

CEMETERY BOARD MEETING

MINUTES

February 2, 2021

The Cemetery Board met on February 2, 2021, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Michael 'Mike' H. Doherty, Vice-Chair
Armistead 'Ted' Dudley
Judy S. Lyttle
Caroline Smyth (arrived at 10:05 A.M.)
Marx 'Mike' Eisenman, Jr.
Enid Butler
James 'Jim' A. Meadows, Jr.

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

Mary Broz-Vaughan, Director
Christine Martine, Executive Director
Jim Chapman, Board Administrator
Emily Trent, Administrative Assistant

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

Mike Doherty called the meeting to order at 10:01 A.M.

Call to Order

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

Agenda

A motion was made by Ms. Butler and seconded by Ms. Lyttle to approve the September 9, 2020, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle and Meadows.

Minutes

There was no public comment.

Public Comment

Board Member Caroline Smyth arrived at 10:05 A.M.

Arrival of Board Member

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

Transfer of Chair

In the matter of **File Number 2021-00376, Bobby Todd Norman**, 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. Mr. Norman was present and addressed the Board. A motion was made by Mr. Eisenman and seconded by Ms. Butler to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Bobby Todd Norman as the trustee for FMP, Inc. The motion passed unanimously. Members voting "Yes" were Butler, Dudley, Eisenman, Lyttle and Meadows.

**File Number 2021-00376,
Bobby Todd Norman**

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

In the matter of **File Number 2020-01346, Gardner Enterprises, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Gardner Enterprises, Inc. A motion was made by Ms. Butler and seconded by Mr. Meadows to accept the proposed Consent Order offer wherein Gardner Enterprises, Inc. admits to a violation of §54.1-2325.A (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$250.00. The motion passed unanimously. Members voting "Yes" were Butler, Dudley, Eisenman, Lyttle and Meadows.

**File Number 2020-01346,
Gardner Enterprises, 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 2019-02308, Stitham, LLC**, the Board reviewed the Consent Order as seen and agreed to by Stitham, LLC. A motion was made by Ms. Lyttle and seconded by Ms. Butler to accept the proposed Consent Order offer wherein Stitham, 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 \$2,500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$2,650.00. In addition, it is acknowledged Stitham LLC completed the following repairs: 1) Repaired broken or missing stone material surrounding mausoleum wall crypts; 2) Repaired potholes and cracking in asphalt throughout cemetery; and 3) Repaired vertical crack in the concrete mausoleum roof. As Stitham completed the above-listed repairs and provided proof of satisfactory completion to the Board's agent, the \$2,500.00 monetary penalty for Count 1, is waived. The motion passed unanimously. Members voting "Yes" were Butler, Dudley, Eisenman, Lyttle, Meadows and Smyth.

**File Number 2019-02308,
Stitham, 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 2020-01347, The Victor Group, LLC t/a Windsor Gardens Cemetery & Mausoleum**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. A motion was made by Ms. Butler and seconded by Mr. Eisenman to find 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*. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Smyth.

**File Number 2019-01347,
The Victor Group, LLC
t/a Windsor Gardens
Cemetery & Mausoleum**

A motion was made by Ms. Lyttle and seconded by Mr. Meadows to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, for a total of \$2,000.00. The Board shall waive \$500.00 of the monetary penalty for Count 1, on condition that Victor Group, LLC, t/a Windsor Gardens Cemetery & Mausoleum provides to the Board proof of deposit of \$499.90 into the Prepetual Care Trust Fund within thirty (30) days of the effective date of the Order. If The Victor Group, LLC, t/a Windsor Gardens Cemetery & Mausoleum fails to comply with these conditions, then the full monetary penalty will be automatically imposed. In addition, the Board shall waive \$500.00 of the monetary penalty for Count 2, on condition that Victor Group, LLC, t/a Windsor Gardens Cemetery & Mausoleum provides to the Board proof of deposit of \$552.00 into the Preened Trust Fund within thirty (3) days of the effective date of the Order. If the Victor Group, LLC fails to comply with the conditions, then the full monetary penalty will be automatically imposed. The motion passed unanimously. Members voting “Yes” were Butler, Dudley, Eisenman, Lyttle, Meadows and Smyth.

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

Mr. Doherty returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2020-01318, Patrick Memorial Gardens, Inc.**, the case was deferred.

**File Number 2020-01318,
Patrick Memorial
Gardens, Inc.**

In the matter of **File Number 2020-02678, Affiliated Service Group, Inc., t/a Forest Hills Memory Gardens**, the Board reviewed the Consent Order as seen and agreed to by Affiliated Service Group Inc. t/a Forest Hills Memory Gardens. A motion was made by Ms. Butler and seconded

**File Number 2020-02678,
Affiliated Service Group,
Inc., t/a Forest Hills
Memory Gardens**

by Mr. Dudley to accept the proposed Consent Order offer wherein Affiliated Service Group, Inc., t/a Forest Hills Memory Gardens admits to two violations of 18 VAC 47-20-190.12 (Count 1) of the Board's 2016 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.

In the matter of **File Number 2020-01687, 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 §54.1-2322.A (Count 1) of the *Code of Virginia*, a violation of §54.1-2325.A (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. It is noted that the license for Cemetery Management Corporation LLC is currently suspended for non-payment of fines and costs associated with File Number 2019-01762. Further, the license for Cemetery Management Corporation LLC expired after December 31, 2019. The license will lapse and consequently will no longer be eligible for reinstatement after December 31, 2020 unless Cemetery Management Company LLC pays all fines and costs associated with File 2019-01762, and all applicable reinstatement fees prior to the expiration period. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Eisenman, Lyttle, Meadows and Smyth.

**File Number 2020-01687,
Cemetery Management
Corporation, LLC**

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

The Board reviewed the Board financial statement as presented. No action was taken by the Board.

Administrative Issues

A motion was made by Ms. Butler and seconded by Mr. Eisenman to accept the proposed change of a temporary fee reduction to the regulations as presented and to file an exempt regulatory action. The motion passed unanimously. Members voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.

A motion was made by Mr. Dudley and seconded by Ms. Lyttle to adopt the following resolution to honor the years of dedicated service by a former Board Member to the Board:

Resolution

RESOLUTION IN HONOR OF

Randolph 'Randy' T. Minter

WHEREAS, **Randy T. Minter**, has faithfully and diligently served as a member of the Cemetery Board since 2012; and

WHEREAS, **Randy T. Minter**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Randy T. Minter**, 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 second day of February, 2021 that **Randy T. Minter** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Cemetery Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held. The motion passed unanimously. Member voting "Yes" were Butler, Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.

Ms. Martine opened the floor for nominations for the position of Chair of the Cemetery Board. Mike Doherty nominated Ted Dudley for the position of Chair; the motion was seconded by Mike Eisenman. With no other nominations, the nominations were closed. Ted Dudley was named Chair by acclamation.

Election of Officers

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Cemetery Board. Mike Doherty nominated Jim Meadows for the position of Vice-Chair; the motion was seconded by Mike Eisenman. With no other nominations, the nominations were closed. Jim Meadows was named Vice-Chair by acclamation.

The Board discussed the uptick in burials due to the pandemic, and the increase in cremations. The Board also discussed the following bills HB2005 and SB1268 - Disposition of the remains of a decedent; persons to make arrangements for funeral for which the Virginia Cemetery Association has provided input. No action was taken by the Board.

New Business

The meeting adjourned at 10:24 A.M.

Adjourn



Armistead 'Ted' Dudley, Chair



Mary Broz-Vaughan, Secretary

**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: February 2, 2021
(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



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: February 2, 2021
(Date)

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

N/A

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

N/A

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

N/A

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

2/2/21
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 2, 2021
(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

2-2-2021
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Caroline S. Smyth
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: February 2, 2021
(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

2-2-2021
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: February 2, 2021
(Date)

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

None
(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

2-2-2021
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 2, 2021
(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



Date

02/2/21

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James A. Meadows, Jr.
(Name of Board Member)
2. Title: Board Member
3. Agency: Cemetery Board
(Name of Board)
4. Meeting/IFF Date: February 2, 2021
(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

2/2/21
Date