

CEMETERY BOARD MEETING

MINUTES

October 17, 2006

The Cemetery Board met on October 17, 2006, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following members were present:

Kenneth R. Bell
Isabel Berney
Mike Doherty
Randy Gleason
Delores King (arrived at 9:12 AM)
Mike Kirsch

The Following Board Members were not present: Bobby Pollard

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

Jay W. DeBoer, Director
David Ashe, Chief Deputy Director
Christine Martine, Executive Director
Herb Nichols, Investigator
Earlyne Perkins, Legal Analyst
Chris Olson, Administrative Assistant

No representative from the Office of the Attorney General was present at the meeting.

Mr. Bell called the meeting to order at 9:07 AM

Call to Order

William A. Tucker, a member of the Board for Professional and Occupational Regulation, was present to observe the proceedings of the Board meeting. No one addressed the Board during the Public Comment period.

Public Comment

A motion was made by Ms. Berney and seconded by Mr. Doherty to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, and Kirsch.

Agenda

A motion was made by Ms. Berney and seconded by Mr. Doherty to adopt the following minutes: June 7, 2006, Board Meeting. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, and Kirsch.

Minutes

In the matter of **File Number 2006-03122 Larry D. Davis**, the Board reviewed the records which consisted of the Consent Order. A motion was made by Mr. Kirsch and seconded by Mr. Gleason to accept the Consent Order wherein Mr. Davis admits to a violation of §54.1-2314.2 of the *Code of Virginia* (7 violations) and agrees to a monetary penalty of \$2,500.00 for each violation contained in Count 1 and agrees to pay \$150.00 in Board costs for a total of \$17,650.00. In addition, for the seven (7) violations of Count 1, Mr. Davis agrees to voluntarily surrender all of his cemetery sales registrations and/or licenses within thirty (30) days of entry of this order by the Board. If such surrender is timely made, the Board will waive \$16,800.00 (7 x \$2,400.00) of the total monetary penalty, resulting in a total monetary penalty of \$700.00. Also, Mr. Davis agrees to never apply for another Virginia cemetery sales registration and/or license. Members voting "Yes" were Bell, Berney, Gleason, and Kirsch.

File Number 2006-03122
Larry D. Davis

As the reviewing Board member of the Consent Order file, Mr. Doherty did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2006-04037 Associated Cemetery Consultants, Inc.**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the Consent Order wherein Associated Cemetery Consultants, Inc. admits to a violation of 18 VAC 47-20-200.C of the Board's 2005 Regulations (18 violations)(Count 1), §54.1-2325.A (16 violations)(Count 2), §54.1-2324.A (Count 3), and §54.1-2333.A (Count 4), of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$100.00 for the violation contained in Count 3, and \$100.00 for the violation contained in Count 4, and agrees to pay \$150.00 in Board costs for a total of \$1,350.00. In addition, for violation of Counts 1 and 2, Associated Cemetery Consultants, Inc. agrees to provide documentation, in a form acceptable to the Board, that the deposit shortages/excesses have been corrected, within thirty (30) days of entry of this Order. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, and Kirsch.

File Number 2006-04037
Associated Cemetery
Consultants, Inc.

Board Member Delores King arrived at 9:12 AM.

**Arrival of Board
Member**

In the matter of **File Number 2006-04295 Jet Industries, Inc.**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Doherty and seconded by Mr. Kirsch to accept the Consent Order wherein Jet Industries, Inc. admits to a violation of 18 VAC 47-20-190.13 (Count 1), and 18 VAC 47-20-220 (Count 2) of the Board's 2005 Regulations and agrees to a monetary penalty of \$2,000.00 for the violation contained in Count 1, and \$200.00 for the violation contained in Count 2 and agrees to pay \$150.00 in Board costs for a total of \$2,350.00. In addition, the Board shall waive \$1,800.00 of the monetary penalty for Count 1 provided Jet, Industries reimburses \$750.00 to Sharon L. Johnson and provides the Board with proof of payment within sixty (60) days of the effective date of this Order. If Jet Industries, Inc. fails to comply with these conditions, then the full monetary penalty will be automatically imposed. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

**File Number 2006-04295
Jet Industries, Inc.**

In the matter of **File Number 2006-04984 Greenwood Acres, LLC**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Ms. Berney and seconded by Mr. Doherty to accept the Consent Order wherein Greenwood Acres, LLC admits to a violation of 18 VAC 47-20-200.C (four violations) of the Board's 2005 Regulations and agrees to a monetary penalty of \$100.00 for each violation and agrees to pay \$150.00 in Board costs for a total of \$550.00. It is noted that due to the circumstances of this subject matter and that Greenwood Acres, LLC has not been previously disciplined by the Board, the imposition of the \$400.00 monetary penalty shall be waived. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

**File Number 2006-04984
Greenwood Acres, LLC**

In the matter of **File Number 2006-05397 Merchants Hope Memorial Gardens**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Kirsch and seconded by Mr. Doherty to accept the Consent Order wherein Merchants Hope Memorial Gardens admits to a violation of 18 VAC 47-20-200.C (seven violations)(Count 1) of the Board's 2005 Regulations and §54.1-2325.A (seven violations)(Count 2) of the *Code of Virginia* and agrees to pay \$150.00 in Board costs. It is noted that due to the circumstances of this subject matter and that the new owners of Merchants Hope Memorial Gardens have not been previously disciplined by the Board no monetary

**File Number 2006-05397
Merchants Hope
Memorial Gardens**

penalty is imposed. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

A motion was made by Ms. Berney and seconded by Mr. Bell to nominate Mike Doherty as the Vice Chairman. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

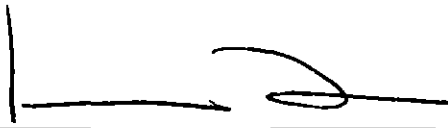
Election of Officers

A motion was made by Mr. Doherty and seconded by Mr. Bell to amend the legislation wishlist language regarding liens on cemetery property to place limitations on the types of liens that can be placed on the property. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Doherty, Gleason, King, and Kirsch.

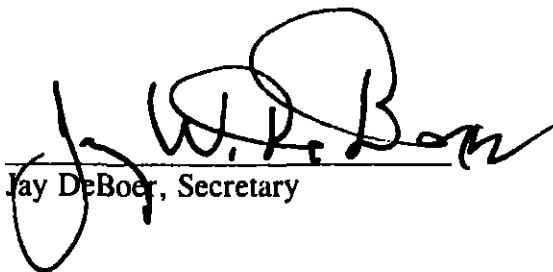
Old Business

The meeting adjourned at 9:30 AM.

Adjourn



Kenneth Bell, Chairman



Jay DeBoer, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Kenneth R. Bell
2. Title: Chairman - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: NONE

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.

Dated: October 17, 2006

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Isabel Berney
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: October 17, 2006

Signature: *Isabel Berney*

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Mike Doherty
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: October 17, 2006

Signature: _____

Mike H. Doherty

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Randy Gleason
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: October 17, 2006

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Delores C. King
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: October 17, 2006

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Joseph M. Kirsch
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: October 17, 2006

Signature: Joseph M. Kirsch