

CEMETERY BOARD

TENTATIVE AGENDA

Wednesday, February 19, 2020 - 10:00 a.m.
2nd Floor

Department of Professional and Occupational Regulation
9960 Mayland Drive, Richmond, VA 23233
(804) 367-0010

I. CALL TO ORDER

II. ADMINISTRATIVE ISSUES

1. Approval of Agenda
2. Approval of Minutes:
 - A. September 18, 2019, Board Meeting

III. PUBLIC COMMENT PERIOD*

III. CASES

1. File Number 2020-01085 – George Morris Mehaffey, Jr.
IFF by Doherty – Licensing
2. File Number 2019-01005 – Greenlawn Memory Gardens Incorporated t/a
Roselawn Memory Gardens
Pre-IFF Consent Order by Doherty – Disciplinary
3. File Number 2019-01760 – Danville Memorial Gardens, Inc.
Pre-IFF Consent Order by Minter – Disciplinary
4. File Number 2019-02449 – Alleghany Memorial Park, LLC
Pre-IFF Consent Order by Minter – Disciplinary

IV. ADMINISTRATIVE ISSUES

- Board Financial Statement
- Exempt Regulation Action
- Fee proposal

V. NEW BUSINESS

VI. OLD BUSINESS

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

VII. OTHER BUSINESS

VIII. ADJOURN

NEXT MEETING SCHEDULED FOR WEDNESDAY, SEPTEMBER 9, 2020

* 5-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files. No other public comment will be accepted by the Board during the meeting.

Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8552 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

DRAFT AGENDA
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CEMETERY BOARD MEETING

MINUTES

September 18, 2019

The Cemetery Board met on September 18, 2019, 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
Marx Eisenman, Jr.
James A. Meadows, Jr.
Judy S. Lyttle

Board member absent from the meeting: Enid Butler

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

Mary Broz-Vaughan, Director
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 10:03 A.M.

Call to Order

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

Agenda

A motion was made by Mr. Doherty and seconded by Ms. Lyttle to approve the February 27, 2019, Board Meeting minutes. The motion passed unanimously. Members voting “Yes” were Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

Minutes

There was no public comment.

Public Comment

Mr. Minter turned the position of Chair over to Mr. Doherty.

Transfer of Chair

In the matter of **File Number 2018-02626, Mountain View Cemetery of Ridgeway, Inc.**, the Board reviewed the record which consisted of the Report of Findings, exhibits, and the Recommendation. A motion was made by Mr. Doherty and seconded by Mr. Dudley to accept the Recommendation to find a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, a violation of 18 VAC 47-20-190.12 (Count 2) of the Board's 2000 Regulations, and a violation of §54.1-2315.3 (Count 3) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle and Meadows.

**File Number 2018-02626,
Mountain View Cemetery
of Ridgeway, Inc.**

A motion was made by Mr. Eisenman and seconded by Ms. Lyttle to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violations contained in Counts 1-3. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle and Meadows.

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

Mr. Minter returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2018-02927, Prince George Cemetery Corporation, t/a Southlawn Memorial Park**, the Board reviewed the Consent Order as seen and agreed to by Prince George Cemetery Corporation, t/a Southlawn Memorial Park. A motion was made by Ms. Lyttle and seconded by Mr. Meadows to accept the proposed Consent Order offer wherein Prince George Cemetery Corporation, t/a Southlawn Memorial Park, admits to a violation of 18 VAC 47-20-220 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$400.00. In addition, the Board shall waive imposition of the \$250.00 monetary penalty for Count 1 provided Prince George Cemetery Corporation, t/a Southlawn Memorial Park provides a copy of its written general price list and written itemized statement of goods and services approved by the Board within thirty (30) days of the effective date of the Consent Order. If Prince George Cemetery Corporation, t/a Southlawn Memorial Park fails to comply with this condition, then the full monetary penalty will be automatically imposed. The motion passed unanimously. Members voting "Yes" were Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2018-02927,
Prince George Cemetery
Corporation, t/a
Southlawn Memorial
Park**

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 2019-01762, 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. Lyttle and seconded by Mr. Eisenman to accept the proposed Consent Order offer wherein Cemetery Management Corporation, 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 §54.1-2325.A (Count 3) of the *Code of Virginia*, and a violation of §54.1-2319 (Count 4) of the *Code of Virginia*, and agrees to \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,600.00 for the violation contained in Count 3, and \$1,600.00 for the violation contained in Count 4, as well as \$150.00 in Board costs, for a total of \$5,350.00. The motion passed unanimously. Members voting “Yes” were Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2019-01762,
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.

Mr. Minter recused himself from the meeting, and Ms. Martine presided.

Transfer of Chair

In the matter of **File Number 2018-02701, Fair Haven Memorial Park, LLC**, the Board reviewed the record which consisted of the investigate file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary. David Mehaffey, Trustee for the respondent, was present and addressed the Board. A motion was made by Ms. Lyttle and seconded by Mr. Eisenman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 47-20-190.6 (Count 1) of the Board’s 2000 Regulations, a violation of 18 VAC 47-20-150 (Count 2) of the Board’s 2000 Regulations, a violation of 18 VAC 47-20-150 (Count 3) of the Board’s 2000 Regulations, a violation of 18 VAC 47-20-150 (Count 4) of the Board’s 2000 Regulations, a violation of 18 VAC 47-20-150 (Count 5) of the Board’s 2000 Regulations, a violation of 18 VAC 47-20-150 (Count 6) of the Board’s 2000 Regulations, a violation of 18 VAC 47-20-150 (Count 7) of the Board’s 2000 Regulations, and a violation of 18 VAC 47-20-150 (Count 8) of the Board’s 2000 Regulations. The motion passed unanimously. Members voting “Yes” were Eisenman, Lyttle and Meadows.

**File Number 2018-02701,
Fair Haven Memorial
Park, LLC**

A motion was made by Ms. Lyttle and seconded by Mr. Meadows to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$200.00 for the violation contained in Count 3, \$200.00 for the

violation contained in Count 4, \$200.00 for the violation contained in Count 6, and \$200.00 for the violation contained in Count 7, for a total of \$2,300.00. The motion passed unanimously. Members voting "Yes" were Eisenman, Lyttle and Meadows.

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

Mr. Minter returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2019-00319, Roselawn Development, LLC**, the Board reviewed the Consent Order as seen and agreed to by Roselawn Development, LLC. A motion was made by Mr. Doherty and seconded by Ms. Lyttle to accept the proposed Consent Order offer wherein Roselawn Development, LLC, admits to a violation of 18 VAC 47-20-190.11 (Count 1) of the Board's 2000 Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, the Board shall waive imposition of the \$600.00 monetary penalty for Count 1 provided Roselawn Development LLC completes the work and/or make repairs at Roselawn Burial Park listed below:

File Number 2019-00319, Roselawn Development, LLC

- Repair/replace the missing/damaged curbing
- Repair broken grave markers
- Fill/seed areas of settling soil over graves
- Repair walls and ceiling of mausoleum crypt in state of disrepair (flaking paint, water stains, insect nests and moss growth)
- Repair ceiling of mausoleum (substance dripping from the ceiling and mounding on the floor)
- Repair inoperable mausoleum exterior lighting
- Repair/replace screens on interior fluorescent lights in mausoleum
- Repair fallen upright headstone

Roselawn Development LLC agrees to provide the Board with proof of completion of the listed work above within ninety (90) days of the effective date of the Order. If Roselawn Development LLC fails to comply with these conditions, the full monetary penalty will be automatically imposed and Roselawn Development LLC's license suspended until the listed work is completed. The motion passed unanimously. Members voting "Yes" were Doherty, Eisenman, Lyttle, Meadows and Minter.

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

In the matter of **File Number 2019-01525, Historyland Memorial Park, LLC**, the Board reviewed the Consent Order as seen and agreed to by Historyland Memorial Park, LLC. A motion was made by Mr. Doherty and seconded by Ms. Lyttle to accept the proposed Consent Order offer wherein Historyland Memorial Park, LLC, 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 \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

**File Number 2019-01525,
Historyland Memorial
Park, LLC**

A motion was made by Mr. Doherty and seconded by Ms. Lyttle to retain the Cemetery regulations and Public Participant Guidelines in their current forms pursuant to the Notice of Periodic Review. The motion passed unanimously. Members voting “Yes” were Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

Administrative Issues

The Board reviewed 2020 Board meeting dates. No action was taken by the Board.

A motion was made by Ms. Lyttle and seconded by Mr. Doherty to deny the request of Greensville Memorial Cemetery to withdraw funds from the perpetual care trust fund for driveway repairs. The motion passed unanimously. Members voting “Yes” were Doherty, Dudley, Eisenman, Lyttle, Meadows and Minter.

New Business

Mr. Chapman provided a compliance update on File Number 2018-01075, Maranatha, Ltd., t/a Merchant’s Hope Memorial Gardens. No action was taken by the Board.

Old Business

Mr. Doherty updated the Board on his research regarding agreed upon procedures between a cemetery company and CPA.

The meeting adjourned at 11:01 A.M.

Adjourn

Randolph Minter, Chair

Mary Broz-Vaughan, Secretary

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound.

When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.