

# CEMETERY BOARD MEETING

## MINUTES

October 7, 2003

The Cemetery Board met on October 7, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following members were present.

Kenneth R. Bell, Chairman  
Mike Doherty  
David Mark Farris, II  
Randy Minter  
Anton Stelly

Board members not present:

Carol W. Black  
Marcietta S. Glenn

Also present were:

Christine Martine, Executive Director  
Camille C. Palmer, Administrative Assistant

Present for a portion of the meeting were

Sandra Whitley Ryals, Chief Deputy Director  
Karen W. O'Neal, Deputy Director  
Herbert Nichols, Investigator  
Earlyne Perkins, Legal Assistant

Mr. Bell called the meeting to order at 9:05 a.m.

During the **Public Comment** period, Mr. Bell requested the public **Public Comment** to introduce themselves to the Board.

A motion was made by Mr. Doherty and seconded by Mr. Minter to approve the amended **agenda**. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, Minter and Stelly. There were no negative votes. **Agenda**

A motion was made by Mr. Doherty and seconded by Mr. Minter to approve the **minutes of the May 21, 2003** Board Meeting. The motion passed unanimously. Members voting “Yes” were Bell, Doherty, Farris, Minter, and Stelly.

**Minutes**

A motion was made by Mr. Farris and seconded by Mr. Minter to approve the **minutes of the August 12, 2003** IFF Conferences. The motion passed unanimously. Members voting “Yes” were Bell, Doherty, Farris, Minter, and Stelly.

A motion was made by Mr. Bell and seconded by Mr. Stelly to approve the **minutes of the August 21, 2003** IFF Conferences. The motion passed unanimously. Members voting “Yes” were Bell, Doherty, Farris, Minter, and Stelly

In the matter of **File Number 2002-03420, Patrick Memorial Gardens, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member’s summary. Mr. Paul Bliley, attorney for the respondent, and Mr. Robert Jackson, respondent, were present and addressed the Board. A motion was made by Mr. Doherty and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting “Yes” were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2002-03420**  
**Patrick Memorial Gardens, Inc.**

A motion was made by Mr. Doherty and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2319 of the Code of Virginia for Count II. The motion was withdrawn.

A motion was made by Mr. Doherty and seconded by Mr. Stelly to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to close Count II with a finding of no violation. The conduct was covered in Count I. The motion passed unanimously. Members voting “Yes” were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2322

of the Code of Virginia for Count III. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2325(A) of the Code of Virginia for Count IV. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Stelly and seconded by Mr. Doherty to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference closing Count V with a finding of no violation. The conduct was covered in Count IV of this file. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2333(A) (1) of the Code of Virginia for Count VI. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 2000 Regulation 18 VAC 47-20-190(4) for Count VII. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a monetary penalty of \$200.00 for the violation of § 54.1-2319 of the Code of Virginia for Count I and placing respondent on 30 days probation, during which

time the respondent must refile Schedules A and C of the annual report and provide corroboration to the satisfaction of the Board's representatives that the money has been properly deposited to the trust fund account. If the aforementioned is not done, then the license of Patrick Memorial Gardens, Inc. will be suspended until the requirements are met. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Stelly and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a sanction of \$500.00 for the violation of § 54.1-2322 of the Code of Virginia for Count III, imposing the same stipulations listed in Count I placing respondent on 30 days probation, which time the respondent must refile Schedules A and C of the annual report and provide corroboration to the satisfaction of the Board's representatives that the money has been properly deposited to the trust fund account. If this is not done, then the license of Patrick Memorial Gardens, Inc. will be suspended until the requirements are met. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Stelly and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a sanction of \$500.00 for the violation of § 54.1-2325(A) of the Code of Virginia for Count IV and imposing the same stipulations listed in Count I and III of this file, 30 days probation period during which time, the respondent must refile Schedule A and C of the annual report and provide corroboration to the satisfaction of the Board's representatives that the money has been properly deposited to the trust fund account. If the aforementioned is not done, then the license of Patrick Memorial Gardens, Inc. will be suspended until the requirements are met. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Stelly and seconded by Mr. Doherty to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to reduce the monetary penalty to \$200.00 because the recommended \$1000.00 monetary

penalty seems excessive for the violation of § 54.1-2333(A) (1) of the Code of Virginia for Count VI. The motion passed by majority vote. Member voting “No” was Farris. The Members voting “Yes” were Doherty, Minter and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Doherty to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and reduce the monetary penalty to \$200.00 for the violation of the Board’s 2000 Regulation 18 VAC 47-20-190(4) for Count VII. because the recommended \$1000.00 penalty seems excessive. There was no second to the motion.

A motion was made by Mr. Farris and seconded by Mr. Minter to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$1000.00 monetary penalty for the violation of the 2000 Board’s Regulation 18 VAC 47-20-190(4) for Count VII. The motion passed unanimously. Members voting “Yes” were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Minter and seconded by Mr. Stelly to withdraw the previous motions and rehear the case at the February, 2004 Cemetery Board meeting. The motion passed unanimously. Members voting “Yes” were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00165, Dinwiddie Memorial Park**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member’s summary. There was no representative present. A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding two violations of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting “Yes” were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation for Count II. The motion passed unanimously. Members voting “Yes” were

**File Number 2003-00165**  
**Dinwiddie Memorial Park**

Doherty, Farris, Minter, and Stelly. Mr Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter

A motion was made by Mr. Doherty and seconded by Mr Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation for Count III. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter

A motion was made by Mr Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$100 monetary penalty for the violation of § 54.1-2319 of the Code of Virginia for a total monetary penalty of \$200.00 for Count I. The motion passed unanimously Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00545, Jet Industries, Inc.**, the Board reviewed the record which consisted of the Consent Order Mr. Todd Sexton, respondent, was present and addressed the Board A motion was made by Mr Doherty and seconded by Mr. Farris to ratify the Consent Order, finding a violation § 54.1-2325(A) of the Code of Virginia for Count I; finding a violation of § 54.1-2325(A) of the Code of Virginia for Count II Jet Industries, Inc. is required, beginning with the August 2003 Monthly Preeed Merchandise Trust filing, will make a cash deposit of the required forty (40) percent deposit for each month thereafter Additionally, Jet Industries, Inc. is required to comply with § 54.1-2331 of the 1950 Code of Virginia, as amended, to receive specific funds in the trust to be identified to the contract performed which the trustee shall pay to the seller separately. Jet Industries is required to report to the Board on a monthly basis for a one year period providing a receipt of the cash deposit of the preneed Merchandise Trust filing. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter

**File Number 2003-00545**  
**Jet Industries, Inc.**

In the matter of **File Number 2003-00663, Sunset View Memorial Gardens, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary Ms Karen Hart, respondent, was present and addressed the Board. A motion was made by Mr. Farris and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54 1-2322 of the Code of Virginia for Count I The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter

**File Number 2003-00663**  
**Sunset View Memorial Gardens, Inc.**

A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact Finding Conference imposing a monetary penalty of \$250.00 for the violation of § 54.1-2322 of the Code of Virginia for Count I. Additionally, Sunset View is placed on probation for a period of thirty (30) days. During the thirty (30) day probationary period, Schedules A and C of the annual reports for 2001 must be re-filed. Further, payments in the amount of \$300.38 and \$489 85 must be made to the perpetual care trust Sunset View must provide documentation to the Board, in a form acceptable to the Board, of the appropriate reports and payments made within the thirty (30) day probationary period to show compliance with the Board's regulations and statutes If the aforementioned is not done then the license of Sunset View will be suspended until the requirements are met. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00665, Memorial Gardens of the New River Valley, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. There was no representative present. A motion was made by Mr. Farris and seconded by Mr Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-00665**  
**Memorial Gardens of the New River Valley, Inc.**

In the matter of **File Number 2003-02250, Rosewell Memorial Gardens, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. There was no representative present. A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of § 54.1-2319 of the Code of Virginia for Count I. Additionally, the month of June is added to the Summation of Facts to support the conclusion with regards to June. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-02250**  
**Rosewell Memorial Gardens, Inc.**

A motion was made by Mr. Doherty and seconded by Mr. Farris to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a monetary penalty of \$500.00 for the violation of § 54.1-2319 of the Code of Virginia for Count I. The \$500.00 was imposed due to prior violations of the same regulation. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00336, William Frederick Carter**, the Board reviewed the record which consisted of application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Carter was present to answer any questions. A motion was made by Mr. Doherty and seconded by Mr. Farris to approve Mr. Carter's application for cemetery sales personnel registration with the stipulation that Carter enter into an Agreement for Licensure (registration) wherein Carter will report to the Board on a quarterly basis for a period of two years which will include language from the application regarding certifying information is true. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2004-00336**  
**William Frederick Carter**

In the matter of **File Number 2004-00335, William Frederick Carter**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Carter was present to answer any questions. A motion was made by Mr. Doherty and seconded by Mr. Farris to approve Mr. Carter's application for cemetery sales personnel registration with the stipulation that Carter enter into an

**File Number 2004-00335**  
**William Frederick Carter**



Agreement for Licensure (registration) wherein Carter will report to the Board on a quarterly basis for a period of two years which will include language from the application regarding certifying information is true. The motion passed unanimously. Members voting "Yes" were Doherty, Farris, Minter, and Stelly. Mr. Bell, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-02894, William Shon Blevins**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. There was no representative present. A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Blevins' application for a cemetery sales personnel registration. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, and Minter. Mr. Stelly, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-02894**  
**William Shon Blevins**

In the matter of **File Number 2003-02895, Howard T. Harrison**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. There was no representative present. A motion was made by Mr. Doherty and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Harrison's application for cemetery sales personnel registration with the correction to the summation of facts in paragraph 4, correcting the year to 1995. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, and Minter. Mr. Stelly, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-02895**  
**Howard T. Harrison**

In the matter of **File Number 2003-02896, Howard T. Harrison**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. There was no representative present. A motion was made by Mr. Doherty and seconded by Mr. Farris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Harrison's application for cemetery sales personnel registration with the correction to the summation of facts in paragraph 4 correcting the year to 1995. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, and Minter. Mr. Stelly, who

**File Number 2003-02896**  
**Howard T. Harrison**

conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter

In the matter of **File Number 2002-03797, Kenbridge Heights Cemetery Inc., t/a Kenbridge Heights Cemetery Inc.**, the Board reviewed the record which consisted of the Consent Order. There was no representative present. A motion was made by Mr. Farris and seconded by Mr. Bell to renegotiate the Consent Order terms, to include the following: the cemetery must provide a copy of its IRS form 501 (c)(3). If Kenbridge does not provide proof of its non-profit status, then the Consent Order is rejected and the full record will come before the Board, at its next meeting. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Farris, and Stelly. Mr. Minter, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2002-03797**  
**Kenbridge Heights Cemetery Inc., t/a Kenbridge Heights Cemetery Inc.**

In the matter of **File Number 2003-01251, Rockbridge Memorial Gardens Company**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. Mr. Henry Willet, attorney for respondent, was present to answer any questions. A motion was made by Mr. Stelly and seconded by Mr. Bell to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation and to close Count I of this file. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-01251**  
**Rockbridge Memorial Gardens Company**

A motion was made by Mr. Stelly and seconded by Mr. Bell to accept the recommendation contained in the Summary of the Informal Fact Finding Conference finding violation of the Board's 2000 Regulation 18 VAC 47-20-190(13) for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Bell and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact Finding Conference imposing a monetary penalty of \$750.00 for the violation of the Board's 2000 Regulation 18 VAC 47-20-190(13) for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did

not participate in the discussion or vote in this matter

In the matter of **File Number 2003-02962, Phillip B. Helmbright**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. There was no representative present. A motion was made by Mr. Stelly and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation and to close Count I of this file. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-02962**  
**Phillip B. Helmbright**

A motion was made by Mr. Stelly and seconded by Mr. Bell to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding violation of the Board's 2000 Regulation 18 VAC 47-20-190(13) for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Bell and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a monetary penalty of \$750.00 for the violation of the Board's 2000 Regulation 18 VAC 47-20-190(13) for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00908, Carver Memorial Park Cemetery, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. Mr. David Freeman, City of Suffolk, Neighborhood Development and Jim McAllister, City of Suffolk, City Manager, were present and addressed the Board. A motion was made by Mr. Doherty and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation and to close Count I. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-00908**  
**Carver Memorial Park Cemetery, Inc.**

A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 2000 Regulation 18 VAC 47-20-180 for Count II

A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing no monetary penalty for the violation of the Board's 2000 Regulation 18 VAC 47-20-180 for Count II. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-03340, Carver Memorial Park Cemetery, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. Mr. David Freeman, City of Suffolk, Neighborhood Development and Jim McAllister, City of Suffolk, City Manager, were present and addressed the Board. A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 2000 Regulation 18 VAC 47-20-190(11) for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-03440**  
**Carver Memorial Park Cemetery, Inc.**

A motion was made by Mr. Bell and seconded by Mr. Doherty to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to place Carver Memorial Park on probation for a period of 60 days during which the cemetery company must repair cemetery street by putting gravel in holes to abate standing water problem and to remove two truck bodies. If the Carver Memorial Park Cemetery, Inc fails to comply, the license will be suspended until compliance is obtained. Further, the Board will have Investigator Nichols re-inspect the cemetery by August 12, 2004 to ensure the roads in the cemetery are paved as promised. Also, a \$500.00 monetary penalty is imposed, due to the severity of the violation. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00177, SCI Funeral Services, Inc. t/a National Memorial Park/King David Memorial Gardens**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. Mr. Jack Wilson, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Stelly and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 2000 Regulation 18 VAC 47-20-190(13). The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-00177**  
**SCI Funeral Services, Inc. t/a National Memorial Park/King David Memorial Gardens**

A motion was made by Mr. Stelly and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference Summary imposing a \$250.00 monetary penalty for the violation of the Board's 2000 Regulation 18 VAC 47-20-190(13). The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00723, SCI Funeral Services, Inc. t/a National Memorial Park/King David Memorial Gardens**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. Mr. Jack Wilson, attorney for the respondent, was present and addressed the Board.

**File Number 2003-00723**  
**SCI Funeral Services, Inc. t/a National Memorial Park/King David Memorial Gardens**

A motion was made by Mr. Bell and seconded by Mr. Stelly to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding violation of the Board's 2000 Regulation 18 VAC 47-20-190(13) for Count I.

A motion was made by Mr. Bell and seconded by Mr. Doherty to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to impose a \$250.00 monetary penalty for the violation of the Board's 2000 Regulation 18 VAC 47-20-190(13) to remain consistent with the sanction in the previous file. The motion passed by majority vote. Members voting "Yes" were Bell, Doherty, and Minter. Member voting "No" was Mr. Stelly. Mr. Farris, who conducted the Informal Fact Finding

Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-01819, SCI Funeral Services, Inc. t/a National Memorial Park/King David Memorial Garden**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. Mr. Jack Wilson, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Stelly and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding violation of the Board's 2000 Regulation 18 VAC 47-20-190(13) for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-01819**  
**SCI Funeral Services, Inc. t/a National Memorial Park/King David Memorial Gardens**

A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of the Board's 2000 Regulation 18 VAC 47-20-190(13) for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00496, SCI Virginia Funeral Services, Inc. t/a Parklawn Memorial Park**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding Board member's summary. Mr. Jack Wilson, attorney respondent was present. A motion was made by Mr. Bell and seconded by Mr. Doherty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 2000 Regulation 18 VAC 47-20-190(1) for Count I. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

**File Number 2003-00496**  
**SCI Virginia Funeral Services, Inc. t/a Parklawn Memorial Park**

A motion was made by Mr. Bell and seconded by Mr. Minter to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$2,500.00 monetary penalty of the violation of the Board's 2000 Regulation 18 VAC 47-20-190(1) for Count I. The motion passed unanimously. Members

voting “Yes” were Bell, Doherty, Minter, and Stelly. Mr. Farris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

The Board recessed at 11:35 a.m. and reconvened at 11:45 a.m.

**Recess**

Ms. Pamela Kamalakkannan made a presentation regarding travel, per diem, and direct deposit for Board members. No action was necessary.

**Travel/Per Diem Update**

The Board members reviewed the Cemetery Board Proposed Public Participation Guidelines (PPG) Regulations. A motion was made by Mr. Bell and seconded by Mr. Doherty to adopt the PPG Regulations. The motion passed unanimously. Members voting “Yes” were Bell, Doherty, Farris, Minter and Stelly.

**Adopt PPG Regulations**

The Board discussed Loans from Perpetual Care Trust Fund. Mr. Doherty will research the issue and report back to the Board. No action was necessary.

**Loans from Perpetual Care Trust Fund**

A committee was formed to discuss possible legislative changes with the Funeral Directors and Embalmers Board. Mr. Minter agreed to chair the committee and Ms. Glenn will serve as a member.

The 2004 Tentative Board Meeting Dates were distributed for review. No action was necessary.

**2004 Board Meeting Dates**

Ms. Martine gave a report to the Board on her attendance at the Annual NCRA conference held August 2003. No action was necessary.

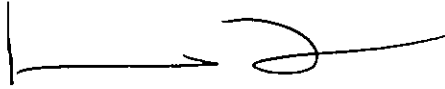
**NCRA Conference Report**

Mr. Farris left the meeting at 12:20 p.m.

Ms. Martine discussed authorizing Marion Cooper, a staff member, to serve as presiding officer, during the Informal Fact Finding Conferences, which involve licensing applications involving convictions. A motion was made by Mr. Doherty and seconded by Mr. Bell to approve the recommendation that Marion Cooper be authorized to serve as presiding officer during the Informal Fact Finding Conferences, involving licensing applications which disclose criminal convictions. The motion passed unanimously. Members voting “Yes” were Bell, Doherty, Minter, and Stelly. There were no negative votes.

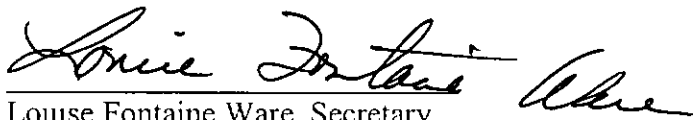
**Other Business**

At 12 35 p.m., a motion was made by Mr. Bell and seconded by Mr. **Adjourn** Stelly to **adjourn** the meeting. The motion passed unanimously. Members voting "Yes" were Bell, Doherty, Minter, and Stelly.



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Kenneth R. Bell, Chairman



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Louise Fontaine Ware, Secretary

Copy Teste:

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Custodian of the Records



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: David Mark Farris, II
2. Title: Vice-Chairman - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction. \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest

Dated:

October 7, 2003

Signature:



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

TRANSACTIONAL DISCLOSURE STATEMENT

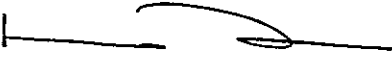
1. Name. Kenneth R. Bell
2. Title. Chairman - Virginia Cemetery Board
3. Agency. Department of Professional and Occupational Regulation
4. Transaction Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction \_\_\_\_\_  
\_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest

Dated: October 7, 2003

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Anton J. Stelly
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction. \_\_\_\_\_  
\_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: October 7, 2003

Signature: Anton J. Stelly

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name. Randy Minter
2. Title. Member - Virginia Cemetery Board
3. Agency Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction \_\_\_\_\_  
\_\_\_\_\_

6. I declare that

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction. \_\_\_\_\_  
\_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: October 7, 2003

Signature Randy Minter

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Mike Doherty
2. Title: Member - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_
- 

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_

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(b) I am able to participate in this transaction fairly, objectively, and in the public interest

Dated: October 7, 2003

Signature: \_\_\_\_\_

Mike H Doherty

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

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

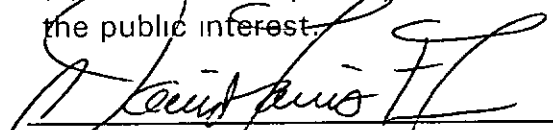
1. Name: David Mark Farris, II
2. Title: Member, Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Informal Fact-Finding Conference on October 6, 2003
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

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

\_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

10-7-03  
Date