

CEMETERY BOARD MEETING

MINUTES

September 29, 2021

The Cemetery Board met on September 29, 2021, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Armistead 'Ted' Dudley, Chair
James 'Jim' A. Meadows, Jr., Vice-Chair
Michael 'Mike' H. Doherty
Judy S. Lyttle
Caroline Smyth
Marx 'Mike' Eisenman, Jr.

Board Member absent from the meeting: Enid Butler

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

Mary Broz-Vaughan, Director
Tom Payne, Deputy Director
Christine Martine, Executive Director
Emily Trent, Administrative Assistant

Ted Dudley called the meeting to order at 10:00 A.M.

Call to Order

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

Agenda

A motion was made by Mr. Eisenman and seconded by Mr. Doherty to approve the February 2, 2021, Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.

Minutes

There was no public comment.

Public Comment

In the matter of **File Number 2021-02479, Harry Diggs Oliver, IV**, the Board reviewed the record which consisted of the application file,

**File Number 2021-02479,
Harry Diggs Oliver, IV**

transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. 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 and approve Harry Diggs Oliver, IV, as the trustee for Sterling Real Estate, LLC. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle and Smyth.

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

In the matter of **File Number 2021-02480, Elizabeth Sterling Oliver**, 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 Ms. Smyth and seconded by Mr. Eisenman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Elizabeth Sterling Oliver, as the trustee for Sterling Real Estate, LLC. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle and Smyth.

**File Number 2021-02480,
Elizabeth Sterling Oliver**

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

In the matter of **File Number 2020-02765, PVD Acquisitions, LLC**, the Board reviewed the Consent Order as seen and agreed to by PVD Acquisitions, LLC. A motion was made by Mr. Doherty and seconded by Ms. Smyth to accept the proposed Consent Order offer wherein PVD Acquisitions, LLC admits to a violation of §54.1-2319 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle and Smyth.

**File Number 2020-02765,
PVD Acquisitions, LLC**

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

In the matter of **File Number 2020-01318, Patrick Memorial Gardens, Inc.**, 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 Mr. Eisenman and seconded by Mr. Doherty to find a violation of §54.1-2319 (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.

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

A motion was made by Mr. Doherty and seconded by Ms. Smyth to impose no monetary penalty. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.

In the matter of **File Number 2020-02740, Shenandoah Memorial Park, LLC**, the Board reviewed the Consent Order as seen and agreed to by Shenandoah Memorial Park, LLC. A motion was made by Mr. Doherty and seconded by Ms. Lyttle to accept the proposed Consent Order offer wherein Shenandoah Memorial Park, LLC admits to a violation of 54.1-2325.A (Count 1) of the *Code of Virginia*, and agrees to \$400.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. The motion passed unanimously. Members voting "Yes" were Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.

**File Number 2020-02740,
Shenandoah Memorial
Park, LLC**

In the matter of **File Number 2020-02285, SCI Virginia Funeral Services, LLC**, the Board reviewed the Consent Order as seen and agreed to by SCI Virginia Funeral Services, LLC. Esther Bateman, representative for the SCI Virginia Funeral Services, LLC, was present and addressed the Board. A motion was made by Mr. Eisenman and seconded by Ms. Lyttle to accept the proposed Consent Order offer wherein SCI Virginia Funeral Services, LLC, admits to (11 violations) of §54.1-2319 (Count 1) of the *Code of Virginia*, (23 violations) of §54.1-2319 (Count 2) of the *Code of Virginia*, a violation of §54.1-2325.A (Count 3) of the *Code of Virginia*, a violation of 18 VAC 47-20-200.D (Count 4) of the Board's 2000 Regulations, and a violation of 18 VAC 47-20-200.D (Count 5) of the Board's 2000 Regulations and agrees to a monetary penalty of \$300.00 for each violation contained in Count 1, \$300.00 for each violation contained in Count 2, \$200.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$10,550.00. In addition, for violation of Count 4, SCI Virginia Funeral Services LLC agrees to return \$73,691.21 to its perpetual care trust fund within ninety (90) days of the effective date of the Order. Further, for violation of Count 5, SCI Virginia Funeral Services LLC agrees to submit a copy of its annual Perpetual Care Trust Fund Report for its fiscal year ending December 31, 2018 with the commissioner of accounts in a jurisdiction in the Commonwealth in which the cemetery company operates a cemetery within ninety (90) days of the effective date of the Order. The motion passed unanimously. Members voting "Yes" were Dudley, Eisenman, Lyttle and Smyth. Due to a possible conflict of interest, Mr. Meadows did not vote or participate in the discussion in this matter.

**File Number 2020-02285,
SCI Virginia Funeral
Services, 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 2020-02741, Danville Memorial Garden, Inc.**, the Board reviewed the Consent Order as seen and agreed to by Danville Memorial Garden, Inc. A motion was made by Ms. Lyttle and seconded by Mr. Eisenman to accept the proposed Consent Order offer wherein Danville Memorial Garden, 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 \$1,200.00 for the violation contained in Count 1, and \$1,400.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,750.00. The motion passed unanimously. Members voting “Yes” were Dudley, Eisenman, Lyttle, Meadows and Smyth.

File Number 2020-02741, Danville Memorial Garden, Inc.

As the Board member who reviewed the file, Mr. Doherty 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 Mr. Doherty and seconded by Mr. Eisenman to file an exempt regulatory action to amend the relevant sections of the Cemetery regulations, as presented to the Board, to conform to the changes made to the *Code of Virginia* by Chapter 550 of the 2021 Acts of Assembly. The motion passed unanimously. Members voting “Yes” were Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.

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

A motion was made by Ms. Lyttle and seconded by Mr. Eisenman to approve the updated Memorandum of Understanding Between Cemetery Board Department of Professional and Occupational Regulation and Board of Funeral Directors and Embalmers Department of Health Professions as presented. The motion passed unanimously. Members voting “Yes” were Doherty, Dudley, Eisenman, Lyttle, Meadows and Smyth.


The Board members completed Conflict of Interest training.

The Board discussed amending §54.1-2313.1 of the *Code of Virginia* to make clear who will pay for the expenses or fees of the receiver. No action was taken by the Board.

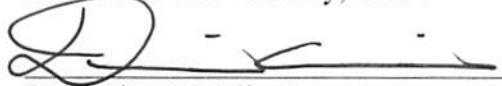
New Business

The meeting adjourned at 10:50 A.M.

Adjourn



Armistead 'Ted' Dudley, Chair



Demetrios J. Melis, Secretary

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: September 29, 2021
(Date)

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

2020-02285 SCI
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I WORK FOR SCI

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

9/29/21
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: September 29, 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

9/29/2021

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: September 29, 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.

Judy S. Lyttle
Signature

9-29-2021
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: September 29, 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.

Armistead W. Dudley
Signature

9/29/21
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: September 29, 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

9/29/2021
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 29, 2021
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

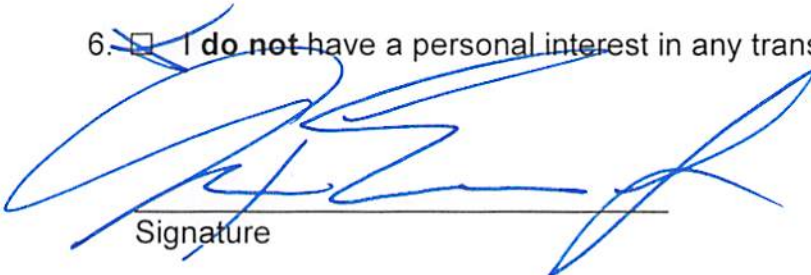
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

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

9/29/2021
Date