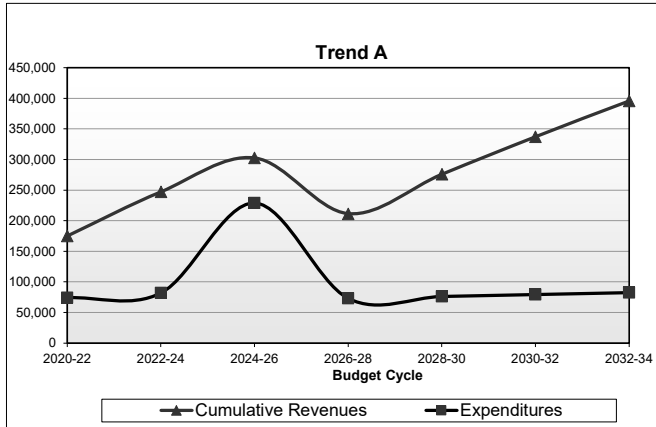
	Beg Cash			Cumulative	
	Balance	Revenues	Expenditures	Revenues	Callahan %
2020-22	80,163	95,140	74,223	175,303	136.2%
2022-24	101,080	146,303	82,211	247,383	200.9%
2024-26	165,171	137,680	229,057	302,851	32.2%
2026-28	73,795	137,680	73,227	211,475	188.8%
2028-30	138,248	137,680	76,185	275,928	262.2%
2030-32	199,743	137,680	79,263	337,423	325.7%
2032-34	258,160	137,680	82,465	395,840	380.0%

Town Hall Fee Increase (Temporary)

	Beg Cash			Cumulative	
	Balance	Revenues	Expenditures	Revenues	Callahan %
2020-22	80,163	95,140	74,223	175,303	136.2%
2022-24	101,080	146,303	82,211	247,383	200.9%
2024-26	165,171	110,620	229,057	275,791	20.4%
2026-28	46,735	110,620	73,227	157,355	114.9%
2028-30	84,128	110,620	76,185	194,748	155.6%
2030-32	118,563	110,620	79,263	229,183	189.1%
2032-34	149,920	110,620	82,465	260,540	215.9%

Proposal (Temporary)

	Beg Cash			Cumulative	
	Balance	Revenues	Expenditures	Revenues	Callahan %
2020-22	80,163	95,140	74,223	175,303	136.2%
2022-24	101,080	146,303	82,211	247,383	200.9%
2024-26	165,171	76,127	229,057	241,298	5.3%
2026-28	12,241	75,005	73,227	87,246	19.1%
2028-30	14,019	75,005	76,185	89,024	16.9%
2030-32	12,838	75,005	79,263	87,843	10.8%
2032-34	8,580	75,005	82,465	83,584	1.4%



Fee Type		Current Fee	Town Hall Fees	Proposed Fees*
Application	Company	580	580	580
Application	Salesperson	60	60	40
Renewal	Company	580	400	285
Renewal	Salesperson	60	50	30
Bad check	Company	50	50	50
Bad check	Salesperson	50	50	50
Reinstatement	Company	580	580	370
Reinstatement	Salesperson	60	60	45
Add a Cemetery	Company	580	580	580

\*Initial Applications for Salespersons decreased by 33%, Renewals for Salespersons and Companies decreased by about 50%, Reinstatements for Companies decreased by 36% and salespersons by 25%.

\*\*Proposed temporary fees would need to be returned to the current fee or an amount above the proposed temporary suggestion in the 2032-2034 biennium to allow for additional revenue in the 2034-2036 biennium and going forward.

\*\*\*Cemetery is taking on \$110,000 in addition to their share of the EPICx cost. This is to keep them in compliance with the Callahan Act.

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle II. Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department

Chapter 23.1. Cemetery Operators, Perpetual Care Trust Funds and Preneed Burial Contracts

## § 54.1-2313.1. Protection of preneed burial and perpetual care trust funds; operation of cemetery company; appointment of receiver

No licensee or any agent of the licensee shall divert or misuse any funds held in trust or otherwise held by him for another. If preneed or perpetual care funds are held in trust and the Board or its agents have reason to believe that (i) the licensee is not able to adequately protect the interest of the person involved; (ii) the licensee has had his license suspended, revoked, or surrendered; and (iii) the conduct of the licensee or the operation of the cemetery threatens the interests of the public, the Board shall file a petition with any court of record having equity jurisdiction over the licensee or any of the funds held by him stating the facts upon which it relies.

The court may temporarily enjoin further activity by the licensee and take such further action as shall be necessary to ensure that the cemetery company is operated in full compliance with this chapter and the Board's regulations, or to conserve, protect, and disburse the funds involved, or both, including the appointment of a receiver. If a receiver is appointed, the expenses of such receivership and a reasonable fee, as determined by the court, shall be paid from the assets of the cemetery company. The Board shall not be liable for any expenses or fees of the receiver.

2004, c. 192; 2022, c. 161.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## **OTHER BOARD BUSINESS:**

- Board Financial Statement
- Board Member Training Conference, October 10-11, 2024
- Discuss Principal Withdrawals

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

**Cemetery Board  
954620**

2022-2024 Biennium

February 2024

	February 2024 Activity	Biennium-to-Date Comparison	
		July 2020 - February 2022	July 2022 - February 2024
<b>Cash/Revenue Balance Brought Forward</b>		0	25,329
<b>Revenues</b>	6,540	82,950	106,110
<b>Cumulative Revenues</b>			131,439
<b>Cost Categories:</b>			
<b>Board Expenditures</b>	282	5,801	8,914
<b>Board Administration</b>	1,468	22,944	21,890
<b>Administration of Exams</b>	0	0	0
<b>Enforcement</b>	188	3,353	3,464
<b>Legal Services</b>	34	420	291
<b>Information Systems</b>	2,068	15,680	15,166
<b>Facilities and Support Services</b>	357	7,078	6,372
<b>Agency Administration</b>	889	10,662	15,277
<b>Other / Transfers</b>	0	(0)	(14)
<b>Total Expenses</b>	5,285	65,938	71,360
<b>Transfer To/(From) Cash Reserves</b>	(721)	0	(1,520)
<b>Ending Cash/Revenue Balance</b>			61,599

<b>Cash Reserve Beginning Balance</b>	74,952	0	75,751
<b>Change in Cash Reserve</b>	-721	0	(1,520)
<b>Ending Cash Reserve Balance</b>	74,230	0	74,230

<b>Number of Regulants</b>	
Current Month	1,059
Previous Biennium-to-Date	1,231



# SAVE THE DATE!

2024 Board Member  
Training Conference

*The Spirit of Service & Innovation:  
Advancing Regulatory Excellence*

**October 10-11, 2024**

**Great Wolf Lodge in Williamsburg.**

The conference will include high profile guest speakers,  
relevant training sessions, breakout sessions,  
and networking opportunities.

Stay tuned— additional information regarding  
registration and reservations will be provided  
as we get closer to the date.



549 E. Rochambeau Drive

Williamsburg, VA 23188

<https://www.greatwolf.com/williamsburg>

**COMPLETE CONFLICT OF INTEREST**  
**FORMS AND TRAVEL VOUCHERS**

**PLEASE RETURN TO THE  
ADMINISTRATIVE COORDINATOR.**

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# **ADJOURNMENT**

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