

CEMETERY BOARD MEETING

MINUTES

October 31, 2012

The Cemetery Board met on October 31, 2012, 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
Pamela Jo Lundy
Randolph Minter

Board member absent was: Isabel Berney

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

Gordon Dixon, Director
Mark Courtney, Senior Manager
Christine Martine, Executive Director
Nick Christner, Deputy Director
Bonnie Rhea Adams, Director of Complaint
Analysis & Resolution
Herb Nichols, Investigator
Kristin Clay, Legal Analyst
Candace Howard, Legal Analyst
Emily Trent, Administrative Assistant

David Gilliam called the meeting to order at 9:07 A.M.

Call to Order

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

Agenda

A motion was made by Ms. Lundy and seconded by Mr. Minter to approve the August 28, 2012, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Garland, Gilliam, Lundy and Minter.

Minutes

There was no public comment.

Public Comment

In the matter of **File Number 2012-02892, Sunset Memorial Gardens Subsidiary, Inc.**, the Board reviewed the Consent Order as seen and

File Number 2012-02892, Sunset Memorial

agreed to by Sunset Memorial Gardens Subsidiary, Inc. A motion was made by Ms. Garland and seconded by Mr. Minter to accept the proposed Consent Order offer wherein Sunset Memorial Gardens Subsidiary, Inc., 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 \$2,500.00 for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$2,650.00. In addition, the Board shall waive \$2,000.00 of the monetary penalty for Count 1, due to Sunset Memorial Gardens Subsidiary Inc.'s agreement to provide to the Complainant's satisfaction, over \$15,000.00 in merchandise and services. The motion passed unanimously. Members voting "Yes" were Garland, Gilliam, Lundy and Minter.

Gardens Subsidiary, Inc.

In the matter of **File Number 2013-00445, Holston View Cemetery Development Company Incorporated**, the Board reviewed the Consent Order as seen and agreed to by Holston View Cemetery Development Company Incorporated. A motion was made by Ms. Garland and seconded by Ms. Lundy to accept the proposed Consent Order offer wherein Holston View Cemetery Development Company Incorporated, admits to 2 violations of §54.1-2324.A of the *Code of Virginia*, and agrees to a monetary penalty of \$1,500.00 for each violation contained in Count 1, and \$150.00 in Board costs, for a total of \$3,150.00. In addition, the Board shall waive \$1,000.00 per violation, for a total of \$2,000.00, if Holston View Cemetery Development Company Incorporated submits both the 2010 and 2011 financial, including audit by a Certified Public Accountant, to the Board within ninety (90) days of the effective date of the order. Failure to comply with the terms of the order will result in the suspension of Holston View Cemetery Development Company Incorporated's license until such time as the 2010 and 2011 financial reports have been submitted to the Board. The motion passed unanimously. Members voting "Yes" were Garland, Gilliam, Lundy and Minter.

**File Number 2013-00445,
Holston View Cemetery
Development Company
Incorporated**

In the matter of **File Number 2013-00374, Phyllis Schuller Russell**, the Board reviewed the Consent Order as seen and agreed to by Phyllis Schuller Russell. A motion was made by Ms. Garland and seconded by Ms. Lundy to accept the proposed Consent Order offer wherein Phyllis Schuller Russell admits to a violation §54.1-2327.A of the *Code of Virginia* (Count 1), and agrees to no monetary penalty for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Garland, Gilliam, Lundy and Minter.

**File Number 2013-00374,
Phyllis Schuller Russell**

Nick Christner, Deputy Director, updated the Board on the bankruptcy case concerning Stonecrest Financial Inc. t/a Meadow-Brooke Memorial


Other Business

Gardens. No action was taken by the Board.

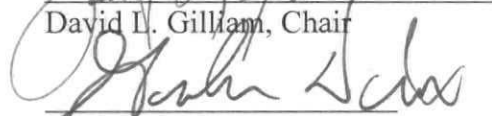
The Board discussed pre-construction mausoleum sales and protecting the consumer should the mausoleum not be completed. The Board recommended forwarding the issue to the Virginia Cemetery Association for review. No action was taken by the Board.

The meeting adjourned at 9:27 A.M.

Adjourn



David L. Gilliam, Chair



Gordon Dixon, Secretary

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Pamela Jo Lundy
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: October 31, 2012
(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.

Pamela Jo Lundy
Signature

October 31, 2012
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Jane M. Garland
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: October 31, 2012
(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.

Jane M. Garland
Signature

10/31/12
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Randolph Minter
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: October 31, 2012
(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.

Randolph Minter
Signature

10/31/12
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: David Gilliam
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: October 31, 2012
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

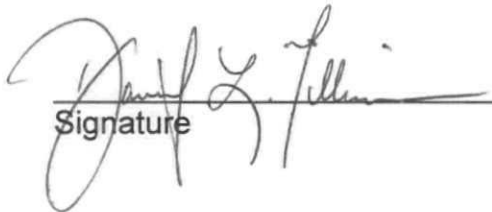
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

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

10/31/12
Date