

CEMETERY BOARD MEETING

MINUTES

November 12, 2003

The Cemetery Board met on November 12, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following members were present:

Kenneth R. Bell, Chairman
Carol W. Black
Mike Doherty
Randy Minter

Board members not present:

Marcietia S. Glenn
David Mark Farris, II
Anton Stelly

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

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director
Christine Martine, Executive Director
Herbert Nichols, Investigator
Earlyne Perkins, Legal Assistant
Jennifer Kazzie, Assistant Director of Adjudication
Camille C. Palmer, Administrative Assistant
Mary Broz, Communications Director

Mr. Bell called the meeting to order at 9:35 a.m.

Call to Order

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

Public Comment

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

Agenda

A motion was made by Ms. Black and seconded by Mr. Minter to approve the **minutes of the October 7, 2003** Board Meeting. The motion passed unanimously. Members voting "Yes" were Bell, Black, Doherty and Minter. There were no negative votes.

Minutes

A motion was made by Ms. Bell and seconded by Mr. Minter to approve the **minutes of the October 28, 2003** Emergency Board Meeting. The motion passed unanimously. Members voting "Yes" were Bell, Black, Doherty, and Minter. There were no negative votes.

A motion was made by Mr. Minter and seconded by Mr. Doherty to approve the **minutes of the November 5, 2003** Legislation Review Committee. The motion passed unanimously. Members voting "Yes" were Bell, Black, Doherty and Minter. There were no negative votes.

The Board conducted an Informal Fact Finding Conference to consider the Cemetery Company Application of Carver Memorial Park Cemetery, Inc.

File Number 2004-01818

Carver Memorial Park Cemetery, Inc.

In the matter of **File Number 2004-01818, Carver Memorial Park Cemetery, Inc.**, the Board reviewed the record which consisted of the application file, and exhibits from the IFF. Mr. Abraham Applewhite, and Mr. Cyrus Johnson, cemetery company compliance agent, were present and addressed the Board.

At 10:15 a.m., Mr. Doherty made a motion which was seconded by Mr. Minter, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel pertaining to legal matters within the jurisdiction of the Board as permitted by § 2.2-3711.A.7 of the Code of Virginia to specifically regarding Informal Fact Finding and licensing issues. The following non-members will be in attendance to reasonably aid the consideration of the topic: Christine Martine and Karen W. O'Neal

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s): Tab 3, File Number 2004-01818, Carver Memorial Park Cemetery, Inc.

At 11:05 a.m., a motion was made by Mr. Doherty and seconded by Mr. Bell that the Board reconvene in open session.

WHEREAS, the Cemetery Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Cemetery Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Cemetery Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Cemetery Board.

VOTE: 4-0

AYES: Bell, Black Minter, and Doherty

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Marcietia Glenn, David M. Farris, II, and Anton Stelly

In the matter of File Number 2004-01818, Carver Memorial Park Cemetery, Inc., a motion was made by Mr. Doherty and seconded by Mr. Bell to defer a decision until the next Board meeting to address issues raised at the Informal Fact-Finding Conference and to amend the notice as necessary to address these concerns. The motion passed unanimously. Members voting "Yes" were Bell, Black, Doherty and Minter.

Staff members presented the Legislative Review Committee Report. No action was necessary.

**Legislative Review
Committee Report**

At 12:20 p.m., a motion was made by Mr. Doherty and seconded by Mr. Minter to **adjourn** the meeting. The motion passed unanimously. Members voting "Yes" were Bell, Black, Doherty and Minter.

Adjourn



Kenneth R. Bell, Chairman



Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Records

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

TRANSACTIONAL DISCLOSURE STATEMENT

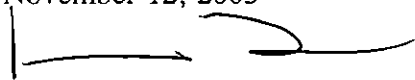
1. Name: Kenneth R. Bell
2. Title: Chairman - Virginia Cemetery Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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: November 12, 2003

Signature:  _____

**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: _____

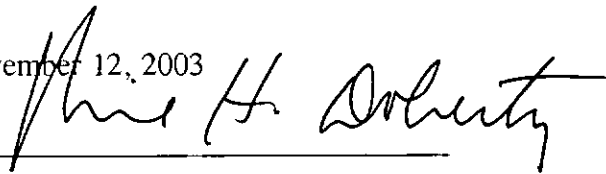
6. I declare that:

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

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

Dated: November 12, 2003

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Carol W. Black
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: None

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: November 12, 2003

Signature: _____

Carol W. Black

**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: November 12, 2003

Signature:

Randy S. Minter