

CEMETERY BOARD MEETING

MINUTES

June 15, 2004

The Cemetery Board met on June 15, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following members were present:

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

Board members not present:

Marcietia S. Glenn

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
Camille C. Palmer, Administrative Assistant

There was no representative from the Office of the Attorney General present.

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

Call to Order

No one addressed the Board during the **Public Comment** period.

Public Comment

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

Agenda

A motion was made by Mr. Doherty and seconded by Mr. Minter to approve the **minutes of the April 21, 2004 Board Meeting**. The motion passed unanimously. Members voting “Yes” were Bell, Black, Doherty, Farris and Minter. There were no negative votes.

Minutes

In the matter of **File Number 2003-03572, Alderwoods (Virginia), Inc., t/a Rest Haven Cemetery**, the Board reviewed the record which consisted of the Consent Order. There was no representative present. A motion was made by Mr. Bell and seconded by Mr. Minter to ratify the proposed Consent Order finding a violation of § 54.1-2319 of the Code of Virginia for Count I and imposing a \$200.00 monetary penalty for the violation of § 54.1-2319 of the Code of Virginia for Count I. A total monetary penalty of \$200.00 is imposed. The motion passed unanimously. Members voting “Yes” were Bell, Black, Farris, and Minter. There were no negative votes. Mr. Doherty, who reviewed the file, did not participate in the discussion or vote in this matter.

**File Number 2003-03572
Alderwoods (Virginia),
Inc., t/a Rest Haven
Cemetery**

In the matter of **File Number 2004-03334, Alderwoods (Virginia), Inc., t/a Rest Haven Cemetery**, 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. Minter to ratify the proposed Consent Order finding a violation of § 54.1-2319 of the Code of Virginia for Count I and imposing a \$300.00 monetary penalty and reimbursement of Investigative Costs to the Department in the amount of \$300.00 for the violation of § 54.1-2319 of the Code of Virginia for Count I. A total of \$600.00 is imposed. The motion passed unanimously. Members voting “Yes” were Bell, Black, Farris, and Minter. There were no negative votes. Mr. Doherty, who reviewed the file, did not participate in the discussion or vote in this matter.

**File Number 2004-03334
Alderwoods (Virginia),
Inc., t/a Rest Haven
Cemetery**

In the matter of **File Number 2003-03566, Saber Management-Virginia LLC**, the Board reviewed the record which consisted of the Consent Order. There was no representative present. A motion was made by Mr. Bell and seconded by Mr. Farris to ratify the proposed Consent Order finding a violation § 54.1-2319 of the Code of Virginia for Count I and imposing no monetary penalty for the violation of § 54.1-2319 of the Code of Virginia for Count I; and finding a violation of § 54.1-2325 of the Code of Virginia for Count II and imposing no monetary penalty for the violation of § 54.1-2325 of the Code of Virginia for Count II. Reimbursement of investigative costs to the Department in the amount of \$300.00 is imposed, for a total of \$300.00. The motion passed unanimously. Members voting “Yes” were Bell, Black, Farris, and Minter. There were no negative votes. Mr. Doherty, who reviewed the file, did not participate

**File Number 2003-03566
Saber Management-
Virginia LLC**

in the discussion or vote in this matter.

Mr. Stelly arrived to the meeting at 9:18 a.m.

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, disciplinary file, transcript, and exhibits from the IFF. There was no representative present. A motion was made by Mr. Bell and seconded by Mr. Doherty to reject the proposed Consent Order. The motion passed unanimously. Members voting “Yes” were Bell, Black, Doherty, Farris and Stelly. There were no negative votes. 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.

A motion was made by Mr. Farris and seconded by Mr. Bell to find a violation of § 54.1-2319 of the Code of Virginia for Count I. The motion passed unanimously. Members voting “Yes” were Bell, Black, Doherty, Farris and Stelly. There were no negative votes. Mr. Minter, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Farris and seconded by Mr. Bell to find a violation of § 54.1-2322 of the Code of Virginia for Count II. The motion passed unanimously. Members voting “Yes” were Bell, Black, Doherty, Farris and Stelly. There were no negative votes. Mr. Minter, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Farris and seconded by Mr. Doherty to impose no monetary penalty for the violation of § 54.1-2319 of the Code of Virginia for Count I due to no prior violations and based on previous Board rulings. The motion passed unanimously. Members voting “Yes” were Bell, Black, Doherty, Farris and Stelly. There were no negative votes. Mr. Minter, 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. Farris to impose no monetary penalty and to impose a sixty (60) day probationary period during which time Kenbridge Heights Cemetery will be required to reimburse the perpetual care trust fund \$35,184.24 and complete and submit a perpetual care trust fund financial report-schedule A for the violation of § 54.1-2322 of the Code of Virginia for Count II. If Kenbridge Heights Cemetery, Inc. fails to return the monies, or submit the financial report, within the 60 day period, its license will be suspended

until such time that Kenbridge Heights Cemetery, Inc. does deposit the monies and/or complete the report. The motion passed unanimously. Members voting "Yes" were Bell, Black, Doherty, Farris and Stelly. There were no negative votes. Mr. Minter, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-01305, SCI Virginia Funeral Services, Inc.**, the Board reviewed the record which consisted of the Consent Order. Mr. Jack Wilson, counsel for the respondent, was present and addressed the Board. A motion was made by Mr. Stelly and seconded by Mr. Bell to ratify the proposed Consent Order. SCI hereby neither admits or denies the violation(s) of the Board's Regulations and/or the Code of Virginia and consents to the following term(s) by the Board: SCI agrees to reimburse the perpetual care trust funds the shortage total of \$210,699.91, divided appropriately among the twelve (12) cemeteries listed on the attached spreadsheet, plus 3% for interest, in the amount of \$6,321.00 lost due to the shortage, divided appropriately among the twelve (12) cemeteries, in lieu of a monetary penalty for this violation. The reimbursement and interest payments to the perpetual care trust funds shall be made to each cemetery's perpetual care trust fund within 60 days of the acceptance of this Consent Order by the Board. SCI shall provide the Board with documentation, in a form acceptable to the Board, showing that the reimbursement and interest payments were made to the applicable perpetual care trust funds within 60 days of the acceptance of the Consent Order by the Board. In addition, SCI agrees to provide the Board with proof that the twelve (12) cemeteries are in compliance with requirements of § 54.1-2319, of the Code of Virginia, at the time of filing the Annual Financial Reports for each of the twelve (12) cemeteries. In order to resolve the issues raised pertaining to § 54.1-2319 of the Code of Virginia, addressed herein, SCI agrees to enter into this Consent Order. SCI and the Board both consent to the entry of this Consent Order as a full and final settlement of this action and the matters presented herein. By entry of this Consent Order, the Board confirms that no further proceedings, administrative or otherwise, will be commenced or prosecuted, relating to this issue, through the date of this Consent Order. The motion passed unanimously. Members voting "Yes" were Bell, Black, Doherty, Minter and Stelly. There were no negative votes. Mr. Farris, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-01305
SCI Virginia Funeral
Services Inc.

There was no Old Business

Old Business

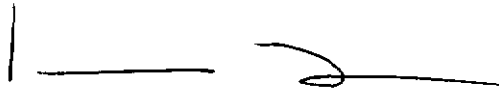
Mr. Doherty led a discussion regarding **HB 1388**, which deals with Total Return Unitrust. No Board action was necessary.

New Business

A motion was made by Mr. Bell and seconded by Mr. Stelly to **Adopt NOIRA for Emergency Regulations**. The motion passed unanimously. Members voting "Yes" were Bell, Black, Doherty, Farris, Minter and Stelly. There were no negative votes.

The meeting adjourned at 10:15 a.m.

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: 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: June 15, 2004

Signature: _____

Mike H. Doherty

**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: 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: none

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

Dated: June 15, 2004

Signature: Anton J. Stelly

**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:

June 15, 2004

Signature:



**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: Board Member
3. Agency: Cemetery Board
4. Transaction: Informal Fact-Finding Conferences on June 14, 2004
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

6-14-04
Date

**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: N/A

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: N/A

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

Dated: June 15, 2004

Signature: 

**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: June 15, 2004

Signature: Randy J. Minter

**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: 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: None

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

Dated: June 15, 2004

Signature: 