

CEMETERY BOARD MEETING

MINUTES

September 5, 2018

The Cemetery Board met on September 5, 2018, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Randolph Minter, Chair
Michael H. Doherty, Vice-Chair
Armistead Dudley
Enid Butler
James A. Meadows, Jr.
Judy S. Lyttle
Marx Eisenman, Jr.

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

Christine Martine, Executive Director
James Chapman, Board Administrator
Emily Trent, Administrative Assistant

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

Randolph Minter called the meeting to order at 10:00 A.M.

Call to Order

A motion was made by Mr. Doherty and seconded by Mr. Meadows to approve the agenda. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

Agenda

A motion was made by Mr. Doherty and seconded by Mr. Dudley to approve the February 7, 2018, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

Minutes

Susan Mini, President of the Virginia Cemetery Association (VCA), addressed the Board to introduce herself and inform them of her position with VCA for the next two year term. No action was taken by the Board.

Public Comment

In the matter of **File Number 2018-02545, Kimberly Jenkins**, 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. Eisenman 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. Jenkins' application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

File Number 2018-02545,
Kimberly Jenkins

In the matter of **File Number 2018-02546, Kimberly Jenkins**, 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. Eisenman 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. Jenkins' application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

File Number 2018-02546,
Kimberly Jenkins

In the matter of **File Number 2018-02730, Richard Tavss**, 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. Richard Tavss, applicant, and Gail Turner, witness, were present and addressed the Board. A motion was made by Mr. Dudley and seconded by Ms. Lyttle to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Richard Tavss as the trustee of the perpetual care and preneed trust funds for CMC Holdings, LLC dba Carver Memorial Cemetery contingent upon the Board's receipt of a fidelity bond with corporate surety, payable to the trust, in a sum equal to not less than 100% of the value of the trust. The motion passed unanimously. Members voting "Yes" were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

File Number 2018-02730,
Richard Tavss

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

In the matter of **File Number 2018-00996, Greenlawn, LLC**, the Board reviewed the Consent Order as seen and agreed to by Greenlawn, LLC. A motion was made by Ms. Butler and seconded by Ms. Lyttle to accept the proposed Consent Order offer wherein Greenlawn, LLC, admits to a violation of §54.1-2333.A (Count 1) of the *Code of Virginia*, a violation of §54.1-2324.A (Count 2) of the *Code of Virginia*, a violation of §54.1-

File Number 2018-00996,
Greenlawn, LLC

2325.A (Count 3) of the *Code of Virginia*, and a violation of §54.1-2325.A (Count 4) of the *Code of Virginia* and agrees to a monetary penalty of \$1,000.00 for the violation of Count 3, and \$1,000.00 for the violation of Count 4, as well as \$150.00 in Board costs, for a total of \$2,150.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01080, SCI Virginia Funeral Services, Inc.**, the Board reviewed the Consent Order as seen and agreed to by SCI Virginia Funeral Services, Inc. A motion was made by Ms. Butler and seconded by Mr. Dudley to accept the proposed Consent Order offer wherein SCI Virginia Funeral Services, Inc., admits to a violation of §54.1-2314.4 (Count 1) of the *Code of Virginia*, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2018-01080,
SCI Virginia Funeral
Services, Inc.**

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01200, 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 Ms. Butler and seconded by Ms. Lyttle to accept the proposed Consent Order offer wherein Cemetery Management Corporation, LLC, admits to a violation of §54.1-2333 (Count 1) of the *Code of Virginia*, a violation of §54.1-2324 (Count 2) of the *Code of Virginia*, a violation of §54.1-2325.B (Count 3) of the *Code of Virginia*, and a violation of §54.1-2319 (Count 4) of the *Code of Virginia* and agrees to a monetary penalty of \$800.00 for the violation of Count 1, \$800.00 for the violation of Count 2, \$800.00 for the violation of Count 3, and \$800.00 for the violation of Count 4, as well as \$150.00 in Board costs, for a total of \$3,350.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2018-01200,
Cemetery Management
Corporation, LLC**

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01317, Greenwood Acres, LLC**, the Board reviewed the Consent Order as seen and agreed to by Greenwood Acres, LLC. A motion was made by Ms. Lyttle and seconded by Mr. Dudley to accept the proposed Consent Order offer wherein Greenwood

**File Number 2018-01317,
Greenwood Acres, LLC**

Acres, LLC, admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, and a violation of §54.1-2331.A (Count 2) of the *Code of Virginia*, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01318, Greenwood Cemetery Company, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Greenwood Cemetery Company, Inc. Dennis Fox, Compliance Agent for the respondent, was present and addressed the Board. A motion was made by Ms. Lyttle and seconded by Mr. Eisenman to accept the proposed Consent Order offer wherein Greenwood Cemetery Company, Inc., admits to a violation of §54.1-2324.B (Count 1) of the *Code of Virginia*, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2018-01318,
Greenwood Cemetery
Company, Inc.**

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01323, Forest Hill Burial Park, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Forest Hill Burial Park, Inc. A motion was made by Ms. Butler and seconded by Mr. Dudley to accept the proposed Consent Order offer wherein Forest Hill Burial Park, Inc., admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, a violation of §54.1-2319 (Count 2) of the *Code of Virginia*, and two violations of §54.1-2324.B (Count 3) of the *Code of Virginia*, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2018-01323,
Forest Hill Burial Park,
Inc.**

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01356, Glen Haven Memorial Gardens, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Glen Haven Memorial Gardens, Inc. A motion was made by Ms. Lyttle and seconded by Mr. Meadows to accept the proposed Consent Order offer wherein Glen Haven Memorial Gardens, Inc., admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$200.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$350.00. The motion passed

**File Number 2018-01356,
Glen Haven Memorial
Gardens, Inc.**

unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01362, Carver Memorial Gardens, Incorporated**, the Board reviewed the Consent Order as seen and agreed to by Carver Memorial Gardens, Incorporated. A motion was made by Mr. Dudley and seconded by Ms. Butler to accept the proposed Consent Order offer wherein Carver Memorial Gardens, Incorporated, admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia* and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

File Number 2018-01362,
Carver Memorial
Gardens, Incorporated

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01366, Patrick Memorial Gardens, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Patrick Memorial Gardens, Inc. A motion was made by Ms. Lyttle and seconded by Ms. Butler to accept the proposed Consent Order offer wherein Patrick Memorial Gardens, Inc., admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, and a violation of §54.1-2325.A (Count 2) of the *Code of Virginia*, and agrees to a monetary penalty of \$200.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$350.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

File Number 2018-01366,
Patrick Memorial
Gardens, Inc.

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-01368, Kyger Land Company, LLC t/a Duck Run Natural Cemetery**, the Board reviewed the Consent Order as seen and agreed to by Kyger Land Company, LLC t/a Duck Run Natural Cemetery. A motion was made by Mr. Dudley and seconded by Ms. Butler to accept the proposed Consent Order offer wherein Kyger Land Company, LLC t/a Duck Run Natural Cemetery, admits to a violation of §54.1-2324.A (Count 1) of the *Code of Virginia*, a violation of §54.1-2324.B (Count 2) of the *Code of Virginia*, and a violation of §54.1-2319 (Count 3) of the *Code of Virginia* and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Minter.

File Number 2018-01368,
Kyger Land Company,
LLC t/a Duck Run
Natural Cemetery

As the Board member who reviewed the file, Mr. Doherty did not vote or participate in the discussion in this matter.

A motion was made by Mr. Eisenman and seconded by Ms. Lyttle to approve the application review matrix presented to the Board. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

Administrative Issues

The Board discussed adding Compliance Agent training as a disciplinary sanction when a cemetery company has recurring violations regarding financial reporting issues. Board staff will work with CAR staff to implement. No action was taken by the Board.

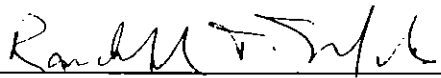
New Business

The Board discussed the financial burden on small cemetery companies in meeting the statutory requirement for providing the Board with annual financial reports reviewed by a CPA using agreed upon procedures. No action was taken by the Board.

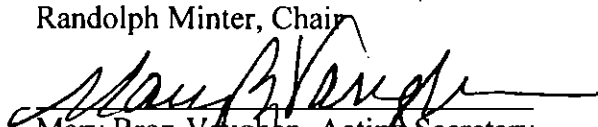
Other Business

The meeting adjourned at 10:46 A.M.

Adjourn



Randolph Minter, Chair



Mary Broz-Vaughan, Acting Secretary

**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: September 5, 2018
(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

9/5/18
Date

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

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

1. Name: Marx 'Mike' Eisenman, Jr.
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: September 5, 2018
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

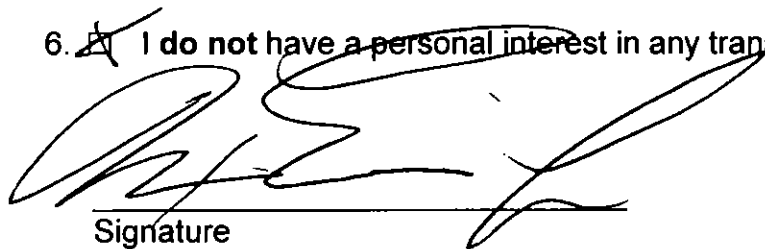
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

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

9/5/18
Date

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

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

1. Name: Judy S. Lyttle
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: September 5, 2018
(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.

Judy S. Lyttle
Signature

9-5-2018
Date

**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: September 5, 2018
(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 W. Butler
Signature

9/5/18
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: September 5, 2018
(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

9/5/18
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: September 5, 2018
(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

9-5-18
Date