

## Minutes of Meeting

### VIRGINIA CEMETERY BOARD INFORMAL FACT-FINDING CONFERENCES MARCH 10, 2004 (9:00 A.M.)

The Virginia Cemetery Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Anton Stelly, Board Member, presided. No other Board members were present.

Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case

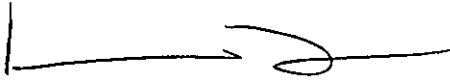
R=Respondent/Regulant  
C=Complainant/Claimant  
CA=Compliance Agent  
T=Trustee  
Atty=Attorney  
Inv=Investigator

#### Participants

- |   |   |
|---|---|
| 1. Parklawn Memorial Park<br>File Number 2003-03134 (Disc)<br><b>No Decision Made</b>   | James W. Stuart – CA<br>Brenda Marks – C<br>Walter Melvin - W<br>Herb Nichols – Inv         |
| 2. Shenandoah Memorial Park, Inc.<br>t/a Shenandoah Memorial Park<br>File Number 2004-01683 (Disc)<br><b>No Decision Made</b> | Deb Martz – for R<br>Henry Willett – R's Atty<br>James W. Givens – C<br>Herb Nichols – Inv. |
| 3. Trinity Memorial Gardens, Inc.<br>File Number 2003-03570 (Disc)  | Mark Monroe – T<br>Herb Nichols - Inv   |
| 4. Monta Vista Memorial Gardens<br>& Mausoleum, Inc.<br>File Number 2004-00002 (Disc)   | Robert E. Cratch – CA<br>Herb Nichols – Inv   |

The meeting adjourned at 11:30 a.m.

Virginia Cemetery Board



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Kenneth R. Bell, Chairman



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Louise Fontaine Ware, Secretary

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Custodian of Records

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
CEMETERY BOARD**

**RE: TRINITY MEMORIAL GARDENS, INC.  
LICENSE NUMBER: 4901 000006**

**FILE NUMBER: 2003-03570**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on March 10, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Trinity Memorial Gardens, Inc. on January 21, 2004. The following individuals participated at the conference: Mark Monroe, Trustee for Trinity Memorial Gardens, Inc., the Respondent; Herb Nichols, Investigator; Jennifer Kazzie, Staff Member; and Anton Stelly, presiding Board Member.

## **Background**

On or about June 18, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation (DPOR) received a written request from Christine Martine (Martine), Executive Director for the Cemetery Board, to investigate possible violations of Virginia Statutes and/or Cemetery Board regulations by Trinity Memorial Gardens, Inc (Trinity), 22482 Prince Edward Highway, Farmville, Virginia.

## **Summation of Facts**

1. The perpetual care trust fund financial report – schedule B, submitted by Trinity revealed on line 1, column D that the May 2001, deposit was made on July 30, 2001. That deposit was 30 days late. Line 3, column D of the same report revealed that the July 2001 deposit was made on October 9, 2001. That deposit was 40 days late. Line 4, column D revealed that the August 2001 deposit was made on October 9, 2001. That deposit was 9 days late.
2. The correct amount was deposited into the perpetual care trust fund for fiscal year ending April 30, 2002.
3. Trinity failed to make deposits into the perpetual care trust fund, within thirty days after the close of the month in which the receipts were paid to it, for the months of May, July and August of 2001.
4. A faxed copy of Trinity's annual report was received at DPOR on October 4, 2002. The annual report was received by mail on October 8, 2002. Trinity's fiscal year ended April 30, 2002 and the annual report was due by August 30, 2002.
5. Trinity failed to provide a financial report and written assurance required for perpetual care trust fund within four months after the close of its fiscal year.

## **Conclusion and Recommendation**

Count 1: Section 54.1-2319 of the Code of Virginia

Trinity's failure to make deposits into the perpetual care trust fund, within thirty days after the close of the month in which the receipts were paid to it, for the months of May, July and August 2001, is a violation of § 54.1-2319 of the Code of Virginia. I recommend that no monetary penalty be imposed for a violation of this regulation because Trinity is now in compliance with this regulation.

Count 2: Section 54.1-2324(A) of the Code of Virginia

Trinity's failure to provide a financial report and written assurance required for the perpetual care trust fund, within four months of the close of the fiscal year, is a violation of § 54.1-2324(A) of the Code of Virginia. I recommend that no monetary penalty be imposed for a violation of this regulation because Trinity is now in compliance with this regulation.

By: \_\_\_\_\_

**Anton Stelly**  
**Presiding IFF Board Member**  
**Cemetery Board**

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 4901 000006 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**  
**CEMETERY BOARD**

RE: **MONTA VISTA MEMORIAL GARDENS**  
**AND MAUSOLEUM, INC.**  
**LICENSE NUMBER: 4901 000087**

**FILE NUMBER: 2004-00002**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on March 10, 2004, at the Department of Professional and Occupational Regulation, pursuant

to a Notice of Informal Fact-Finding Conference sent by certified mail to Monta Vista Memorial Gardens and Mausoleum, Inc. on January 21, 2004. The following individuals participated at the conference: Robert E. Cratch, Compliance Agent for Monta Vista Memorial Gardens and Mausoleum, Inc. Respondent; Herb Nichols, Investigator; Jennifer Kazzie, Staff Member; and Anton Stelly, presiding Board Member.

### **Background**

On or about June 18, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation (DPOR) received a written request from Christine Martine (Martine), Cemetery Board Administrator, to investigate possible violations of Virginia Statutes and/or Cemetery Board regulations by Monta Vista Memorial Gardens, Inc (Monta Vista), 1032 Glendale Road, Galax, Virginia.

### **Summation of Facts**

1. The perpetual care trust fund financial report – schedule B, submitted by Monta Vista revealed on line 1, column D that the July 2001 deposit was made on October 5, 2001. That deposit was 36 days late. Line 2, column D of the same report revealed that the August 2001 deposit was made on February 28, 2002. That deposit was 151 days late. Line 6, column D revealed that the December 2001 deposit was made on February 28, 2002. That deposit was 29 days late.
2. The correct amount was deposited into the perpetual care trust fund for fiscal year ending June 30, 2002.
3. Monta Vista failed to make deposits into the perpetual care trust fund, within thirty days after the close of the month in which the receipts were paid to it, for the months of July, August, and December 2001.

### **Conclusion and Recommendation**

Count 1: Section 54.1-2319 of the Code of Virginia

Monta Vista's failure to make deposits into the perpetual care trust fund, within thirty days after the close of the month in which the receipts were paid to it, for the months of July, August and December 2001, is a violation of § 54.1-2319 of the Code of Virginia. I recommend that no monetary penalty be imposed for a violation of this regulation.

Mr. Cratch, Compliance Agent for Monta Vista, failed to make the deposits on time due to his misunderstanding of the Board's regulations. Mr. Cratch now understands the importance of making the deposits on time and the correct

amount was deposited into the perpetual care trust fund for fiscal year ending June 30, 2002.

By: \_\_\_\_\_

**Anton Stelly**  
**Presiding IFF Board Member**  
**Cemetery Board**

Date: \_\_\_\_\_

**FINAL ORDER RECOMMENDATION**

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 4901 000087 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Anton Stelly
2. Title: Member
3. Agency: Cemetery Board
4. Transaction: Informal Fact-Finding Conferences on March 10, 2004
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

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

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

Anton J. Stelly  
Signature

3/10/04  
Date

RE LIC  
MAR 11 2004