

CEMETERY BOARD MEETING

MINUTES

February 10, 2015

The Cemetery Board met on February 10, 2015, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

David Gilliam, Chair
Randolph Minter
Michael H. Doherty
R. Kyle McDaniel
Enid Butler
Armistead Dudley

The following Board members were absent: 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
Jeffrey Williams, Board Administrator
Emily Trent, Administrative Assistant

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. Dudley to approve the agenda. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

Agenda

A motion was made by Mr. Doherty and seconded by Mr. Dudley to approve the June 4, 2014, Board Meeting minutes and July 29, 2014, Cemetery Board Committee Meeting minutes. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and Minter.

Minutes

Board member R. Kyle McDaniel arrived at 9:03 A.M.

Arrival of Board Member

There was no public comment.

Public Comment

In the matter of **File Number 2015-00544, Frances Gill**, 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 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. Gill's application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam, McDaniel and Minter.

**File Number 2015-00544,
Frances Gill**

In the matter of **File Number 2015-01038, Barbara Ann Lynch**, 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 Board member. A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Barbara Ann Lynch as the trustee of the preneed trust funds for C. C. Williams Memorial Park, Inc. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and McDaniel.

**File Number 2015-01038,
Barbara Ann Lynch**

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

In the matter of **File Number 2015-01278, Greenlawn, LLC**, 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 Board member. A motion was made by Mr. Doherty and seconded by Mr. McDaniel to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve John William Brennan as the trustee of the perpetual care and preneed trust funds for Greenlawn LLC 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 Butler, Doherty, Dudley, Gilliam and McDaniel.

**File Number 2015-01278,
Greenlawn, LLC**

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

In the matter of **File Number 2015-01563, Jacqueline Marrow**, the Board reviewed the record which consisted of the application file,

**File Number 2015-01563,
Jacqueline Marrow**

transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Minter and seconded by Mr. Doherty 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. Marrow's application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam, McDaniel and Minter.

In the matter of **File Number 2014-00278, Maranatha LTD, t/a Merchants Hope Memorial Gardens**, the Board reviewed the Consent Order as seen and agreed to by Maranatha LTD, t/a Merchants Hope Memorial Gardens. A motion was made by Mr. McDaniel and seconded by Mr. Minter to accept the proposed Consent Order offer wherein Maranatha LTD, t/a Merchants Hope Memorial Gardens, admits to seven violations of § 54.1-2319 (Count 1) of the *Code of Virginia*, sixteen violations of § 54.1-2325 (Count 2) of the *Code of Virginia*, two violations of § 54.1-2330 (Count 3) of the *Code of Virginia*, a violation of § 54.1-2324 (Count 4) of the *Code of Virginia*, and a violation of § 54.1-2333 (Count 5) of the *Code of Virginia* and agrees to a monetary penalty of \$100.00 for each violation contained in Count 1, \$100.00 for each violation contained in Count 2, \$100.00 for each violation contained in Count 3, and \$150.00 in Board costs, for a total of \$2,650.00. In addition, for violation of Counts 1, 2, 3, 4, and 5, Maranatha LTD agrees to make necessary changes, to include "trust," in both the perpetual care and preneed accounts so that they are held in accordance with §54.1-2316 and §54.1-2325, respectively, and further to provide satisfactory proof thereof to the Board within 60 days of the acceptance of the order. The Board will waive imposition of \$600.00 of the monetary penalty for Count 1, \$1,500.00 of the monetary penalty for Count 2, and \$100.00 of the monetary penalty for Count 3, provided Maranatha LTD deposits \$74,104.60 into its preneed trust fund and provides proof acceptable to the Board thereof within sixty (60) days of the effective date of the order. If Maranatha LTD fails to comply with these conditions, then the full monetary penalties will be automatically imposed. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam, McDaniel and Minter.

File Number 2014-00278,
Maranatha LTD, t/a
Merchants Hope
Memorial Gardens

In the matter of **File Number 2015-00593, 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 Mr. Minter to accept the proposed Consent Order offer wherein Cemetery Management Corporation, LLC, admits to a violation of § 54.1-2324.A (Count 1) of the *Code of Virginia*, a violation of § 54.1-2333.A (Count 2) of the *Code of Virginia*, a violation

File Number 2015-00593,
Cemetery Management
Corporation, LLC

of § 54.1-2319 (Count 3) of the *Code of Virginia*, and two violations of § 54.1-2325.A (Count 4) of the *Code of Virginia*, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, \$100.00 for the violation contained in Count 2, \$150.00 for the violation contained in Count 3, \$150.00 for each violation contained in Count 4, and \$150.00 in Board costs, for a total of \$800.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam, McDaniel and Minter.

A motion was made by Mr. Doherty and seconded by Mr. Minter to adopt the proposed regulations as presented to the Cemetery Board. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam, McDaniel and Minter.

Administrative Issues

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Cemetery Board. Michael Doherty nominated Randolph Minter as Vice-Chair. With no other nominations, the nominations were closed. A motion was made by Mr. Doherty and seconded by Mr. Dudley to elect Randolph Minter as Vice-Chair. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam and McDaniel.

Election of Officer

A motion was made by Mr. Doherty and seconded by Mr. Minter to adopt the following resolution to honor the years of dedicated service by former Board Member Jane M. Garland to the Board:

Resolution

RESOLUTION IN HONOR OF

Jane M. Garland

WHEREAS, **Jane M. Garland**, has faithfully and diligently served as a member of the Cemetery Board since 2011; and

WHEREAS, **Jane M. Garland**, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, **Jane M. Garland**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Cemetery Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Cemetery Board this tenth day of February, 2015, that Jane M. Garland be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Cemetery Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Gilliam, Minter and McDaniel.

A motion was made by Mr. Doherty and seconded by Mr. Minter to adopt the following resolution to honor the years of dedicated service by former Board Member Pamela Jo Lundy to the Board: **Resolution**

RESOLUTION IN HONOR OF

Pamela Jo Lundy

WHEREAS, **Pamela Jo Lundy**, has faithfully and diligently served as a member of the Cemetery Board since 2011; and

WHEREAS, **Pamela Jo Lundy**, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, **Pamela Jo Lundy**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Cemetery Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Cemetery Board this tenth day of February, 2015, that Pamela Jo Lundy be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Cemetery Board; and

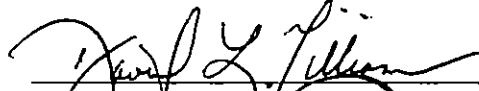
BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

The motion passed unanimously. Members voting "Yes" were Butler,

Doherty, Dudley, Gilliam, Minter and McDaniel.

The meeting adjourned at 9:21 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: Enid W. Butler
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: February 10, 2015
(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.

Enid Butler
Signature

2/10/15
Date

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

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

1. Name: R. Kyle McDaniel
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: February 10, 2015
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

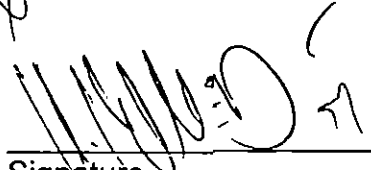
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

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

2/10/2015

Date

**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: February 10, 2015
(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

2/10/15
Date

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

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

1. Name: Armistead W. Dudley
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: February 10, 2015
(Date)

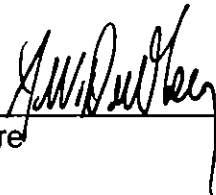
5. I have a personal interest in the following transaction:

(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

2/10/2015
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: February 10, 2015
(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

2/10/15
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: February 10, 2015
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

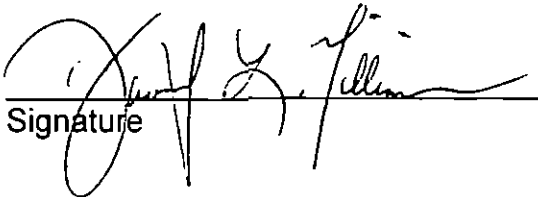
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

2/10/15
Date