

CEMETERY BOARD MEETING

MINUTES

June 4, 2014

The Cemetery Board met on June 4, 2014, 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
Randolph Minter
Pamela Jo Lundy
Mike Doherty

The following Board members were absent: R. Kyle McDaniel
Padraic Buckley

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

Jay DeBoer, Director
Mark Courtney, Senior Manager
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Herb Nichols, Investigator
Samantha Vrscak, Legal Analyst
Jeffrey Williams, Board Administrator
Emily Trent, Administrative Assistant

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

David Gilliam called the meeting to order at 9:02 A.M.

Call to Order

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

Agenda

A motion was made by Mr. Doherty and seconded by Mr. Minter to approve the January 8, 2014, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

Minutes

Chad Aylestock, Virginia Cemetery Association, addressed the Board

Public Comment

concerning HB588. No action was taken by the Board.

In the matter of **File Number 2014-02642, Michael Carrico**, 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 officer. A motion was made by Mr. Doherty and seconded by Ms. Garland to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead approve Michael Carrico as the trustee of the perpetual care and preneed trust funds for Holston View Cemetery Development Corporation, Inc. contingent upon the Board's receipt of the fidelity bond with corporate surety, payable to the trust, in sum equal to not less than 100% of the value of the trust. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam and Lundy.

File Number 2014-02642,
Michael Carrico

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

In the matter of **File Number 2014-02141, Cemetery Management Corporation, LLC**, the Board reviewed the Consent Order as seen and agreed to by Cemetery Management Corporation, LLC. A motion was made by Mr. Doherty and seconded by Ms. Lundy to accept the proposed Consent Order offer wherein Cemetery Management Corporation, LLC, admits to a violation of § 54.1-2324 (Count 1) of the *Code of Virginia*, a violation of § 54.1-2333 (Count 2) of the *Code of Virginia*, 9 violations of § 54.1-2319 (Count 3) of the *Code of Virginia*, and 10 violations of § 54.1-2325 (Count 4) of the *Code of Virginia*, and agrees to a monetary penalty of \$75.00 for each violation contained in Count 3, \$75.00 for each violation contained in Count 4, and \$150.00 in Board costs, for a total of \$1,575.00. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

File Number 2014-02141,
Cemetery Management
Corporation, LLC

In the matter of **File Number 2014-01642, Mountain View Cemetery of Ridgeway, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Mountain View Cemetery of Ridgeway, Inc. A motion was made by Mr. Doherty and seconded by Mr. Minter to accept the proposed Consent Order offer wherein Mountain View Cemetery of Ridgeway, Inc., admits to three violations of § 54.1-2324.A (Count 1) of the *Code of Virginia*, and three violations of § 54.1-2333.A (Count 2) of the *Code of Virginia*, and agrees to a monetary penalty of \$1,000.00 for the violations contained in Count 1, \$1,000.00 for the violations contained in Count 2, and \$150.00 in Board costs, for a total of \$2,150.00. In addition, for violation of Counts 1 and 2, Mountain View Cemetery of Ridgeway, Inc. agrees to submit the 2012 perpetual care and preneed trust fund financial reports to the Board within 30 days of entry of the order. Further, failure

File Number 2014-01642,
Mountain View Cemetery
of Ridgeway, Inc.

to submit the 2012 perpetual care and preneed trust fund financial reports within 30 days of entry of the order will result in suspension of Mountain View Cemetery of Ridgeway, Inc's license until the 2012 perpetual care and preneed trust fund financial reports are submitted to the Board. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

In the matter of **File Number 2014-01271, Laurel Hill Memorial Park, LLC**, the Board reviewed the Consent Order as seen and agreed to by Laurel Hill Memorial Park, LLC. A motion was made by Mr. Minter and seconded by Mr. Doherty to accept the proposed Consent Order offer wherein Laurel Hill Memorial Park, LLC, 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 \$500.00, and \$150.00 in Board costs, for a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

**File Number 2014-01271,
Laurel Hill Memorial
Park, LLC**

In the matter of **File Number 2014-00968, Patrick Memorial Gardens, Inc. t/a Patrick Memorial Gardens**, the Board reviewed the Consent Order as seen and agreed to by Patrick Memorial Gardens, Inc. t/a Patrick Memorial Gardens. A motion was made by Mr. Doherty and seconded by Ms. Garland to accept the proposed Consent Order offer wherein Patrick Memorial Gardens, Inc. t/a Patrick Memorial Gardens admits to three violations of § 54.1-2324.A (Count 1) of the *Code of Virginia*, and three violations of § 54.1-2333.A (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$300.00 for the violations contained in Count 1, \$300.00 for the violations contained in Count 2, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, for violation of Count 1, Patrick Memorial Gardens, Inc. t/a Patrick Memorial Gardens agrees to submit the perpetual care trust fund financial report for 2012, including an audit by a Certified Public Accountant, to the Board within thirty (30) days of entry of the Order. For violation of Count 2, Patrick Memorial Gardens, Inc. t/a Patrick Memorial Gardens agrees to submit the preneed trust fund financial reports for 2011 and 2012, including an audit by a Certified Public Accountant, to the Board within thirty (30) days of entry of the Order. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

**File Number 2014-00968,
Patrick Memorial
Gardens, Inc. t/a Patrick
Memorial Gardens**

In the matter of **File Number 2014-00733, The Victor Group, LLC**, the Board reviewed the Consent Order as seen and agreed to by The Victor Group, LLC. A motion was made by Mr. Doherty and seconded by Ms. Garland to accept the proposed Consent Order offer wherein The Victor Group, LLC, admits to four violations of § 54.1-2319 (Count 1) of the *Code of Virginia*, and a violation of § 54.1-2325 (Count 2) of the *Code of Virginia* and agrees to a monetary penalty of \$400.00 for the violations

**File Number 2014-00733,
The Victor Group, LLC**

contained in Count 1, \$100.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

In the matter of File Number 2014-03078, First State Trust Company, 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 officer. Mark Mannix, witness, appeared and addressed the Board. A motion was made by Mr. Doherty and seconded by Ms. Garland to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead approve First State Trust Company as the trustee of the perpetual care and preneed trust funds for Sunset View Memorial Gardens, Inc. contingent upon the Board's receipt of the fidelity bond with corporate surety, payable to the trust, in sum equal to not less than 100% of the value of the trust. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam and Lundy.

File Number 2014-03078,
First State Trust
Company

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

In the matter of File Number 2014-02218, Rene Williams, 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 officer. A motion was made by Ms. Garland and seconded by Mr. Minter to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Williams' application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

File Number 2014-02218,
Rene Williams

In the matter of File Number 2014-02220, Rene Williams, 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 officer. A motion was made by Ms. Garland and seconded by Mr. Minter to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Williams' application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

File Number 2014-02220,
Rene Williams

In the matter of File Number 2014-02221, Rene Williams, 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 officer. A motion was made by Ms. Garland and seconded by Mr. Minter to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Williams' application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

File Number 2014-02221,
Rene Williams

A motion was made by Mr. Doherty and seconded by Ms. Lundy to authorize Board staff to initiate a NOIRA to promulgate Cemetery regulations. The motion passed unanimously. Members voting "Yes" were Doherty, Garland, Gilliam, Lundy and Minter.

Administrative Issues

The Board appointed the following members to the Regulatory Review Committee: Mr. Minter, Ms. Lundy and Mr. Doherty.

The meeting adjourned at 9:42 A.M.

Adjourn


David L. Gilliam, Chair


Jay DeBoer, Secretary

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Michael H. Doherty
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: June 4, 2014
(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.

Michael H. Doherty
Signature

6-4-14
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: June 4, 2014
(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

6/4/14
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: June 4, 2014
(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

4 June 14
Date

**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: June 4, 2014
(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

June 4, 2014
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: June 4, 2014
(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.

David Gilliam
Signature

June 4, 2014
Date